

Authority: Special Committee to Review the Final Report of the Toronto Transition Team  
Report No. 6(1) and (2), May 13 and 14, 1998  
Intended for first presentation to Council: June 3, 1998  
Adopted by Council: June 3, 1998

## **CITY OF TORONTO**

### **BY-LAW No. 276-1998**

#### **To amend further Council Procedural By-law No. 23-1998, being a By-law "To Govern the Proceedings of the Council and the Committees thereof."**

WHEREAS subsection 55(2) of the Municipal Act requires Council to adopt a Procedural By-law for governing the calling, place and proceedings of meetings of Council, being By-law No. 23-1998; and

WHEREAS City Council at its meeting of January 2, 6, 8 and 9, 1998 considered and adopted a draft Procedural By-law for City Council and at the same time referred the draft Procedural By-law and several communications and proposed amendments related to it to the Special Committee to review the Final Report of the Toronto Transition Team for consideration and reporting back to Council; and

WHEREAS City Council at its meeting of May 13 and 14, 1998, amended and adopted Clause No. 1 of Report No. 6 of the Special Committee to Review the Final Report of the Toronto Transition Team respecting preliminary revisions to the Interim Procedural By-law; and

WHEREAS City Council at its meeting of May 13 and 14, 1998, adopted Clause No. 2 of Report No. 6 of the Special Committee to Review the Final Report of the Toronto Transition Team authorizing the Mayor's designate on the Toronto Licensing Commission be appointed as an ex-officio member of the Emergency and Protective Services Committee;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. (1) Subsection 1(h) of By-law No. 23-1998, being a by-law "To Govern the Proceedings of the Council and the Committees thereof." is amended by deleting "the Corporation of".  
  
(2) Subsection 1(m)(ii), (iii) and (iv) are amended by adding at the end of the subsections "save and except the ex-officio powers of the Mayor as a member of a Community Council".
2. Subsection 3(2)(b) of By-law No. 23-1998 is deleted and the following substituted:  
  
"(b) Council shall recess to permit Community Councils to meet in their usual meeting place within the part of urban area represented by the Community Council, to elect their chairs, and to permit the Striking Committee to meet and submit its report to Council;"

- 3.** (1) Subsection 5(1) of By-law No. 23-1998 is amended by adding after the words "on 24 hours' notice" the following:
- "in writing or by electronic mail"
- (2) Subsection 5(3) is amended by deleting "as the Mayor may direct" and substituting the following:
- "by the Clerk in consultation with the Mayor".
- 4.** Section 8 of By-law No. 23-1998 is deleted and the following substituted:
- "A majority of Members sitting in their assigned seats is necessary to constitute a quorum of Council."
- 5.** Section 9 of By-law No. 23-1998 is amended by renumbering subsections 9(2) to (4) as subsections 9(3) to (5) and adding a new subsection 9(2) as follows:
- "(2) It is the duty of the Chair to ensure that quorum is present when a vote is taken."
- 6.** Section 10 of By-law No. 23-1998 is deleted and the following substituted:
- "10. No meeting or part thereof shall be held In Camera unless:
- (1) the subject matter being considered is:
- (i) the security of the property of the municipality or local board;
  - (ii) personal matters about an identifiable individual, including municipal or local board employees;
  - (iii) a proposed or pending acquisition of land for municipal or local board purposes;
  - (iv) labour relations or employee negotiations;
  - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (vi) the receiving or advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (vii) a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;

(viii) a request under the Municipal Freedom of Information and Protection of Privacy Act

(2) A motion that Council meet In Camera must indicate the reason why In Camera discussion is required.

**7.** Subsection 11(2) of By-law No. 23-1998 is amended by deleting "6:30 p.m. on the first" and substituting "6:00 p.m. on any".

**8.** Section 11 of By-law No. 23-1998 is amended by renumbering subsections (6) to (8) as subsections (7) to (9) and adding a new subsection (6) as follows:

"(6) The Council shall adjourn prior to sundown on Fridays."

**9.** Subsection 15.1(a) of By-law No. 23-1998 is amended by deleting the word "officials" and substituting the word "employees".

**10.** Subsection 17(1) of By-law No. 23-1998 is amended as follows:

- A. By deleting "Moment of Silence" and substituting "A Moment of Silence and Personal Reflection".
- B. By adding as the ninth order of business the heading "Consideration of Motions and Other Matters previously called and not disposed of", by deleting the eleventh order of business heading, and by renumbering the ninth and tenth order of business headings as the tenth and eleventh accordingly.

**11.** Section 21 of By-law No. 23-1998 is renumbered subsection 21.1(1) and the following subsections are added:

- "(2) All questions of the Mayor, of officials of the City, or other body or of a Committee Chair, a Community Council Chair, or of the Chair of an agency, board or commission, shall be asked before any Member may speak on a matter, and section 25 applies to all such questioning."
- (3) The Member who requested a matter be held shall be the first speaker named on the list of Members who have requested to speak.
- (4) The Chair of the Standing Committee, Community Council, special purpose body, sub-committee, special committee or task force having responsibility for the matter shall be the second Member named on the list of Members who have requested to speak."

**12.** By-law No. 23-1998 be amended by adding a new section 21 as follows:

- "21(1) Members may submit a list of those items that they wish to be held at Council to the Clerk, in writing prior to 4:30 p.m. on the day preceding a meeting of Council and the Clerk shall prepare a list of those items Members wish to be held for submission at Council.
- (2) The Clerk, in consultation with the Mayor, shall prepare and submit for adoption by Council at the commencement of each meeting, a list of matters which should receive priority consideration for debate at a meeting of Council.
- (3) Members shall consult with City officials on matters held prior to Council's adjournment in accordance with subsection 11(1), following which the Chair shall canvass all Members to determine which items held can now be released."

**13.** Section 24 of By-Law 23-1998 is amended by adding at the end thereof the following:

"except that Council may, on the affirmative vote of a majority of the Members present and voting, grant one five minute extension."

**14.** Subsection 25(1) of By-law No. 23-1998 is amended by deleting the phrase "when it is a Member's turn to speak" and adding at the beginning of that section the phrase "Subject to subsection 21.1(2),".

**15.** Subsection 25(7) is amended by deleting the words "substantially similar" and substituting the words "substantially the same".

**16.** Section 26 of By-law No. 23-1998 is deleted and the following substituted:

- "26(1) A Notice of Motion shall be in writing and shall include the name of the mover and seconder and shall be received by the Clerk prior to 4:30 p.m. on the fifth business day preceding a regular meeting for inclusion in the Agenda for that meeting of Council and, subject to section 30, for each succeeding meeting until the Motion is considered or otherwise disposed of.
- (2) The City Clerk shall review all Notices of Motion submitted and shall not accept Notices of Motion unless they conform to the rules of Council.
- (3) The Clerk shall include in the Agenda Materials any reports from City officials relating to a Notice of Motion submitted in accordance with subsection (1).
- (4) A Notice of Motion shall not be considered by Council unless notice was given at a previous meeting of Council, except that Council may on the affirmative vote of the majority of the Members present and voting, consider a Notice of Motion referred to in subsections 27(1), (3) and (4)."

**17.** Section 27 of By-law No. 23-1998 is deleted and the following substituted:

- "27(1) Any Notice of Motion dealing with a matter not on the agenda for the meeting that is submitted by a Member for introduction must relate to a matter which for reasons of emergency health or safety, or legal deadline cannot be first considered by the appropriate Committee, Community Council or agency, board or commission of Council;
- (2) A Notice of Motion dealing with a matter not on the agenda for the meeting shall not be accepted after 2:00 p.m. on the first day of any meeting of Council.
- (3) Notwithstanding subsection (1), only reports from City officials on matters previously requested by Council to be reported directly to Council and not through a Committee, may be introduced on the affirmative vote of a majority of the Members present and voting.
- (4) Notwithstanding subsections (1) and (2), Notices of Motion regarding the passage or extension of an interim control by-law under section 38 of the Planning Act, on the advice of the Commissioner of Planning and Urban Development Services, may be introduced at any time without notice on the affirmative vote of a majority of the Members present and voting."

**18.** Section 28 of By-law No. 23-1998 is deleted and the following substituted:

- "28(1) Any Notice of Motion, the subject matter of which falls within the mandate of a Standing Committee, a Community Council, an agency, board or commission, shall be referred directly to that Standing Committee, Community Council, agency, board or commission, by the Clerk for consideration.
- (2) Notwithstanding section 26 and subsection (1) hereof, a Notice of Motion relating to a matter which for reasons of emergency health or safety, or legal deadline cannot be first considered by the appropriate Standing Committee, Community Council, agency, board or commission may be placed at Council directly."

**19.** Section 38 of By-law No. 23-1998 is amended by deleting "the following are deemed to be procedural motions and shall be subject to debate as follows:" and substituting the following:

"The following are deemed to be procedural motions and shall be subject to consideration in the following order:"

**20.** Section 40 of By-law No. 23-1998 is deleted and the following is substituted:

- "40. A motion to defer or a motion to refer the question is only debatable in accordance with section 41 and shall be put to a vote immediately, and such

motion shall, until its disposition, take precedence over any non-procedural motion or amendment."

- 21.** Section 41 of By-law No. 23-1998 is deleted and the following substituted:

"41. A motion to defer, or a motion to refer, made pursuant to section 40, shall be debatable only in respect of amendments to the motion, and no discussion of the main question shall be allowed until after its disposition."

- 22.** Subsection 46(1) of By-law No. 23-1998 is deleted and a new subsection 46(1) is replaced as set out herein:

"46(1) Subject to subsections (2) and (3), no question after it has been decided shall be reconsidered within the twelve month period following the decision of Council unless otherwise decided by a two-thirds vote of the Members present and voting."

Subsection 46(2) is amended by deleting the words "move a motion or" before the words "submit a Notice of Motion".

- 23.** Subsection 60(1) of By-law No. 23-1998 is amended by deleting the words "and all such bills shall be furnished" and substituting the following:

"and the City Clerk shall prepare a Bills Index to be distributed".

- 24.** Subsection 94(2) of By-law No. 23-1998 is amended by deleting the phrase "or section 1 of the City of Toronto Act, 1977, S.O. 1977, c.109".

- 25.** Subsection 98(4) of By-law No. 23-1998 is amended by adding at the end of that subsection "and the Mayor's designate on the Toronto Licensing Commission, ex-officio."

- 26.** Section 106 of By-Law No. 23-1998 is amended by adding the following as subsection (5):

"(5) Sections 113 and 114 apply to any special committee, task force or advisory committee established by Council in accordance with this section.

- 27.** Section 107 of By-law No. 23-1998 is deleted and the following is substituted:

"107. The Members on each Committee shall meet on the day of the Inaugural Meeting to elect a Committee Chair and a Committee Vice-Chair from among the Committee's eligible members, and in the event of a vacancy occurring, shall elect a new Chair or Vice-Chair to hold office for the remainder of the term."

**28.** Section 108 of By-Law No. 23-1998 is amended by adding the words " the Vice-Chair, and in the absence of the Vice-Chair," before the phrase "one of the other Members of the Committee".

**29.** Section 113 of By-law No. 23-1998 is amended as follows:

A. Subsection (1) is deleted and the following substituted:

"A quorum of a Committee of Council shall be calculated on the basis of one-half of the Members of the Committee excluding ex officio Members, unless Council decides otherwise.

B. Subsection (2) is deleted and the following substituted:

"Ex officio Members, when present, shall be counted in making such quorum."

C. In subsection (3), by adding at the end thereof the following:

"and the meeting shall not proceed on an informal basis and all business will be deferred until the next appointed meeting time".

D. By adding the following as subsection (4):

"(4) Notwithstanding subsection (1), the quorum of a meeting of the East York Community Council shall be two."

**30.** Section 114 of By-law No. 23-1998 is amended by adding at the end thereof:

"and all business will be deferred until the next appointed meeting time".

ENACTED AND PASSED this 3rd day of June, A.D. 1998.

MEL LASTMAN,  
Mayor

NOVINA WONG,  
City Clerk

(Corporate Seal)