INQUIRY OF THE MAYOR

From: Councillor Karen Stintz

To: Mayor – David Miller

Date: July 4, 2008

Re: Procedures By-Law

Dear Mayor Miller:

Our Procedures By-Law was updated and passed by City Council in 2006 and came into full effect on the date of proclamation of the *City of Toronto Act, 2006*. Through the course of this term, City Council has been working through the new Procedures By-Laws and some significant issues have arisen that need to be addressed. This need is becoming particularly acute given your request to the Provincial Government for new and expanded powers for the Office of the Mayor and the Executive Committee.

The Procedures By-Law is based on Robert's Rules of Order. The underlying principle of Robert's Rules of Order is that the *majority* needs to give the *minority* a full and free opportunity to present their case. Robert's Rules of Order also recognize the shortfall of rule by consensus, as outlined in the following excerpt from the introduction of Robert's Rules of Order, Newly Revised 10th Edition, October 2000.

> *"This evolution came about from a recognition that a requirement of unanimity or near unanimity can become a form of tyranny in itself. In an assembly that tries to make such a requirement the norm, a variety of misguided feelings – reluctance to be seen as opposing the leadership, a notion that causing controversy will be frowned upon, fear of seeming an obstacle to unity – can easily lead to decisions begin taken with a pseudoconsensus which in reality implies elements of default, which satisfies no one, and for which no one really assumes responsibility." (p XLIV – XLV)*

Over the past year, various Committee Chairs, including you, have relied on the "Take Note and File" procedure as a way of dealing with matters that the Committee wanted to prevent from being debated. Several initiatives brought forward by City Councillors were not properly addressed. This procedure is no longer being used after the City Clerk issued a memo dated June 5th, 2008 advising that it was being used incorrectly. (See attached memo).

Committee Chairs are now arbitrarily ruling that motions brought by non-committee members are "Out of Order." The Chair of Council has also adopted this practice. This effectively means that the Chairs of Committees and the Chair of Council deny debate on the motions from ever occurring.

The result is that over the past three weeks alone, City Councillors have been denied an opportunity to debate:

- The project status of the Spadina-York Subway;
- A new relationship between the City of Toronto and the Association for Municipalities of Ontario;
- The ability of emergency vehicles to safely use the streetcar right-of-way as an exclusive right-of-way;
- Special event licenses for limousines during the Toronto Film Festival and other signature city events; and
- The necessity to hire more staff to evaluate shade in local parks.

According to the City's Procedures By-Law, motions can be ruled "Out Of Order" if the motion violates the Procedures By-Law, is beyond the jurisdiction of the City of Toronto or, if the Chair states their ruling. The recent rulings by the various Chairs have either been non-existent or arbitrary. The only remedy to over-rule the Chair is by majority vote. Obviously this remedy is spurious for the minority.

The Procedures By-Law need to be amended to ensure rulings by the Chairs of Committees and Council are fair, transparent and ensure the rights of all members of Council are respected. Please advise how you intend to remedy this procedural abuse.

Sincerely,

Karen Stintz
City Councillor, Ward 16

CC: The Right-Honourable Dalton McGuinty, Premier of Ontario
John Tory, Leader of the Official Opposition
Howard Hampton, Leader of the New Democratic Party