

City Clerk's Office

City Hall
100 Queen Street West
West Tower, 13th Floor
Toronto, Ontario M5H 2N2**Tel:** 416-392-8011
Fax: 416-392-4900
clerk@toronto.ca
toronto.ca/city_clerk

February 27, 2012

To: City Council**From:** City Clerk**Re: Item EY13.42 – Transit Initiatives – Finch West LRT**

I have carefully reviewed the proceedings of the February 14, 2012 meeting of the Etobicoke York Community Council and the decision on item EY13.42.

I have reached the following conclusions:

- This item was improperly considered by the Community Council; and
- It is not properly before the March 5 and 6, 2012 meeting of City Council.

Rationale:**a) Committee cannot reconsider matters decided by City Council**

Under section 27-144 of the Council Procedures a committee of Council, including a community council, may not reconsider:

1. Any question Council decided within the past 12 months of the current term of Council; or
2. Any matter that could result in a decision that is inconsistent with a Council decision.

In my view, the contents of the letter submitted under item EY13.42 concern the matter previously decided by City Council on February 8, 2012 under item CC17.1 headed "Metrolinx Transit Projects in Toronto".

Further more the contents of the letter constitute a matter that could result in a decision that is inconsistent with the Council decision on item CC17.1.

Item CC17.1 can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.CC17.1>)

I note that this is consistent with the advice that was given at the meeting by the Solicitor and the Committee Administrator representing the City Solicitor and me.

b) Reopening of Previous Council Decisions

Section 27-67 of the Council Procedures establishes the proper process for the reopening of matters already decided by Council within the previous 12 months.

That process requires:

1. a Member who voted with the prevailing side to make a notice of motion or motion without notice in accordance with the Council Procedures; and
2. the consent of two-thirds of the Members present when the motion is considered.

Conclusion:

The reopening of a matter previously decided cannot originate with a committee. It can only be reopened by notice of motion or motion without notice properly submitted to a meeting of City Council.

1. Item EY13.42 is not properly before City Council and should be withdrawn from the agenda.
2. Any Member who wishes to reopen the decision of City Council on item CC17.1 should follow section 27-67 in submitting a notice of motion or motion without notice, provided they were on the prevailing side of that decision.

CITY CLERK