

**City Clerk's Office**  
Ulli S. Watkiss, City Clerk

**Secretariat**  
City Hall  
100 Queen Street West  
West Tower, 13<sup>th</sup> Floor  
Toronto, Ontario M5H 2N2

**Tel:** 416-392-8641  
**Fax:** 416-392-2980  
jelvidge@toronto.ca  
www.toronto.ca/council

September 25, 2012

To: City Council

From: City Clerk

Re: GM15.15 - Amendments to Rules of Debate regarding Speaking Times

I am writing to draw attention to a legal problem with the recommendation of the Government Management Committee and comment further on the subject of recorded votes.

The Committee has recommended reducing the speaking time to 5 minutes except for chairs and ward councillors who would be permitted a 2 minute extension without a recorded vote.

However, the City of Toronto Act says it is the duty of the City Clerk to record the name and vote of every member voting on any matter or question if required by any member present at a vote. s. 137 (1)(b)

This is a statutory provision that cannot be amended or superseded by City Council. It gives all Members the right to request a recorded vote on any matter. The City Clerk is obligated to conduct a recorded vote, regardless of what the Council Procedures may say.

As a result, the phrase "*without a recorded vote*" in the Committee's recommendations is out of order on the grounds that it conflicts with a provision of a provincial law and should not be considered by City Council in that form.

CITY CLERK