



Bylaw to Govern TTC Board Meeting Proceedings – Update (Supplemental Report)

Date: February 27, 2019
To: TTC Board
From: Chief Executive Officer

Summary

At its January 10, 2019 Board Meeting, the Board moved referral of the Report entitled “Bylaw to Govern TTC Board Meeting Proceedings – Update” to allow staff to report back on possible further amendments to section 13 c)¹ of the Bylaw that would limit public presentations by individual speakers to a total of five minutes per meeting.

This report is a supplement report to the January 10, 2019 Report.

Recommendations

It is recommended that the TTC Board:

1. Make no changes to Section 13 c) of the Bylaw to Govern TTC Board Meeting Proceedings.
2. Approve the recommendations as set out in the January 10, 2019 Report (which is attached as Attachment 2 to this Supplemental Report).

Financial Summary

No financial impacts were identified as a result of the adoption of this report.

The Chief Financial Officer has reviewed this report and agrees with the financial summary information.

Equity/Accessibility Matters

No equity or accessibility impacts were identified through the preparation of this report. Staff will continue to ensure that meetings are held in accessible facilities with notice provided in the form of a meeting agenda posted on the TTC’s website.

¹ In the Minutes to the January 10, 2019 Meeting, the section is incorrectly identified as section 12 c).

Decision History

At its meeting on September 5, 2017, the Board considered a report recommending housekeeping amendments to the bylaw. The report was referred to staff to report back at such time as recent amendments to the City of Toronto Act related to the governing of meetings by a local board are proclaimed into force and effect.

[Bylaw to Govern TTC Board Meeting Proceedings - Update](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2017/September_5/Reports/12_Bylaw_to_Govern_Board_Meeting_Proceedings_Update.pdf)

(http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2017/September_5/Reports/12_Bylaw_to_Govern_Board_Meeting_Proceedings_Update.pdf)

At its meeting on January 10, 2019, the TTC Board considered a report recommending housekeeping amendments to the bylaw. The report was referred to staff to report back at the next regular meeting of the TTC Board on an amendment to Section 13 c)² of the Bylaw to Govern Board Proceedings that would limit public presentations by individual speakers to a total of five minutes per meeting.

[Bylaw to Govern TTC Board Meeting Proceedings - Update](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2019/January_10/Reports/10_Bylaw_to_Govern_Board_Meeting_Proceedings_Update.pdf)

(http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2019/January_10/Reports/10_Bylaw_to_Govern_Board_Meeting_Proceedings_Update.pdf)

Comments

In addition to the recommended changes to the Bylaw to Govern Board Proceedings as set out in the January 10, 2019 Report, staff have also reviewed potential changes to subsection 13 c) of the Bylaw.

Section 13 of the current Bylaw to Govern Board Proceedings provides as follows:

Section 13 – Public Presentations

- A. The procedures for a person, organization or group wishing to make a Public Presentation about an item on the agenda is to:
1. Register a notice of their intention to make a Public Presentation with the Head of Commission Services, in writing, by regular mail, fax or email providing detailed information relating to the reason for the request; and
 2. Do so by 12:00 p.m. (noon) of the Business Day immediately before the Meeting day.

² This section is incorrectly identified in the motion and the Board Minutes as section 12 c).

B. Public presenters to a Meeting must:

1. Not speak disrespectfully about anyone;
2. Not use offensive language;
3. Speak only about the subject on which the Board invited them to make a Public Presentation; and
4. Obey the Procedures Bylaw and any Chair's ruling.

C. Unless the Board decides otherwise, a Public Presentation has a five-minute time limit.

D. A person making a Public Presentation may use a translator, and the translation time does not count towards the five-minute limit.

Unless the Board decides otherwise, a public presentation (deputation) has a five-minute time limit. There are currently no restrictions on the number of Board agenda items a person may speak on, the number of public presentations on a specific agenda item, or an overall time limit for public presentations.

In the motion of January 10, 2019, staff were requested to consider an overall public presentation time limit or cap per meeting. In addition to the overall time limit/cap per meeting, staff have also considered other alternatives, including:

- reducing the public presentation time limit per agenda item;
- limiting the overall time for all public presentations per meeting (e.g. one hour total);
- limiting the number of times an individual can speak on the same subject matter during a calendar year; and
- eliminating public presentations from Board meetings.

Staff have also reviewed a number of other transit and municipal jurisdictions in Canada and the United States and a summary is attached to this Report as Attachment "1".

(a) City of Toronto Act

In accordance with the *City of Toronto Act, 2006* ("**COTA**"), the Toronto Transit Commission is a "local board" of the City of Toronto. Subsection 189(2) of COTA provides that:

The City and every local board of the City shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

COTA requires that the TTC have a procedure by-law governing the calling, place and proceedings of meetings. However, COTA generally does not mandate any specific requirements as to how the TTC (as a local board) conducts business during its meetings relating to public presentations. While COTA does mandate, subject to some

exceptions, that the meetings be open to the public, it does not require the TTC to permit public presentations or depositions during a meeting. How the TTC elects to control its process, is entirely at the discretion of the TTC Board.³

(b) No absolute right to participate

The right to participate in Board meetings through a public presentation is not an absolute right. The TTC Board has the authority and discretion to limit (or eliminate) public presentations provided that the discretion is not arbitrary or exercised in bad faith.

Currently, the TTC Board through the adoption of the previous Bylaw to Govern Board Proceedings has permitted public presentations and has placed a restriction of five-minutes per speaker per item on those presentations. The current permission to allow for public presentations is based on the Board, in controlling its own process, allowing for those presentations and is not based on an absolute right that the public has to participate in Board meetings.

Although it is within the discretion of the Board to amend the rules relating to public presentations to further limit the total amount of time an individual may speak during a meeting, staff are not recommending any changes to further limit public presentations.

The current requirement which limits public presentations to five minutes per item (only on an Action Reports) is consistent with the current practice of the City of Toronto (see Attachment 1).

In addition, the Board already has the discretion and flexibility to change the five-minute time limit within the current Bylaw through either Subsection 13 c) or Section 7 (waiver).

Subsection 13 c) of the current Bylaw provides flexibility for the Board to amend the five-minute time limit without any further changes to the Bylaw. Subsection 13 c) provides that “unless the Board decides otherwise...” a five-minute time limit should apply. In other words, the discretion for the Board to “decide otherwise” is already included in the Bylaw. The discretion provided under Subsection 13 c) is based on a majority vote of the Board (as opposed to a motion to “waive” under Section 7 which is a 2/3 vote of the Board).

In the past, the Board has also elected to exercise its discretion in accordance with Section 7 of the Bylaw (waiver) to reduce the five-minute time limit for a specific meeting, including most recently at its January 24, 2019 meeting. Since the five-minute time limit can be waived at anytime by the Board, staff do not believe that further changes to the Bylaw are required.

The Board also has the discretion to increase the current five-minute time limit. For example, the Board may elect to increase the time limit to accommodate accessibility related matters.

³ Council of the City of Toronto may impose additional requirements, including having the Procedure’s By-law approved by Council.

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Signature

Richard J. Leary
Chief Executive Officer

Attachments

Attachment 1 – Summary of other municipalities and transit agencies
Attachment 2 – Bylaw to Govern TTC Board Meeting Proceedings – Update (January 10, 2019 Board report)

**Attachment 1 – Summary of deputation rules
Municipalities and Transit Agencies**

Canadian Transit Agency	Time Limit	Rules
Metrolinx	N/A	Only written submissions are permitted. Board meetings do not allow for deputations.
Société de transport de Montréal (STM)	One (1) hour total for question period.	<p>3.3 Question Period (translated) Each meeting of the Council includes a period during which the persons present, other than the members of the Council, may put oral questions to the members of the Council. This period begins at the beginning of each meeting and ends one (1) hour after it begins, unless the Board deems it appropriate to extend it, or to terminate it earlier, if the persons present have not more questions to ask. The Speaker announces the beginning and end of this question period.</p>
Translink	Five (5) minutes	<p>9.7 Where the number of applications exceeds the time allotted by the board to receive public input, a maximum of two presentations on each agenda item or issue will be received. The Corporate Secretary will attempt to provide a balance of perspectives on the action being requested of the Board on a specific agenda item or issue.</p> <p>9.8 Where the number of applicants exceeds the time allotted to receiving public input, the applicants that are not accepted will be invited to submit written input to the board.</p> <p>9.9 Each presentation will be a maximum of five minutes. Articles of the South Coast British Columbia Transportation Authority</p> <p>9.10 Where circumstances warrant, the board, in its sole discretion, may extend the length of time allotted to receiving public input.</p>
York Region Rapid Transit Corporation Board of Directors	Five (5) minutes	<p>14.7 Unless otherwise permitted by a majority vote, deputants shall be limited to five (5) minutes for speaking at Council and at Committee or such other time period approved by Council or Committee at the meeting. If there is a group of people wishing to address Council or Committee with respect to a particular position on a particular issue, then Council or Committee may determine that the group shall be represented by one person or that the time limit shall be other than as stated above.</p>

American Transit Agency	Time Limit	Rules
Chicago Transit Authority	Three (3) minutes, to a maximum of five (5) speakers per month	<p>2. Speaker Selection</p> <p>A maximum of five speakers may appear before the Board each month, with each speaker allotted three minutes to address the Board. Speakers who wish to address items on the meeting day's agenda for any Committee or the Board shall have priority for the five available speaker slots.</p>
Los Angeles Metro	One (1) minute	<p>General comment on items within the Board's jurisdiction will be taken prior to establishment of a quorum and completed at the end of the meeting.</p> <p>Public comment on agenda items will be taken as each item is considered.</p> <p>In accordance with the Ralph M. Brown Act, public comment will not be taken on items previously considered at a committee meeting where the public was given the opportunity to comment. (Consent Calendar items) Disorderly behavior or inappropriate comments at the podium may be cause for exclusion from further public comment for the day or removal from the Board room.</p> <p>You will be allowed one minute to speak.</p>
Metropolitan Transportation Authority (MTA)	Two (2) minutes	<p>Registration opens 15 minutes before scheduled start of committee meetings and 30 minutes before the start of each board meeting.</p> <p>Registration must be done in person. Statements must be about agenda items only. There is a two-minute speaking limit. Speaking time may not be transferred.</p>
Massachusetts Bay Transportation Authority (MTBA) Fiscal and Management Control Board MassDOT	Two (2) minutes	<ul style="list-style-type: none"> • Allows for a question period • PowerPoint presentations are not permitted • Two-minute speaking limit • Deputants are permitted to submit correspondence or any additional information in writing.

American Transit Agency	Time Limit	Rules
Washington Metropolitan Area Transit Authority	Two (2) minutes	<p>1. Public Comment at Board Meetings</p> <p>The Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA) shall provide an opportunity for members of the community to provide comments during its monthly Board meetings. Comments shall be limited to matters that pertain to WMATA or other transportation issues. The Board Chair shall have discretion to waive or modify any of the following Procedures for Public Comment.</p> <p>The public comment period shall follow the approval of minutes on the agenda, and generally shall be no more than 20 minutes.</p> <p>Procedures for Public Comment</p> <p>4. At the public comment period, each person will be limited to a time not to exceed two minutes. The Chair shall have discretion to modify the allotted time for speakers, and shall do so before the start of public comment. WMATA staff is responsible for ensuring the time limit for each speaker is not exceeded.</p>

Ontario Municipality	Time Limit	Rules
City of Brampton	Five (5) minutes	(13) (a) A delegation shall be limited to speaking not more than five minutes.
City of Hamilton	Five (5) minutes	(6) A delegation, which can be made by two or more individuals, shall be limited to a presentation of not more than five minutes, except as otherwise prescribed for at a public meeting by applicable legislation.
City of London	Five (5) minutes	36.3 Speaking – limited - 5 minutes No delegation shall speak on a matter longer than a 5 minute period, without leave of a majority of the standing committee members present except as otherwise prescribed by applicable legislation.
City of Markham	Five (5) minutes	(f) Deputants shall be permitted to speak for a maximum of five minutes, whether they are representing themselves personally, or an organization, corporation, association, or group. A Deputant shall confine their remarks to the item on the Agenda.

Ontario Municipality	Time Limit	Rules
City of Mississauga	Five (5) minutes	41. (1) Each delegation to Council shall be limited to speaking not more than five minutes in total. (11-17) (2) Notwithstanding Subsection 41(1), Council may pass a motion to extend the length of time allotted to a delegation. (11-17)
Town of Penetanguishene	Ten (10) minutes	<ul style="list-style-type: none"> • Speakers permitted on agenda items only • Can speak only once on a topic to a maximum of 10 minutes, subject to exceptions Can only speak twice per calendar year on the same subject matter
City of Toronto	Five (5) minutes	Each speaker is limited to 5 minutes
City of Vaughan	Five (5) minutes	(3) Deputants, other than deputations with respect to a statutory hearing, shall be given five (5) minutes to speak. (4) A deputation on behalf of an organization, corporation, association, or group, shall be made by a single representative.



For Action

Bylaw to Govern TTC Board Meeting Proceedings - Update

Date: January 10, 2019
To: TTC Board
From: Chief Executive Officer

Summary

As a result of corporate restructuring and changes to the *City of Toronto Act* as it relates to meeting proceedings, it is necessary to amend the Bylaw to Govern TTC Board Meeting Proceedings.

Recommendations

It is recommended that the TTC Board:

1. Approve the proposed amendments to the Bylaw to Govern TTC Board Meeting Proceedings, attached as Appendix 1; and
2. Forward the approved bylaw to City Council for approval.

Financial Summary

No financial impacts were identified as a result of the adoption of this report.

The Chief Financial Officer has reviewed this report and agrees with the financial summary information.

Equity/Accessibility Matters

No equity or accessibility impacts were identified through the preparation of this report. Staff will continue to ensure that meetings are held in accessible facilities with notice provided in the form of a meeting agenda posted on the TTC's website.

Decision History

At its meeting on March 5, 2012, City Council adopted recommendations to include Citizen Members in the Board's composition.

[EX 16.8 0 Toronto Transit Commission Governance](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX16.8)
(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX16.8>)

In September 2012 the bylaw was further amended to be consistent with the Board governance model that was approved by City Council. These amendments included changes to the Board composition to provide for the appointment of citizen members to the Board and for better facilitation of New Business items.

[By-Law to Govern Commission Proceedings – Final Approval](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2012/September_27/Supplementary_Reports/By-law_to_Govern_Com.pdf)

(http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2012/September_27/Supplementary_Reports/By-law_to_Govern_Com.pdf)

At its meeting on September 5, 2017, the Board considered a report recommending housekeeping amendments to the bylaw. The report was referred to staff to report back at such time as recent amendments to the City of Toronto Act related to the governing of meetings by a local board are proclaimed into force and effect.

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Issue Background

The retirement of the TTC's Chief Financial and Administration Officer in June 2017, and the associated internal reorganization as a result of the retirement initiated a review of the bylaw in order to appoint a new meeting manager.

In addition, changes to the City of Toronto Act came into effect on January 1, 2018 which resulted in the need to further amend the bylaw, as described later in this report.

Comments

Modernizing Ontario's Municipal Legislation Act, 2017 – Changes to the City of Toronto Act and Required Procedure Bylaw Amendments

Changes to the City of Toronto Act require amendments to the bylaw in the following key areas:

Definition of meeting

The Act now defines a meeting as follows:

"meeting" means any regular, special or other meeting of city council, of a local board or of a committee of either of them, where,

(a) a quorum of members is present, and

(b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee."

This change has been reflected in the bylaw in Section 1 – Definitions.

Meetings open to the public

In accordance with the *City of Toronto Act*, all meetings are open to the public with limited exceptions. Four additional criteria, aligned with the *Municipal Freedom of Information and Protection of Privacy Act* have been added to the original seven exceptions. The clauses are as follows:

- h) information explicitly supplied in confidence to the City or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board. 2006, c. 11, Sched. A, s. 190 (2); 2017, c. 10, Sched. 2, s. 22.

These clauses have been incorporated into Section 29 – Closed Meetings.

Electronic Participation

The Act was amended to include a discretionary provision to permit changes to the procedure bylaw so that a member of city council, a local board of the City or a committee of either of them can participate electronically in a meeting. There are two exceptions to this rule.

- a member participating electronically does not count towards quorum
- no member may participate electronically in a meeting closed to the public

Staff are not recommending changes to the Procedure Bylaw to permit electronic participation at this time for a number of reasons, as outlined below:

- **Restrictions in the Act**
Restrictions in the Act pose challenges to achieving quorum if one or more members elected to participate electronically. In addition, it is not practical for a member to participate in any meaningful discussion of in-camera items or vote in public on confidential matters that were discussed during their absence.
- **Lack of Clarity in the City of Toronto Act**
The Act does not define what constitutes electronic participation, for example, voting, moving or seconding of motions and requests for recorded votes.
- **Accountability and Transparency for the public**
Accountability and transparency to the public is at its highest level when members are physically present at a meeting and participating in all items on the agenda. It also promotes clarity for the public who are in attendance at the meeting in terms of the role and responsibilities of Board members who are not present in the room.

- **General Considerations**

The technological approach to such an initiative would need to be more advanced than just permitting members to call into a meeting. The system would require a platform capable of supporting multi-member participation whereby members could engage with other members, staff and the public in the meeting room and facilitate regular meeting management requirements, including queuing to speak, submitting and moving motions, seconding motions, requesting and participating in recorded votes.

Impacts on the existing YouTube live stream would also need to be examined and considered in order to ensure that anyone viewing the meeting in real time is also able to see the electronic meeting participants.

Section 20 – Regular meetings; annual schedule

This section was updated to reflect the practice of bringing forward the annual meeting schedule upon approval of the City’s meeting schedule by City Council.

Section 36 – Time Period for Communications to the Board

Reference to accepting communications prior to 4:00 p.m. the Business Day before the meeting has been amended to direct that communications be received prior to the agenda closing in order to reflect current practice and provide for sufficient notice of the matter.

General Housekeeping Amendments

In order to reflect internal corporate title changes and restructuring, all reference to the Chief Financial and Administration Officer in the bylaw have been replaced with the Head of Commission Services. In addition, minor clerical amendments were made throughout the bylaw, none of which impact interpretation of the document or Board practice.

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Signature

Richard J. Leary
Chief Executive Officer

Attachments

Attachment 1 – Bylaw to Govern Commission Proceedings

Toronto Transit Commission Bylaw to Govern Board Proceedings

Article I - Interpretation

Section 1 – Definitions

As used in this bylaw, the following terms have the meanings indicated:

“Act” – the *City of Toronto Act, 2006*, as amended from time to time

“Adjourn” – end a meeting

“Board” – the Commissioners sitting as the Toronto Transit Commission Board

“Business Day” – any day other than a Saturday, Sunday, statutory or civic holiday in Toronto, Ontario

“Call a Member to Order” – identifying a member by name, and requesting that member to refrain from his or her current behaviour and to behave in accordance with the procedures bylaw

“Chair” - the Member appointed as “Chair” of the TTC Board by City Council in accordance with a City bylaw.

“City” – the City of Toronto

“Citizen Members” – those Members appointed to the Board by City Council in accordance with City bylaws who are not members of City Council

“Commissioners” - the Members of the Board as appointed by bylaw of the City

“Committee” – an advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also Members of the Board, which committee is established by the Board and is given a specific task and required to report on that specific task

“Committee of the Whole” – a quorum of Members present and sitting as a Committee of the Whole Board

“Council Members” – an elected or appointed member of City Council appointed to the Board by Toronto City Council in accordance with City bylaws.

“Emergency Meeting” – a Meeting called in accordance with the rules of this Procedures Bylaw

Head of Commission Services – the Head of Commission Services of the Toronto Transit Commission or his/her designate

“Meeting” – any regular, special, emergency or other meeting of the Board or a Committee, where,

- a. a quorum of members is present, and
- b. members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Board

“Member” – a person appointed by bylaw of the City as a Commissioner for a term of office as set out in any applicable City bylaw. Members include both appointed Citizen Members and appointed Council Members.

“Motion” – a Member’s formal proposal that the Board take certain action

“Motion to Amend” – a Motion to vary the main Motion before the Board

“Motion to Defer” – a Motion to delay a decision on a matter by postponing consideration of the matter:

- a. indefinitely;
- b. until or within some specified time or time period;
- c. until the happening of a specified event; or
- d. until a report or communication is presented.

“Motion to End Debate” – a Motion to stop all debate on a matter, and to vote on the matter immediately

“Motion to Receive” – a Motion to acknowledge a matter or part of a matter including the main Motion or amendment, to take no current action on the matter, and to place the matter in the Head of Commission Services’ records for future reference

“Motion to Refer” – a Motion to send a matter, including a main Motion or amendment to a designated Committee, body or person for more information or recommendation

“Motion without Notice” – a Motion to introduce new business for which no notice has been given

“Notice of Motion” – a Motion received by the Head of Commission Services to introduce new business for which notice is considered to have been given

“Point of Order” – bringing to the attention of the Chair and the Members that a person has broken a rule or made an error in procedure and asking that the Board meeting follow the rules or that the error in procedure be corrected

“Point of Privilege” – a question to the Chair and Members to immediately consider and take action to remedy a situation negatively affecting the rights or privileges of members or the Board, as a whole, despite other pending business currently before the Board

“Procedures Bylaw” – this bylaw, as amended from time to time

“Public Petition” – a communication from more than one member of the public

“Public Presentation” – an appearance before the Board by any member of the public to speak to a matter before the Board in accordance with this Procedures Bylaw

“Quorum” – the Members to be present and voting at a Meeting to legally conduct business at the Meeting

“Recorded Vote” – a vote for which the Head of Commission Services records all Members present and how they voted

“Report” – a TTC’s official’s report that is provided for information or makes recommendations to the Board

“Robert’s Rules of Order” – the most current edition of “Robert’s Rules of Order, Newly Revised”.

“Ruling” – the Chair’s interpretation of the Procedures Bylaw to settle a procedural matter. Such an interpretation is more than a simple restatement of the relevant bylaw provisions and explains how the rule applies to the matter.

“Special Meeting” – a Board Meeting other than a regular meeting, a continued meeting, or a reconvened meeting, called in accordance with the rules of the Procedures Bylaw.

“Term” – is the term of office of a Commissioner, or all the Commissioners, as set out in a City bylaw

“TTC” – the Toronto Transit Commission

“Urgent Matter” – a matter that relates to a significant emergency health or safety matter, or relates to a significant financial, legal, or contractual deadline before the next Board Meeting

“Vice-Chair” - the Member elected by the Board from among the Citizen Members in accordance with this Procedures By-law and any applicable City by-law to the position of Vice-Chair of the Board.

Article II – Principles and Purpose

Section 2 – Purpose

The Procedures Bylaw establishes the rules for all Board and Committee Meetings and is subject to any applicable City bylaw.

Section 3 – Principles of the Procedures Bylaw

- A. The following Members’ rights are the principles upon which the Procedures Bylaw is based:
1. The majority of Members have the right to decide;
 2. The minority of Members have the right to be heard;
 3. All Members have the right to information to help make decisions, unless otherwise prevented by law;
 4. Members have the right to an efficient meeting;
 5. All Members have the right to be treated with respect and courtesy; and
 6. All Members have equal rights, privileges and obligations.
- B. The Procedures Bylaw is interpreted in accordance with the principles set out in Section 3(A).

Article III – Application and Interpretation

Section 4 – Application of this Procedures Bylaw

- A. The rules and regulations contained in this Procedures Bylaw are to be observed in all proceedings of the Board and are the rules and regulations for the order and dispatch of business in the Board, and, where applicable, in the Committees thereof.
- B. A specific statement or rule has greater authority than a general one. Headings are only for reference purposes.

Section 5 – Parliamentary Authority

- A. In any case arising in the proceedings of the Board not provided for hereby, the matter is to be decided by the Chair in accordance with Chapter 27 of the City of Toronto Municipal Code – Council Procedures.
- B. If there is a conflict between two or more rules in this Procedures Bylaw, or if there is no specific rule or matter, the Chair will rule.

- C. The Chair, consulting with the Head of Commission Services, may use Robert's Rules of Order as an aid in Ruling under Section 5(B).
- D. The Chair may use Board practices and former decisions, including previous rulings, in applying these rules and making rulings.

Section 6 – Criteria for suspending rules and substituting special rules

- A. Subject to Section 6(C), the Board may suspend any rule in the Procedures Bylaw and replace it with a special rule if:
 - 1. It has given notice at a previous Board meeting; and
 - 2. The suspension is only for a defined period.
- B. Any special rules adopted under Section 6(A), are considered part of the Procedures Bylaw.
- C. The Board cannot suspend the following rules:
 - i. Section 8 – Amending the Procedures Subject to Bylaw;
 - ii. Section 23 – Quorum;
 - iii. Section 28 – Public Meetings;
 - iv. Section 29 – Closed Meetings; and
 - v. Section 54(C) and (D) – Order of Speakers.

Section 7 – Waiver of Rules

- A. Subject to Section 7(B), a motion to waive one of the Procedures Bylaw's rules on a one-time basis will pass if two-thirds of the Members present vote for it.
- B. The Board cannot waive the following:
 - i. Section 7(A) (with respect to two-thirds vote) – Waiver of Rules;
 - ii. Section 8 – Amending the Procedures Subject to Bylaw
 - iii. Section 21(E) – Special Meetings;
 - iv. Section 23 – Quorum;
 - v. Section 28 – Public Meetings;
 - vi. Section 29 – Closed Meetings;
 - vii. Section 42 – Notices of Motion; and

- viii. Section 43 – Motions Without Notice; and
- ix. Section 71(A)(3) – Removal of Vice-Chair.

Section 8 – Amending the Procedures Subject to Bylaw

- A. To pass a motion to amend or repeal the Procedures Bylaw, or any part thereof, requires two-thirds vote of the Members present.
- B. The Board will only consider amendments or repeal of the Procedures Bylaw, or any part thereof, at a Meeting if a previous Meeting of the Board received notice of the proposed amendment or repeal;

Section 9 – Majority Vote Required

Unless the Procedures Bylaw specifies otherwise, a matter passes when a majority of Members present vote for it.

Article IV – Public Participation

Section 10 – Principles of Public Participation

- A. The public has the right to participate in the decision-making process by writing the Board on agenda items, by submitting a Public Petition, or by making a Public Presentation, as the Procedures Bylaw describes.
- B. The public may make a Public Presentation to the Board, including Meetings of the Committee of the Whole, as described in the Procedures Bylaw.

Section 11 – Invited and other Public Presentations

- A. The Board may invite specific persons, experts, organizations or groups to make a Public Presentation to it on any matter within the Board’s mandate.
- B. Subject to Sections 12 and 13, any person may:
 - 1. Attend any Board Meeting open to the public;
 - 2. Make a Public Presentation on a matter on that Board Meeting’s agenda; and
 - 3. In presenting, as described in Section 11(B)(2), represent himself or herself, an organization, or a group.

Section 12 – Restrictions on Public Presentations on Information Reports

The public may only make Public Presentation on information reports if, at a previous Board Meeting, the Board has given notice of its intention to hear Public Presentations on that information report.

Section 13 – Public Presentations

- A. The procedures for a person, organization or group wishing to make a Public Presentation about an item on the agenda is to:
 - 1. Register a notice of their intention to make a Public Presentation with the Head of Commission Services, in writing, by regular mail, fax or email providing detailed information relating to the reason for the request; and
 - 2. Do so by 12:00 p.m. (noon) of the Business Day immediately before the Meeting day.
- B. Public presenters to a Meeting must:
 - 1. Not speak disrespectfully about anyone;
 - 2. Not use offensive language;
 - 3. Speak only about the subject on which the Board invited them to make a Public Presentation; and
 - 4. Obey the Procedures Bylaw and any Chair's ruling.
- C. Unless the Board decides otherwise, a Public Presentation has a five- minute time limit.
- D. A person making a Public Presentation may use a translator, and the translation time does not count towards the five-minute limit.

Section 14 – Rules for Motion to Defer if Person intends to Present

If a Member intends to make a Motion to defer a matter and if persons who have given notice of their intention to make Public Presentations about the matter are present, then:

- A. The Member makes the Motion to Defer as soon as possible; and
- B. The Board votes on the motion immediately after.

Section 15 – Chair may end Public Presentations

- A. The Chair may end a Public Presentation if there is disorder or a failure to follow these rules.
- B. If the Chair ends a Public Presentation in accordance with Section 15(A):
 - 1. The person making the Public Presentation must leave the Meeting; and
 - 2. All questioning of the person making the Public Presentation ends.

Section 16 – Public Attendance and Conduct

- A. No one may display signs or placards, or engage in conversation or other behaviour which may disrupt a Meeting.
- B. No person, except a Member or public presenters, may address the Board, except by invitation of the Chair or the Board.
- C. No one may use a cellular telephone in the room in which the Meeting is taking place while Meetings are in progress, and anyone who brings one to a Meeting must turn off the ringer.

Section 17 – Communications

- A. All communications related to agenda items must:
 - 1. Be delivered in person or sent by regular mail, email or fax;
 - 2. Be addressed to the Board or the Head of Commission Services;
 - 3. Be legible;
 - 4. Include the name and mailing address or the telephone number of the author;
 - 5. Be in reproducible format; and
 - 6. Not be defamatory or contain offensive language.
- B. Personal information and opinions in communications are part of the public record, unless the author of the communication requests the removal of his or her personal information when submitting it, or the Head of Commission Services determines the personal information contravenes the *Municipal Freedom of Information and Protection of Privacy Act*.
- C. If the Chair or the Head of Commission Services thinks that a TTC official should consider any communication before the Meeting:
 - 1. The Head of Commission Services forwards a copy to the appropriate TTC official;
 - 2. The TTC official may then submit a report directly to the Board in response to the communication.

Section 18 – Public Petitions

- A. An organizer of a Public Petition may deliver the petition in person or send it by mail, fax or email to:
 - 1. A Member, if the Public Petition does not relate to a matter on the agenda, or

2. The Head of Commission Services, if the Public Petition relates to a matter on the agenda
- B. The Public Petition must:
1. Be in legible handwriting, in printed form, or in a printable form;
 2. Contain the telephone number of the organizer for confirmation;
 3. Contain the signatures, unless delivered by email, and the printed name and address of at least one signatory and, if possible, the printed name and address of all signatories
 4. Contain the fax number of the sender, if the petition is sent by fax;
 5. Contain the email address of the sender and have attached only the petition documents in a printable form, if the petition is sent by email;
 6. Contain an explanation of the petitioners' cause or petition;
 7. Not contain any improper language; and
 8. Be appropriate, respectful and temperate in its language.
- C. If the Public Petition relates to a matter on the agenda of a Meeting, the Member will give the petition to the Head of Commission Services.
- D. A Public Petition under Section 18(C) is considered to be a communication related to the matter on the agenda, and the Head of Commission Services will add it to the agenda in accordance with Section 17.
- E. If the Public Petition does not relate to a matter on the agenda of a Meeting, the Member may introduce the Public Petition at a Meeting without written notice or permission.
- F. Prior to introducing a Public Petition under Section 18(E), the Member must examine the Public Petition to ensure it complies with Section 18(B).
- G. After a Member has introduced a Public Petition under Section 18(E), the Board without debate, may receive the Public Petition, or refer the Public Petition to the appropriate Committee, or TTC official.

Article V - Board Meetings

Section 19 – Election of Vice-Chair

- A. The Vice-Chair shall be appointed in the following manner and in accordance with any applicable City bylaw:
1. The Head of Commission Services calls for nominations;

2. Members may nominate only candidates from among the Citizen Members, including themselves, and nominations do not require seconding;
3. Members vote by show of hands, or if otherwise decided by a majority vote of the Members present by written ballot, which ballot is signed by the Members and read out by the Head of Commission Services with the name of each Member together with that Member's vote;
4. The Vice-Chair is appointed by a majority of the present. If a majority of the Members present do not vote to appoint a Vice-Chair, a further vote is conducted. The next vote or ballot excludes the nominees with the fewest votes and any nominee with no votes. If two or more nominees are tied with the fewest votes, the Chair selects the nominee or nominees who advance to the next vote or ballot by the following method:
 - a. The names of the tied nominees are placed on sheets of paper of equal size, and the papers are folded in half and placed in a box; and
 - b. The Chair pulls one or more pages with the name or names of the nominee or nominees who advance to the next vote from the box.
5. Voting continues in accordance with Section 19 (A)(3) and (4) until one nominee receives both the most votes and a majority of votes;
6. If after the steps set out in Section 19(A)(5) only two nominees remain and the votes for the two remaining nominees are tied, the Chair selects the winner by the following method:
 - a. The names of each of the two remaining nominees are placed on two sheets of paper of equal size, and the papers are folded in half and placed in a box; and
 - b. The Chair pulls the name of one nominee from the box, and the nominee whose name is pulled from the box is declared the winner.

Section 20 – Regular meetings; annual schedule

- A. The Head of Commission Services recommends an annual schedule of the time and dates of Board and Committee meetings to the Board.
- B. The schedule is published after the Board adopts it and is adhered to unless otherwise decided by the Board.

Section 21 – Special meetings

- A. The Chair may at any time call a Special Meeting of the Board on at least 48 hours' notice in writing and must be delivered in person or by electronic mail to the Members by the Head of Commission Services.

- B. If the Head of Commission Services receives a petition that the majority of Members signed requesting a Special Meeting of the Board, the Head of Commission Services calls a Special Meeting for the purpose, date and time the petition requests. Notice of the Special Meeting is provided to all of the Members in writing or by electronic mail.
- C. The petition required under Section 21(B), must contain:
 - 1. Original Members' signatures;
 - 2. A clear statement of the Meeting's purpose; and
 - 3. A time and date for the Meeting, which may take place within 48 hours from the time that the petition is given to the Head of Commission Services.
- D. Once a petition under Section 21(B) is given to the Head of Commission Services, no Member may add or remove his or her name from the petition.
- E. The Board only considers the business on the agenda, and no other business at a Special Meeting.
- F. At all Special Meetings of the Board the agenda is prepared and printed by the Head of Commission Services in consultation with the Chair.

Section 22 – Emergency Meeting

Despite Section 21, if there is an Emergency, the Chair may call an Emergency Meeting of the Board on less than 48 hours' notice, provided that:

- A. All Members are notified of the Emergency Meeting either personally, by electronic mail, or by any other means necessary, and
- B. A majority of the Members agree to the Meeting by giving written consent to the Head of Commission Services personally before the Meeting begins.

Section 23 – Quorum

- A. Subject to Section 23(B), a majority of members sitting in their assigned seats constitutes a Quorum.
- B. Certain provisions in the *Municipal Conflict of Interest Act* may disqualify a number of Members from participating in a Meeting, or part thereof, and if the result is:
 - 1. Too few Members for a Quorum, then two or more Members may constitute a Quorum; or
 - 2. Only one or more Members for a Quorum, then the *Municipal Conflict of Interest Act* describes what steps to take.

Section 24 – Chair to convene meeting

As soon as a Quorum is present after the time set for the beginning of the Meeting, the Chair starts the Meeting.

Section 25 – Quorum for Votes

The Chair ensures that a Quorum is present whenever a vote is taken.

Section 26 – Absence of the Chair; Acting Chair

- A. When the Chair is absent from the geographical area of the City of Toronto, as defined in the Act, or is absent through illness, or refuses to act, or when the office of the Chair is vacant, the Vice-Chair becomes the Acting Chair.
- B. In case the Chair does not attend within 15 minutes of the time a Quorum is present after the time appointed for the beginning of a Meeting or the resumption after a recess, the Head of Commission Services calls the Members to order, and the Vice-Chair is appointed as Acting Chair and presides until the arrival of the Chair. If the Vice-Chair is not present, an Acting Chair is appointed from the Members present and he or she becomes the Acting Chair until the arrival of the Chair or Vice-Chair.
- C. The Chair may designate the Vice-Chair or another Member present as Acting Chair during any part of a Meeting when he or she leaves the chair for any reason.
- D. While presiding, the Acting Chair has all the powers of the Chair as set out in this Procedures Bylaw.
- E. The Chair is entitled to one vote as a Member.

Section 27 – Absence of quorum

- A. If no Quorum is present at the meeting time, or at the time for continuing a meeting after a recess, the Head of Commission Services calls for a Quorum for a period of 15 minutes, or until a Quorum is present, whichever is sooner.
- B. During a Meeting, if a Member or the Head of Commission Services draws the attention of the Chair to the fact that a Quorum is not present, the Chair, upon determining that a Quorum is not present, will request the Head of Commission Services to call for a Quorum for a period of 15 minutes, or until a Quorum is present, whichever is sooner.
- C. If there is still no Quorum after 15 minutes, the Head of Commission Services calls the names of all of the Members and records the names of the Members present.
- D. If there is still no Quorum by the time the Head of Commission Services has completed calling the names of all of the Members, the Board is adjourned until the next scheduled Meeting, and subject to a Special Meeting being held

in accordance with Section 21, all unfinished business is carried forward to the next scheduled Meeting.

Section 28 – Public Meetings

Except as described in Section 29, all Meetings are open to the public, and no person is excluded from a Meeting except for improper conduct under Sections 15 or 32.

Section 29 – Closed Meetings

A. The Board may close a Meeting to the public to discuss the following:

1. The security of the property of the municipality or local board;
2. Personal matters about an identifiable individual, including municipal or local board employees;
3. A proposed or pending acquisition or disposition of land for municipal or local board purposes;
4. Labour relations or employee negotiations;
5. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
6. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
7. A matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act;
8. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency or any of them;
9. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
10. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
11. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; or

12. A request under the Municipal Freedom of Information and Protection of Privacy Act.

- B. The Board may also close a Meeting to the public if the Meeting is held for the purpose of educating and training the Members. At a Meeting closed to the public under this Section 29(B), no Member is to discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Board.
- C. Before holding a Closed Meeting, the Board passes a motion to hold a closed meeting. The motion states:
 - 1. That the meeting is a Closed Meeting;
 - 2. The general nature of the matter that the Board is considering at the Closed Meeting;
 - 3. The reason that the matter requires a Closed Meeting under Sections 29(A) or (B); and
 - 4. If the Meeting is closed to the public in accordance with Section 29(B), specific reference to the Section (i.e. Section 29B)).
- D. When the Board considers a matter in a Closed Meeting, it does so in Committee of the Whole.
- E. If the matter the Board is considering at a Closed Meeting no longer falls into one of the categories set out in Sections 29(A) or 29(B), the Meeting is no longer closed to the public.
- F. Subject to Section 29(G), members of Toronto City Council are permitted to attend any portion of a Closed Meeting with observer status.
- G. Any member of Toronto City Council who is not a Member of the Board shall not be permitted to attend any portion of a Closed Meeting which is closed for the purposes of discussing a matter that is referred to in Section 29(A)(5) (litigation or potential of litigation) or Section 29(A)(6) (solicitor-client privilege) without the approval of the majority of Members present.

Section 30 – Minutes to Board Meetings

- A. The Head of Commission Services prepares the minutes for all Board Meetings.
- B. The minutes include:
 - 1. All resolutions, decisions and other proceedings;
 - 2. The names of all Members attending and absent;

3. For Recorded Votes, a record of the way each member present voted for every Motion; and
 4. A record of Member, if any, who declared a conflict of interest and the reason for the conflict of interest.
- C. Unless the Board decides otherwise, each meeting's minutes are submitted to the next regular Meeting, or as soon as possible afterwards for Members to adopt or amend.
 - D. The meeting minutes are circulated before the Meeting that the minutes are submitted to for adoption or amendment.
 - E. If any Member requests, the Head of Commission Services reads the minutes or any requested portion of the minutes, before the minutes are adopted or amended.
 - F. The Board passes a Motion to Amend the minutes to correct any errors or omissions and then adopts the amended minutes.
 - G. If there are no errors or omission in the minutes, the Board adopts the minutes as prepared.
 - H. After the Board adopts the minutes, the Chair and the Head of Commission Services sign them.

Article VI – Order and Decorum and Conduct of Members

Section 31 – Responsibilities of the Chair to Govern Board Meetings

- A. The Chair is responsible for:
 1. Objectively presiding over the Meeting as described in the Procedures Bylaw;
 2. Enforcing the Procedures Bylaw's rules;
 3. Announcing the business before the Board and the order in which it is to be considered;
 4. Receiving, stating and framing all Motions presented to clarify their intent as moved;
 5. Ruling on whether a Motion is in order;
 6. Protecting the Board from Motions that are obviously frivolous or tended to cause delay, by refusing to acknowledge them;
 7. Providing information to Members on any matter related to the business of the Board;

8. Deciding whether to acknowledge a Member on a Point of Order or a Point of Privilege;
 9. Ruling on whether a Point of Order or Point of Privilege is in order;
 10. If the Point of Order or a Point of Privilege is in order, Ruling on the Point of Order or the Point of Privilege and giving the facts, circumstances and reasons for the Ruling;
 11. If necessary, recessing a Meeting for a brief specified time to consult with the Head of Commission Services or other TTC staff, or to consult Roberts Rules of Order for guidance in ruling;
 12. If there is a threat or imminent threat to the health and safety of any person, or if there is a possibility of public disorder, recessing the Meeting for a specified time;
 13. Ensuring that all Members who wish to speak on a motion have spoken, subject the rules of debate as set out in this Procedures Bylaw;
 14. Reading, as necessary, all Motions before any vote, to ensure that the Members understand the Motions before voting;
 15. Putting all Motions to a vote and announcing the results;
 16. Voting on all matters, unless the *Municipal Conflict of Interest Act* prohibits it;
 17. Declining to put to a vote any Motion contrary to the Procedures Bylaw's rules;
 18. Calling a Member to order;
 19. Ordering a Member, or any other person, from a Meeting, in accordance with the rules of the Procedures Bylaw.
 20. Ensuring the public knows the status of the business of the Meeting throughout the Meeting;
 21. Adjourning the Meeting when the business is finished; and
 22. When the Chair, or a Member, considers that a Member has either indirectly or directly, questioned the integrity of an official, permitting the official to make a statement to the Board.
- B. The Chair must not speak, ask questions, or make Motions about a matter under debate while in the Chair.

- C. By notice of Motion, a Member, with the consent of the majority of the Members present, may request that the Board censure a Chair who fails to perform his or her duties in accordance with the Procedures Bylaw.

Section 32 – Members’ Responsibilities

A. Members are responsible for:

1. Attending scheduled Meetings;
2. Carefully considering and making decisions about Meeting business;
3. Voting on motions put to a vote;
4. Respecting the rules of the Procedures Bylaw;
5. Speaking respectfully at all times;
6. Listening attentively, participating in a Meeting, and not interrupting the proceedings;
7. Remaining silent in their seats while the Board votes and until the Chair announces the result of the vote;
8. Refraining from using any offensive, disrespectful or un-parliamentary language about any Member, TTC officials or other TTC employee, or the Board as a whole;
9. Respecting and following the Board’s decisions;
10. Speaking only on the matter under debate or related Motions during debate;
11. Not wearing political or biased slogans on clothing or buttons during a Meeting;
12. Respecting the confidentiality of matters discussed in a Closed Meeting and not disclosing the subject or substance of these discussions, unless authorized to do so; and
13. Obeying the Chair’s rulings and Board’s decisions.

B. If a Member disobeys a rule in this Procedures Bylaw or a Chair’s ruling, the Chair:

1. After the first time, gives a formal verbal warning to the Member; and
2. After the second time, calls the Member to order.

- C. If the Chair takes actions under both Section 33(B)(1) and (2) and the Member continues to disobey the Procedures Bylaw or the Chair's rulings, the Chair immediately orders the Member to leave for the rest of the Meeting, and if the Member refuses to do so, the Chair may request that law enforcement officials remove the Member.
- D. Any Member other than the Member ordered to leave the Meeting may appeal the Chair's Ruling and the Board may overturn the Chair's ruling.
- E. If the Member ordered to leave the Meeting informs the Head of Commission Services that he or she wishes to apologize, the Head of Commission Services tells the Chair of the Member's request. At such time, the Chair allows the Member to return to the Meeting solely to apologize to the Board and after an apology, the Board, may consent to allow the Member to return to the Meeting.

Section 33 – Head of Commission Services' Responsibilities

- A. The Head of Commission Services is the Meeting manager of the Board and may assign any of his or her duties to another employee of the TTC.
- B. The Head of Commission Services is responsible for:
 - 1. Establishing and enforcing deadlines for agenda business;
 - 2. Preparing, publishing, and distributing an agenda for each Meeting, and providing appropriate notice;
 - 3. In the absence of the Chair, Vice-Chair or any other Member designated to Chair in the Chair's absence, calling the meeting to order and presiding until the Board immediately elects an Acting Chair;
 - 4. Providing procedural advice to Members on agenda business and on preparing Motions;
 - 5. Informing the Chair and the Board when items need to be added to or removed from agenda;
 - 6. Serving as the parliamentary expert to the Board by advising the Chair on the rules and on matters of parliamentary procedures;
 - 7. Calling to the attention of the Chair any error in proceedings that may affect the rights of any Member or the Board;
 - 8. Advising the Board or Members on matters of procedure subject to the duty of the Chair to make the final ruling;
 - 9. Informing the Chair, if, in the Head of Commission Services' opinion, an issue that the Board is discussing in a Closed Meeting is not procedurally appropriate under the Act or the Procedures Bylaw;

10. Taking minutes and keeping a record of all the proceedings, including the votes, of the Board;
11. Maintaining records of the bylaws, special rules of order, standing rules, and minutes, including any amendments to these documents;
12. Making the minutes and records of Board meetings available to members and the public on request, in accordance with any applicable law and subject to receiving payment of any fee the Board has approved; and
13. Performing other duties that the Board assigns.

Article VII – Agenda

Section 34 – Agenda and order of business

- A. The Head of Commission Services prepares an agenda for all Board Meetings.
- B. The business of the Board is to be taken up in the order in which it is listed on the agenda, unless otherwise decided by the Board.
- C. When an alteration of the order of business is desired, the Board, without debate, may by a majority vote of the Members present make any such alteration of the order of the business (whether or not the time for considering such business has previously been determined by the Board) provided that it does not delete any portion of the business which has been set out in the agenda.
- D. All notices of Motions on the agenda that are not dealt with at a Meeting are placed on the agenda for the next regular Meeting of the Board.

Section 35 – Supplementary Agenda

If agreed by the Chair and Head of Commission Services a supplementary agenda will be prepared when reports are submitted to the Board for consideration after the regular agenda has been released. A supplementary agenda will be issued no later than two (2) Business Days prior to the Meeting.

Section 36 – Time Period for Communications to the Board

All Member communications to be brought before the Board for consideration are to be received by the Head of Commission Services prior to agenda closing, failing which such correspondence is held until the following Meeting. Notwithstanding the above, any correspondence directly relating to reports before the Board for consideration at the Meeting are submitted to the Board at the Meeting.

Section 37 – Special Meeting Agenda

At all Special Meetings or Emergency Meetings, the agenda is prepared by the Head of Commission Services as the Chair or the Members may direct.

Section 38 – Matters to be held for consideration

- A. Members may submit to the Head of Commission Services a written list on the matters on the Meeting agenda that they wish to hold for debate or questions:
 - 1. After the Meeting agenda has been distributed to the Members; and
 - 2. Before 4:00 p.m. of the last Business Day before the Meeting.
- B. The Head of Commission Services maintains a list of Members that have asked to have matters held for debate or questions under Section 39(A).
- C. Only the first Member to submit to the Head of Commission Services a request to hold a matter under Section 39(A) is the Member holding the matter and is named on the list as holding the matter.
- D. When the Chair calls the matter for debate, the Member who held the matter, if present, will be the first speaker.
- E. If the Member who held the matter is not present, the Board will continue to debate and consider the matter.
- F. Despite Section 38(D) and (E), the Board may consent to allow the hold to continue before the matter is called for debate or questions, if the Member who held the matter has stated the reasons for continuing the hold.

Section 39 – Motion to consider matter previously deferred

A motion that the Board consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, respectively, is presented only if the Board so decides, by a two-thirds vote of the Members present and voting.

Section 40 – Administrative inquiries

- A. A Member who wants information about affairs of the TTC must:
 - 1. Make an administrative inquiry in writing; and
 - 2. Deliver it to the Head of Commission Services at least seven business days before the Board Meeting.
- B. The relevant TTC official answers the administrative inquiry in writing and delivers it to the Head of Commission Services at least one hour before the Board Meeting.
- C. The Head of Commission Services distributes the answer to Members before the start of the Meeting or reads the answer to the Board.

- D. Despite Section 40(B), a TTC official may decide that the answer to an administrative inquiry requires work that exceeds the normal duties of his or her staff.
- E. If Section 40(D) applies, the TTC official informs the Board of that decision in a written letter to the Head of Commission Services at least one hour before the Meeting and the Head of Commission Services distributes the letter to the Members before the Meeting starts.
- F. If, in response to an administrative inquiry, a TTC official has told the Board that the work of answering the inquiry exceeds the normal duties, the Board, without debate, may vote on whether the TTC official should answer the administrative inquiry.
- G. The Board receives, or refers to the appropriate TTC official or department, all administrative inquiries and answers, without debate.

Article VIII – Adding New Business

Section 41 – New Business

Any report on new business that the Board requests be submitted to a future Board Meeting is added to the agenda if;

- A. The agenda deadline is met.
- B. The Board consents to receive the request after the agenda deadline.

Section 42 – Notices of Motion

A Member may make a Notice of Motion to introduce new business if;

- A. The Notice of Motion is in a form the Head of Commission Services approved and is signed by the Member who moves it and the Member who seconds it.
- B. The Member moving the Notice of Motion submits the Notice of Motion to the Head of Commission Services in its final form by 4:00 p.m. on the day of the agenda deadline.
- C. If agreed by the Chair and Head of Commission Services a supplementary agenda will be prepared when Notices of Motion in final form are submitted to the Head of Commission Services for consideration after 4:00 p.m. on the day of the agenda deadline. A supplementary agenda will be issued no later than two (2) Business Days prior to the Meeting.

Section 43 – Motions without Notice

- A. All Motions without Notice must:
1. Be in writing in a form the Head of Commission Services approves and be signed by the Member moving the Motion without Notice and the Member seconding the Motion without notice; and
 2. Relate to an Urgent Matter and clearly state the reason why the matter is an Urgent Matter.
- B. The Member moving the Motion without Notice submits it in writing to the Head of Commission Services by noon of the Business Day preceding the Meeting.
- C. The Head of Commission Services, consulting with the Chair, reviews all Motions without Notice before the Meeting to ensure that the matter addressed by the Motion without Notice complies with the definition of Urgent Matter. If the Head of Commission Services agrees that the Motion without Notice relates to an Urgent Matter, the Head of Commission Services lists the Motion without Notice on the agenda. If the Head of Commission Services determines that the Motion without Notice is not related to an Urgent Matter, the Head of Commission Services presents a list of these Motions without Notice to the Board for information only.
- D. Members may not submit Motions without Notice to the First Meeting, a Special Meeting or an Emergency Meeting.

Article IX – Motions

Section 44 – Motions

- A. A Member may make a Motion that:
1. Affects the Meeting's procedures, as set out in this Procedures Bylaw; or
 2. Takes action on the matter that is currently before the Board for debate.
- B. A Member may make procedural Motions defined in Section 44(G):
1. At any time when the Member has the floor, or
 2. Subject to Section 44(B)(1), when the Board is considering a matter, a Member may only make Motions to adopt, amend, receive, defer or refer the matter, and may only do so when the Member has the floor.
- C. A Member may make a Motion, other than a procedural Motion defined in Section 44(G), if it is:

1. In writing in a form acceptable to the Head of Commission Services; and
 2. Signed by the Member making the Motion.
- D. Motions must be concise and unambiguous.
- E. A Member makes his or her Motion by reading it before:
1. Any Member speaks about the Motion;
 2. The Motion is debated; or
 3. The Motion is put to a vote.
- F. The Chair may refuse to recognize any Member who wishes to make a Motion that does not meet the requirements in Section 44(A)(B)(C)(D) or (E).
- G. The Board will consider the following procedural Motions in the following order:
1. Motion to Amend the order of business/agenda;
 2. Motion to adjourn;
 3. Motion to recess;
 4. Motion to End Debate;
 5. Motion to extend debate;
 6. Motion to limit debate;
 7. Motion to fix a time for a reconvened meeting;
 8. Motion to reopen;
 9. Motion to resolve into Committee of the Whole;
 10. Motion to Refer; and
 11. Motion to Defer.
- H. The following Motions are not in order:
1. A Motion that breaks the rules of the Procedures Bylaw; and
 2. A Motion on a matter beyond the Board's authority
- I. The Chair rules on whether motions are in order.

- J. The recommendations in the reports to the Board are the main Motions for the Board to debate and:
 - 1. Must be introduced;
 - 2. Are considered moved when they are announced; and
 - 3. Are considered adopted without amendment by consent, unless the Board decides otherwise.
- K. Only Notices of Motion and Motions without Notice require seconding. No other Motions require seconding.

Section 45 – Withdrawal of notice of motion from the Board

After a Member has made a Motion, the Member may only withdraw it with the consent of the Board.

Section 46 – Amendments

- A. A Motion to Amend has the effect of varying the main Motion.
- B. The amendment must relate to the main Motion, and cannot propose:
 - 1. A contrary action to the Motion it is proposing to amend; or
 - 2. A new or changed Board policy unless the subject of the proposed policy is the main Motion's subject.
- C. An amendment may propose that a different or additional action be taken on the subject matter of the main Motion provided it is directly relevant to the main Motion.
- D. An amendment is out of order if it is a substantive motion on other business beyond the subject matter of the main Motion.
- E. On an amendment, Members may only debate the merits of the amendment, not the merits of the Motion the amendment proposes to amend.
- F. An amendment to an amendment must relate to the amendment.
- G. An amendment may only be amended once.
- H. An amendment to an amendment is put to a vote before the amendment.
- I. Despite Section 46(H), when the amendment changes numbers, the numbers are put to a vote in ascending order dealing with the smallest number first.

Section 47 – Motion to Receive for Information

- A. A Motion to Receive for information has the effect of the Board taking no further action on a matter, or part of a matter, and placing it in the Head of Commission Services' records for future reference.
- B. A Motion to Receive for information may be made at any time during debate.
- C. A Motion to Receive for information:
 - 1. Is debatable; and
 - 2. Cannot be amended.

Section 48 – Motion to Defer

- A. A Motion to Defer has the effect of postponing consideration of a matter.
- B. A Member may make a Motion to Defer at any time during debate.
- C. A Motion to Defer is a procedural motion and takes precedence over any non-procedural motion or amendment.
- D. A Motion to Defer is put to a vote immediately after it is debated.
- E. A Motion to Defer includes:
 - 1. The time to which the matter is deferred, or a description of circumstances that cause the Motion to be brought back; and
 - 2. An explanation of the Motion's purpose.
- F. On a Motion to Defer, Members may only debate:
 - 1. The merits of deferring the matter; and
 - 2. The merits of the time or circumstances to which the matter is to be deferred under Section 48(E)(1).
- G. Members may speak about a Motion to Defer or question the mover about a Motion to Defer for up to two minutes.
- H. The only allowable amendments to a Motion to Defer are changing the time or circumstances to which the matter is deferred.
- I. A Member may question the member amending a Motion to defer for up to two minutes.
- J. A Motion to Defer applies to all Motions that have been made to that point in time, including all Motions that the Board has not yet debated.

- K. A Motion to Defer must be disposed of before debate on the main Motion may resume.
- L. A matter that the Board has deferred may only be brought back for debate before the time of circumstances to which it was deferred with an affirmative vote of two-thirds of the Members present.
- M. A Motion to Defer a matter includes a Motion to Refer that matter, so there will be only one debate for each matter before the Board.

Section 49 – Motion to Refer

- A. A Motion to Refer has the effect of requesting a TTC official, department or other body to investigate the matter and report back on the matter.
- B. A Member may make a Motion to Refer at any time during debate.
- C. A Motion to Refer is a procedural motion and takes precedence over any non-procedural motion or amendment.
- D. A Motion to Refer is put to a vote immediately after it is debated.
- E. A Motion to Refer includes:
 - 1. The name of the body, department or official to whom the matter is referred;
 - 2. The subject matter or question to be investigated;
 - 3. The time period within which the matter will be reported back to the Board; and
 - 4. Any additional information.
- F. On a Motion to Refer, Members may only debate:
 - 1. The merits of referring the matter;
 - 2. To whom the matter should be referred; and
 - 3. The time period within which the matter is to be reported back.
- G. Members may speak about a Motion to Refer or question about a Motion to Refer for up to two minutes.
- H. A Member may question a Member amending a Motion to Refer for up to two minutes.

- I. A Motion to Refer may apply to:
 - 1. The entire matter, including all Motions that have been made to that point in time; or
 - 2. Part of the matter, including specific Motions to Amend that have been made to that point in time.
- J. The Motion to refer under Section 50(I)(1) must be disposed of before debate on the main Motion resumes.
- K. A Motion to Refer a matter includes a Motion to Defer the matter, so that there will be only one debate for each matter before the Board.

Section 50 – Reconsideration

- A. Subject to Sections 50(B) and 50(C) once the Board decides a matter, no Member may make a Motion that would change the decision within the twelve- month period following the decision of the Board unless the Term of all of the Commissioners has expired.
- B. Subject to Section 50(C), A Member who voted with the prevailing side on a matter may make a Notice of Motion or Motion Without Notice to reconsider a matter originally decided. The Motion to reconsider a matter previously decided is not heard at the same Meeting as the Motion.
- C. A Member who voted with the prevailing side on a matter may make a Motion to reconsider the matter originally decided at the same Meeting at which the matter was originally decided and if passed, the matter may be reconsidered at the same Meeting.
- D. A Motion to reconsider made under Sections 50(B) or 50(C) requires the consent of the Board on a two-thirds vote of the Members present to pass.
- E. A Motion to reconsider a matter is:
 - 1. Not debatable; and
 - 2. May not be amended.
- F. A Motion to reconsider a matter, unless it specifies otherwise, opens the entire matter, and either:
 - 1. Amends the previous decision; or
 - 2. Cancels the entire previous decision.
- G. If a Motion to reconsider a matter passes, all previous decisions on the matter remain in force, unless the Board decides otherwise.

H. A Motion to reconsider a matter is a procedural motion.

Section 51 – Motion to adjourn Meeting

A. A Member who has the floor may make a Motion to adjourn any time during a Meeting except when another Member has indicated to the Chair his or her desire to speak on a matter before the Board.

B. A Motion to adjourn:

1. Is not debatable; and
2. Cannot be amended.

C. A Motion to adjourn will be put to a vote immediately.

D. A Motion to adjourn is a procedural motion.

Article X – Points of Order and Privilege

Section 52 – Points of Order and Privilege

A. If the Chair agrees, a Member may present a Point of Order at any time and must sit back down in his or her seat after doing so. The Board cannot debate or amend a Point of Order and the Chair immediately rules on the Point of Order and gives reasons for the Ruling.

B. If the Chair agrees, a Member may present a Point of Privilege at any time and must sit back down in his or her seat after doing so. The Board cannot debate or amend a Point of Privilege and the Chair immediately rules on the Point of Privilege and gives reasons for the Ruling.

C. Immediately following a Chair's Ruling, a Member may make a Motion to appeal that Ruling, despite another Member having the floor.

D. A Member cannot debate or amend a Motion to appeal the Chair's Ruling.

E. When a member makes a Motion to appeal, the Chair:

1. Asks the Members, "is the Ruling of the Chair upheld?"; and
2. Immediately puts the Motion to appeal to a vote.

F. A Chair's Ruling that is not appealed, or is supported on appeal, is final.

G. When the Chair's Ruling is not supported on appeal, the Board's decision is final.

H. If the Chair states or reads from the Procedures Bylaw, legislation, or another document of authority, the Chair has not made a Ruling and no Member may make a Motion to appeal.

- I. A Motion to appeal the Chair's Ruling is a procedural motion.

Article XI – Rules of Debate

Section 53 – Questioning

- A. The Chair maintains a list of Members who have indicated they wish to ask questions on a matter.
- B. With the consent of the Board, Members may question officials of the TTC or other bodies on any matter.
- C. A Member's questions asked under Section 53(B), and their answers may not exceed a total of five minutes on any matter.
- D. A Member may ask questions under Section 53(B) only:
 - 1. To clarify the main Motion; and
 - 2. Obtain facts related to the main Motion.
- H. A Member may ask questions of the previous speaker only:
 - 1. If the previous speaker makes a Motion; and
 - 2. To clarify the Motion made by the previous speaker.
- E. A Member's questions asked under Section 53(E), and their answers to them, may not exceed a total of three minutes.
- F. When the Chair, Member, an official of the TTC or an official of another body is on the floor to answer questions under Section 53(B) or (E), any Member may ask them questions.
- G. Members may ask questions on a matter only once each under Section 53(B) and (E).
- H. Questions must be clear and concise and may not be used to make statements or assertions.
- I. The Chair may rule a question out of order if a Member has already asked substantially the same questions in the same form.
- J. All questioning on a matter is finished before debate on the matter begins except for questions of the previous speaker under Section 53(E).

Section 54 - Order of Speakers

A. The Chair:

1. Keeps a list of Members who have requested to speak on a matter; and
2. During debate, calls them to speak in the order of the list.

B. Every Member, presenter or official addresses the Chair when questioning or speaking.

C. Members may speak only once on a matter during debate of the matter.

D. A Member may speak on a matter for up to five minutes, but the Board may consent to extend that time for up to two more minutes.

E. Unless acknowledged by the Chair to raise a Point of Order or a Point of Privilege, a Member cannot interrupt a Member who is speaking.

F. The Chair may not speak on a matter, question TTC officials or other Members or make any Motions while in the chair.

G. If the Chair leaves the chair for any reason, Section 26(C) applies.

Section 55 – Right to be heard

Every Member has an opportunity to speak on a Motion before it is put to a vote, unless a Motion to adjourn has passed.

Section 56 – Request to read motion

Any Member may request that a Motion be read or re-read any time during debate of the Motion, as long as the request does not interrupt a Member speaking.

Article XII - Voting

Section 57 – Chair reads the motion

When necessary, the Chair reads each Motion before putting it to a vote.

Section 58 – Members present duty to vote

A. Every Member present at a Meeting must vote on every matter put to a vote, except any Member who declares a conflict of interest and removes himself or herself from the vote.

B. The Head of Commission Services records as voting in the negative any Member present at a Meeting who does not vote, except a Member who has declared a conflict of interest.

C. Unless the Procedures Bylaw specifies otherwise, a Motion passes when a majority of Members present vote for it.

- D. A Motion does not pass if the same number of Members vote for it as against it.

Section 59 – Order of motions for voting

- A. Unless decided otherwise by the Board, and subject to Section 59(B), the Chair, in consultation with the Head of Commission Services, lists all Motions on a matter for voting in the following order:
1. Motion to Refer;
 2. Motion to Defer;
 3. Motion to Receive;
 4. Motion to Amend, dealing with an amendment to an amendment immediately before the amendment it proposes to amend;
 5. Main Motion, or the main Motion as amended, if any amendments have carried; and
 6. Separating the vote on the “main Motion, as amended” into more than one part, which may only be done to comply with the *Municipal Conflict of Interest Act*.
- B. Despite Section 59(A), when an amendment changes numbers, the amendments are put to a vote in ascending order dealing with the smallest number first.

Section 60 – Dividing motions into parts

- A. If a matter under consideration contains distinct propositions, a Member may request that Members vote on each proposition separately.
- B. If the Chair agrees that the matter contains distinct propositions, the Chair will rule that Members vote on each proposition separately.

Section 61 – Voting Procedures

- A. Members must:
1. Be in their seats when the Motion is put to a vote; and
 2. Be silent and remain in their seats until the Chair announces the result of the vote.
- B. When necessary, the Chair reads the Motion.
- C. When the Motion is put to a vote, a Member may not speak on, or make a Motion on, the matter.

- D. Subject to Section 62(C), Members vote by a show of hands.
- E. The Chair or the Head of Commission Services declares the result of the vote.

Section 62 – Recorded votes

- A. A Member may request a Recorded Vote on any matter and must make the request immediately before or after the vote is taken.
- B. If the request for a Recorded Vote is made immediately after the vote is taken, the first vote is nullified and a second Recorded Vote must be held.
- C. When a Member requests a Recorded Vote, the Head of Commission Services records the name and vote of every member on the matter.

Article XIII - Committee of the Whole

Section 63 – Motion to go into Committee of the Whole

- A. A Motion to resolve into the Committee of the Whole:
 - 1. May be made at any time, for the purposes as set out in Section 64(B);
 - 2. Is not debatable; and
 - 3. Cannot be amended
- B. The Board resolves itself into the Committee of the Whole to consider a matter to be considered in a Closed Meeting under Section 29.

Section 64 – Chair of Committee of the Whole

Whenever the Board resolves into Committee of the Whole, the Chair or Acting Chair, as determined in accordance with Section 26, chairs the Committee of the Whole Meeting.

Section 65 – Appointment of Acting Chair

The Chair may designate the Vice-Chair or another Member present as Acting Chair during any part of a Meeting of the Committee of the Whole when he or she leaves the chair for any reason.

Section 66 – Equality of votes

The Chair of the Committee of the Whole is entitled to one vote as a Member of the Committee of the Whole, and if there is an equality of votes on any Motion it is deemed to be lost.

Section 67 – Observance of rules governing procedures of the Board

The rules as set out in this Procedures Bylaw are observed in the Committee of the Whole, so far as they are applicable, provided that:

- A. The Chair may participate in debate from the chair;
- B. Subject to Section 67(C), Members may speak or ask questions again on any matter.
- C. Members may speak or ask questions only once each until every Member who wishes to speak has done so; and.
- D. A majority vote decides any matter the Committee of the Whole debates.

Section 68 – Confirmation of reports; amendments

A report adopted in the Committee of the Whole, save and except for those matters as set out in Section 29, are put to the Board for adoption, and is subject to amendment by the Board.

Section 69 – Absence of the Public

Subject to Section 29, the Chair may refuse to permit any member of the public or employee of the TTC from attending any part of a Committee of the Whole during any portion of the Meeting.

Section 70 – Public Presentations

If the Committee of the Whole decides to hear Public Presentations, the rules for Public Presentations as set out in this Procedures Bylaw apply.

Article XIV – Term of Office

Section 71 – Vice-Chair

- A. The Vice-Chair shall be appointed by from among the Citizen Members in accordance with this Procedures Bylaw and any applicable City bylaw and shall no longer serve as Vice-Chair upon:
 - 1. Resignation;
 - 2. Expiration of the Term of Council;
 - 3. Expiration of his or her Term; or
- B. The majority vote of all Members, provided that notice of at least one scheduled Meeting has been provided. A Meeting in which the removal of a Vice-Chair is on the agenda shall not be held on the same day in which a Meeting has occurred in which the notice of removal of the Vice-Chair has been given.
- C. If the Vice-Chair is removed in accordance with Section 71(A)(I), the removal takes place effective upon the date of resignation. If the Vice-Chair is removed in accordance with Section 71(A)(2) or (3) it takes place immediately.