



Amendments to the Bylaw to Govern TTC Board Meeting Proceedings to Enable Electronic Participation During an Emergency

Date: May 13, 2020
To: TTC Board
From: Director – Commission Services

Summary

The purpose of this report is to seek approval to amend the TTC's Bylaw to Govern Board Meeting Proceedings by adding a new section 22.1 to allow electronic participation by members of the Board in meetings during any period in which an emergency has been declared in all or part of the City of Toronto under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*.

Recommendations

It is recommended that the TTC Board:

1. Approve the proposed amendments to the Bylaw to Govern TTC Board Meeting Proceedings to provide for electronic participation during an emergency declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, attached as Appendix 1.

Financial Summary

The solution to provide broadcasting of the electronic Board meeting is approximately \$2,500 for a two-hour meeting, with \$1,250 charged for each additional hour thereafter. Other than the cost to broadcast, there is no charge for the WebEx service itself as the TTC will be leveraging the City of Toronto's WebEx service to host the meeting. Additional ancillary costs for testing and training may also be incurred. All costs incurred will be accounted for as unbudgeted COVID-19 expenses.

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

Equity/Accessibility Matters

Notice of meetings of the TTC Board is provided in the form of a meeting agenda posted on the TTC's website.

Meetings of the TTC Board are livestreamed and archived on the TTC's YouTube channel (www.youtube.com/OfficialTTCChannel). The YouTube platform provides closed captioning on archived video content.

Decision History

At its meeting on April 11, 2019, the TTC Board approved amendments to the Bylaw to Govern TTC Board Meeting Proceedings in response to changes to the *City of Toronto Act, 2006* and required general housekeeping amendments. Provisions for electronic participation, although permitted by the *City of Toronto Act*, were not included in the Bylaw update or recommended by staff for a number of reasons as outlined in the report, namely:

- Restrictions in the *City of Toronto Act* that do not permit members participating electronically to count towards quorum or to participate in closed sessions.
- Lack of clarity in the *City of Toronto Act* related to voting, moving or seconding motions and requests for recorded votes.
- Accountability and transparency to the public; members are able to be most accountable and transparent to the public when physically present at meetings and actively able to participate in all items on the agenda.
- General considerations, including but not limited to: technology requirements, costs, meeting management requirements.

[Bylaw to Govern TTC Board Meeting Proceedings - Update](http://ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2019/April_11/Reports/5_Bylaw-to_Govern_TTC_Board_Meeting_Proceedings_Update_Suppl.pdf)

(http://ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2019/April_11/Reports/5_Bylaw-to_Govern_TTC_Board_Meeting_Proceedings_Update_Suppl.pdf)

On March 19, 2020, the Province enacted the *Municipal Emergency Act, 2020* (Bill 187) (<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-187>) which amends the *Municipal Act, 2001* and the *City of Toronto Act, 2006* to expand on the existing provisions contained in each Act for electronic participation by allowing a member of City Council, of a local board of the City or of a Committee of either of them who is participating electronically to be counted towards quorum and participate in any portion of a meeting that is closed to the public.

On April 30, 2020, City Council considered a report entitled Amendments to Procedures to Enable Remote Electronic Participation in Meetings during an Emergency (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC20.1>) City Council adopted a recommendation to

Issue Background

On March 17, 2020, due to the growing public health concerns surrounding the novel coronavirus (COVID-19), the Premier of Ontario declared a province-wide emergency under Section 7.0.1 of the *Emergency Management and Civil Protection Act*. Since that time, the Province has mandated the closure of a number of public facilities and privately-owned establishments and prohibited all organized events with attendance of more than 50 people. On March 28, 2020, a new emergency order was issued that further prohibited organized public events and social gatherings of more than five people.

On March 23, 2020, Mayor John Tory declared an emergency in Toronto under section 4 of the *Emergency Management and Civil Protection Act* and section 59-5.1 of the City of Toronto Municipal Code Chapter 59, Emergency Management, due to the risk to the health of the residents of the City of Toronto arising from the spread of COVID-19 and its presence within the City.

Comments

COVID-19 measures in the City of Toronto limit public gatherings

Meetings of the TTC Board are held at City Hall, or less commonly, at the TTC Head Office. As part of the City of Toronto's COVID-19 measures, the City closed all City buildings, including City Hall, to the public. The TTC Head Office at 1900 Yonge Street has also been closed to the public.

Toronto's Medical Officer of Health is recommending physical distancing as a way to minimize COVID-19 transmission in the community. Physical distancing measures include:

- Keeping 2 metres (6 feet) apart from others
- Avoiding mass gatherings
- Avoiding crowds

These limitations on the assembly of people and the strong recommendations from health professionals and all orders of government that residents stay home and only go out for essential needs, present a challenge to holding legislative meetings in accordance with current procedures.

Bill 187, the *Municipal Emergency Act, 2020* and conducting electronic Board meetings

On March 19, 2020, the Province passed the *Municipal Emergency Act, 2020* ('the Act'), amending the *City of Toronto Act, 2006* to allow for remote participation in municipal council and local board meetings during a declared provincial and/or municipal emergency. The TTC Board is considered a local board under the *City of Toronto Act*.

The Act permits local boards to adopt procedural by-law amendments allowing members to participate in open and closed meetings electronically and to be counted for quorum when doing so during declared emergencies.

The Act also permits a local board to call and hold a special meeting in which electronic participation may be counted to determine quorum, for the purpose of amending its procedural by-law to incorporate the new electronic meeting rules during declared emergencies.

Under the current circumstances, there is no requirement for local boards to seek Council's approval for procedural by-law amendments.

Nothing in the Act changes the requirement for meetings to be open to the public, including:

- Duty to give notice of meetings
- Requirement to meet in public
- Requirement to provide for public participation
- Limitations on closed sessions
- Requirement to start and end meetings in public
- Requirement to pass a motion stating the nature of the matter and the statutory exemption relied upon before closing a meeting to the public
- Prohibition on voting in closed session
- Prohibition on secret balloting.

Changes to the TTC's Bylaw to Govern Board Proceedings

This report proposes that the bylaw be amended by adding a new section 22.1 (Electronic Participation, Emergencies) to include provisions for electronic meetings during a stated emergency, as follows:

Section 22.1 – Electronic Participation, Emergencies

In accordance with section 189 (4.2) of the Act, and notwithstanding anything to the contrary in this Procedures Bylaw, the following provisions shall apply during any period in which an emergency has been declared in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*.

- A. The Board and any Committee may hold a meeting in which Members can participate electronically;
- B. Any Member participating electronically shall be counted in determining quorum;
- C. Any Member participating electronically can participate in the portion of the Meeting closed to the public as set out in section 29 of this Procedures Bylaw;
- D. The Board or Committee may prohibit persons from attending a Meeting in person provided that the Meeting is made available to the public through electronic means;

E. The Head of Commission Services shall have the authority to waive compliance with any provision of this Procedures Bylaw in order for the Board to conduct its business as effectively and efficiently as possible.

Proposed operations for electronic meetings

As per usual, the TTC's Commission Services Department will provide the necessary support for meetings of the TTC Board held by electronic means.

Board members, TTC staff and any external participants required to support the agenda will use WebEx conference technology as the means of electronic participation. In order to ensure that meetings of the Board continue to be open to the public, open sessions of the meeting will be broadcast in real-time on the TTC's YouTube channel so that the public may observe the meeting. The URL for the TTC's YouTube channel (www.youtube.com/OfficialTTCChannel) will be included on the meeting agenda.

After calling the meeting to order, the Chair will direct the Director – Commission Services to conduct a roll call to identify the Board Members participating electronically and to ensure that a quorum is present.

During the meeting, the Chair will ask each Member if they wish to ask questions of staff or wish to speak, in an order of the Chair's choosing, so long as each Member has had an opportunity to question or speak before a second round begins. No changes to speaking times are being contemplated, however the Board may move a motion to reduce the speaking time for Members at the beginning of the meeting in accordance with the Procedure Bylaw.

Members, TTC staff and any external participants are requested to state their name prior to speaking, for the benefit of all meeting participants and observers.

Members are able to provide draft motions to the Director - Commission Services or their designate and seek drafting assistance via email. Members are requested to read their motions aloud when placing them.

The Chair will ask the Director - Commission Services to repeat aloud or display each motion and any staff recommendation prior to taking the vote.

Every vote taken will be a recorded vote.

Should a closed session be required, each individual participating in the closed session is responsible for ensuring that no other persons will see or hear any of the confidential portion of the meeting. The Director – Commission Services will ensure that the YouTube livestream is disconnected and no longer broadcasting and remove any persons not required in the closed session from the WebEx session. Ensuring confidentiality of a closed session may result in brief delays in the meeting.

At this time, in-person Public Presentations (deputations) are not practical due to restrictions on public gatherings, social distancing requirements and the closure of City Hall and the TTC Head Office to the public. In order to accommodate public

participation on the agenda, deputations will be conducted by phone. When registering to speak on an agenda item, deputants are requested to provide a telephone number where they can be reached. Public Presentations must still comply with Sections 12 and 13 of the Bylaw to Govern TTC Board Proceedings. The meeting host will call the deputant when the item that they wish to speak on is being considered. At this time, PowerPoint or other visual presentations can not be supported.

Written communications are encouraged. Written communications related to an item on an agenda for an Electronic meeting shall be received in accordance with Section 17 of the Bylaw to Govern TTC Board Proceedings. Written submissions should be submitted via email to gso@ttc.ca. Written communications will be distributed to all Board Members by email before, during or after the electronic meeting, subject to the time of receipt by the Commission Services Department.

If a Board member becomes disconnected from the meeting, the Director – Commission Services may recommend to the Chair that a brief recess be taken in order to re-establish the connection. The Chair may also decide to continue the meeting and treat the absence in the same manner as if the Board Member left the room during a physical Board meeting. If quorum is lost as a result of the disconnection, the meeting will recess until the Director – Commission Services can confirm that quorum has been achieved once again. If quorum can not be achieved for any reason after all reasonable efforts are made to re-establish a connection, the Director – Commission Services will advise Board Members of the time that the meeting was adjourned and any remaining business will be carried over to a future meeting.

The Special Board Meeting on May 13, 2020 will be the first time that a TTC Board meeting is held using remote electronic participation. The Director – Commission Services, in consultation with the Chair and the Chief Executive Officer, may refine and propose alternate options for meeting operations which can be implemented at future meetings held during a declared emergency.

Housekeeping Amendment

The proposed bylaw amendment also updates the title of the Head of Commission Services to Director – Commission Services throughout in order to align with restructuring of the Commission Services department. This amendment does not change the intent of the bylaw.

Contact

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Signature

A handwritten signature in dark ink, appearing to be 'KL' with a stylized flourish.

Kevin Lee
Director – Commission Services

Attachments

Attachment 1 – Bylaw to Govern TTC Board Proceedings

Attachment 1

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

“Director - Commission Services” – the Director - Commission Services of the Toronto Transit Commission or his/her designate

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

“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 Director - 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 Director - 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 Director - 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

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.

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 Director - 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.

Any special rules adopted under Section 6(A), are considered part of the Procedures Bylaw.

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 Director - 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 Director - 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 Director - Commission Services determines the personal information contravenes the *Municipal Freedom of Information and Protection of Privacy Act*.
- C. If the Chair or the Director - Commission Services thinks that a TTC official should consider any communication before the Meeting:
 1. The Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - Commission Services.
- B. If the Director - Commission Services receives a petition that the majority of Members signed requesting a Special Meeting of the Board, the Director - 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 Director - Commission Services.
- D. Once a petition under Section 21(B) is given to the Director - 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 Director - 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 Director - Commission Services personally before the Meeting begins.

Section 22.1 - Electronic Participation, Emergencies

In accordance with section 189(4.2) of the Act, and notwithstanding anything to the contrary in this Procedures Bylaw, the following provisions shall apply during any period in which an emergency has been declared in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*:

- A. The Board and any Committee may hold a Meeting in which Members can participate electronically;
- B. Any Member participating electronically shall be counted in determining quorum;
- C. Any Member participating electronically can participate in the portion of the Meeting closed to the public as set out in section 29 of this Procedures Bylaw;
- D. The Board or Committee may prohibit persons from attending a Meeting in person provided that the Meeting is made available to the public through electronic means;
- E. The Board or Committee may require that all Public Presentations be received in writing only and are submitted to the Director - Commission Services prior to the start of the Meeting; and
- F. The Director - Commission Services shall have the authority to waive compliance with any provision of this Procedures Bylaw in order for the Board to conduct its business as effectively and efficiently as possible.

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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - Commission Services that he or she wishes to apologize, the Director - 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 – Director - Commission Services' Responsibilities

- A. The Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - Commission Services as the Chair or the Members may direct.

Section 38 – Matters to be held for consideration

- A. Members may submit to the Director - 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 Director - 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 Director - 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 Director - 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 Director - Commission Services at least one hour before the Board Meeting.
- C. The Director - 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 Director - Commission Services at least one hour before the Meeting and the Director - 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 Director - 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 Director - 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 Director - Commission Services a supplementary agenda will be prepared when Notices of Motion in final form are submitted to the Director - 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 Director - 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 Director - Commission Services by noon of the Business Day preceding the Meeting.
- C. The Director - 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 Director - Commission Services agrees that the Motion without Notice relates to an Urgent Matter, the Director - Commission Services lists the Motion without Notice on the agenda. If the Director - Commission Services determines that the Motion without Notice is not related to an Urgent Matter, the Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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 Director - 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)(1), 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.