City of Hamilton

GOVERNANCE REVIEW SUB-COMMITTEE REVISED

Meeting #: 18-003
Date: June 26, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Angela McRae, Legislative Coordinator (905) 546-2424 ext. 5987

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1. SELECTION OF A VICE CHAIR

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 April 5, 2018

5. DELEGATION REQUESTS

5.1 Cameron Kroetsch, respecting amendments to By-law 14-300 (For today's meeting)

*5.2 Joey Coleman, respecting the Procedural By-law (For today's meeting)

*5.3 Craig Burley, respecting certain legal, governance and procedural aspects of the proposed Procedural By-law (For today's meeting)

*5.4 Cam Galindo, respecting the City's new Procedural By-law (For today's meeting)

*5.5 Karl Andrus, respecting the proposed changes to the Procedural By-law (For today's meeting)

6. CONSENT ITEMS

7. PUBLIC HEARINGS / DELEGATIONS

7.1 Cameron Kroetsch, respecting amendments to By-law 14-300 (Pending approval of Item 5.1)

*7.2 Joey Coleman, respecting the Procedural By-law (Pending approval of Item 5.2)

*7.3 Craig Burley, respecting certain legal, governance and procedural aspects of the proposed Procedural By-law (Pending approval of Item 5.3)

*7.4 Cam Galindo, respecting the City's new Procdural By-law (Pending approval of Item 5.4)

*7.5 Karl Andrus, respecting the proposed changes to the Procedural By-law (Pending approval of Item 5.5)

8. STAFF PRESENTATIONS

9. DISCUSSION ITEMS

9.1 Review of the City's Procedural By-law Amendments (CL18007 / LS18039) (City Wide)

Due to bulk, Appendix "A" is only available online.

10. MOTIONS

10.1 Future Council Vacancy - Office of Councillor Ward 7

Referred to the Governance Review Sub Committee by Council on June 13, 2018

10.1.a Council Vacancy - Office of Councillor Ward 7 (CL18008) (Ward 7)

11. NOTICES OF MOTION

12. GENERAL INFORMATION / OTHER BUSINESS

13. PRIVATE AND CONFIDENTIAL

14. ADJOURNMENT

Hamilton

MINUTES 18-002

GOVERNANCE REVIEW SUB-COMMITTEE
Thursday, April 5, 2018
2:00 p.m., Room 264
Hamilton City Hall

Present: Councillors M. Pearson (Chair), L. Ferguson, A. VanderBeek, and M. Green

Absent: Councillor J. Partridge

Also in Attendance: Councillor T. Whitehead

THE FOLLOWING ITEMS WERE REFERRED TO THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE:

1. Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens (LS18002)(City Wide)(Item 8.1(a))

(Ferguson/VanderBeek)

(a) That the City of Hamilton appoint a maximum of two members to the board of directors of the Royal Botanical Gardens, to be comprised of elected officials and/or citizens.

(b) That the Mayor and City Clerk be authorized to execute a Memorandum of Understanding between the City of Hamilton and the Royal Botanical Gardens on terms satisfactory to the City Solicitor to provide for the appointment of a maximum of two members to the board of directors of the Royal Botanical Gardens by the City, subject to The Regional Municipality of Halton entering into a similar agreement with the Royal Botanical Gardens to reduce the number of representatives Halton appoints to the board of directors to a maximum of two members.

CARRIED

2. Correspondence from George Rust-D'Eye, Integrity Commissioner and Lobbyist Registrar to the City of Hamilton, respecting the Code of Conduct for Members of Council - Proposed Amendment (Item 8.2)

(Green/Ferguson)

(a) That the Council amend its By-law No. 16-290, to delete sections 8(2), 8(3)(a), (b), and (c) and 8(4), there from;

(b) That the appropriate form of draft By-law Amendment be introduced in Council to give effect thereto;

(c) That the City Solicitor examine the background information on the current Accountability and Transparency Policy;

(d) That the Integrity Commissioner and the City Solicitor work together to bring a written report back to GIC; and

(e) That staff provide Councillors two weeks advanced notice of the presentation of the report, to allow Councillors to prepare questions related to the Accountability and Transparency Policy addressed by the report.

Main Motion as *Amended* CARRIED

3. 2019 Committee / Council Calendar (Item 8.3)

(Ferguson/VanderBeek)
That the 2019 Council / Committee Calendar, be approved ***as amended***, as follows:

(a) That the December 11, 2019 Council meeting be held at 9:30 a.m.; and

(b) That staff refrain from booking Committee Meetings during the week of March 4, 2019.

Main Motion as *Amended* CARRIED

4. Electronic Participation at Council and/or Committee Meetings (CL18002) (City Wide) (Item 8.4)

(VanderBeek/Green)
That staff be directed to prepare the necessary provision in the Procedural By-law to prohibit electronic participation at Council and/or Committee Meetings at this time.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

(Ferguson/Green)

That the April 5, 2018 Agenda of the Governance Review Sub-Committee be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

January 31, 2018 (Item 3.1)

(Ferguson/Green)
That the Minutes of the January 31, 2018 meeting of the Governance Review Sub-Committee, be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Mark Runciman, Chief Executive Officer, and Ruth Lee, Chair, Royal Botanical Gardens, respecting proposed changes to RBG Governance Model, follow up to RBG's presentation to GIC (for today's meeting) (Item 4.1)

(Green/VanderBeek)
That the delegation request from Mark Runciman, Chief Executive Officer, and Ruth Lee, Chair, Royal Botanical Gardens, respecting proposed changes to RBG Governance Model, follow up to RBG's presentation to GIC, be approved for today's meeting.

CARRIED

(e) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Mark Runciman, Chief Executive Officer, and Ruth Lee, Chair, Royal Botanical Gardens, respecting proposed changes to RBG Governance Model, follow up to RBG's presentation to GIC (for today's meeting) (Added Item 6.1)

(Ferguson/VanderBeek)
That the delegation from Mark Runciman, Chief Executive Officer, and Ruth Lee, Chair, Royal Botanical Gardens, respecting proposed changes to RBG Governance Model, follow up to RBG's presentation to GIC, be received.

CARRIED

For further disposition of this matter, refer to Item 1.

(f) DISCUSSION ITEMS (Item 8)

(i) Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens (LS18002b) (City Wide) (Item 8.1)

(Ferguson/VanderBeek)
That Report LS18002b, respecting Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens, be received.

CARRIED

(ii) Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens (LS18002) (City Wide) (Item 8.1(a))

(Ferguson/VanderBeek)
That Report LS18002 respecting a Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens, be lifted from the table for consideration.

CARRIED

For disposition of this matter please refer to Item 1.

Councillor Green wished to be recorded as OPPOSED.

(iii) Correspondence from George Rust-D'Eye, Integrity Commissioner and Lobbyist Registrar to the City of Hamilton, respecting the Code of Conduct for Members of Council - Proposed Amendment (Item 8.2)

(Green/Ferguson)

(c) That the City Solicitor examine the background information on the current Accountability and Transparency Policy;

(d) That the Integrity Commissioner and the City Solicitor work together to bring a written report back to GIC; and

(e) That staff provide Councillors two weeks advanced notice of the presentation of the report, to allow Councillors to prepare questions related to the Accountability and Transparency Policy addressed by the report.

***Amendment* CARRIED**

(iii) 2019 Council / Committee Calendar (Item 8.3)

(Ferguson/VanderBeek)

(a) ***That the December 11, 2019 Council meeting be held at 9:30 a.m.; and***

(b) ***That staff refrain from booking Committee Meetings for the week of March 4, 2019.***

Amendment **CARRIED**

Councillor Green wished to be recorded as OPPOSED to sub-section (b).

For disposition of this matter please refer to Item 3.

(g) MOTIONS (Item 9)

(i) Parental Leave for Elected Officials (Item 9.1)

Councillor Green TABLED the following motion:

WHEREAS, the Hamilton Municipal Election is scheduled for October 22, 2018;

WHEREAS, systemic and structural barriers and current Council bylaws deter a diverse range of Council candidates to seek elected office;

WHEREAS, the Council chambers have been used three times in the past 12 months to build civic leadership and discuss participation of under-represented people including first nation, racialized people, women, non-binary individuals and youth in policy development, implementation and Council decision making;

WHEREAS, the absence of a full paid leave for pregnancy, childbirth and adoption for elected officials being in place poses a specific barrier for women, non-binary individuals, and young people from pursuing elected office;

WHEREAS, Bill 68 has been given Royal Assent by the Government of Ontario and has amended the *Municipal Act to* ~~mandate municipalities~~ provide up to 20 weeks leave for municipal Councillors for pregnancy, child birth, and adoption;

WHEREAS, Bill 68 also stipulates that municipalities are required to adopt and maintain a policy with respect to Pregnancy Leave and Parental Leave for Members of Council by March 1, 2019;

WHEREAS, a paid parental leave bylaw for Councillors will help ensure a diverse range of Council candidates participate in our democratic process.

THEREFORE BE IT RESOLVED:

That City staff report back to City Council before the 2018 Municipal Election with a draft parental leave bylaw which establishes the following: 20 weeks leave for pregnancy, child birth and adoption for elected officials with full salary, benefits, and compensation and a procedure for representation during leave wherein the Councillor on leave will determine the best approach for providing interim coverage.

(ii) City of Hamilton's Indemnification Policy (Item 9.2)

Councillor Green introduced his motion respecting the City of Hamilton's Indemnification Policy, and it was not seconded.

(h) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – January 31, 2018 (Item 12.1)

(Ferguson/VanderBeek)

(a) That the Closed Session Minutes of the January 31, 2018 Governance Review Sub-Committee meeting, be approved as presented; and

(b) That the Closed Session Minutes of the January 31, 2018 Governance Review Sub-Committee meeting, remain confidential.

CARRIED

(i) ADJOURNMENT (Item 13)

(Green/Ferguson)
That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 3:43 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson, Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

5.1

Form: Request to Speak to Committee of Council
Submitted on Tuesday, April 3, 2018 - 9:57 am

==Committee Requested==
Committee: Advisory/Sub-Committee
Name of Sub-Committee: Governance Review Sub-Committee

==Requestor Information==
Name of Individual: Cameron Kroetsch

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:

I am requesting to speak at the June 26, 2018 meeting of the Governance Review Sub-Committee about amendments to By-law 14-300. As I understand it, amendments to this By-law are being presented by staff to the Sub-Committee on June 26. If this should change please let me know so I amend my request to attend the appropriate meeting.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

5.2

Form: Request to Speak to Committee of Council
Submitted on Friday, June 22, 2018 - 12:43 pm

==Committee Requested==
Committee: Audit, Finance and Administration Committee

==Requestor Information==
Name of Individual: Joey Coleman

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Procedural Bylaw at Governance Committee

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

5.3

Form: Request to Speak to Committee of Council
Submitted on Friday, June 22, 2018 - 1:06 pm

==Committee Requested==
Committee: Advisory/Sub-Committee
Name of Sub-Committee: Governance Review Sub-Committee

==Requestor Information==
Name of Individual: Craig Burley

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I would like to speak regarding certain legal, governance and procedural aspects of the Proposed Procedural By-Law, item 9.1 from the Agenda.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

5.4

Form: Request to Speak to Committee of Council
Submitted on Sunday, June 24, 2018 - 10:56pm

==Committee Requested==

Committee: Advisory/Sub-Committee

Name of Sub-Committee: Governance Review Sub-Committee

==Requestor Information==

Name of Individual: Cam Galindo

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Regarding serious concerns pertaining to the city's new procedural by-law to govern the proceedings of Council and Committees of Council

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

5.5

Form: Request to Speak to Committee of Council
Submitted on Sunday, June 24, 2018 - 1:18pm

==Committee Requested==
Committee: Advisory/Sub-Committee

Name of Sub-Committee: Governance Review Sub-Committee

==Requestor Information==

Name of Individual: Karl Andrus

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To speak Re: proposed changes

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

CITY OF HAMILTON
Corporate Services Department
Clerk's Office and Legal Services

TO:	Governance Review Sub Committee
COMMITTEE DATE:	June 26, 2018
SUBJECT/REPORT NO:	Review of the City's Procedural By-law Amendments CL18007/LS18039 (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon Ext. 4304
SUBMITTED BY:	Janet Pilon Acting City Clerk Office of the City Clerk Nicole Auty, City Solicitor Legal Services
SIGNATURES:	

RECOMMENDATION

(a) That a new By-law to Govern the Proceedings of Council and Committees of Council substantially in the form attached as Appendix 'A' to Report CL18007/LS18039, be enacted by Council; and

(b) That Council repeal the By-law to Govern the Proceedings of Council and Committees of Council, being By-law 14-300, as amended.

EXECUTIVE SUMMARY

The Legislative Team and Legal Services staff throughout the 2014 – 2018 term of Council have been noting occurrences where the Procedural By-law was lacking in clarity; was silent; conflicted with other sections of the by-law; required revisions, etc., and revisions to the procedural by-law have been prepared to address those issues and changes to the Municipal Act since By-law 140299 was drafted.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: There are no financial implications.
Staffing: There are no staffing implications.
Legal: Section 238(2) of the Municipal Act, 2001, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

HISTORICAL BACKGROUND (Chronology of events)

The current Procedural By-law, being By-law No. 14-300, as amended, was passed on September 24, 2014 and amended by By-law 16-289 on October 26, 2016.

The Procedural By-law is reviewed by staff prior to the end of each Council term and proposed amendments are presented to the Governance Review Sub-Committee for consideration.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Some of the revisions that have been proposed are a result of the amendments made to various Acts, including the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act, 1990*, during the 2014 – 2018 Term of Council.

RELEVANT CONSULTATION

Clerks and Legal Services staff worked together in preparing the proposed amendments to the Procedural By-law. Staff also considered the suggestions made by Mr. Cameron Kroetsch in accordance with the direction of the Governance Review Sub-Committee.

ANALYSIS AND RATIONALE FOR RECOMMENDATION (Include Performance Measurement/Benchmarking Data if applicable)

The City's current Procedural By-law, as approved by Council in 2014, required revisions in order to incorporating the changes to various Acts and to address areas that needed clarity and updating.

A summary of the changes proposed has been included as Appendix 'B' to Report CL18007/LS18039.

The proposed changes include Council's direction with respect to time limits during debate and the amendments required as per Bill 68 with respect to Conflict of Interest Declarations in effect March 1, 2019; the revisions to closed meetings and Electronic participation at Council and/or Committee meetings.

Changes are also proposed to provide for procedures for the cancellation of a Council or Committee meeting, the reconsideration of a matter decided within a Standing Committee meeting and for special Standing Committee meetings; to add Ceremonial Activities and Communication Items to the Standing Committee Order of Business and to stipulate the conditions when dispensing with notice would be acceptable.

The definition and procedures respecting "Friendly Amendments"; the order and decorum of everyone in attendance at a Council/Committee meeting and the instances of when a delegation is to present only 'new' information or when a request is received which would not be in order are included for the Committee's consideration.

ALTERNATIVES FOR CONSIDERATION

(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)

None.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation
Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Our People and Performance
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix 'A' – Proposed Draft Procedural By-law

Appendix 'B' – Summary of the Proposed Revisions

Appendix A to Report CL18-007/LS18039

Authority:

Bill No. _____

CITY OF HAMILTON

BY-LAW NO. _____

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

WHEREAS Section 238 of the *Municipal Act, 2001* requires that Council of the City of Hamilton adopt, by By-law, procedures governing the calling, place, and proceedings of meetings; and

WHEREAS, the Council of the City of Hamilton, in adopting _____ of Audit, Finance and Administration Committee Report _____ on _____ recommended that Procedural By-law 14-300 be repealed and replaced;

NOW THEREFORE, BE IT RESOLVED, the Council of the City of Hamilton enacts as follows:

INDEX

TITLE	SECTION	PAGE
Definitions	**1**	**3**
Application	**2**	**6**
Council Meetings	**3**	**6**
First Council Meeting	3.1	6
Regular Council Meeting Times	3.2	7
Location of Meetings	3.3	7
Special Meetings of Council	3.4	7
Meetings of Council for Emergencies	3.5	8
Cancellation of a Council Meeting	3.6	8
Quorum	3.7	9
Remedy for Lack of Quorum	3.8	9
Delegations	3.9	10
Communication Items	3.10	10
Order of Business	3.11	10
Rules of Debate	3.12	11
Relinquishing the Chair	3.12(10)	12
Motion Procedures	3.13	12
Notice of Motion	3.13(12)	13
Dispensing with Notice	3.13 (13)	14
Motion to Withdraw	3.13 (14)	14

Motion to Amend	3.13(15)	14
Motion to Table	3.13(16)	14
Motion to Defer	3.13(17)	15
Motion to Refer	3.13(18)	15
Motion to Adjourn	3.13(19)	15
Motion to Call the Question	3.13(20)	15
Motion to Reconsider a Matter Decided by Council	3.13(21)	16
Order of Procedural Motions	3.13(22)	16
Non-Debatable Motions	3.13(23)	17
Motion to Suspend the Rules of Procedure	3.13(24)	17
Motion Beyond Jurisdiction of Council	3.13(25)	17
Bills and By-laws	3.14	17
Editorial and Other Changes	3.15	18
Shareholder and Board of Director Meetings	3.16	19
Conflict of Interest Declarations *(effective March 1, 2019)*	3.17	19
Provisional Governance Committee During a Declared Emergency	3.18	20
Committee of the Whole	**4**	**20**
Council may, be resolution:	4.1	20
Standing Committee Meetings	**5**	**20**
Standing Committees	5.1	20
Appointment of Standing Committee Chairs and Vice Chairs	5.2	21
Standing Committee Membership	5.3	21
Quorum	5.4	22
Standing Committee Meeting Times	5.5	22
Cancellation of a Committee Meeting	5.6	23
Standing & Selection Committee Reports	5.7	23
Rules of Procedure	5.8	23
Duties of Standing Committees	5.9	24
Order of Business	5.10	24
Delegations	5.11	25
Public Hearings	5.12	26
General	5.12(A)	26
Procedure	5.12(B)	26
Written Information	5.12(C)	26
Communication Items	5.13	27
Reconsideration of Matter Decided Within a Standing Committee Meeting	5.14	27
Conflict of Interest Declarations (*effective March 1, 2019)*	5.15	28
Special Meetings of a Standing Committee	5.16	**28**
Establishment of Advisory Committees or Task Forces	**6**	**29**
Order and Decorum	**7**	**29**
Meetings Closed to the Public	**8**	**31**
Electronic Participation at Council and/or Committee Meetings	**9**	**32**

Role of Clerk	**10**	**32**
General	**11**	**33**
Appendices		
General Issues Committee	Appendix A	34
Board of Health	Appendix B	36
Public Works Committee	Appendix C	37
Planning Committee	Appendix D	38
Healthy & Safe Communities Committee	Appendix E	39
Audit, Finance & Administration Committee	Appendix F	40
Audit Services Charter	Schedule F1	42
Roles of Council, Mayor and Committee Chair	Appendix G	47
Criteria for the Creation of Advisory Committees or Task Forces	Appendix H	50
Hamilton Advisory Committee/Task Force Code of Conduct	Appendix I	51

SECTION 1 - DEFINITIONS

1.1 In this By-law,

"Act" means the *Municipal Act, 2001*;

"Amend" means to alter or vary the terms of a main motion without materially changing its purpose, and amendment has a corresponding meaning;

"Approve" means to support or endorse the action, report or document

"Bill" means a proposed form of By-law;

"By-law" means a By-law, in a form approved by Council, passed for the purpose of giving general effect to a previous decision or proceedings of Council;

"City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

"Chair" means the member presiding at any meeting of Council or Committee;

"challenge" means to appeal a ruling of the Chair;

"Clerk" means the City Clerk, or their designate;

"Closed Meeting" means a meeting, or part of a meeting, which is closed to the public as permitted by the Act, also referred to as an "in-camera meeting";

"Confirming By-law" means a by-law to confirm and ratify the actions of Council;

"Consent Items" means those items on an agenda of a Standing Committee; Sub-Committee or Advisory Committee that may be approved by Committee without debate;

"Committee" means a Standing Committee, Sub-Committee, Selection Committee or an Advisory Committee or Task Force established by Council from time to time;

"Committee of the Whole" means all Members of Council present, sitting in committee of the whole;

"Council" means the City Council;

"Defer" means to delay consideration of a matter by Council or a Committee until a specified time or event;

"Deputy Mayor" means a Member of Council who is appointed from amongst Council on a scheduled basis:

(a) to assist the Mayor; and

(b) to act from time to time in the place of the Mayor, exercising:

(i) all the rights, powers and authority of the Mayor when the Mayor is absent from the City or the office of Mayor is vacant; and

(ii) subject to paragraph (i), those rights, powers and authority of the Mayor that:

1. the Mayor is unable to exercise for the time being due to illness, incapacity or other reason, including acting in the place of the Mayor at any Council or Committee meeting when the Mayor is absent; or,

2. the Mayor refuses to exercise;

"Emergency" means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not;

"**Ex-officio"** means by virtue of the office or position and the Mayor is an ex officio member of all Standing Committees who, when attending a Standing committee meeting, shall have full voting privileges and shall be counted for the purposes of the Standing Committee's quorum as such quorum is set out in subsection 5.4 of this By-law;

"Friendly Amendment" means the motion under debate is amended with the consent of the mover and seconder, and without the requirement for an amending motion to be made;

"Majority" for the purposes of voting, means more than half the total of members of Council or Committee present and not prohibited by statute from voting;

"Mayor" means the Head of the Council and in this By-law means the Deputy Mayor when the Deputy Mayor is acting in place and stead of the Mayor;

"Meeting" means any scheduled, special or other meeting of a Council, of a local board or of a committee of either of them, where, a quorum of members is present, and 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.

"Member of Council" means a member of Council, including the Mayor;

"Motion" means a proposal by a member for the consideration of Council or a Committee that is moved by a member and seconded by another member;

"Notice of motion" means a notice of motion received by the Clerk in writing, moved by a member for inclusion on a future agenda of a meeting of Council or Committee;

"Point of Order" means a question by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business;

"Point of Privilege" means a question by a member with respect to the rights of a member individually or Council or a Committee collectively hold, that ensure Council's or a Committee's ability to function freely;

"Quorum" means the number of members required to be present at a meeting to validate the transactions of its business;

"Receive" means to receive information and to include it in the official record

"Recess" means a short intermission in a meeting's proceedings which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was stopped;

"Refer" means to refer a matter currently under consideration to an individual; a department; a Committee or Council for their consideration;

"Recorded Vote" means a written record of the name and vote of each member of Council or a Committee who votes on a question and of each member present who does not vote;

"Rules of Procedure" means the rules and procedures set out in this By-law, for the calling, place and proceedings of the meetings of Council and its Committees;

"Senior Leadership Team" means the City Manager and General Managers appointed by Council and the Medical Officer of Health appointed by the Board of Health;

"Selection Committee" means a Committee established by Council, comprised entirely of Members of Council, To interview and report back to Council on the appointment of citizen representatives to Agencies, Boards and Committees, and reports directly to Council;

"Standing Committee" means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council, and reports directly to Council;

"Table" means to delay consideration of a matter by Council or a Committee until a specified time or event and requires a motion to lift from the table, when discussion of the item is to resume; and

"Website" means the official City website.

SECTION 2 - APPLICATION

2.1 The rules of procedure shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.

2.2 All matters relating to the proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot's Rules of Order*.

SECTION 3 – COUNCIL MEETINGS

3.1 First Council Meeting

(1) The First Meeting of Council shall be held on the first Monday of December in an election year at 5:00 p.m.

(2) The Proceedings of the First Meeting of Council shall include:

(a) Ceremonial - special address by guests;

(b) Filing of Declarations of Office in accordance with the provisions of the Act;

(c) Council appointments to Committees, Boards and Agencies; and

(d) Confirming By-law.

3.2 Regular Council Meeting Times

(1) Unless otherwise decided by Council, Regular Council meetings:

(a) shall be held in January:

on the fourth Wednesday of the month, commencing at 5:00 p.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(b) shall be held in February, April, May, June, September, October and November:

every second and fourth Wednesday of each month, commencing at 5:00 p.m., unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(c) shall be held in March:

on the fourth Wednesday of the month, commencing at 5:00 p.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(d) shall be held in July and August:

on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;

(e) shall be held in December:

on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or

(f) in accordance with the schedule approved by Council.

(2) Advance notice of meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca

3.3 Location of Meetings

Meetings of Council shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

3.4 Special Meetings of Council

(1) In addition to scheduled Council meetings, the Mayor may at any time summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.

(2) The Clerk shall also summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.

(3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 48 hours before the time appointed for such meeting by:

(a) delivering a written notice personally;

(b) delivering such notice at their residence or place of business; or

(c) facsimile transmission or electronic mail to such residence or place of business.

(4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no other business other than that which is stated in the notice shall be considered at such meeting.

(5) Notwithstanding subsection 3.4(4) other business may be added with at least two-thirds of the Members of Council present and voting in the affirmative.

(6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.

3.5 Meetings of Council for Emergencies

(1) Despite any other provisions of this By-law, a meeting of Council for an emergency may be called by the Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members of Council about the meeting as soon as possible and in the most expedient manner available.

(2) The only business to be dealt with at a meeting of Council for an emergency shall be business dealing directly with the emergency.

(3) The lack of receipt of a notice of, or an agenda for, a meeting of Council for an emergency by any Member of Council shall not affect the validity of the meeting or any action taken at such meeting.

(4) The Clerk shall prepare the Order of Business for an emergency meeting of Council with the appropriate selection of agenda categories from subsection 3.11.

3.6 Cancellation of a Council Meeting

(1) The Clerk may cancel a Council meeting in consultation with the Mayor or the Deputy Mayor in the Mayor’s absence.

(2) The Clerk shall give each Member of Council, or their designated staff, notice of a cancellation of a meeting of Council at least two business days prior to the time appointed for such meeting by:

(a) delivering a written notice personally;

(b) delivering such notice at their residence or place of business; or

(c) facsimile transmission or electronic mail to such residence or place of business.

(3) The written notice to be given under subsection 3.6(2) shall state the reason for the cancellation of the meeting.

(4) The Clerk shall ensure that the meeting cancellation information is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

3.7 Quorum

(1) As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the meeting to order.

(2) A majority of Members of Council is necessary to constitute a quorum of Council.

(3) If the Mayor does not attend within 15 minutes of the time appointed for a Council meeting and a quorum of Council is present, the Deputy Mayor shall take the Chair and call the meeting to order and they will preside until the arrival of the Mayor.

(4) If a quorum is not achieved within 30 minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next scheduled Council meeting or other meeting called in accordance with the provisions of this By-law.

(5) If Quorum cannot be maintained during a meeting, the Clerk will advise the Chair that quorum is lost and the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.

3.8 Remedy for Lack of Quorum

Municipal Conflict of Interest Act

Where the number of Members of Council who, by reason of provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that at that meeting the remaining Members of Council are not of sufficient number to constitute a quorum, then, the remaining number of Members of Council shall be deemed to constitute a quorum, provided such number is not less than 2.

3.9 Delegations

Delegations are not permitted at meetings of Council.

3.10 Communication Items

(1) Shall be addressed to the Mayor and Members of Council or the City Clerk and shall be presented to Council for consideration.

(2) Shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Wednesday the week prior to the City Council meeting for inclusion in the printed Council Agenda.

(3) If the Communication Item is relevant to a matter that appears on the Council Agenda for that meeting, and is not received for inclusion in the Agenda package, it shall be introduced under Changes to the Council Agenda, provided that it is received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Council meeting.

(4) Shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.

(5) Debate on Council communications shall be limited to the recommended disposition, or limited to reason for or against the referral of the matter to an appropriate Standing Committee.

(6) Resolutions from other municipalities requesting support will be included on the Council Agenda to be received, unless otherwise directed by a Member of Council.

(7) Receipt of resolutions from other municipalities by City Council shall not be construed as endorsement by the City of any recommendations or actions contained therein.

(8) Communications respecting labour relation matters, conduct of a member(s) of Council or a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Committee/Council Agenda and will be forwarded to the respective office.

3.11 Order of Business

The Order of Business for the regular meetings of Council, unless changed by Council in the course of the meeting, shall be as follows:

(a) Approval of Agenda

(b) Declarations of Interest

(c) Ceremonial Activities

(d) Approval of Minutes of Previous Meeting

(e) Communications

(f) Committee Reports

(g) Motions

(h) Notice of Motions

(i) Statement by Members (non-debatable)

(j) Private and Confidential

(k) By-laws and Confirming By-law

(l) Adjournment

3.12 Rules of Debate

(1) No Member of Council shall be deemed to have precedence or seniority over any other Member of Council.

(2) Before speaking to a question or motion, a Member of Council shall be recognized by the Mayor and be placed on the speakers' list.

(3) When a Member of Council is speaking, no other Member of Council shall pass between that Member of Council and the Mayor or interrupt that Member of Council except to raise a point of order or privilege.

(4) If a Member of Council disagrees with the announcement of the Mayor that a question is Carried or Lost, they may immediately after the declaration by the Mayor, object to the Mayor's declaration and require that a recorded vote be taken.

(5) A Member of Council may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member of Council who is speaking.

(6) A Member of Council may not speak on any matter other than the matter being debated.

(7) All Members of Council are restricted to a five minute time limit when asking a question and/or making a statement during Committee and Council meetings.

(8) Notwithstanding subsection 3.13(7), an extension of a specific allotment of time to the five minute speaking restriction may be granted with the approval of a majority of the members of the Committee/Council present.

(9) The following matters may be introduced orally without written notice and without leave:

(a) a point of order

(b) a point of privilege

(c) a motion to adjourn

(d) a motion to amend

(d) a motion to call the question

(e) a motion to go into committee of the whole

(f) a motion to recess

(g) a motion to refer

(h) a motion to defer

(i) a motion to table

(j) a motion to go into a closed meeting

(k) a motion to suspend the rules of procedure

(10) **Relinquishing the Chair**

The Mayor may designate another Member of Council as acting Chair during any part of a meeting of the Council and while presiding, such Member of Council shall have all the powers of the Mayor with respect to chairing the meeting.

3.13 Motion Procedures

(1) Once a motion is moved and seconded it shall be deemed to be in the possession of Council or Committee.

(2) Every Member of Council present at a meeting of Council or Committee when a question is put shall vote unless prohibited by statute, in which case, the Clerk shall record the name of the Member of Council and the reason that they are prohibited from voting.

(3) When a vote is taken and a tie results, a question is deemed to be lost.

(4) If any Member of Council at a meeting of Council does not vote when a question is put and a recorded vote is taken, they shall be deemed to have voted in the negative except where prohibited from voting by statute.

(5) When a recorded vote is requested by a Member of Council immediately before or after a question is put, the Clerk shall record the name and vote of every Member of Council on the question.

(6) When the Mayor calls for a vote on a question, each Member of Council shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Mayor, and during such time no Member of Council shall walk across the room or speak to any other Member of Council or make any noise or disturbance.

(7) After a question is put by the Mayor, no Member of Council shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

(8) No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect, except where permitted by statute.

(9) Despite subsection 3.13(8), a meeting may be closed to the public during a vote if:

(a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 9 (Meetings Closed to the Public) of this By-law; and

(b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.

(10) The Mayor shall, upon request of a Member of Council, divide a question, if the question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.

(11) If a Member of Council disagrees with the announcement of the Mayor that a question is Carried or Lost, they may immediately after the declaration by the Mayor, object to the Mayor's declaration and require that a recorded vote be taken.

(12) **Notice of Motion**

(a) Notice of all new motions, except motions listed in subsection 3.12(9) shall be given in writing:

(i) at a meeting of Council, but shall not be debated until the next meeting of Council; or

(ii) delivered to the Clerk at any time before noon on the last business day preceding the date of the meeting at which the notice of motion is to be introduced.

(b) Where a Member of Council's motion has been called by the Mayor at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.

(c) Where Council has determined not to drop a motion from the agenda, and at the second meeting such motion is called by the Mayor and not proceeded with, it shall be deemed to have been withdrawn.

(13) **Dispensing with Notice**

A motion may be introduced without notice if the matter is time sensitive or an emergency, Council can then without debate, dispense with notice on the affirmative vote of two-thirds of the Members of Council present and voting.

(14) **Motion to Withdraw**

After a motion is moved and seconded it shall be deemed to be in possession of Council, but may, by the majority vote of Council, be withdrawn at any time before decision or amendment.

(15) **Motion to Amend**

(a) A motion to amend:

(i) shall be presented in writing, duly moved and seconded;

(ii) shall be made only to a previous question or to amend an amendment to the question;

(iii) shall be relevant to the question to be decided; shall not be received if in essence it constitutes a rejection of the main question;

(iv) shall be put in the reverse order to that which it is moved.

(b) If it is not considered a “Friendly Amendment”, then the motion to amend:

(i) If more than one, will be put to a vote in the reverse order to that in which they were moved;

(ii) Will be decided upon or withdrawn before the main motion is p put to the vote;

(iii) Will not be amended more than once, provided that further amendments may be made to the main motion; and,

(iv) Will not be directly contrary to the main motion.

(16) **Motion to Table**

A motion to table a question:

(a) is debatable; and

(b) requires a motion to lift from the table, when discussion of the item is to resume.

(17) **Motion to Defer**

A motion to defer a question:

(a) is debatable; and

(b) shall include the date when the question is to be considered

(18) **Motion to Refer**

(a) A motion to refer the question:

(i) shall include the name of the individual or body to whom the question is to be referred.

(ii) may include instructions respecting the terms upon which the question is to be referred.

(b) A motion to refer a question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.

(c) A motion to refer a question may be amended in accordance with subsection 3.13(15).

(d) When a motion to refer a question to Council is defeated by a Standing Committee, the Chair of the Standing Committee shall call the question on the matter.

(e) A member who has spoken to the motion under debate shall not be permitted to move a motion to refer a question.

(f) A motion to refer a question is only in order after all first time speakers have been heard.

(19) **Motion to Adjourn**

A motion to adjourn a Council meeting shall always be in order except:

(a) when a Member of Council is speaking or during the taking of a vote;

(b) immediately following the affirmative resolution of a motion that a vote on the question now be taken;

(c) when a Member of Council has already indicated to the Mayor, that they desires to speak on the question;

(d) when decided in the negative, cannot be made again until Council has conducted further proceedings.

(20) **Motion to Call the Question**

A motion to call the question shall be in order except when a Member of Council is speaking or before the first-time speakers' list is exhausted.

(21) **Motion to Reconsider a Matter Decided by Council**

(a) At any Council Meeting, after a matter has been decided by Council, including both successful or failed motions, a Member of Council who voted in the majority, may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of Council to confirm that they voted with the majority on the issue in question. Such Notice of Motion shall be referred to the next scheduled meeting of Council and shall be included on the agenda under "Motions".

(b) No decided matter shall be reconsidered more than once during the term of Council.

(c) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.

(d) It is not in order to reconsider a decided matter when the motion has been implemented, resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.

(e) No motion to reconsider may, itself, be the subject of a motion to reconsider.

(f) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.

(g) The following motions cannot be reconsidered:

(i) to adjourn;

(ii) to recess; and

(iii) to suspend the rules of procedure.

(h) Subsections 3.12(21)(a) to 3.12(21)(f) do not apply when:

(i) a motion pertains to a decision of a previous Council;

(ii) a motion that, while pertaining to a previously decided motion, does not alter the core purpose or intent of the previously decided motion;

(iii) a motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or

(iv) a motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

(22) **Order of Procedural Motions**

The following motions are procedurally in order in the following sequence:

(a) to adjourn;

(b) to recess;

(c) to request information;

(d) to call the question;

(e) to defer or table ;

(f) to refer;

(g) to amend.

(23) **Non-Debatable Motions**

The following motions/actions are not debatable:

(a) a motion to adjourn;

(b) a motion to refer (except where instructions are included, in which case, only the instructions shall be debatable);

(c) a motion to suspend the rules of procedure;

(d) a point of order;

(e) a point of privilege; and

(f) a motion to lift from the table

(24) **Motion to Suspend the Rules of Procedure**

The rules governing the procedure of the Council at Council meetings, may be suspended and shall require the approval of at least of at least two-thirds of members present; and

(25) **Motions Beyond Jurisdiction of Council**

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

3.14 Bills and By-laws

(1) All Bills coming before Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any statute or regulation and shall be complete with the exception of the number and date.

(2) All Bills coming before Council shall receive one reading, unless otherwise requiring more than one reading, pursuant to a Provincial or Federal statute or regulation.

(3) Every Bill shall be introduced upon motion by a Member of Council, and any number of Bills may be introduced together in one motion, but Council may at the request of a Member of Council, deal separately with any Bill. If Council deals separately with a Bill:

(a) all amendments or debate on the content of the Bill shall be held in committee of the whole;

(b) Council will move into committee of the whole for discussion on any Bill following a successful verbal motion to go into committee of the whole;

(c) all amendments made in committee of the whole shall be reported by the Mayor to Council, which shall receive the same forthwith, and after the report has been received, a vote on the motion to pass the Bill shall be taken;

(d) every By-law passed by Council shall be numbered and dated and shall be sealed with the seal of the municipality and signed by the Mayor and Clerk.

(4) No Bill or By-law may be defeated on the floor of Council without reconsideration of the original motion which gave rise to the consideration of the Bill or By-law.

3.15 Editorial and Other Changes

(1) The Clerk may make the following changes to By-laws or resolutions to:

(a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.

(b) Alter the style or presentation of text or graphics to improve electronic or print presentation.

(c) Replace a description of a date or time with the actual date or time.

(d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.

(e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.

(f) Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.

(g) If a provision of a transitional nature is contained in a By-law, make any changes that are required as a result.

(h) Make a correction, if it is patent both that an error has been made and what the correction should be.

(2) The Clerk:

(a) may provide notice of the changes made under subsections 3.15(1)(a) to 3.15(1)(c) inclusive in the manner that they considers appropriate.

(b) shall provide notice of the changes made under subsections 3.15(1)(d) to 3.15(1)(h) inclusive in the manner that they considers appropriate.

(c) in determining whether to provide notice under subsection 3.15(2)(a), shall consider:

(i) the nature of the change; and

(ii) the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.

(d) in providing notice under subsection 3.15(2)(a) or 3.15(2)(b), shall state the change or the nature of the change.

(3) No legal significance shall be inferred from the timing of the exercise of a power under this section.

(4) Regardless of when a change is made to a By-law under this section, the change may be read into the By-law as of the date it was enacted if it is appropriate to do so.

3.16 Shareholder and Board of Director Meetings

Where Council acts as the Shareholder or the Board of Directors, or both, of a corporation:

(a) Council shall meet as the Shareholder or the Board of Directors as necessary to complete such business as would normally be completed by the Shareholder or Board of Directors and as required by the corporation's by-laws and resolutions and any laws that govern the corporation; and

(b) the Mayor and Clerk are authorized, upon approval by Council, to sign any necessary resolutions.

3.17 Conflict of Interest Declarations *(this section is effective March 1, 2019)*

(1) Where a member, has disclosed an interest referred to in Section 5 of the *Municipal Conflict of Interest Act, 1990* at a meeting, the member, shall file a written statement with the Clerk.

(2) Where a member, has disclosed an interest and filed a written statement with the Clerk, referred to in subsection 3.17(1), the Clerk, shall:

(a) file the written statement by the member in the Conflict of Interest Registry;

(b) record the interest in the minutes of the meeting;

(c) file a record of the interest recorded in the minutes of the meeting in the Conflict of Interest Registry; and

(d) make the Conflict of Interest Registry available for public inspection.

3.18 Provisional Governance Committee During a Declared Emergency

(1) The Provisional Governance Committee may carry out the duties and responsibilities of the Council only at such times when, to the satisfaction of at least 5 members of Council attending a properly scheduled meeting of Council, at least 8 members of Council are not able to attend such meeting due to death, illness or circumstances attributable to an emergency which has been declared by the Mayor or their designate in accordance with the City's Emergency Plan.

(2) The Provisional Governance Committee shall be comprised of eight Members of Council, and shall elect its own Chair from amongst the attending Members.

(3) The Provisional Governance Committee shall have all the powers and duties that may legally be delegated to the Committee pursuant to the Act, or any other applicable Provincial or Federal legislation, subject to the following conditions and restrictions:

(a) the delegation shall be effective only during the times specified; and

(b) the Committee shall conduct its meetings in accordance with this By-law, providing that the quorum for the constitution of a valid meeting of the Committee shall be 5 Members of Council.

SECTION 4 - COMMITTEE OF THE WHOLE

4.1 Council may, by resolution:

(a) move into Committee of the Whole to consider, including debate, Standing Committee Reports and Selection Committee Reports on the Council meeting agenda; and

(b) move out of Committee of the Whole to report to Council.

SECTION 5 – STANDING COMMITTEE MEETINGS

5.1 Standing Committees

The Standing Committees that report directly to Council shall be as follows:

(a) General Issue Committee

(b) Board of Health

(c) Public Works Committee

(d) Planning Committee

(e) Healthy & Safe Communities Committee

(f) Audit, Finance & Administration Committee

5.2 Appointment of Standing Committee Chairs and Vice Chairs

(1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice-Chair and, where applicable, 2nd Vice-Chair for the required term.

(a) The term of the Chair, Vice-Chair and 2nd Vice-Chair shall be for a calendar year, or part of a calendar year in an election year.

(b) No Member of Council may serve as Chair, Vice-Chair or 2nd Vice-Chair of the same Standing Committee for more than one year in a Council term.

(c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors.

(2) Despite paragraphs (1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the following Committee:

(a) Board of Health

5.3 Standing Committee Membership

(1) General Issues Committee and Board of Health shall be comprised of all Members of Council.

(2) Public Works Committee shall be comprised of a minimum of 8 Members of Council.

(3) Planning Committee shall be comprised of a minimum of 9 Members of Council.

(4) Healthy & Safe Communities Committee shall be comprised of a minimum of 5 Members of Council.

(5) Audit, Finance & Administration Committee shall be comprised of a minimum of 7 members of Council.

(6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the Board of Health and General Issues Committee.

(7) Membership on Standing Committees shall be for the duration of the term of Council.

(8) The Mayor is an ex-officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purpose of the Standing Committee's quorum as set out in subsection 5.4.

5.4 Quorum

The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number.

5.5 Standing Committee Meeting Times

(1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:

(a) (i) General Issues Committee shall meet at least one meeting per month on a Wednesday commencing at 9:30 a.m.;

(ii) Board of Health shall meet at least one meeting per month commencing at 1:30 p.m.;

(iii) Public Works Committee shall meet at least one meeting per month commencing at 9:30 a.m.;

(iv) Planning Committee shall meet at least one meeting per month on a Tuesday commencing at 9:30 a.m.;

(v) Audit, Finance & Administration Committee shall meet at least one meeting per month on a Thursday commencing at 9:30 a.m.;

(v) Healthy & Safe Communities Committee shall meet at least one meeting per month on a Thursday commencing at 1:30 p.m.;

(b) In the event a meeting date, as shown in subsections 5.5(1)(a)(i) to 5.5(1)(a)(vi) falls on a day which is a public or civic holiday, an alternate date and time will be selected;

(c) in accordance with the schedule approved by Council.

(2) In addition to regularly scheduled Standing Committee meetings, a special meeting of a Standing Committee may be scheduled when required, at the call of the Chair, at locations and times to permit convenient access for members of the public most affected by such a matter with at least 48 hours notice, delivering notice in accordance with subsections 3.4(3) and 3.4(4).

(3) Advance notice of Committee meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca

5.6 Cancellation of a Committee Meeting

(1) The Clerk may cancel a Committee meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.

(2) The Clerk shall give each Member of the Committee, or their designated staff, notice of a cancellation of a Committee meeting at least two business days prior to the time appointed for such meeting by:

(a) delivering a written notice personally;

(b) delivering such notice at their residence or place of business; or

(c) facsimile transmission or electronic mail to such residence or place of business.

(3) The written notice to be given under subsection 5.6(2) shall state the reason for the cancellation of the meeting.

(4) The Clerk shall ensure that the meeting cancellation information is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

5.7 Standing & Selection Committee Reports

(1) Each Standing Committee, including the Selection Committee, shall make recommendations to Council.

(2) A minimum of 48 hours shall pass before a Standing Committee and/or Selection Committee Report is presented to Council to provide adequate opportunity for review. Every effort will be made for Standing Committee and/or Selection Committee Reports to be released at an earlier date.

(3) Despite subsection 5.7(2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

5.8 Rules of Procedure

(1) The rules governing the procedure of the Council at Council meetings shall be observed at Committee meetings, so far as they are applicable.

(2) No member of Council shall speak more than once, until every member of a Standing Committee, followed by every Member of Council who is not a member of the Standing Committee, has spoken, and then only to provide information or seek clarification from the Chair, other Members of Council or staff.

(3) A Member of Council may place an item on a future agenda of a Standing Committee meeting by delivering a Notice of Motion as set out in subsection 3.13(11) to the Chair of the Standing Committee and to the Committee Legislative Coordinator.

(4) A member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate when a subject matter directly affects their Ward, provided that the Member of Council shall:

(a) not be counted for quorum purposes, and;

(b) not move any motion or vote on any matter.

5.9 Duties of Standing Committees

The duties of the Standing Committees shall be as set out in Appendices A to F and F1, inclusive.

5.10 Order of Business

The general Order of Business for the regular meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:

(a) Ceremonial Activities

(b) Approval of Agenda

(c) Declarations of Interest

(d) Approval of Minutes of Previous Meeting

(e) Communications

(f) Delegation Requests

(g) Consent Items

(h) Public Hearings/Delegations

(i) Staff Presentations

(j) Discussion Items

(k) Motions

(l) Notice of Motions

(m) General Information/Other Business

(n) Private and Confidential

(o) Adjournment

5.11 Delegations

(1) Persons who wish to appear as a delegation to address a Standing Committee on a matter that:

(a) is not listed on a Standing Committee agenda, may make a request in writing, the Clerk will list the delegation request on the respective Standing Committee's upcoming agenda and the requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Standing Committee's Report.

(b) is listed on the agenda for a Standing Committee meeting, may make a request in writing to be listed as a delegation, such request to be received by the Clerk no later than 12:00 noon the day before the meeting. If the Standing Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday.

(c) provided that a person may attend as a delegation in the absence of a request under paragraphs (a) or (b) where prescribed by applicable legislation or allowed by the Standing Committee.

The "Request to Speak to a Committee of Council" form is available on the City's website at www.hamilton.ca.

(2) A request to attend as a delegation shall include the person's name, reason(s) for the delegation, and if applicable the name, address and telephone number of any person, corporations or organizations which they represent.

(3) Upon receipt of a request to attend as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Standing Committee and the decision whether or not to entertain the delegation will be made by the Standing Committee.

(4) A delegation granted permission to appear before the Standing Committee is encouraged to provide the Clerk with a brief of their presentation, which in turn will be provided by the Clerk to the Members of the Standing Committee in advance of the meeting.

(5) When a person is listed as a delegation on a Standing Committee agenda and such person, without notification to the Clerk, does not attend said meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections 5.11(1) and 5.11(2).

(6) A delegation, which can be two or more individuals, shall be limited to a presentation of not more than five minutes, except as otherwise prescribed for a public meeting by applicable legislation.

(7) A delegation making a request to address a Standing Committee in pursuant to their rights under applicable legislation shall be heard without a written request being received in accordance with subsections 5.11(1) and 5.11(2), if advanced notice is not required by such applicable legislation.

(8) Delegations respecting labour relation matters, conduct of a member(s) of Council or a member(s) of staff; matters before another body (i.e. Police Services Board) will not be heard at Committee meetings and will be forwarded to the respective office.

(9) Except as required by by-law, any Delegations who have previously appeared before a Committee on a subject matter shall be limited to providing only new information in their second and subsequent appearances.

5.12 Public Hearings

(A) General

(1) Public Hearings shall be held at Standing Committee meetings, as required by applicable legislation, or by Council.

(2) Appropriate advertising shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.

(B) Procedure

(1) A delegation shall be in accordance with subsection 5.11.

(2) Public Hearings shall commence with:

(a) an introduction of the subject matter by the Chair or by staff;

(b) the staff presentation, if any and if not waived by the members of the Standing Committee;

(c) the signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).

(C) Written information

(1) A delegation may provide additional written material regarding the subject matter, for the public record. Where a delegation wishes copies of the information to be provided to all members of a Standing Committee, either one (1) copy of the material shall be provided to the Clerk at least two (2) weeks ahead of the meeting date, for inclusion in the agenda or 25 copies shall be provided to the Clerk for distribution at the meeting, with the exception of the General Issues Committee which requires 45 copies.

5.13 Communication Items

(1) Shall be addressed to the Mayor and Members of Council or the City Clerk and presented to Committee for consideration if the matter is being considered at the Standing Committee meeting.

(2) Shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Monday two weeks prior to the Standing Committee meeting for inclusion in the printed Standing Committee Agenda.

(3) When the Monday is a holiday, the communication item shall be forwarded to the Office of the City Clerk no later than 12 Noon on the last business day prior to the date as set out in subsection 5.13(2), to the Standing Committee meeting for inclusion in the printed Standing Committee Agenda.

(4) If the Communication Item is relevant to a matter that appears on the Standing Committee Agenda for that meeting, and not received for inclusion in the Agenda package, it shall be introduced under Changes to the agenda, provided that it is received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Standing Committee meeting.

(5) Shall not be defamatory or contain any obscene, offensive, anonymous, indecent, improper, rude or vulgar language.

(6) Communication items that are relevant to a matter that appears on the Standing Committee Agenda, will be received and referred to the consideration of that matter.

(7) Communication items received after the prescribed deadline as set out in subsection 5.13(4), will be included on the Council Agenda, to be received and referred to the consideration of that matter within the Standing Committee Report.

5.14 Reconsideration of a Matter Decided Within a Standing Committee Meeting

(1) At any Standing Committee Meeting, after a matter has been decided by the Standing Committee, including both successful or failed motions, a Member of the Committee who voted in the majority, may present a Motion to reconsider the matter prior to the adjournment of the meeting. The Chair may ask the Member of the Committee to confirm that they voted with the majority on the issue in question.

(2) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Standing Committee members present.

(3) No motion to reconsider may, itself, be the subject of a motion to reconsider.

(4) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.

(5) The following motions cannot be reconsidered:

(a) to adjourn;

(b) to recess; and

(c) to suspend the rules of procedure.

5.15 Conflict of Interest Declarations *(this section is effective March 1, 2019)*

(1) Where a member, has disclosed an interest referred to in Section 5 of the *Municipal Conflict of Interest Act, 1990* at a meeting, the member, shall file a written statement with the Clerk.

(2) The Clerk shall establish and maintain a registry in which shall be kept,

(a) a copy of each statement filed under section 5.15(1); and

(b) a copy of each declaration recorded in the minutes of the meeting.

(3) The Clerk shall make the Conflict of Interest Registry available for public inspection.

5.16 Special Meetings of a Standing Committee

(1) In addition to scheduled Standing Committee meetings, the Mayor or the Committee Chair may at any time summon a special meeting of a Standing Committee by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.

(2) The Clerk shall also summon a special meeting of a Standing Committee when requested to do so in writing by a majority of Members of the Standing Committee.

(3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of a Standing Committee at least 48 hours before the time appointed for such meeting by:

(a) delivering a written notice personally;

(b) delivering such notice at their residence or place of business; or

(c) facsimile transmission or electronic mail to such residence or place of business.

(4) The written notice to be given under subsection 5.16(3) shall state the nature of the business to be considered at the special meeting of a Standing Committee and no other business other than that which is stated in the notice shall be considered at such meeting.

(5) Notwithstanding subsection 5.16(4) other business may be added with at least two-thirds of the Committee members present and voting in the affirmative.

(6) The Clerk shall prepare the Order of Business for a special meeting of a Standing Committee with the appropriate selection of agenda categories from subsection 5.10.

SECTION 6 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES

6.1 Council may from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters requiring immediate or long term attention.

6.2 When Council approves of the formation of the Advisory Committee or Task Force the procedures as outlined in Appendix H shall be followed.

6.3 When an Advisory Committee or Task Force has completed its mandate, the Standing Committee to which the Advisory Committee or Task Force reports shall dissolve it by motion.

SECTION 7 - ORDER AND DECORUM

7.1 No person in attendance at a Council or Committee meeting shall:

(a) speak disrespectfully of any vote of Council or a Committee;

(b) use offensive words or unparliamentary language in or against Council or a Committee or against any member, or any officer or employee of the City;

(c) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, colour, marital status, family status, disability or receipt of public assistance;

(d) bring food or beverages, water excepted, into the Council Chamber when a meeting is being held;

(e) address remarks to anyone but the Chair;

(f) Interrupt a person who has the floor;

(g) Applaud participants in debate; and

(h) engage in conversation or other behaviour which may disrupt the proceedings of Council or a Committee.

7.2 Should that person persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Mayor or a Chair of a Committee, the person may be removed from the meeting;

7.3 Notwithstanding subsection 7.2, in the event a member of the public is conducting themselves in a manner, which poses a threat to the personal safety of themselves or others in attendance at the meeting, they shall be removed from the meeting, without warning.

7.4 Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held. If the Member of Council apologizes, they may, by vote of a majority of the Council or Committee members, be permitted to remain at the meeting.

7.5 No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk, shall:

(a) be allowed on the floor while a meeting is being held, namely where members of Council or Committee, the Clerk, and officials authorized by the Clerk are seated and from which they speak;

(b) before or during a meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.

7.6 Signs or placards are permitted at Council and Committee Meetings, provided:

(a) they do not contain disrespectful or offensive language;
(b) they do not disrupt the Meeting;
(c) they do not disrupt an attendee's ability to view the proceedings; and
(d) they do not contain solid handles or hard backings.

7.7 Electronic devices at meetings:

(a) Every person shall have all electronic devices, including but not limited to phone, computers, and similar electronic devices, etc. switched to a non-audible function during Council and Committee meetings.

(b) The use of electronic devices at Closed Meetings is strictly prohibited.

(c) Staff from the Office of the City Clerk are exempted from subsection 7.7(b) when using electronic devices for record-keeping purposes.

SECTION 8 – MEETINGS CLOSED TO THE PUBLIC

For the purposes of this section, "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.

8.1 No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:

(a) the security of the property of the City;

(b) personal matters about an identifiable individual, including City employees;

(c) a proposed or pending acquisition or disposition of land for City purposes;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;

(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or

(g) a matter in respect of which Council or a Committee may hold a closed meeting under an Act other than the *Municipal Act, 2001*.

(h) information explicitly supplied in confidence to the City 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 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;

(j) a trade secret or scientific, technical, commercial or financial information that belongs to the City 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.

8.2 A meeting of Council shall be closed to the public if the subject matter relates to the consideration of:

(a) a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council is designated as head of the institution for the purposes of that Act; and

(b) an ongoing investigation respecting the City or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.

8.3 A meeting of Council or a Committee may be closed to the public if:

(a) it is held for the purposes of educating or training members; and

(b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

8.4 Before holding a meeting or part of a meeting that is to be closed to the public, a Council or Committee shall:

(a) state specifically by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

(b) state specifically that members of the public will be invited to return to hear any further deliberations when Council or Committee reconvenes in Open Session, indicated by the removal of the frosting on the windows and the elimination of the white noise; and

(c) Council or Committee will, in the event they are in Closed Session for more than 30 minutes, wait up to 5 minutes upon reconvening in Open Session before proceeding with the meeting, to provide members of the public and the media time to return to the meeting room.

SECTION 9 - ELECTRONIC PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

9.1 Electronic participation is prohibited at Council and/or Committee meetings.

SECTION 10 - ROLE OF CLERK

10.1 The Clerk shall distribute the agendas of Council and Standing Committee meetings to members of Council and Senior Leadership Team at least 5 days prior to the scheduled meetings.

10.2 The Clerk shall make the agendas of Council and Standing Committee meetings, available to the media and general public, simultaneously with the distribution set out in subsection 10.1.

10.3 The Clerk shall make the agendas of Council and Standing Committee meetings available on the City website.

10.4 The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.

10.5 The Clerk shall submit for confirmation the minutes of the previous Council or Standing Committee meeting. Upon approval of the majority of the members of Council or Standing Committee, the Mayor or Chair and Clerk shall sign the minutes as confirmed or as amended.

10.6 The Clerk shall advise the Mayor or Chair, if in their opinion, a matter or portion of a matter being discussed in a meeting that is closed to the public is not procedurally appropriate in accordance with section 239 of the Act and section 8 of this By-law.

10.7 The Mayor or Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Mayor or Chair will announce their ruling.

10.8 The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Standing Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council. The Clerk shall take a vote of the challenge for Members of Council in favour or opposed to the ruling. The ruling fails when there is a majority vote in favour of the challenge.

SECTION 11 – GENERAL

11.1 This By-law shall not be amended or repealed except by a majority vote of all Members of Council.

11.2 General guidelines describing the respective roles and responsibilities of Council, the Mayor and the Chair of a Committee are set out in Appendix G to this By-law.

11.3 This By-law comes into force on the date on which it is passed, except that subsection 3.17 shall come into force on March 1, 2019.

11.4 The short title of this By-law is the Procedural By-law or the Council Procedural By-law.

11.5 By-law No. 14-300, governing the rules and procedures of Council of the City of Hamilton is repealed.

PASSED this _____ day of _____, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Appendix A

GENERAL ISSUES COMMITTEE

COMPOSITION

The General Issues Committee shall be comprised of all 16 members of Council.

MANDATE

General:

To report and make recommendations to Council on matters relating to:

- Council Strategic Plan
- Corporate Strategic Plan
- MPMP, OMBI
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- G.R.I.D.S.
- Vision 20/20
- Department Work Programs: Planning and Economic Development
- Legal Services – litigation matters
- Human Resources – labour negotiations
- Departmental Organizational Structure Changes
- Boards and Agencies
- Hamilton Utilities Corporation
- any and all other matters which Council chooses to refer to the General Issues Committee for consideration

Specific duties shall include:

- To review and monitor the City's and Council's Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies
- To consider and recommend to Council on matters relating to Business Development, the Small Business Enterprise Centre, Incentive Loans/Grants programs and approvals, BIA initiatives, the Hamilton Incubator of Technology and Tourism
- To consider and recommend to Council on matters relating to G.R.I.D.S.
- To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters
- To receive information on labour negotiations and provide direction to the Director of Labour Relations
- To consider and make recommendations to Council on matters regarding Boards and Agencies

- To Meet as Shareholders and/or Board of Directors of a corporation when required.
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix B

BOARD OF HEALTH

COMPOSITION

The Board of Health shall be comprised of all 16 members of Council.

MANDATE

General:

To ensure the City of Hamilton meets or exceeds its obligations as a Board of Health under the *Health Protection and Promotion Act*, and in all matters relating to Public Health in order to promote well-being and create opportunities to enhance the quality of life in our community.

Specific duties shall include:

- To consider and recommend to Council on policy matters and emerging issues related to Public Health
- To provide advice and guidance to the Public Health Department including input to Departmental Strategic Planning initiatives to ensure alignment with Council's Mission, Vision, Values and Goals, and the Social Development Strategy
- To receive delegations from the public and conduct public hearings as required by statute and Council
- To consider and recommend to Council the overall service levels in relation to the delivery of Public Health programs
- To consider and recommend to Council policies governing service delivery of the Department
- To consider and monitor program implementation and performance through staff reports
- To consider the public health needs of the community and recommend advocacy by Council to address these needs
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix C

PUBLIC WORKS COMMITTEE

COMPOSITION

The Public Works Committee shall be comprised of a minimum of 8 Members of Council, plus the Mayor as ex-officio.

MANDATE

General:

To report and make recommendations to Council on matters relating to:

- Water & Wastewater (Collection/Distribution, Treatment, and Compliance)
- Waste Management (Solid Waste Planning, Collection, and Disposal)
- Operations & Maintenance (Roads, Traffic, Forestry & Beautification, Parks & Cemeteries, and Trails)
- Transit (Operations and Transit Fleet, ATS)
- Fleet and Facilities (Central Fleet, Corporate Buildings, Energy Office)
- Capital Planning and Implementation (Strategic and Environmental Planning, Asset Management, Design and Construction, Open Space Planning)
- Major road construction projects

Specific duties shall include:

- To consider and recommend to Council, Service Programs and Service Levels for all direct and indirect services provided by the Department (i.e. business plans, management plans, operating plans, and other relevant plans)
- To consider and recommend to Council, Policies, By-laws, and procedures governing service delivery implemented by the Department
- To consider and recommend to Council, Asset Management Plans and Forecasts for all infrastructure managed by the Department
- To consider and monitor program implementation and performance through staff reports and make recommendations to Council respecting program management initiatives (i.e. continuous improvement, budget performance, revenue generation and other relevant issues)
- To consider and recommend to Council, procurement in accordance with corporate policies
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Public Works Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix D

PLANNING COMMITTEE

COMPOSITION

The Planning Committee shall be comprised of a minimum of 9 Members of Council, plus the Mayor as ex-officio.

MANDATE

General:

To report and make recommendations to Council on matters relating to:

- Long Range Planning, land use management, development planning and engineering, transportation planning and downtown planning and implementation
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues

Specific duties shall include:

To consider and recommend to Council on:

- the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws
- all matters related to the *Planning Act*, the *Ontario Heritage Act*, the *Municipal Act, 2001*, the Niagara Escarpment Act and other applicable legislation regarding planning, development engineering, by-law enforcement and licensing and downtown planning issues
- the City's Official Plan and Zoning By-laws and amendments thereto, pursuant to the *Planning Act*, and to conduct such related public meetings as may be required
- applications for subdivision and condominium approval pursuant to the *Planning Act* and *Condominium Act*, as applicable
- matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
- matters relating to Parking Operations and Enforcement
- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Ontario Municipal Board Hearings to consider the appeal of Committee of Adjustment decisions
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Planning Committee
- To receive delegations for the public and conduct public hearings as required by statute and Council, specific to the mandate of this committee on matters under the Standing Committee

Appendix E

HEALTHY & SAFE COMMUNITIES COMMITTEE

COMPOSITION

The Healthy & Safe Communities Committee shall be comprised of a minimum of 5 members of Council, plus the Mayor as ex-officio.

MANDATE

General:

To report and make recommendations to Council on matters relating to:

- Children's Services
- Ontario Works
- Neighbourhood Development
- Housing Services
- Lodges: Macassa Lodge and Wentworth Lodge
- Recreation
- Fire Services
- Paramedic Services
- Advisory Committees that report to the Healthy and Safe Communities Committee

Specific duties shall include:

To consider and recommend to Council on:

- service levels for all direct and indirect services provided by the Department
- policies governing service delivery implemented by the Department
- procurement in accordance with corporate policies
- plans for community facility infrastructure
- the delivery of protective services including fire operations, fire prevention, corporate emergency management, and corporate radio communications
- the delivery of emergency medical (paramedic) services
- To consider and monitor program implementation and performance through staff reports
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Healthy and Safe Communities Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix F

AUDIT, FINANCE & ADMINISTRATION COMMITTEE

COMPOSITION

The Audit, Finance & Administration Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

MANDATE

General:

To report and make recommendations to Council on matters relating to:

- Internal/external audits
- Oversight of internal control, financial reporting
- Human Resources - programs and services
- Programs related to Financial Planning and Policy, Treasury Services, Customer Service, Information Technology, Legislative Services, Records Management, Legal Services, Procurement and Risk Management
- Access & Equity

Specific duties shall include:

To consider and make recommendations to Council on:

- matters of policy respecting human resources, including health and safety, union/management relations, organizational planning and development and compensation administration
- matters of policy involving communications issues
- matters of policy and oversight involving financial management, investment, reserves, debt, procurement and risk management
- matters of policy involving general policies and procedures and administrative By-laws
- all audit matters, including promoting an appropriate environment for the management of public funds and the economy, efficiency and effectiveness of operations and a high level of accountability. Ensure compliance with laws, regulations, policies and support high standard of ethical conduct
- matters of policy and direction related to Access and Equity, including the annual corporate accessibility plan
- To act as liaison to the Access & Equity volunteer advisory committees (with the exception of the Advisory Committee for Persons with Disabilities reporting to the General Issues Committee)
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Audit, Finance and Administration Committee

- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Schedule F1 – Audit Services Charter

Schedule F1

AUDIT SERVICES CHARTER

INTRODUCTION

Audit Services provides independent, objective assurance and consulting services designed to add value and improve the City of Hamilton's operations. Audit Services brings a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.

In the capacity of Auditor General, the Director of Audit Services assists City Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value-for-money in City operations.

SCOPE

The scope of Audit Services encompasses the examination and evaluation of the adequacy and effectiveness of the City's governance, risk management process, system of internal control structure and the quality of performance in carrying out assigned responsibilities to achieve the organization's goals and objectives. This includes conducting value-for-money audits. The City's processes should function in a manner to help ensure:

- Risks are appropriately identified and managed.
- Significant financial, managerial and operating information is accurate, reliable and timely.
- Actions are in compliance with policies, standards, procedures and applicable laws and regulations.
- Resources are acquired economically, used efficiently and are adequately protected.
- Programs, plans and objectives are achieved.
- Significant legislative and regulatory issues impacting the City are recognized and addressed properly.
- Quality and continuous improvement are fostered in the organization's control processes.

The Director of Audit Services has been appointed by by-law as an Auditor General under section 223.19 of the *Municipal Act, 2001,* with the responsibilities, including the powers, duties and protections, under sections 223.19 to 223.23 of the *Municipal Act, 2001*. These responsibilities apply to the extent authorized by sections 223.19 to 223.23 of the *Municipal Act, 2001*.

CONSULTING

In addition to audit engagements, staff of Audit Services may provide advisory or other consulting services, as appropriate, or at the request of Council or senior management. These types of services may include:

- Conducting special projects, reviews or investigations;
- Performing research;
- Providing training on audit related topics such as risk assessment and internal controls; or
- Providing counsel or advice (e.g. on the adequacy of draft procedures).

AUTHORITY

Audit Services is granted full, free and unrestricted access to any and all records, property and personnel relevant to any function under review. Access to personal information is provided for under the *Municipal Freedom of Information and Protection of Privacy Act* (in particular, subsections 31(c) and 32(d)).

Audit Services has the authority to conduct audits and reviews of all City departments, Members of Council, agencies, boards and commissions, as well as other entities the City is related to or has an interest in.

All employees shall assist Audit Services in fulfilling its objectives.

Audit Services, through the appointment by by-law of the Director of Audit Services as an Auditor General, has the responsibilities, including the powers, duties and protections, under sections 223.19 to 223.23 of the *Municipal Act, 2001* for:

- City Departments;
- Members of Council;
- Local boards (not including the Board of Health, the Hamilton Public Library Board, the Police Services Board or other local boards in accordance with the definition of “local board” under section 223.1 of the *Municipal Act, 2001*):
- Municipally-controlled corporations (a corporation that has 50 per cent or more of its issued and outstanding shares vested in the City or that has the appointment of a majority of its board of directors made or approved by the City, no including a corporation established in accordance with section 203 of the *Municipal Act, 2001*); and
- Grant recipients.

These responsibilities under sections 223.19 to 223.23 of the *Municipal Act, 2001* include the powers to access information and to examine persons under section 33 of the *Public Inquiries Act, 2009*; the duty to preserve secrecy with respect to all matters that come to its knowledge in the course of performing its functions; and the protection of not being a competent or compellable witness in a civil proceeding.

INDEPENDENCE

Independence is an essential component to building public trust and preserving objectivity and integrity associated with the audit function.

To provide for the independence of Audit Services, its personnel report to the Director of Audit Services, who reports administratively to the City Manager and functionally to the Audit, Finance and Administration Committee of Council. Audit and review reports are sent directly to the Audit, Finance and Administration Committee for discussion and approval and then to Council. These reporting relationships help ensure independence, promote comprehensive audit objectivity and coverage and assure adequate consideration of audit recommendations.

All Audit Services activities shall remain free of influence by any element in the organization, including matters of audit selection, scope, procedures, frequency, timing or report content to permit maintenance of an independent and objective attitude necessary in rendering reports.

Audit Services shall have no direct operational responsibility or authority over any of the activities it reviews. Accordingly, it shall not develop nor install systems or procedures, prepare records or engage in any other activity, which would normally be audited.

RESPONSIBILITIES

The Director of Audit Services and the staff of the Audit Services division have the responsibility to:

- Review operations within the City at appropriate intervals to determine whether planning, organizing, directing and controlling are in accordance with management instructions, policies and procedures and in a manner that is consistent with both City objectives and high standards of administrative practice.
- Determine the adequacy and effectiveness of the systems of internal accounting, financial and operating controls.
- Review the reliability, utility and integrity of financial information and the means used to identify measure, classify and report such information.
- Review the established systems to ensure compliance with those policies, plans, procedures, laws and regulations which would have a significant impact on operations and reports and determine whether the organization is in compliance.
- Review the means of safeguarding assets and, as appropriate, verify the existence of such assets.
- Carry out value-for-money (VFM) / performance audits to determine the efficiency and effectiveness of services and evaluate attainment of corporate objectives and value to citizens.
- Report to those members of management who should be informed or who should take corrective action, the results of audit examinations, the audit opinions formed, and the recommendations made.

- Evaluate any plans or actions taken to correct reported conditions and provide timely follow-up to ensure satisfactory disposition of audit findings in the manner and timeframe committed to by management in the original audit report. If the corrective action is considered unsatisfactory, hold further discussions to achieve acceptable disposition.
- Develop flexible annual work plans, including any risks or control concerns identified by management or other audits as well as appropriate special tasks or projects requested by management.
- Undertake investigations or refer issues to other appropriate parties as a result of disclosures under the Whistleblower By-law.
- Maintain a professional audit staff with sufficient knowledge, skills and experience.

AUDIT PLANNING

Each year, the Director of Audit Services shall prepare work plans, setting out the proposed schedule of audits and other undertakings proposed for the coming year.

For the compliance / control audit plan, the following sources are considered:

- Prioritization of the audit universe using a risk-based methodology;
- Requests from Members of Council, senior management and staff;
- Any audits planned for the past year but delayed or not completed; and
- Any conditions or concerns discovered or communicated throughout the past year.

Similarly, for planning the value-for-money audit candidates, the most recent risk assessment of services provided to citizens and areas likely to provide significant payback in terms of increased revenues, reduced costs, operational efficiencies and quality of services will be considered.

The annual work plans (divided into the two sections) will be presented to the Audit, Finance and Administration Committee for approval. Any changes to the work plan requested by Council or individual Members of Council will require a majority of at least two-thirds the total members of Council present and not prohibited by statute from voting for the Director of Audit Services to consider.

REPORTING

A written report is prepared and issued by the Director of Audit Services following the conclusion of each audit. In most cases, the report will include management's responses and the corrective action plans for specific findings and recommendations. Management's response will include a statement of general agreement or disagreement with the stated findings and recommendations as well as a timeframe for anticipated completion of action to be taken and an explanation for any recommendation not addressed.

Audit Services is responsible for appropriate follow up on audit findings and recommendations. All significant findings will remain open until the Director of Audit Services has determined management has appropriately taken action to resolve the finding.

All reports (whether compliance, control or VFM audits) are presented to the Audit, Finance and Administration Committee.

PROFESSIONAL STANDARDS

Audit Services will be guided by the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors (IIA).

(Approved by Council – January 21, 2015 – Report AUD15006)

Appendix G

ROLES OF COUNCIL, MAYOR AND COMMITTEE CHAIR

PREAMBLE

The general requirements for holding office for elected officials for the City of Hamilton are contained in the *Municipal Act, 2001*.

GENERAL ROLE/GUIDELINES (COUNCIL)

(a) Within the authority of enabling legislation, to develop policies for the purpose of guiding the administration of municipal government in the City of Hamilton.

(b) Subject to legislative restrictions, develop regulations to be adopted in By-laws and resolutions for the overall benefit of the citizens of the community.

(c) Appoint statutory officers and senior officials to ensure that a functional management system is in place and which will administer the City within the adopted policies of Council.

(d) To collectively oversee the administrative functions as carried out by appointed officials within the delegated authority and the policies adopted by Council.

(e) To monitor the administrative process and ensure that the will and direction of the City is placed into effect.

(f) To be prepared to attend regularly scheduled meetings and special meetings of Council and Committees as required and to participate in the debate for the purpose of developing and adopting policies and directions for the City of Hamilton.

(g) Absences from the meetings of Council for three successive months results in a member's seat being declared vacant unless authorized by resolution of Council.

(h) To act as liaison between the citizens they represent and the City, to ensure that the intention of established policies and regulations are applied in a manner that is conducive to the interests of the citizens as a whole.

(i) To oversee the financial affairs and delivery of City services through the adoption of policies and budget control guidelines and to ensure that appropriate audit procedures and monitoring programmes are in effect.

ROLE OF THE MAYOR

The Mayor is responsible to act as the Head of Council, as detailed in the *Municipal Act, 2001* providing leadership to other Members of Council.

(a) To act as the Council's corporate representative when dealing with other government agencies and the private sector consistent with the vision and direction expressed by the Council of the day.

(b) The Mayor and the City Manager must work in close liaison as the pivotal link between the policy-making body of Council and the administrative organization of the City.

(c) The role of Mayor is considered as statutory and policy-related, to act as the Head of Council and to co-ordinate political representation on behalf of the City when required at meetings, receptions, functions, and community activities, and to direct administrative functions to the attention of the City Manager.

ROLE OF COMMITTEE CHAIR

(a) To ensure that the general functions noted in the roles of Council and in the policies and procedures established by the City are maintained.

(b) To ensure that the rules of procedure with respect to conduct are followed.

(c) The role of Chair, in co-ordinating the meetings of a Committee, will be considered statutory and policy-related, with administrative functions to be delegated to appointed staff and officials through the appropriate General Manager or Medical Officer of Health, following appropriate reporting procedures of the City.

(d) It is recognized that the role of Chair, as outlined above, does not provide any administrative authority over staff, and that any administrative requests should be brought to the attention of the City Manager, appropriate General Manager or Medical Officer of Health or appropriate delegated staff.

DUTIES OF COMMITTEE CHAIR

(a) Open the meetings of the Committee by taking the chair and calling the members to order.

(b) Announce the business before the Committee and the order in which it is to be acted upon.

(c) Receive and submit, in the proper manner, all motions presented by the members of the Committee.

(d) Put to a vote all motions, which are moved, or necessarily arise in the course of the proceedings, and to announce the result.

(e) Enforce the rules of procedure and rule upon all procedural matters.

(f) Guide the members when engaged in debate in accordance with the rules of procedure.

(g) Enforce on all occasions the observance of order and decorum among the members and the attending public.

(h) Order any member persisting in a breach of the rules of procedure to vacate the meeting room.

(i) Permit questions to be asked through the Chair of any staff in order to provide information to assist any debate when the Chair deems it proper.

(j) Rule on any points of order or points of privilege without debate or comment.

(k) Rule whether a motion or proposed amendment is in order.

(l) Determine which member has the right to speak.

(m) Ascertain that all members who wish to speak on a motion have spoken and that the members are ready to vote, and shall then put the vote.

(n) May call a member to order.

(o) Where it is not possible to maintain order, the Chair may, without any motion being put, adjourn the meeting to a time to be named by the Chair.

(p) Adjourn the meeting when the business is concluded.

(q) The Chair may state relevant facts and the Chair’s position on any matter before the Committee without leaving the chair, but it shall not be permissible for the Chair to move a motion or debate a question without first leaving the chair.

(r) If the Chair desires to leave the chair to move a motion, or to take part in the debate, the Chair shall call on the Vice-Chair, or in the absence of the Vice-Chair, on another member to preside until the Chair resumes the chair.

(s) The Committee Chair shall vote on any questions before the Committee and in the event of an equality of votes (tie vote) the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.

Appendix H

15B**CRITERIA FOR THE CREATION OF ADVISORY COMMITTEES OR TASK FORCES**

(a) That all requests for the formation of an Advisory Committee or Task Force be presented to a Standing Committee for consideration.

(b) That all requests, upon approved motion by the Standing Committee, be referred to the applicable General Manager for a report back on the following;

(i) inventory of previous and existing activities related to the issue
(ii) Inclusion of a sunset clause, which outlines the time needed to complete the mandate
(iii) reporting structure, membership composition, mandate, objectives, legislative requirements, work plan and timelines for the Special Purpose Body
(iv) responsibilities of the members
(v) membership expertise requirements for the Special Purpose Body
(vi) proposed budget allocation requirement and source of funding
(vii) staffing requirements
(viii) other necessary resources

(c) The Clerk may invite citizens to serve as members and such invitations shall include the Advisory Committee or Task Force's mandate including any membership expertise requirements and the time needed to complete the mandate;

(d) Applications received for membership shall be forwarded by the Clerk to the Selection Committee;

(e) The Selection Committee may consider balanced geographical representation in selecting the members, where appropriate;

(f) The rules of procedure shall be observed so far as they are applicable;

(g) A Code of Conduct, setting out general standards for acceptable conduct by Members of Advisory Committees and Task Forces in the performance of their duties, is set out in Appendix I to this By-law.

(h) All minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and

(i) Staff may act as resource persons in a non-voting capacity.

Appendix I

HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT

Council has adopted this Code of Conduct for the guidance of Appointees to Advisory Committees and Task Forces providing recommendations to Standing Committees and to assist Appointees in performing their duties in a manner which will promote the public's confidence in these Advisory Committees and Task Forces operating with integrity, transparency and courtesy.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Appointees may be called upon to exercise judgement as to the appropriate standard of conduct. When this occurs, Appointees are to ensure that their decisions maintain the Advisory Committee or Task Force's integrity, transparency and courtesy.

This Code of Conduct does not apply to Members of Council who are subject to the Council Code of Conduct.

Failure to comply with this Code of Conduct may result in the Advisory Committee or Task Force:

(1) requesting an apology from the Appointee; and/or
(2) removing the Appointee from the Advisory Committee or Task Force for a portion or all of their term.

1. GOOD CONDUCT

Appointees shall act with honesty and integrity including:

- acting in a manner that contributes to the public's confidence in the Advisory Committee or Task Force; and,
- not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointees.

2. MEETINGS

Appointees shall maintain proper control over meetings demonstrating respect for everyone who is involved in a proceeding.

Appointees are expected to attend all meetings of the Advisory Committee or Task Force. If an Appointee misses more than three meetings during their term, the Chair, after hearing and considering any explanation provided by the Appointee, may remove the Appointee from the Advisory Committee or Task Force for the remainder of their term.

3. COLLEGIALITY

Appointees shall respect and co-operate with other Appointees and the Advisory Committee or Task Force staff.

4. GIFTS OR BENEFITS

Appointees shall not accept a gift or benefit that may appear as being offered because they are Appointees.

5. CONFIDENTIAL INFORMATION

Appointees shall not disclose to any member of the public any confidential information acquired by virtue of their position.

6. COMMUNICATION

Appointees should accurately communicate a recommendation or direction.

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee providing it does not relate to In Camera discussions.

Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.

Appendix B to Report CL18007/LS18039

Summary of the Proposed Revisions

Throughout the by-law:

- Gender neutral language has been used;
- Senior Management Team has been replaced with Senior Leadership Team;
- Emergency and Community Services Committee and Department has been replaced with Healthy and Safe Communities Committee and Department;
- Where the by-law refers to the City's website, the location of the information has been added (i.e. Committee and Council Meeting Calendar; Request to Speak);
- "Regular" meeting(s) or "scheduled" meeting(s) has been included where required for clarity;

Section 1 – Definitions:

- Addition of "confirming by-law"; "consent item"; and "friendly amendment";
- Revisions made to "meeting" to align with the definition within the Municipal Act;
- Revision made to "refer" for clarity purposes;
- "Defer/Table" have been separated out in the body of the by-law, therefore, their definitions have also been separated;
- Revised "website" by removing "internet" as its not required;
- Revised "Standing Committee", in order to differentiate a Standing Committee from a Sub-Committee comprised entirely of Members of Council, by adding "reports directly to Council".
- Added "Selection Committee", in order to differentiate Selection Committee from a Sub-Committee, as it reports directly to Council.

Section 3 – Council Meetings

3.1 - First Council Meeting

- Amendment to subsection (1) to reflect the Act;

3.2 – Regular Council Meeting Times

- Amendment to subsection (1) to reflect Council's direction respecting the scheduling of Council meetings;

3.4 – Special Meetings of Council

- Amendment to subsection (4) has been revised to remove the particulars respecting 'other business';
- Addition of subsection (5) to address the addition of 'other business' to an agenda of a Special Council meeting;
- Addition of subsection (6) to provide the Clerk with flexibility in preparing the agenda with the appropriate agenda categories for Special Council meetings;

3.5 – Meetings of Council for Emergencies

- Addition of subsection (4) to provide the Clerk with flexibility in preparing the agenda with the appropriate agenda categories for emergency Council meetings.

3.6 – Cancellation of a Council Meeting

- Added to provide for a provision for the cancellation of a regular Council meeting;

3.7 - Quorum

- Amendment to subsection (3) to reflect that a quorum is present;

3.10 – Communication Items

- Amendment to subsection (4) to include “anonymous” and to be more explicit as to what type of communications are not acceptable;
- Addition of subsection (6) reflects the current practice for the disposition of resolutions from other municipalities;
- Addition of subsection (7) refers to the receipt of resolutions from other municipalities;
- Addition of subsection (8) addresses the disposition of communication items received respecting labour relation matters or the conduct of a member of Council; staff or another body;

3.12 – Rules of Debate

- Addition of subsection (6) refers to speaking only to the matter being debated;
- Addition of subsections (7) and (8) reflect Council’s direction respecting time limits;
- Amendment to subsection (9) to include “amend”; “refer” and “suspend the rules of procedure” as there is no requirement that these type of motions are to be in writing;
- Amendment to subsection (9) divided “defer” and “table” as they have been divided into two distinct sections later in the by-law;
- Amendment to subsection (10) to remove “and shall be entitled to vote as a Member of Council”, as all members are entitled to vote, therefore, the reference is not required;

3.13 – Motion Procedures

- Amendment to the title of Section 3.13 from Voting Procedures to “Motion Procedures”
- Addition of subsection (1) for clarity;
- Amendment to subsection (10) to include “distinct propositions” for clarity;
- Subsection (11) has been renumbered (13);
- Amendment to subsections (12)(b) and (c) to reflect “motion” as a notice of motion for consideration at a subsequent meeting is a motion not a notice of motion;
- Amendment to subsection (13) to include when the waiving of notice would be in order;
- Addition of subsection (15) to address “friendly amendments”;
- Amendment to subsection (16) and (17) to divide “table” and “defer”;

- Amendment to subsection (18) (e) and (f)to add the current practice of allowing all first time speakers to speak to the matter before a motion to refer is introduced and that a member who has spoken to the matter cannot move a motion to refer.
- Amendment to subsection (19) to replace the word “resolved” with “when decided in the negative” for clarity;
- Amendment to subsection (21) the title has been revised to include “Council” and the content of the subsection has been revised for clarity;
- Original subsection (22) Motion to Rescind, has been removed as a Motion to Reconsider the matter would be required and rescinding the decision would be a result of a reconsideration motion;
- Amendment to subsection (22) Added the title “Order of Procedural Motions”;
- Amendment to subsection (23) Added the title “Non-Debatable Motions”; added “a point of order” to the list and removed “suspend the rules of procedure” from the list;
- Added subsection (24) to have a separate subsection on “Motion to Suspend the Rules of Procedure”;

3.17 – Conflict of Interest Declarations

- Added Section 3.17 as per the *Municipal Conflict of Interest Act* amendments;
- Noted that this section is effective March 1, 2019;

3.18 – Provisional Governance Committee During a Declared Emergency

- Added Section 3.18, (originally Section 5.9) as the Committee acts as Council during a declared Emergency.

Section 4 – Committee of the Whole

- Amendment to Subsection 4.1(a) to add “Standing” and “Selection Committee” to be consistent with the other sections of the by-law.

Section 5 – Standing Committee Meetings

5.3 – Standing Committee Membership

- Amendment to subsection (4) to remove the maximum number of members for consistency;

5.5 – Standing Committee Meeting Times

- Amendments to subsection (1) reflects a less prescriptive meeting schedule as well as addresses when a meeting date falls on a public or civic holiday;
- Amendment to subsection (2) to include “Standing Committee” for clarity and include “at the call of the Chair”;
- Amendment to subsection (3) to include “Committee” to reflect the definition of Committee;

5.6 – Cancellation of a Committee Meeting

- Added subsection 5.6 to provide for a provision for the cancellation of a Committee meeting;

5.7 – Standing & Selection Committee Reports

- Amendment to the title “Standing & Selection” for clarity;
- Amendment to subsection (2) to remove the reference to “Ward Councillor” and reword the clause for clarity;

5.8 – Rules of Procedure

- Amendment to subsection (1) to refer to all Committees;
- Amendment to subsection (2) removed “a member of Council who is not a member” an moved the reference to subsection (4);

5.10 – Order of Business

- Amended to include Ceremonial Activities and Communications;

5.11 Delegations

- Amendment to subsection (1)(a) to clarify that the request will be on the next published agenda, so that these requests are not changes to the agenda if they don’t pertain to a matter on the agenda;
- Amendment to subsection (2) as per the current practice of redacting the addresses and phone numbers, unless required by an Act (i.e. Planning Act requires the address be included);
- Amendment to subsection (6) to include the asterisked section;
- Amendment to subsection (7) for clarity;
- Added subsection (8) based on the requests that have been received and to be consistent with the communications sections;
- Amendment to subsection (9) addresses delegations who have appeared at a Committee Meetings on a subject matter previously, to specify that they would have to present ‘new’ information;

5.12 – Public Hearings

- Amendment to subsection (C)(5) to reflect the revised number of copies required;

5.13 – Communication Items

- Added Section 5.13 to provide procedural rules surrounding the inclusion of communications on a Standing Committee agenda;

5.14 – Reconsideration of a Matter Decided Within a Standing Committee Meeting

- Added Section 5.14 to provide procedural rules for instances during a Standing Committee meeting when a matter requires reconsideration;

5.15 - Conflict of Interest Declarations

- Added Section 5.15 as required as per the *Municipal Conflict of Interest Act* amendments;

5.16 - Special Meetings of a Standing Committee

- Added Section 5.16 to address the calling and the agenda of a special meeting of a Standing Committee.

Section 7 – Order and Decorum

- Amendment to the title of Section 7 to remove “Conduct of Members” as Council has a Code of Conduct and refer to the Order and Decorum of everyone in attendance at the meeting;
- Amendment to subsection 7.1 to reflect the conduct of everyone in attendance at the meeting;
- Added subsection 7.2 addresses instances where individuals are not abiding by the rules of order and decorum;
- Added subsection 7.3 addresses instances where individuals who are posing at threat to others in attendance;
- Added subsection 7.4 addresses instances where members of Council are not abiding by the rules of order and decorum;
- Section 7.5 was Section 7.2;
- Section 7.6 provides guidelines respecting signs and placards;
- Section 7.7 was Section 7.4 and has been updated.

Section 8 – Meetings Closed to the Public

- Amendment to subsection 8.1(h) to (k) to reflect the amendments from Bill 68;
- Amendment to subsection 8.4(b) and (c) have been included as per the current practice.

Section 9 - Electronic Participation at Council and/or Committee Meetings

- Added Section 9 to reflect the amendments from Bill 68;
- Added Section 9.1 to reflect the decision Council made with respect to Electronic participation at Council and/or Committee meetings.

Section 10 – Role of the Clerk

- Amendment to subsection 10.3 to note “shall”;
- Amendment to subsection 10.7 to remove “All matters not covered by this By-law shall be decided by the Mayor or Chair” as the by-law stated that Bourinots Rules of Order will be referred to when this by-law is silent on a matter.

Section 11 – General

- Removed subsection 11.2 as the Notice By-law would apply;

Appendices

- Appendices A through F have been amended to remove the composition, as it sufficient to only state the number of members.

Appendix A – General Issues Committee

- Amendment made to the Mandate to include Departmental Organizational Structure Changes.

Appendix D – Planning Committee

- Amendment made to General to include “transportation planning” as per the change made to the Planning Committee’s responsibilities.

Appendix E – Healthy & Safe Communities Committee

- Amendment to the Mandate to reflect the new Healthy and Safe Communities Committee Mandate;
- Amendment made to remove the Maximum number of members to reflect the same language within the by-law.

Schedule F1 – Audit Services Charter

- The Appendix’ title has been changed to reflect the formation of the Audit Services Charter in 2015.

Appendix G – Roles of Council, Mayor and Committee Chair

- Amendment to Duties of the Committee Chair(s) to include “(tie vote)” for clarity.

Appendix H – Criteria for the Creation of Advisory Committees or Task Forces

- Amended to referred to Appendix I, the Code of Conduct for Advisory Committee / Task Force members.

Appendix I - Hamilton Advisory Committee/Task Force Code of Conduct

- Added Appendix I.

The following motion was referred to the Governance Review Sub Committee on June 13, 2018 for discussion:

Future Council Vacancy – Office of Councillor Ward 7

That Council, as required by subsection 263(1) of the *Municipal Act, 2001*, invite applications and appoint in accordance with the process as set out below, to appoint a qualified person to hold the office of Councillor, Ward 7, once the seat is declared vacant by Council; and

That the City Clerk be authorized to take the steps necessary to carry out the application process.

APPOINTMENT PROCEDURE
FOR FILLING VACANCY ON COUNCIL

- An Advertisement is placed in the Hamilton Spectator and in a local newspaper serving Ward 7 if applicable. The advertisement includes Council's intention to appoint a qualified person to fill the vacancy and the process to be followed. Communication using the city's website and or other communication methods may also be used where appropriate.
- All applicants must, on or before 2:00 p.m., on a date to be determined, complete and submit, in person to the Clerk's Office, a Council Vacancy Application and a Declaration of Qualification and provide personal identification showing his or her name and an address within the City of Hamilton.
- Applicants who have met the application submission deadline, and requirements set out in the Declaration of Qualification, may address Council for no more than five minutes each at the date to be determined General Issues Committee meeting. The order of the addresses is determined by lot.
- After hearing all of the applicants, Council appoints an applicant to fill the office of Councillor by way of a run-off ballot. In the case of a tie, the successful candidate is chosen by lot.
- The appointee is responsible for attending Council, Board of Health, General Issues Committee and 2 Standing Committees (as per section 5.3(6) of the City's Procedural By-law 14-300, as amended) to represent Ward 7.
- The appointee is not obligated to serve on agencies, boards or committees unless appointed by Council.

Appendix "A" to Report CL18008

APPOINTMENT PROCEDURE
FOR FILLING VACANCY ON COUNCIL

- An Advertisement is placed in the Hamilton Spectator and in a local newspaper serving Ward 7 if applicable. The advertisement includes Council's intention to appoint a qualified person to fill the vacancy and the process to be followed. Communication using the city's website and or other communication methods may also be used where appropriate.

- All applicants must, on or before 2:00 p.m., on a date to be determined, complete and submit, in person to the Clerk's Office, a Council Vacancy Application and a Declaration of Qualification and provide personal identification showing his or her name and an address within the City of Hamilton.

- Applicants who have met the application submission deadline, and requirements set out in the Declaration of Qualification, may address Council for no more than five minutes each at the date to be determined General Issues Committee meeting. The order of the addresses is determined by lot.

- After hearing all of the applicants, Council appoints an applicant to fill the office of Councillor by way of a run-off ballot. In the case of a tie, the successful candidate is chosen by lot.

- The appointee is responsible for attending Council, Board of Health, General Issues Committee and 2 Standing Committees (as per section 5.3(6) of the City's Procedural By-law 14-300, as amended) to represent Ward 7.

- The appointee is not obligated to serve on agencies, boards or committees unless appointed by Council.

10.1 (a)

INFORMATION REPORT

TO:	Governance Review Sub Committee
COMMITTEE DATE:	June 26, 2018
SUBJECT/REPORT NO:	Council Vacancy - Office of Councillor Ward 7 (CL18008) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Janet Pilon Ext. 4304
SUBMITTED BY: **SIGNATURE:**	Janet Pilon Acting City Clerk Office of the City Clerk

Council Direction:

At the June 13, 2018 Council referred the motion respecting a Future Council Vacancy – Office of Councillor Ward 7 (Item 10.1) to the Governance Review Sub Committee for consideration.

In light, of the time constraints, the Acting City Clerk was requested to prepare an information report to accompany the motion respecting a Future Council Vacancy – Office of Councillor Ward 7 (Item 10.1).

Information:

Subsection 263(1), of the *Municipal Act, 2001*, requires that after a vacancy is declared, it be filled either by Council appointing a qualified person to hold the office, or by holding a by-election to elect a qualified person.

A by-election is not an alternative available to Council at this time, as per subsection 65(2) of the *Municipal Election Act, 1996*, which states “no by-election shall be held to fill an office that becomes vacant after March 31 in the year of a regular election”.

The process for making an appointment is not prescribed, typically, one of two processes has been followed in Ontario:

(i) Council appoints a qualified person who has consented to fill the office; or

(ii) Council invites applications and appoints in accordance with a process as set out in Appendix “A” to this report. The process involves having all interested qualified persons submit an application and address Council. After hearing the addresses, Council makes the appointment.

As per subsection 262(1), of the *Municipal Act, 2001*, Council will declared the office of the Councillor of Ward 7 as vacant on June 27, 2018.

The appointment of a qualified person to hold the office of Councillor, Ward 7, for the remainder of the 2014-2018 term of office, must take place within 60 days of the vacancy being declared, in this case, no later than August 25, 2018.

A legally qualified person to be appointed and to hold the office of Councillor Ward 7, pursuant to the *Municipal Elections Act,* 1996 (MEA), *Municipal Conflict of Interest Act,* and as applicable, the *Municipal Act, 2001* or the *Education Act,* must be:

- a Canadian citizen; and
- at least 18 years of age; and
- reside in the City of Hamilton or the owner or tenant of land in the City of Hamilton or the spouse or such owner or tenant.

A person is not qualified to hold the office of Councillor Ward 7 pursuant to the *Municipal Elections Act,* 1996 (MEA), *Municipal Conflict of Interest Act,* and as applicable, the *Municipal Act, 2001* or the *Education Act*, if they are:

- an employee of the municipality who has not taken an unpaid leave of absence and resigned;
- a person who is not an employee of the municipality but who is the clerk, treasurer, Integrity Commissioner, Auditor General, Ombudsman or registrar referred to in section 223.11 of the *Municipal Act 2001* or an investigator referred to in subsection 239.2 (1) of the municipality or a person who is not an employee of the municipality but who holds any administrative position of the municipality;
- a judge of any court;
- an MP, MPP or Senator who has not resigned as a member of any of those bodies;
- a person who is serving a sentence of imprisonment in a penal or correctional institution
- a corporation
- a person acting as executor or trustee in any other representative capacity
- a person disqualified for violations of financial requirements or violations of requirements for filing financial information

There is no alternative for leaving the office of Councillor Ward 7 vacant until the October 22, 2018 Municipal Election because the vacancy does not meet the prescribed timing of subsection 263(5)3, of the *Municipal Act, 2001*, which states "if a vacancy occurs within 90 days before voting day of a regular election *(in this case July 24, 2018)*, the municipality is not required to fill the vacancy".

Appointing another member of Council to hold both their own office and the office of Councillor Ward 7 is also not an alternative as their own office would be vacated under subsection 259(1)(e) of the *Municipal Act, 2001*.

Vacant seat

259. (1) The office of a member of council of a municipality becomes vacant if the member,

. . .

(e) is appointed or elected to fill any vacancy in any other office on the same council;

In addition, every member of this Council is entitled to only one vote as prescribed in subsection 243 of the *Municipal Act, 2001.*

Appendices and Schedules Attached

Appendix "A" – Appointment Process for Filling Vacancy on Council

Appendix "A" to Report CL18008

APPOINTMENT PROCEDURE
FOR FILLING VACANCY ON COUNCIL

- An Advertisement is placed in the Hamilton Spectator and in a local newspaper serving Ward 7 if applicable. The advertisement includes Council's intention to appoint a qualified person to fill the vacancy and the process to be followed. Communication using the city's website and or other communication methods may also be used where appropriate.

- All applicants must, on or before 2:00 p.m., on a date to be determined, complete and submit, in person to the Clerk's Office, a Council Vacancy Application and a Declaration of Qualification and provide personal identification showing his or her name and an address within the City of Hamilton.

- Applicants who have met the application submission deadline, and requirements set out in the Declaration of Qualification, may address Council for no more than five minutes each at the date to be determined General Issues Committee meeting. The order of the addresses is determined by lot.

- After hearing all of the applicants, Council appoints an applicant to fill the office of Councillor by way of a run-off ballot. In the case of a tie, the successful candidate is chosen by lot.

- The appointee is responsible for attending Council, Board of Health, General Issues Committee and 2 Standing Committees (as per section 5.3(6) of the City's Procedural By-law 14-300, as amended) to represent Ward 7.

- The appointee is not obligated to serve on agencies, boards or committees unless appointed by Council.