

# Proposed Changes to Bylaw 14-300

Delegation to the Governance Review Sub-Committee

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# What brings me here today

- I've reviewed the City's procedural bylaw (14-300) and provided more than 200 comments to the City's Clerk at the end of March 2018 following my delegation to this Sub-Committee on November 21, 2017
- I think that we can do better than what has been proposed and am here to identify the areas which I feel could most obviously benefit from further review

# Thanks to staff

- The Acting City Clerk has been very responsive to my comments and has incorporated some of my suggestions; these suggestions have improved the bylaw in places where it was unnecessarily vague or confusing
- I appreciate the hard work that City staff have put in to reviewing this bylaw over the past 4 years

# Overview of my points

- The bylaw is not clear enough
- The bylaw is less democratic than it was
- The bylaw is not accessible enough
- The bylaw is unnecessarily confusing

# Clarity

- There are ways to make this bylaw clearer:
  - Always include references (i.e. *Municipal Act*)
    - 8.1 (h) - (k) copied right from (239) (2)
    - Part of Appendix G copied right from (245)
    - 3.13 (4) copied right from (246) (2)

# Clarity

- Specify the precise version of *Bourinot's Rules of Order* that are being relied upon
  - Right now it simply says “the most recent edition” rather than referring to the editor/author of the edition - if a new edition comes out then we should amend the bylaw if we *\*want\** to use it; these are heavily interpreted and edited editions; the one we rely on now was published in the 90s

# Clarity

- Definitions refer to themselves
  - The most glaring might be the definition of “Committee of the Whole”: “means all Members of Council present, sitting in committee of the whole;” - there’s a better definition in the body of the document itself that should be used

# Clarity

- Merge the ideas of “defer” and “table”
  - Get rid of \*either one\* of these terms since they have definitions which are far too similar and don't need to be mutually exclusive; it's simpler for Council to rely on one term that encompasses the action of putting something off until a later time



# Democracy

- There are ways to make this bylaw more democratic:
  - Do not limit the types/content of communication
    - Sections 3.10 (8) - limits communication items and restricts them from being included if they mention the “conduct” of a councillor; also far too vague by saying it will be referred to the “respective office” - not clear who is responsible

# Democracy

- Do not grant additional powers to the Mayor
  - Section 5.3 (8) - grants powers to the Mayor that reach outside of their role as a equal member of Council (i.e. giving them ex-officio voting powers on all standing Committees)

# Democracy

- Do not limit the content of delegations
  - Sections 5.11 (9) - limits the content of delegations, proclaiming that subsequent delegations must be “new”; wording could prevent a delegate from giving a similar presentation to different Committees

# Democracy

- Do not infringe on the rights of the public
  - Section 7.2 - limiting the free speech of members of the public with respect to the decisions of Council

# Accessibility

- There are ways to make this bylaw more accessible:
  - Include more definitions
    - The bylaw is unnecessarily vague with respect to the language it uses; definitions for some of the common language could help (i.e. making the distinction between a point, motion, and question clearer would help) - cf. Section 3.13 (10)

# Accessibility

- Use Clear Writing Principles
  - There's nothing limiting Council from writing this document in clearer language so that it's more understandable by the average reader; at least 25% of Hamiltonians struggle with literacy issues - reach out and consult with the Adult Basic Education Association to work on making this document clearer

# Accessibility

- Make this and other bylaws easier to find
  - Rather than repealing entire bylaws and replacing them with new bylaw numbers (for essentially the same content), amend bylaws; it's not necessary for people to have to learn new bylaw numbers

# Accessibility

- Track changes made to all bylaws and provide a tracked changes document to the public
  - When the bylaw was updated in 2014, a tracked changes version was available to the public; it's not reasonable to expect the public to track the changes themselves - this must be written in to the bylaw to ensure that it happens going forward



# Confusion

- There are ways to make this bylaw less confusing:
  - Clarify the Notice of Motion process:
    - At present, sections that deal with a Notice of Motion don't clearly spell out the process - it's unclear as to what rules should be followed and that the Notice of Motion is itself a motion separate from the resultant motion

# Confusion

- The relationship/authority structure between the Mayor and City Manager doesn't make sense
  - The phrase: "... to direct administrative functions to the attention of the City Manager." doesn't explain where this direction comes from - it's not clear if the Mayor has this sole authority or not

# Confusion

- There are a number of “cultural practices” or “habits” of Council which are create confusion during the meetings themselves and which should be addressed and provided for clearly in the bylaw:
  - Meal breaks
  - Meeting end times

# Confusion

- Is someone the Deputy Mayor for the length of a meeting, for an entire day, or for an extended period of time? This matters because of phrases like:
  - “when the Mayor is absent from the City or the office of Mayor is vacant;”
  - “the Mayor refuses to exercise;”

# What I'm asking for

- That this Committee continue to work with me outside of this setting to ensure that the areas I have identified here today are addressed before the current procedural bylaw (14-300) is repealed and replaced