



City of Hamilton

GOVERNANCE REVIEW SUB-COMMITTEE REVISED

Meeting #: 18-004
Date: August 29, 2018
Time: 1:00 p.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

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

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 June 26, 2018

4. DELEGATION REQUESTS

4.1 Cameron Kroetsch, respecting the proposed changes to the Procedural By-law 14-300 (For today's meeting)

5. CONSENT ITEMS

6. PUBLIC HEARINGS / DELEGATIONS

*6.1 Cameron Kroetsch, respecting the proposed changes to the Procedural By-law 14-300

7. STAFF PRESENTATIONS

8. DISCUSSION ITEMS

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

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

- 8.2 Hamilton Public Notice Policy By-law (CL18009 / LS18051) (City Wide)

- 8.3 2019 Ward Budgets (FCS18083) (City Wide)

- 8.4 Review of the Selection Process (CL18011) (City Wide)

9. MOTIONS

- *9.1 Speakers Queue

10. NOTICES OF MOTION

11. GENERAL INFORMATION / OTHER BUSINESS

- 11.1 Outstanding Business List:

- 11.1.a Items considered complete and needing to be removed:

Item: A

Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens (LS18002) staff to report back with further clarification on current Royal Botanical Gardens membership versus proposed membership, and to provide further details on federal and provincial funding.

Completed: April 5, 2018 at Governance Review Sub-Committee (Item 8.1 - LS18002(b))

Item: B

Electronic Participation at Council and/or Committee Meetings - 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.

Completed: June 26, 2018 at Governance Review Sub-Committee (Item 9.1 - CL18007/LS18039)

12. PRIVATE AND CONFIDENTIAL

13. ADJOURNMENT



Hamilton

MINUTES 18-003
GOVERNANCE REVIEW SUB-COMMITTEE
Tuesday, June 26, 2018
9:30 a.m., Council Chambers
Hamilton City Hall

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

Absent: Councillor J. Partridge - Personal

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

1. Appointment of Vice-Chair to the Governance Review Sub-Committee (Item 1.1)

(Ferguson/Conley)

That Councillor VanderBeek be appointed as Vice-Chair to the Governance Review Sub-Committee for the balance of the 2014 – 2018 term of Council.

CARRIED

2. Council Vacancy – Office of Councillor Ward 7 (CL18008) (Ward 7) (Item 10.1(a))

(Ferguson/Conley)

That Report CL18008, respecting Council Vacancy – Office of Councillor Ward 7, be received.

CARRIED

FOR INFORMATION:

In Councillor Pearson's absence – Councillor VanderBeek assumed the Chair.

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. SELECTION OF A VICE CHAIR

That the selection of a Vice Chair for the Governance Review Sub-Committee be moved down the agenda to follow the Discussion Items (Item 9).

2. DELEGATION REQUESTS

- 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)

(Conley/Ferguson)

That the June 26, 2018 Agenda of the Governance Review Sub-Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) April 5, 2018 (Item 4.1)

(Ferguson/Conley)

That the Minutes of the April 5, 2018 meeting of the Governance Review Sub-Committee, be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 5)

(Conley/Ferguson)

That the following delegation requests, be approved for today's meeting:

- (1) Cameron Kroetsch, respecting amendments to By-law 14-300 (Item 5.1)
- (2) Joey Coleman respecting the Procedural By-law (Item 5.2)
- (3) Craig Burley respecting certain legal, governance and procedural aspects of the Proposed Procedural By-Law (Item 5.3)
- (4) Cam Galindo respecting the City's new Procedural By-law (Item 5.4)
- (5) Karl Andrus respecting the proposed changes to the Procedural By-law (Item 5.5)

CARRIED

(e) PUBLIC HEARINGS/DELEGATIONS (Item 7)

(i) Cameron Kroetsch respecting amendments to By-law 14-300 (Item 7.1)

Cameron Kroetsch addressed the Committee respecting amendments to By-law 14-300, with the aid of a presentation.

(Ferguson/Conley)

That Cameron Kroetsch be permitted to address the committee for an additional 5 minutes in order to complete his presentation.

CARRIED

(Ferguson/Conley)

That the delegation from Cameron Kroetsch respecting amendments to By-law 14-300, be received.

CARRIED

A copy of the presentation is available on the City's website at www.hamilton.ca.

For further disposition of this matter, refer to Item (f)(i).

(ii) Joey Coleman respecting the Procedural By-law (Added Item 7.2)

Joey Coleman addressed the Committee respecting the Procedural By-Law, with the aid of speaking notes.

(Conley/Ferguson)

That Joey Coleman be permitted to address the committee for an additional 5 minutes in order to complete his presentation.

CARRIED

(Conley/Ferguson)

That the delegation from Joey Coleman respecting the Procedural By-law, be received.

CARRIED

A copy of the speaking notes are available on the City's website at www.hamilton.ca.

For further disposition of this matter, refer to Item (f)(i).

(iii) Craig Burley respecting certain legal, governance and procedural aspects of the Proposed Procedural By-Law (Added Item 7.3)

Craig Burley addressed the Committee respecting certain legal, governance and procedural aspects of the Proposed Procedural By-Law.

(Ferguson/Conley)

That Craig Burley be permitted to address the committee for an additional 5 minutes in order to complete his presentation.

CARRIED

(Pearson/Conley)

That the delegation from Craig Burley respecting certain legal, governance and procedural aspects of the Proposed Procedural By-Law, be received.

CARRIED

For further disposition of this matter, refer to Item (f)(i).

(iv) Cam Galindo respecting the City's new Procedural By-law (Added Item 7.4)

Cam Galindo addressed the Committee respecting the City's new Procedural By-law.

(Ferguson/Conley)

That the delegation from Cam Galindo respecting the City's new Procedural By-law, be received.

CARRIED

For further disposition of this matter, refer to Item (f)(i).

(v) Karl Andrus respecting the proposed changes to the Procedural By-law (Added Item 7.5)

Karl Andrus was not present when called upon to delegate.

Councillor Pearson assumed the Chair.

(f) DISCUSSION ITEMS (Item 9)

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

(Ferguson/VanderBeek)

That staff be directed to review the documents and presentations provided at the June 26, 2018 Governance Review Sub-Committee meeting with CL18007 / LS18039 respecting a Review of the City's Procedural By-law Amendments, and report back with further amendments to the procedural by-law.

CARRIED

(g) MOTIONS (Item 10)

(i) Future Council Vacancy – Office of Councillor Ward 7 (Item 10.1)

(Ferguson/Conley)

That the motion referred to the Governance Review Sub-Committee on June 13, 2018 from Council respecting the future Council vacancy for the office of Councillor Ward 7, be received.

CARRIED

(Ferguson/Conley)

That the following recommendation respecting the Preferred Method of Filling the Vacancy, Office of Councillor, Ward 7, be referred to Council for consideration on June 27, 2018:

WHEREAS, Council will declare the Office of Councillor, Ward 7, as vacant at their meeting on June 27, 2018;

WHEREAS, 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;

WHEREAS, the Governance Review Sub Committee at their meeting of June 26, 2018, considered the two processes available for making an appointment to fill the vacancy of the Office of Councillor, Ward 7, as follows:

- (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 Report CL18008. The process involves having all interested qualified persons submit an application and address Council. After hearing the addresses, Council makes the appointment.

THEREFORE BE IT RESOLVED:

That the Mayor, on behalf of Council, send a letter to the Minister of Municipal Affairs to request an exemption from having to fill the Ward 7 vacancy for the remainder of the 2014 – 2018 term, as the short time frame makes it impractical to do so.

CARRIED

(h) ADJOURNMENT (Item 13)

(VanderBeek/Ferguson)

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 11:21 a.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson, Chair
Governance Review Sub-Committee

Councillor A. VanderBeek, Vice Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

4.1

Form: Request to Speak to Committee of Council

Submitted on Wednesday, July 18, 2018 - 9:00 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 delegate at the next Governance Review Sub-Committee meeting (currently scheduled for August 29, 2018) with respect to proposed changes to Procedural By-law 14-300.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Proposed Changes to Bylaw 14-300

Delegation to the Governance Review Sub-Committee

August 29, 2018

Cameron Kroetsch

What brings me here today

- I reviewed the City's procedural bylaw (14-300), provided comments to the City's Clerk at the end of March 2018, and have delegated to this Sub-Committee twice (November 21, 2017 and June 26, 2018)
- I'm here to provide feedback on the latest report and recommendations from staff on bylaw 14-300

Thank you to staff

- I first want to thank staff for addressing some of the recommendations I put forward (21 of the 26 in Appendix C appear to come from my original submission in March)
- I did submit many more recommendations that were not addressed, but I understand that those may be taken up in the next term where I hope this process is started much earlier

Overview of my points

- The bylaw is clearer
- The bylaw and this process are still not accessible enough
- The bylaw still requires major changes
- The bylaw is still confusing in places

Clarity

- All votes will now be recorded through the electronic system (when this system is being used) - this is an important improvement; now we need to ensure that this information is easily available to the public
- A “track changes” document still needs to be provided to see exactly what has been changed, rather than a “summary” document

Clarity

- There are now more definitions at the beginning of the bylaw - this will help people who aren't familiar with some of the terms used
- There is now only one term used to indicate a “delay” of a motion; staff have recommended “defer” - this will make things less confusing

Clarity

- The issue of the relationship between the Mayor and Deputy Mayor is now clearer
- Definitions that were self-referential have been updated
- The version of *Bourinot's Rules of Order* is included
- The process for withdrawing a motion is much clearer

Accessibility

- The process of submitting comments and delegating was not an easy one; there needs to be a streamlined way to communicate about changes to the city's documents
- A track changes document is essential to this process; it was used in 2014 when this process was conducted and should be included in any future reviews

Accessibility

- The process we use for a “standing vote” is unnecessarily problematic; persons with disabilities who are unable to stand are necessarily excluded from this practice
- Changing the number of this bylaw (14-300) by repealing and replacing it, rather than just making changes, makes it confusing to track the history of revisions

Accessibility

- Use Clear Writing Principles to make the language simpler to understand - this will benefit everyone who uses and relies on this document
- Always cite sections of legislation when including them in a body of a document; it's important for the public to know when the City is referring to their own rules or to the rules put in place by other levels of government

Major Changes

- The practice of gaining and losing quorum due to breaks/meals needs to end; we need to implement standard meal times, break times, and meeting end times to ensure that we get through the business in front of Council in a way that is less disruptive and more respectful to the citizens who participate in our local democracy

Major Changes

- The staff's report on the bylaw recommends an important change about the manner in which votes are called and recommends that language be included that makes it clear whether individual members are "In Favour" or "Opposed" to a motion
- This is a suggestion I made and I strongly encourage you to take the staff's recommendation

Major Changes

- The staff's report on the bylaw says "Staff have therefore recommended that electronic voting be implemented for all votes with the exception of procedural motions (refer, defer, call the question, withdraw, recess, move into Closed Session and adjourn) and consent items."
- I think this is a reasonable recommendation and I ask that you support it (based on the current technology)

Confusion

- A new definition of the term “Question” states that a “question” is **an issue before a meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.**
- In terms of rules of procedure; the “question” is whether a body is in favour of or in opposition to a motion (i.e. to call the question) not what is defined above

Confusion

- Section 7.1 states that: “No person in attendance at a Council or Committee meeting shall: (a) fail to maintain mutual respect and order or disrupt the Meeting in any manner;
- The wording is better, but inaccurate and problematic, it should read something like: “No person in attendance at a Council or Committee meeting shall (a) be disrespectful or disrupt the Meeting in any manner”

What I'm asking for

- That a few things be changed immediately and that the process for review be started early in the next term of Council (in the first year) so that there is adequate time for consultation, revision, and review

Immediate changes

- Definition of the word “question”
- Wording of 7.1 with respect to the conduct of attendees at meetings



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

TO:	Governance Review Sub Committee
COMMITTEE DATE:	August 29, 2018
SUBJECT/REPORT NO:	Review of the City's Procedural By-law Amendments CL18007(a)/LS18039(a) (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(a)/LS18039(a), 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 Governance Review Sub Committee at their meeting of June 26, 2018, directed staff to consider the suggestions from the delegations to Report CL18007/LS18039 respecting Review of the City's Procedural By-law Amendments and report back at a future meeting.

In response to a suggestion from one of the delegations respecting electronic voting, staff have included provisions for electronic voting as an option for Committee's consideration.

The current Council Chamber A/V system, is equipped with the ability to vote electronically and the voting controls, when enabled would allow members of Committee and Council to electronically vote on resolutions in real-time directly through their touch panel.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Review of the City's Procedural By-law Amendments
(CL18007(a)/LS18039(a) (City Wide) - Page 2 of 4**

In the event that electronic voting is implemented for Committee and Council meetings held in the Council Chamber, Council will need to determine if electronic voting will be used for all votes taken; specific items; or used only upon a request for a recorded vote. Council will also need to set out the process to be followed, if the electronic voting system is not available.

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

Financial: There are no financial implications.

Staffing: Legislative staff would require several hours of training prior to the implementation of electronic voting at Committee and Council meetings located in the Council Chamber.

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)

On June 26, 2018, staff presented proposed amendments to By-law No. 14-300, a By-law to Govern the Proceedings of Council and Committees of Council (the Procedural By-law), which was passed on September 24, 2014 and amended by By-law 16-289 on October 26, 2016.

There were several delegations to the report who made suggestions for additional amendments to the City's Procedural By-law, each of the suggestions were considered by staff and Appendix C details the suggestions, the current provisions within the proposed Procedural By-law and staff's recommendations.

With respect to electronic voting, Council currently votes, by calling out "Carried", based on the response from the members present during the vote at Council and Committee meetings, and the Mayor or Chair announces the result; and upon request, the Clerk conducts a standing recorded vote.

There have been some concerns raised relating to the manner in which Committee and Council vote at meetings by calling out "Carried". Calling out "Carried" or "Defeated" is usually determined following the vote and either "Carried" or "Defeated" is announced by the Mayor or Chair.

Votes are usually determined by either a show of hands or by members voicing their vote by either reciting "in Favour" or "Opposed".

The Procedural By-law is currently silent on the manner in which Council or Committee votes and staff would recommend, that a provision be included in the Procedural By-law

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**SUBJECT: Review of the City's Procedural By-law Amendments
(CL18007(a)/LS18039(a) (City Wide) - Page 3 of 4**

to clarify that all votes that are not conducted electronically, will be made by either a show of hands or by members voicing their vote by reciting "in Favour" or "Opposed".

Currently when a recorded vote is requested at a Council or Committee meeting, the Mayor or the Chair will ask all those in favour to please stand and the names of those who are standing is announced and recorded by the Clerk with the process being repeated for those in opposition, followed by the Mayor or Chair announcing the result of the vote.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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.

RELEVANT CONSULTATION

Clerks and Legal Services staff worked together in reviewing the suggestions, documents and presentations provided at the June 26, 2018 Governance Review Sub Committee meeting respecting the proposed amendments to the Procedural By-law.

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

Staff have reviewed the documents and presentations provided at the June 26, 2018 Governance Review Sub Committee meeting and have prepared a summary of the concerns raised at the meeting and the recommendations, attached to Report CL18007(a)/LS18039(a), as Appendix "C".

The summary of the changes proposed has also been updated and included as Appendix 'B' attached to Report CL18007(a)/LS18039(a).

Council should be aware that if an electronic voting system is used for all votes, the progress of the meeting will be significantly impacted, as time is required for:

- inputting the vote subject;
- defining which members are present for the vote;
- setting up the email options;
- selecting the type of vote (two-thirds or majority);
- the voting by members;
- ending the vote;
- allowing the system to tally the votes; and
- displaying the results.

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**SUBJECT: Review of the City's Procedural By-law Amendments
(CL18007(a)/LS18039(a) (City Wide) - Page 4 of 4**

Staff have therefore, recommended that electronic voting be implemented for all votes with the exception of procedural motions (refer, defer, call the question, withdraw, recess, move into Closed Session and adjourn) and consent items.

ALTERNATIVES FOR CONSIDERATION

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

Council may choose to use electronic voting for a combination of or all of the following items:

- (a) approvals;
- (b) consent items;
- (c) amendments;
- (d) main motions as amended; and
- (e) procedural motions (defer; refer; call the question, adjourn, recess, move into Closed Session and withdraw)

Council may also choose to only use electronic voting when a recorded vote is requested.

Council may also choose to retain their current method of voting and upon request, have the Clerk undertake a standing recorded vote.

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 'C' – Summary of Concerns Raised at the June 26, 2018 Governance Review Sub Committee meeting and Recommendations

Appendix 'D' - Voting Controls of the system in the Council Chamber

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Appendix A to Report CL18-007(a)/LS18039(a)

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	8
Special Meetings of Council	3.4	8
Meetings of Council for Emergencies	3.5	8
Cancellation of a Council Meeting	3.6	9
Quorum	3.7	9
Remedy for Lack of Quorum	3.8	10
Delegations	3.9	10
Communication Items	3.10	10
Order of Business	3.11	11
Rules of Debate	3.12	11
Relinquishing the Chair	3.12(9)	12
Voting Procedures	3.13	12
Motion Procedures	3.14	14
Notice of Motion	3.14(1)	14
Dispensing with Notice	3.14 (2)	14
Motion to Withdraw	3.14 (3)	14

Motion to Amend	3.14(4)	15
Motion to Defer	3.14(5)	15
Motion to Refer	3.14(6)	15
Motion to Adjourn	3.14(7)	16
Motion to Call the Question	3.14(8)	16
Motion to Reconsider a Matter Decided by Council	3.14(9)	16
Order of Procedural Motions	3.14(10)	17
Non-Debatable Motions	3.14(11)	17
Motion to Suspend the Rules of Procedure	3.14(12)	18
Motion Beyond Jurisdiction of Council	3.14(13)	18
Bills and By-laws	3.15	18
Editorial and Other Changes	3.16	18
Shareholder and Board of Director Meetings	3.17	20
Conflict of Interest Declarations (<i>effective March 1, 2019</i>)	3.18	20
Provisional Governance Committee During a Declared Emergency	3.19	20
Committee of the Whole	4	21
Council may, be resolution:	4.1	21
Standing Committee Meetings	5	21
Standing Committees	5.1	21
Appointment of Standing Committee Chairs and Vice Chairs	5.2	21
Standing Committee Membership	5.3	22
Quorum	5.4	22
Standing Committee Meeting Times	5.5	23
Cancellation of a Committee Meeting	5.6	23
Standing & Selection Committee Reports	5.7	24
Rules of Procedure	5.8	24
Duties of Standing Committees	5.9	25
Order of Business	5.10	25
Delegations	5.11	26
Public Hearings	5.12	27
General	5.12(A)	27
Procedure	5.12(B)	27
Written Information	5.12(C)	27
Communication Items	5.13	28
Reconsideration of Matter Decided Within a Standing Committee Meeting	5.14	29
Conflict of Interest Declarations (<i>effective March 1, 2019</i>)	5.15	29
Special Meetings of a Standing Committee	5.16	29
Establishment of Advisory Committees or Task Forces	6	30
Order and Decorum	7	31
Meetings Closed to the Public	8	32
Electronic Participation at Council and/or Committee Meetings	9	33
Role of Clerk	10	33

General	11	34
Appendices		
General Issues Committee	Appendix A	35
Board of Health	Appendix B	37
Public Works Committee	Appendix C	38
Planning Committee	Appendix D	39
Healthy & Safe Communities Committee	Appendix E	40
Audit, Finance & Administration Committee	Appendix F	41
Audit Services Charter	Schedule F1	43
Roles of Council, Mayor and Committee Chair	Appendix G	48
Criteria for the Creation of Advisory Committees or Task Forces	Appendix H	51
Hamilton Advisory Committee/Task Force Code of Conduct	Appendix I	52

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 Bill, 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 a Committee comprised of all Members of Council that directly reports to Council.

“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 for a one month period from amongst members of Council on a rotation basis determined by the Clerk at the beginning of the term of Council:

- (a) to assist the Mayor; and
- (b) to act from time to time in the place of the Mayor, with:
 - (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 act 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 act;

“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 an amendment made to the motion under debate 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, 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” is a person who has been elected to City Council.

“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 advanced, written notice, given by a member and received by the Clerk, advising Council or Committee that a Motion will be brought forward at a future 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 that Council or Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely.

“Question” means an issue before a meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.

“Quorum” means the number of members required to be present at a meeting to validate the transactions of its business.

“Receive” means to acknowledge the receipt of 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 send 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 that reports directly to Council.

“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*, Geoffrey H. Stanford, Fourth Edition.

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 shall be held:
- (a) 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) 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) 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) 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) 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 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 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 considered at a special meeting 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 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 Mayor or Deputy Mayor that quorum is lost and the decision to continue the meeting will rest with the Mayor or Deputy Mayor. 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 staff and matters before another body (i.e. Police Services Board) will not be placed on the Council Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
- (9) Communications respecting the conduct of a member(s) of Council will not be placed on a Council Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.
- (10) Notwithstanding subsections 3.10(8) and 3.10(9) Council may add any communication item to a Council Agenda.

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) 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.
- (5) A Member of Council may not speak on any matter other than the matter being debated.
- (6) 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.
- (7) Notwithstanding subsection 3.12(6), 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.
- (8) 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 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
 - (j) a motion to go into a closed meeting
 - (k) a motion to suspend the rules of procedure

(9) **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 Voting Procedures

- (1) Once a motion is moved and seconded it shall be deemed to be in the possession of Council or Committee.
- (2) Where a Member of Council present at a meeting of Council or Committee is prohibited from voting by statute, the Clerk shall record the name of the Member of Council and the reason that they are prohibited from voting.

- (3) When an electronic voting system is available every Member of Council or Committee present and participating in a vote on a motion, excluding those motions referred to in (i) and (ii) below, shall vote electronically:
 - (i) procedural (majority vote: refer, defer, withdraw, recess, call the question; move into Closed Session and adjourn); and
 - (ii) Consent Items.
- (4) When an electronic voting system is used for a vote, the results will be displayed and recorded in the proceedings.
- (5) When an electronic voting system is not available every Member of Council or Committee present shall vote by a show of hands;
- (6) When a vote is taken and a tie results, a question is deemed to be lost.
- (7) When a Member of Council at a meeting of Council or Committee does not disclose a pecuniary interest, and does not vote on a Motion, the member will be deemed as having voted in the negative and when an electronic voting system is in use the recusal will be displayed and noted in the proceedings.
- (8) When an electronic voting system is not available and a recorded vote is requested by a Member of Council or Committee immediately before or after a question is put, the Clerk shall record the name and vote of every Member of Council on the question.
- (9) When the Mayor or Chair calls for a vote on a question, each Member of Council or Committee shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Mayor or Chair, 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.
- (10) After a question is put by the Mayor or Chair, no Member of Council or Committee shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- (11) 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.
- (12) Despite subsection 3.13(11), 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 8 (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.
- (13) The Mayor or Chair shall, upon request of a Member of Council or Committee, divide a question, if the question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.
- (14) If a Member of Council or Committee disagrees with the announcement of the Mayor or Chair that a question is Carried or Lost on a vote by show of hands, they may immediately after the declaration by the Mayor or the Chair, object to the Mayor's or the Chair's declaration and require that a recorded vote be taken.

3.14 Motions Procedures

(1) 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 or Committee, but shall not be debated until the next meeting of Council or Committee; 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 or Committee's motion has been called by the Mayor or Chair at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council or Committee decides otherwise.
- (c) Where Council or Committee has determined not to drop a motion from the agenda, and at the second meeting such motion is called by the Mayor or Chair and not proceeded with, it shall be deemed to have been withdrawn.

(2) Dispensing with Notice

Where a matter is time sensitive or is an emergency, the Motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of two-thirds of the Members of Council or Committee present and voting.

(3) Motion to Withdraw

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

(4) 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 to a vote in the reverse order to that which it is moved.

(b) If the amendment 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 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.

(5) 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.

(6) 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 3.14(4).

- (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.

(7) 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 desire to speak on the question;
- (d) when decided in the negative, cannot be made again until Council has conducted further proceedings.

(8) 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.

(9) 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 3.14(9)(a) to 3.14(9)(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.

(10) **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;
- (f) to refer;
- (g) to amend.

(11) **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; and
- (e) a point of privilege.

(12) 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 two-thirds of members present.

(13) Motions Beyond Jurisdiction of Council

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

3.15 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.

3.16 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 3.16(1)(a) to 3.16(1)(c) inclusive in the manner that they consider appropriate.
 - (b) shall provide notice of the changes made under subsections 3.16(1)(d) to 3.16(1)(h) inclusive in the manner that they consider appropriate.
 - (c) in determining whether to provide notice under subsection 3.16(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 3.16(2)(a) or 3.16(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.

3.17 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.

3.18 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, as required by subsection 3.18(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.

3.19 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 subsection 5.2 (1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the 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

- (1) The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number.
- (2) As soon as there is a quorum after the time set for the meeting, the Chair shall take the chair and call the meeting to order.
- (3) The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number.
- (4) If the Chair does not attend within 15 minutes of the time appointed for a Committee meeting and a quorum of Committee is present, the Vice Chair shall take the chair and call the meeting to order and will preside until the arrival of the Chair.
- (5) If a quorum is not achieved within 30 minutes after the time appointed for a meeting of Committee, 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 Committee meeting or other meeting called in accordance with the provisions of this By-law.

- (6) 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.

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 once per month on a Wednesday commencing at 9:30 a.m.;
 - (ii) Board of Health shall meet at least once per month commencing at 1:30 p.m.;
 - (iii) Public Works Committee shall meet at least once per month commencing at 9:30 a.m.;
 - (iv) Planning Committee shall meet at least once per month on a Tuesday commencing at 9:30 a.m.;
 - (v) Audit, Finance & Administration Committee shall meet at least once per month on a Thursday commencing at 9:30 a.m.;
 - (vi) Healthy & Safe Communities Committee shall meet at least once per month on a Thursday commencing at 1:30 p.m.;
- (a) 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 3.14(1) 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 to the Clerk, the Clerk will list the delegation request on the respective Standing Committee's upcoming agenda. 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 business 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 made by two or more individuals, shall be limited to a presentation of not more than five minutes, except as otherwise prescribed for at a public meeting by applicable legislation.

- (7) Notwithstanding subsection 5.11(6), 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 present.
- (8) Notwithstanding subsection 5.11(6), a delegation may provide additional written material regarding the subject matter, for the public record.
- (9) A delegation making a request to address a Standing Committee 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.
- (10) Except as required by by-law, any Delegations who have previously appeared before a particular Committee on a subject matter shall be limited to providing only new information in their second and subsequent appearances at that Committee.
- (11) Notwithstanding subsection 5.11(10), a Committee member may add the delegation on a Committee Agenda.

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 the Standing 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 date described in subsection 5.13(2) is a public or civic 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), 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 is 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.
- (8) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.

- (9) Communications respecting the conduct of a member(s) of Council will not be placed on a Committee Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.
- (10) Notwithstanding subsections 5.13(8) and 5.13(9) a Committee member may add any communication item to a Committee Agenda.

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 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 the Standing Committee 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 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 considered at a special meeting 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) fail to maintain mutual respect and order or disrupt the Meeting in any manner;
 - (b) bring food or beverages, water excepted, into the Council Chamber when a meeting is being held;
 - (c) address remarks to anyone but the Chair;
 - (c) interrupt a person who has the floor;
 - (d) applaud participants in debate.
- 7.2** Should a 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 Mayor or a Chair of a Committee may expel that person and may request the assistance of security and/or Police in doing so.
- 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;
 - (e) a proposed or pending acquisition or disposition of land for City purposes;
 - (f) 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;
 - (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

(including the Deputy Mayor while fulfilling the duties of 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(a)/LS18039(a)

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"; "friendly amendment" and "Question".
- Revisions made to "meeting" to align with the definition within the Municipal Act;
- Revision made to "refer" for clarity purposes.
- "Table" has been deleted, as "defer" and "table" are similar with the only difference being the requirement for a motion to lift from the table.
- 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.
- "Deputy Mayor" was amended to reflect "act" rather than "exercise" and "with" rather than "exercising".
- "Committee of the Whole" has been changed to reflect the following "Committee comprised of all Members of Council that directly reports to Council".
- The definitions of "By-law"; "Committee of the Whole"; "Member of Council" and "Notice of Motion", "Receive" and "Refer" have been revised for clarity purposes.

Section 2- Application

- Sub-section 2.2 has been revised to include the edition of Bourinot's Rules of Order

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(s) of staff or another body;
- Addition of subsection (9) addresses the disposition of communication items received respecting the conduct of member(s) of Council.
- Addition of subsection (10) addresses the instances when a Councillor adds a letter respecting a matter noted in subsection (8) and (9) to the Council Agenda.

3.12 – Rules of Debate

- Addition of subsection (5) refers to speaking only to the matter being debated;
- Addition of subsections (6) and (7) reflect Council’s direction respecting time limits;
- Amendment to subsection (8) 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 (8) deleting “table”;

- Amendment to subsection (9) 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 – Voting Procedures

- The entire section has been amended to include provisions for electronic voting;
- Addition of subsection (1) for clarity;
- Subsection (7) has been amended for clarity;
- Amendment to subsection (13) to include “distinct propositions” for clarity;

3.14 – Motion Procedures

- Section 3.13 was split into two sections, one respecting Voting Procedures (3.13) and one respecting Motion Procedures (3.14)
- Amendment to subsections (1)(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 (2) to include when the waiving of notice would be in order;
- Amendment to subsection (3) to include “by the mover” for clarity purposes;
- Addition of subsection (4) to address “friendly amendments”;
- Amendment to subsection (5) to delete “table”;
- Amendment to subsection (6)(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 (7) to replace the word “resolved” with “when decided in the negative” for clarity;
- Amendment to subsection (9) the title has been revised to include “Council” and the content of the subsection has been revised for clarity;
- Original subsection (10) 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 (10) Added the title “Order of Procedural Motions”;
- Amendment to subsection (11) 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 (12) to have a separate subsection on “Motion to Suspend the Rules of Procedure”;

3.18 – Conflict of Interest Declarations

- Added Section 3.18 as per the *Municipal Conflict of Interest Act* amendments;
- Noted that this section is effective March 1, 2019;

3.19 – Provisional Governance Committee During a Declared Emergency

- Added Section 3.19, (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” and 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 in the subsection;

- Subsection (7) has been added to provide for an extension to the five minute time limit;
- Subsection (8) has been added to provide a delegation with a further option of submitting additional written information;
- Added subsection (9) based on the requests that have been received and to be consistent with the communications sections;
- Amendment to subsection (10) addresses delegations who have appeared at a Committee Meeting on a subject matter previously, to specify that they would have to present 'new' information at that Committee;
- Subsection (11) has been added to provide a Councillor with the ability to add a delegation noted in subsection (10) to the Committee Agenda.

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, in a form similar to Section 3.10 – Communication Items (Council).

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.
- (Deputy Mayor while fulfilling the duties of Mayor) has been added under the title “ROLE OF MAYOR”.

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.

Appendix C to Report CL18007(a)/LS18039(a)

The following **suggestions** were taken into consideration during a further review of the proposed Procedural By-law by staff (attached to Report CL18007/LS18039):

1. **All votes should be recorded votes**

Current provision within the proposed Procedural By-law:

3.13 Voting Procedures

- (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.

Recommendation:

Staff have included amendments for the inclusion of electronic voting to Section 3.13, Section 3.13 which would provide for recorded votes to be taken on all votes, with limited exceptions. Section 3.13 now reads as follows and the revised wording has therefore been included in Appendix "A":

3.13 Voting Procedures

- (1) Once a motion is moved and seconded it shall be deemed to be in the possession of Council or Committee.
- (2) Where a Member of Council present at a meeting of Council or Committee is prohibited from voting by statute, the Clerk shall record the name of the Member of Council and the reason that they are prohibited from voting.
- (3) ***When an electronic voting system is available every Member of Council or Committee present and participating in a vote on a motion, excluding those motions referred to in (i) and (ii) below, shall vote electronically:***
 - (i) ***procedural (majority vote: refer, defer, withdraw, recess, call the question; move into Closed Session and adjourn); and***
 - (ii) ***Consent Items.***
- (4) ***When an electronic voting system is used for a vote, the results will be displayed and recorded in the proceedings.***
- (5) ***When an electronic voting system is not available every Member of Council or Committee present shall vote by a show of hands;***
- (6) When a vote is taken and a tie results, a question is deemed to be lost.
- (7) When a Member of Council at a meeting of Council or Committee does not disclose a pecuniary interest, and does not vote on a Motion, the member will be deemed as having voted in the negative ***and when an electronic voting system is in use the recusal will be displayed and noted in the proceedings.***
- (8) When ***an electronic voting system is not available and*** a recorded vote is requested by a Member of Council or Committee immediately before or after a

question is put, the Clerk shall record the name and vote of every Member of Council on the question.

- (9) When the Mayor or Chair calls for a vote on a question, each Member of Council or Committee shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Mayor or Chair, 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.
- (10) After a question is put by the Mayor or Chair, no Member of Council or Committee shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- (11) 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.
- (12) Despite subsection 3.13(11), 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 8 (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.
- (13) The Mayor or Chair shall, upon request of a Member of Council or Committee, divide a question, if the question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.
- (14) If a Member of Council or Committee disagrees with the announcement of the Mayor or Chair that a question is Carried or Lost **on a vote by show of hands**, they may immediately after the declaration by the Mayor or the Chair, object to the Mayor's or the Chair's declaration and require that a recorded vote be taken.

2. Add "cultural" practices to the Procedural By-law (ie: meal breaks and meeting end times)

Current provision within the proposed Procedural By-law:

3.7 Quorum

- (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.

Recommendation:

Staff recommend that the provision as proposed remain as the current practice of staff advising the Chair that quorum has been lost, and the Chair then asking members to return to the meeting, is sufficient and should be maintained.

3. Ensure all votes are called at meetings

Current provisions within the proposed Procedural By-law:

3.13 Voting Procedures

- (9) 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.

Appendix G

DUTIES OF COMMITTEE CHAIR

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

Recommendation:

As the proposed Procedural By-law requires votes to be called, and in staff's experience the Chair currently does calls for a vote on every motion duly moved and seconded in accordance with the Procedural By-law, staff do not recommend any change.

4. Amend the Procedural By-law so that it maintains the same By-law number instead of repealing and replacing it

Current provision within the proposed Procedural By-law:

SECTION 11 – GENERAL

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

Recommendation:

Staff recommend that the current practice of repealing and replacing the Procedural By-law when numerous/significant changes are made be maintained, as this is considered to be a best practice and results in a document that is easier to read and understand.

5. Provide track changes document

Recommendation:

Staff can create and make available a comparison document upon request.

Staff have outlined the changes made in Appendix B to the report so that the public has an easy reference for the purpose of reviewing the changes.

6. Add a provision to the By-law which addresses late starts to meetings to ensure that they are avoided.

Current provisions within the proposed Procedural By-law:

3.7 Quorum (5.4 for Standing Committees)

- (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.
- (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 will preside until the arrival of the Mayor.

Recommendation:

The proposed Procedural By-law is consistent with Procedural By-laws from other municipalities in that it provides that once there is quorum, the meeting can commence and allows for 15 minutes grace for the Mayor or Chair to arrive, after which, if there is quorum, the meeting is to be called to order by the Deputy Mayor or Vice Chair. As such, staff do not recommend any further provisions to address this issue within the by-law.

7. Add more definitions - suggestions include definitions for “point”, “motion” and “Question”

Current provisions within the proposed Procedural By-law:

SECTION 1 - DEFINITIONS

“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;

“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 that Council or a Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely;

Recommendation:

As “Motion”, “Point of Order” and “Point of Privilege” are already defined within the proposed By-law, staff are recommending that the following definition of “Question” be included and it has therefore been included in Appendix “A”.

“Question” means an issue before a meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.

8. Use only one term to encompass the action of putting something off until a later time

Current provisions within the proposed Procedural By-law:

SECTION 1 - DEFINITIONS

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

“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;

3.14 Motion Procedures

(4) 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.

(5) 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.

Recommendation:

Staff would concur that one term to encompass the action of putting something off until a later time would be less confusing, and therefore the term “table” has been removed throughout the proposed By-law (Appendix “A”) and the term “defer” will be used when Council or Committee wishes to delay consideration of a matter until a specified time.

9. Clarify the definition of Deputy Mayor to set out when and how long someone is the Deputy Mayor and clarify the term “refuses to exercise” and “when the Mayor is absent from the city or when the office of Mayor is vacant”

Current provisions within the Procedural By-law:

“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;

Recommendation:

Staff recommend changing the term “exercise” to “act” to alleviate any confusion and including confirmation that the rotation is on a monthly basis, determined by the Clerk, as follows. It has therefore been included in Appendix “A”:

“Deputy Mayor” means a Member of Council who is appointed **for a one month period** from amongst **members of Council** on a **rotation** basis **determined by the Clerk at the beginning of the term of Council**:

- (a) to assist the Mayor; and
- (b) to act from time to time in the place of the Mayor, **with**:
 - (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:
 3. the Mayor is unable to **act** 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,
 4. the Mayor refuses to **act**;

Staff can also make the rotation list available on the City’s website.

10. That a section relating to the Deputy Mayor be added to Appendix G

Recommendation:

Staff recommend adding to Appendix “G” the following to confirm that the Deputy Mayor has all of the same powers as the Mayor while fulfilling the duties of the Mayor, and it has therefore been included in Appendix “A”:

ROLE OF THE MAYOR

(including the Deputy Mayor while fulfilling the duties of Mayor)

11. ***Amend definitions that refer to themselves (i.e.: committee of the whole)***

Current provisions within the proposed Procedural 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.

“Committee of the Whole” means all Members of Council present, sitting in committee of the whole.

“Member of Council” means a member of Council, including the Mayor.

“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.

“Receive” means to receive information and to include it in the official record;

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

Recommendation:

Staff recommend that the following definitions be revised as follows, and it has therefore been included in Appendix “A”:

“By-law” means a ***Bill***, in a form approved by Council, passed for the purpose of giving general effect to a previous decision or proceedings of Council.

“Committee of the Whole” means ***a Committee comprised of all Members of Council that directly reports to Council.***

“Member of Council” ***is a person who has been elected to City Council.***

“Notice of Motion” ***means advanced, written notice, given by a member and received by the Clerk, advising Council or Committee that a Motion will be brought forward at a future Meeting of Council or Committee.***

“Receive” means ***to acknowledge the receipt of information and to include it in the official record.***

“Refer” means ***to send a matter currently under consideration to an individual; a department; a Committee or Council for their consideration.***

12. ***Specify which version of Bourinot’s Rules of Order will be relied on when the Procedural By-law is silent***

Current Provision within the proposed Procedural By-law:

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*.

Recommendation:

Staff recommend that the version of Bourinot's Rules of Order be included, as follows, and it has therefore been included in Appendix "A":

- 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 *Bourinot's Rules of Order, Geoffrey H. Stanford, Fourth Edition*.

13. Amend and clarify the practice of referring certain communication items directly to the relevant department or body

Current provision within the proposed Procedural By-law:

3.10 Communication Items (same reference under 5.11(9))

- (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 Council Agenda and will be forwarded to the respective office.

Recommendation:

Staff recommend amendments to clarify where matters respecting the conduct of a Councillor are to be forwarded and they have therefore been included in Appendix "A":

3.10 Communication Items

- (8) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Council Agenda and will be forwarded ***forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.***

- (9) Communications respecting the conduct of a member(s) of Council will not be placed on a Council Agenda and the author will be advised of the process for filling a complaint with the Integrity Commissioner.***

- (10) Notwithstanding subsections 3.10(8) and 3.10(9), Council may add any communication item to a Council Agenda.***

5.13 Communication Items

- (8) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Committee Agenda and will be forwarded ***forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.***

(9) Communications respecting the conduct of a member(s) of Council will not be placed on a Committee Agenda and the author will be advised of the process for filling a complaint with the Integrity Commissioner.

(10) Notwithstanding subsections 5.13(8) and 5.13(9) a Committee member may add any communication item to a Committee Agenda.

14. Amend the By-law to allow members to refrain from voting even when they are not prohibited from doing so by statute

Current provisions within the proposed Procedural By-law:

3.13 Voting Procedures

- (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.
- (4) If any Member of Council at a meeting of Council or Committee 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.

Recommendation:

Staff recommend revising subsection (2) and (7), formerly (4), to confirm that there is no requirement for a Member to vote, and the following has been included in Appendix "A":

3.13 Voting Procedures

- (2) Where a Member of Council present at a meeting of Council or Committee is prohibited from voting by statute, the Clerk shall record the name of the Member of Council and the reason that they are prohibited from voting.
- (7) When a Member of Council at a meeting of Council or Committee does not disclose a pecuniary interest, and does not vote on a Motion, the member will be deemed as having voted in the negative and when an electronic voting system is in use the recusal will be displayed and noted in the proceedings.

15. Where verbiage is taken from another piece of legislation (ie: the Municipal Act) a reference to the section of the Act should be included within the Procedural By-law

Current provisions within the proposed Procedural By-law:

Example of where this occurs:

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

Recommendation:

There are many instances throughout the Procedural By-law where the verbiage is taken directly from an Act or paraphrased in order to ensure consistency with the requirements of the relevant legislation.

Staff recommend that the current practice of restating the relevant sections of an Act without a specific reference to the section within the Act be continued and that no change to the By-law be made.

16. Amend the section on Notice of Motion to clarify the process

Current provisions within the proposed Procedural By-law:

(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.

Recommendation:

In response to Item 11 staff have recommended that the definition of "Notice of Motion" be expanded upon and clarified and it has therefore been included in Appendix "A".

17. Amend the process of withdrawing a motion such that only the moving member be permitted to withdraw a motion

Current provision within the proposed Procedural By-law:

3.14 Motion Procedures

(3) 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.

Recommendation:

Staff recommend that subsection 3.14(3) of the Procedural By-law be amended as follows to provide clarity and to reflect Council's current practice, and it has therefore been included in Appendix "A":

3.14 Motion Procedures

(3) Motion to Withdraw

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

18. Amend the Procedural By-law to require unanimous consent for suspension of the rules of procedure

Current provision within the proposed Procedural By-law:

3.14 Motion Procedures

(12) 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 two-thirds of members present.

Recommendation:

Based on best practice, staff recommend that the provision within the Procedural By-law remain unchanged and that suspension of the rules require two-thirds approval.

19. Amend the Procedural By-law to remove the Mayor's status as an ex-officio member of all Standing Committees.

Current provisions within the proposed Procedural By-law:

"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;

5.2 Standing Committee Membership

- (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.

Recommendation:

Staff recommend that the provisions within the Procedural By-law remain unchanged and that the Mayor continue to be an ex-officio member of all Standing Committees.

20. Remove time restrictions for delegations

Current provision within the proposed Procedural By-law:

5.11 Delegations

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

Recommendation:

Imposing a time limit on delegations is a best practice, however staff appreciate the need for flexibility and are therefore recommending that Council's current practice of permitting an extension of the time limit on an as needed basis be included in the By-law by adding the following provisions, which have been included in Appendix "A":

5.11 Delegations

- (7) Notwithstanding subsection 5.11(6), 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 present.**

- (8) ***Notwithstanding subsection 5.11(6), a delegation may provide additional written material regarding the subject matter, for the public record.***

21. Amend the Procedural By-law to clarify the intention of section 5.11(10)

Current provision within the proposed Procedural By-law:

5.11 Delegations

- (10) 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.

Recommendation:

This subsection was intended to address delegations who have appeared at a Committee Meeting on a subject matter previously, to specify that they would have to present 'new' information.

Current practice at Committee meetings would be for the Chair to remind delegates who have appeared previously on a matter, that new information is to be presented.

As the intention was not to restrict a delegate from making delegations to more than 1 committee on a similar issue, but rather to ensure delegations are not presenting the same information to the same Committee at subsequent appearances, staff recommend that subsection 5.11(10) be amended as set out below and that subsection 5.11(11) be added to provide Committee members with the ability to add the delegation regardless of subsection 5.11(10).

5.11 Delegations

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

- (11) Notwithstanding subsection 5.11(10), a Committee member may add the delegation on a Committee Agenda.***

22. Amend the proposed By-law to delete the prohibitions in subsection 7.1(a) and (b)

Current Provisions within the proposed Procedural By-law:

- 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;

Recommendation:

Preserving order at Council meetings is an important objective and therefore staff recommend replacing the specific prohibitions found in 7.1 (a) and (b) with a provision which reinforces the objective of fostering order as follows, and it has therefore been included in Appendix “A”:

- 7.1 No person in attendance at a Council or Committee meeting shall:
- (a) **fail to maintain mutual respect and order or disrupt the Meeting in any manner;**
 - (b) bring food or beverages, water excepted, into the Council Chamber when a meeting is being held;
 - (c) address remarks to anyone but the Chair;
 - (d) interrupt a person who has the floor;
 - (e) applaud participants in debate.

23. Amend the Procedural By-law to provide clarity relating to the removal of a person from a meeting

Current provision within the proposed Procedural By-law:

- 7.2 Should a 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.

Recommendation:

Staff recommend that sections 7.2, be replaced with the following, and it has therefore been included in Appendix “A”:

- 7.2 Should a 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 Mayor or a Chair of a Committee may expel that person and may request the assistance of security and/or Police in doing so.**

24. Amend Appendix G of the Procedural By-law to clarify the relationship and authority structure between the Mayor and City Manager.

Current provisions within the proposed Procedural By-law:

Appendix G

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.

Recommendation:

Staff recommend that the provision within the Procedural By-law remain unchanged. This provision confirms the City Manager or their delegate would be responsible for administrative functions.

25. Use clear writing principles

Staff have provided for clarity within the proposed Procedural By-law and will continue to provide for clarity in any future by-laws and therefore recommend that the Procedural By-law remain unchanged.

26. Include provisions relating to the use of physical violence within the Procedural By-law.

Recommendation:

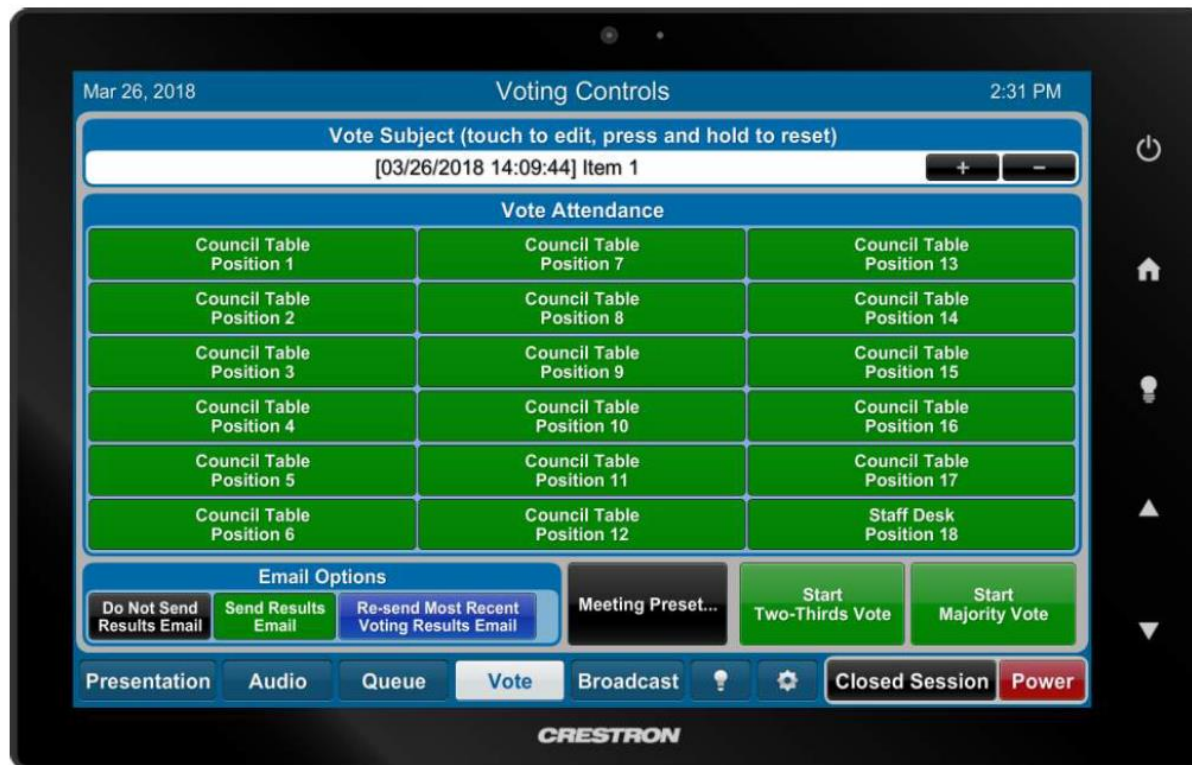
In 2016 the Council Code of Conduct was removed as an Appendix to the Procedural By-law and became a standalone by-law. The Code of Conduct adequately addresses matters relating to violence in subsection 11(4) (reproduced below). The City's Integrity Commissioner investigates alleged contraventions of the Code of Conduct. Moreover, acts of violence are matters under Federal jurisdiction and are prohibited under the Criminal Code of Canada. Therefore, staff do not recommend that provisions relating to physical violence be included within the Procedural By-law.

SECTION 11: CONDUCT RESPECTING CITY EMPLOYEES

11. (4) It is the policy of the City that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment and workplace violence. Accordingly:
- (a) under this section, "harass" and "harassment" include any behaviour by a person that is directed at, or is offensive to, another person, on grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation,
 - (b) no Member of Council shall harass or engage in acts of workplace violence towards another Member of Council, any City officer or employee, or any member of the public; and
 - (c) every Member of Council shall:
 - (i) treat other Members, City officers and employees, and members of the public, appropriately, and without bullying, abuse, intimidation or violence; and
 - (ii) make all reasonable efforts to ensure that his or her work environment is free from discrimination, harassment and violence

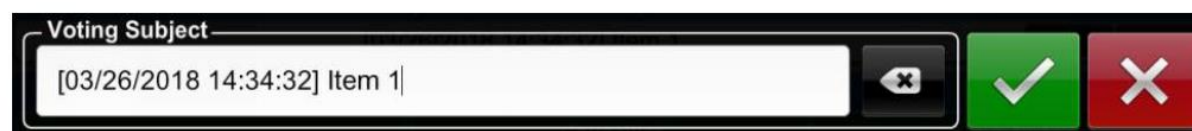
Appendix D to Report CL18007(a)/LS18039(a)

Voting Controls



The voting controls page allows you to create and manage a vote, choose voting participants, display the results, and forward the results to a pre-defined email address.

The top bar that runs the width of the page is labeled **Vote Subject**. In the event that you want to take a vote on a specific subject, you can take a vote and label the results for future reference. As you can see in the image above, if no subject title is given, then the date and time are placed into the title by default, along with an item number that automatically increments with each vote. If you would like to keep the default title, but need to change the item number, the '+/-' buttons can be used. If you would like to label the subject with some more useful info, then you can do so by clicking on the "subject" to edit it, or pressing and holding to delete what is currently there.



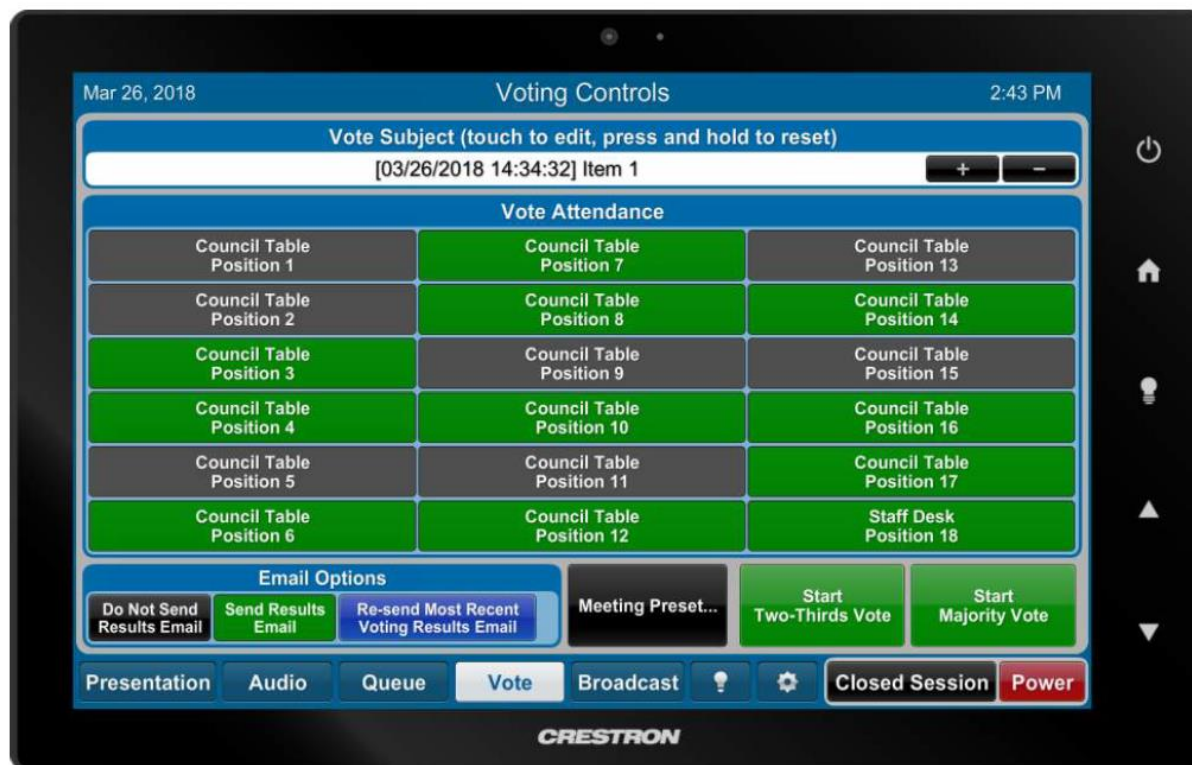
Once you have pressed on the subject box a text entry field will pop up as shown above. Once you have finished putting the required info into the title, simply pressing the "checkmark" button will validate the title and bring you back to the page displayed above.

When you are back on the main voting page with an appropriate title for the vote you can then define who is present for the voting process.

Appendix D to Report CL18007(a)/LS18039(a)

Council Chamber A/V User's Guide 2018.03.26

Pressing a user's name will toggle their attendance between "present" (green) and "not present" (grey). By default the system will assume that everyone is present at the beginning of a meeting session. An example of some participants not being present is shown in the image below:



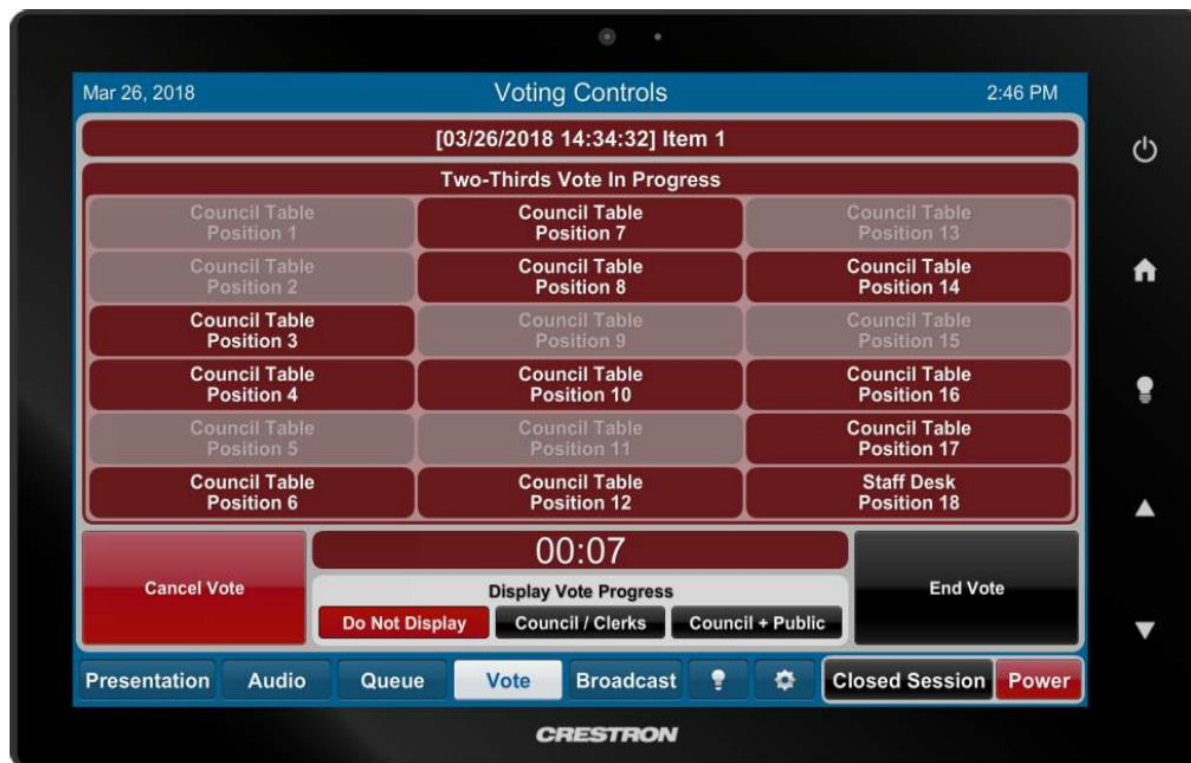
As you can see, the councilors at station 1, 2, 5, 9, 11, 13 and 15 are not present, and their stations will be excluded from the voting process.

The controls in the **Email Options** area allow you to determine if voting results should be sent to the email recipients specified in the current meeting preset, or just displayed locally without generating an email containing the results. If needed, you can also re-send the most recent voting results email.

The **Meeting Preset** button provides access to the controls for selecting and modifying the current meeting preset. Meeting presets will be covered in detail later in this document.

Once the vote subject, attendance and email options have been set, you are ready to start the voting process by pressing the **Start Two-Thirds Vote** or **Start Majority Vote** button.

Appendix D to Report CL18007(a)/LS18039(a)



Once the voting process has been started, the touch panel will display the **Voting In Progress** page displayed above.

The topmost section of this page displays the vote subject, as defined on voting setup page. The next section shows the status of each voting station – a red name indicates that the user at that station has not voted, a green name indicates that the user has entered their vote, and a greyed-out name indicates that the user at that station was marked as “not present” on the voting setup page.

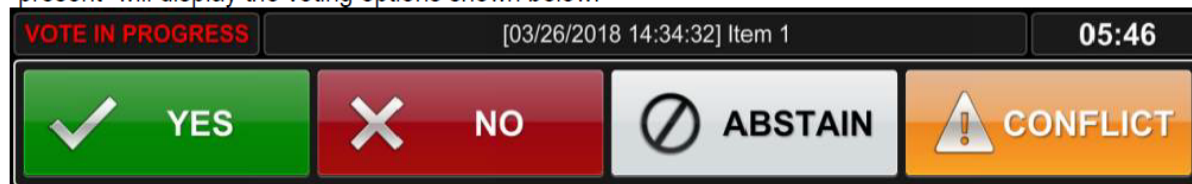
Underneath the status area is a large timer, which indicates how much time has elapsed since the **Start Vote** button was pressed.

By default, the voting progress information is displayed on the touch panels only. The progress information can also be made available on the Council and Clerk preview monitors by pressing the **Council / Clerks** button in the **Display Vote Progress** area. Progress information can also be presented on all displays (including staff preview monitors and public-facing displays) by pressing the **Council + Public** button.

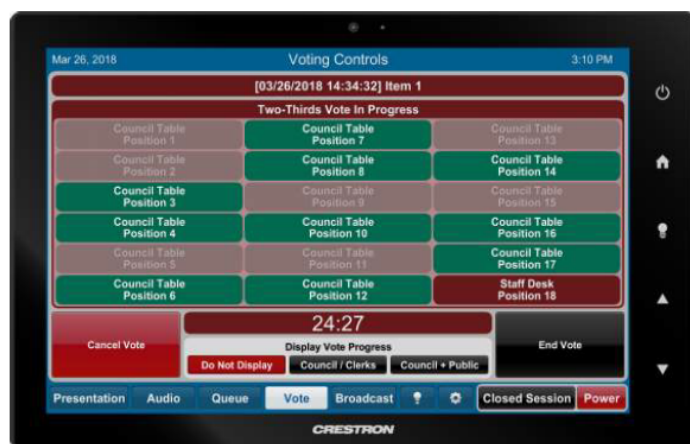
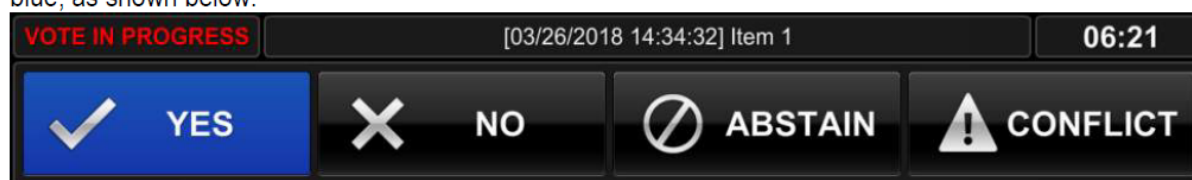
Appendix D to Report CL18007(a)/LS18039(a)

Council Chamber A/V User's Guide 2018.03.26

When the voting process is started, the touch-enabled preview monitors at stations that were marked as "present" will display the voting options shown below:

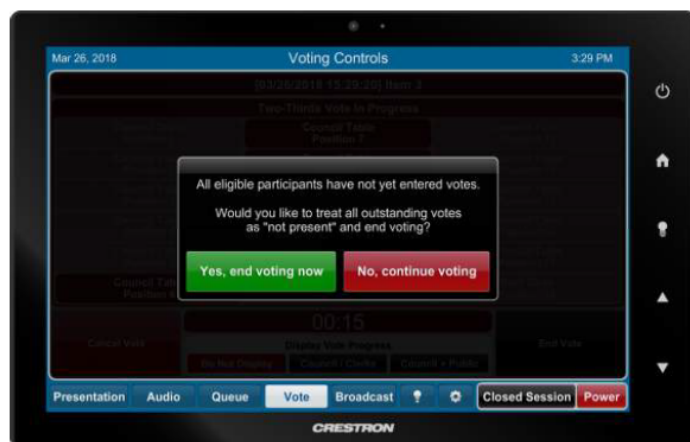


The white border around the voting options will flash to indicate that vote entry is required. Once a voting option has been selected, the white border will stop flashing and the selected option will be highlighted in blue, as shown below:



As participants enter votes at their stations, their voting status on the main control touch panels will change from red to green. When all participants have entered votes, the background of the vote subject and status areas will change from red to green, indicating that all eligible participants have voted.

Once all votes have been entered, press the **End Vote** button to tally the votes and view the results.

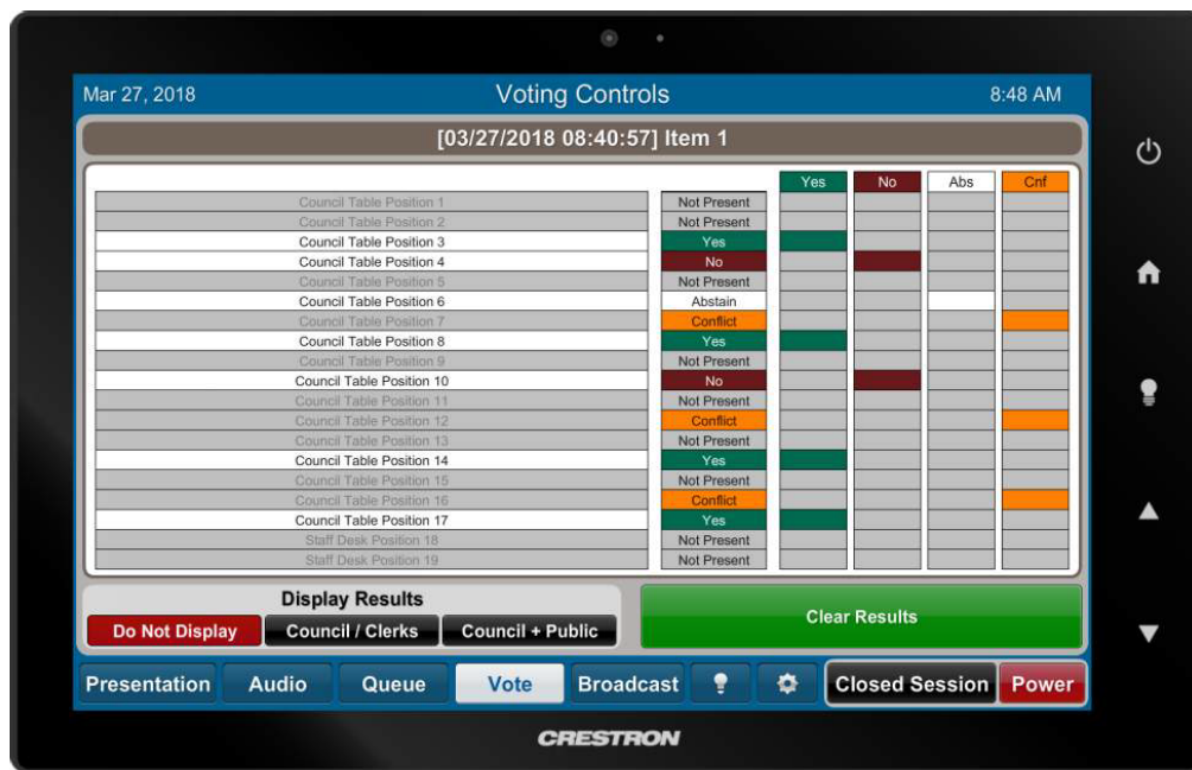


Pressing the **End Vote** button before all participants have entered votes will display a warning stating that votes have not been entered, and will give you the option to end voting anyway, marking all users who have not entered votes as "not present", or selecting to mark individual participants as 'conflict of interest'.

The voting process can be cancelled at any time by pressing the **Cancel Vote** button. To prevent accidental cancellation, you will be asked to confirm that you want to cancel the vote.

Appendix D to Report CL18007(a)/LS18039(a)

Council Chamber A/V User's Guide 2018.03.26



After pressing the **End Vote** button, the results will be tallied and displayed as shown above. Each participant's vote is displayed, along with total counts and the result after tallying the totals. If selected on the voting setup page, the results email will also be sent out at this time.

The touch-enabled preview monitors at each voting station will display only the result, as shown below:



As with the vote progression information, detailed voting results can also be displayed on the council and clerk stations, as well as on staff and public-facing displays by selecting the corresponding option in the **Display Results** section.

When you are finished viewing the results of the vote, press the **Clear Results** button to return to the voting setup page.



CITY OF HAMILTON
CORPORATE SERVICES
Office of the City Clerk

TO:	Chair and Members of the Governance Review Sub-Committee
COMMITTEE DATE:	August 29, 2018
SUBJECT/REPORT NO:	Hamilton Public Notice Policy By-law CL18009/LS18051
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon, Acting City Clerk and Stacey Wells, Solicitor
SUBMITTED BY:	Janet Pilon Acting City Clerk Nicole Auty City Solicitor

RECOMMENDATION

- (a) That the Hamilton Public Notice Policy By-law, attached as Appendix “A” to Report CL18009/LS18051, be passed and enacted to come into force on January 1, 2019.
- (b) That Council repeal the Public Notice Policy By-law, being By-law No. 07-351 effective January 1, 2019.

EXECUTIVE SUMMARY

The City currently has a Public Notice Policy By-law, being By-law No. 07-351, however, it requires updating. Appendix “A”, attached to Report CL18009/LS18051, is a revised by-law, to be enacted and passed as a Public Notice Policy in accordance with paragraph 270(1)4 of the *Municipal Act, 2001*. The revised by-law continues to set out the minimum standards for notice and also sets out the form, duration and manner in which notice will be provided, which in most instances will be on the City’s website, except where required otherwise by law.

Since the publishing of notices on the City’s website is a change to the City’s current practice, the by-law also includes a provision that would require the Clerk to publish notice in a local newspaper providing information on how to access the City’s Website to locate public notices and the related City documents such as a report or a by-law at least once a year.

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SUBJECT: Hamilton Public Notice Policy By-law CL18009/LS18051 (City Wide) -
Page 2 of 4

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

Financial: The costs associated with providing notice to the public will be significantly reduced through the publishing of notices on the City's website. There will be no costs associated with the creation of a new webpage for Public Notices as the required functionality is already available.

Staffing: Digital Communications are prepared to make the necessary changes to the City's website for the publishing of notices. Departmental staff will be informed of the process for submitting requests for the publication of notices on the City's website, as per Appendix "A".

Legal: Paragraph 270(1)4 of the *Municipal Act, 2001* requires the municipality to adopt a policy respecting the circumstances in which notice will be provided to the public. Legal Services has prepared the Hamilton Public Notice Policy By-law for the Committee's consideration.

HISTORICAL BACKGROUND (Chronology of events)

The City's current Public Notice Policy By-law (07-351) was approved in 2007 and sets out the form and manner in which notice is provided, which in most instances is by publication in the newspaper.

Upon a review of the costs associated with notices that were published in the newspaper from January 1, 2014 to July 31, 2018, staff have determined that the City has spent approximately \$697,000 during that period.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Paragraph 270(1)4 of the *Municipal Act, 2001* provides that the City of Hamilton shall adopt and maintain a policy with respect to the circumstances in which it shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

RELEVANT CONSULTATION

Departmental staff who are responsible for the publishing of notices were consulted and their comments have been incorporated into the proposed by-law, attached as Appendix "A".

Digital Communications will be enhancing the existing page for Public Meetings & Consultations that was established in March 2015. Located at <https://www.hamilton.ca/government-information/news-centre/public-meetings-consultations>. The page will be renamed "Public Meetings & Notices" to reflect the addition of notices.

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**SUBJECT: Hamilton Public Notice Policy By-law CL18009/LS18051 (City Wide) -
Page 3 of 4**

The Public Meetings calendar is a service currently available on CityApp. Staff will also update the title to “Public Meetings & Notices” to stay consistent with the website.

Functionality on web and app is currently available and therefore no additional expenditures would be necessary to launch this for January 2019.

Digital Communications will work with IT staff on changes to the submit requests workflow to improve automation and reduce staff intervention. Staff will submit requests via electronic form with standardized form fields to maintain quality and consistency across all entries.

Digital Communications will work with Social Media & Marketing staff to help promote and increase visibility to residents across the City’s social media channels as well as promotion of hamilton.ca homepage.

Hard copies of notices will be made available in the Clerk’s Office, by request and when the website is not available.

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

As newspaper readership declines and more and more residents opt for digital sources of information, staff feel it is appropriate to move away from publication of notices in the newspaper, except where required by law, and move towards publication of notices in digital environments such as on the City’s website and App.

Many of our municipal comparators have moved towards publication of notices on their website, either exclusively or in conjunction with optional or mandatory newspaper publication.

Changes to the *Municipal Act* over the years have resulted in more discretion to municipalities in terms of when public notice should be given, as well as the form and manner in which notice is provided. As such, the City has the opportunity to opt for publishing notices on the website and implementing that process will reduce advertising costs substantially.

The new Public Notice Policy By-law will continue to require compliance with all legislated requirements but will provide greater flexibility to the municipality by allowing notice to be given on the City’s website. Moreover, while the By-law prescribes minimum requirements respecting public notice, Council can always direct staff to provide extended notice and Staff can also exercise their discretion to provide extended notice where circumstances warrant.

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**SUBJECT: Hamilton Public Notice Policy By-law CL18009/LS18051 (City Wide) -
Page 4 of 4**

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” – Hamilton Public Notice Policy By-law

OUR Vision: To be the best place to raise a child and age successfully.

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Authority: Item ,
Report
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**A By-law to Adopt and Maintain a Policy with respect to providing Public Notice
and to repeal By-law No. 07-351**

WHEREAS paragraph 270(1)4 of the *Municipal Act, 2001* provides that the City of Hamilton shall adopt and maintain a policy with respect to the circumstances in which it shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Definitions

1. In this By-law:

“**Committee**” means a Standing Committee of the Council of the City of Hamilton;
and,

“**Council**” means the Council of the City of Hamilton.

Application

2.(1) This By-law is the City of Hamilton policy with respect to providing public notice.

(2) Notice shall be provided in accordance with this By-law unless:

- (a) notice is otherwise prescribed by statute, regulation or other provincial enactment, in which case notice shall be given in accordance with the statute, regulation or enactment;
- (b) notice is otherwise prescribed by a City of Hamilton by-law or policy, in which case notice shall be given in accordance with the other by-law or policy;
- (c) Council directs that other notice is to be given as Council considers adequate; or,

A By-law to Adopt and Maintain a Policy with respect to providing Public Notice and to repeal By-law No. 07-351

Page 2 of 4

- (d) the City Manager determines that an urgent situation exists, in which case the City Manager may waive the prescribed notice in this By-law.
3. This By-law does not apply to notice prescribed by the Council Procedural By-law.

Notice

- 4.(1) Notice of a matter to be considered by Committee or Council at a regularly scheduled meeting is sufficiently provided as an item on a Committee or Council agenda posted on the City of Hamilton's website a minimum of five days preceding the Committee or Council meeting where the matter is first considered.
- (2) Notice of a matter to be considered by Committee or Council at a special meeting is sufficiently provided as an item on the Special Committee or Council agenda posted on the City of Hamilton's website a minimum of 2 days preceding the special Committee or Council meeting where the matter is first considered.
- (3) When notice is provided in accordance with subsection 4(1) and (2), no additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by a Committee or Council.
- 5.(1) Where notice is prescribed by statute, regulation or other provincial enactment or by a City of Hamilton by-law or policy, but:
- (a) the manner of the notice is not prescribed, posting the notice on the City of Hamilton website is sufficient;
- (b) the form of the notice is not prescribed, the notice shall contain:
- (i) a general description of the matter;
- (ii) where the matter relates to a particular location, a description of the location; and,

A By-law to Adopt and Maintain a Policy with respect to providing Public Notice and to repeal By-law No. 07-351

Page 3 of 4

- (iii) instructions on how to obtain additional information about the matter;
 - or,
 - (c) the timing of the notice is not prescribed, the Clerk in consultation with the management staff responsible for the matter shall determine timing that is reasonable in the circumstances.
- 6. Any notice required under the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("*Ontario Heritage Act*") to be published in a newspaper having general circulation in the Municipality shall be given by the posting of notice on the City's website as soon as possible following Council's decision for a minimum of 30 days and such notice shall comply in all other respects with the requirements in the *Ontario Heritage Act*.
- 7. Notice of a matter on the City of Hamilton website is sufficiently provided even if there are times during the notice period when the City of Hamilton's website is not available.
- 8. Notices posted on the City's website in accordance with this By-law will be made available in an alternative format, upon request.
- 9. The notice requirements under this By-law are minimum requirements and notice may be provided to the public in an extended manner if, in the opinion of the management staff responsible for the matter, the extended manner is reasonable in the circumstances.
- 10. At least once a year the City Clerk shall cause a notice to be published in a newspaper having general circulation setting out information on how to access the City's Website to locate public notices and the related City documents such as a report or a by-law.

A By-law to Adopt and Maintain a Policy with respect to providing Public Notice and to repeal By-law No. 07-351

General

11. Time periods set out in this By-law shall be counted by excluding the day of the period on which notice is first given and including the day of the period on which the meeting or other event takes place.
12. This By-law may be cited as the "Public Notice Policy By-law" or the "Hamilton Public Notice Policy By-law".
13. City of Hamilton By-law No. 07-351 is repealed on January 1, 2019.
14. This By-law comes into force on January 1, 2019.

PASSED this _____ , 2018

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk



INFORMATION REPORT

TO:	Chair and Members Governance Review Sub-Committee
COMMITTEE DATE:	August 29, 2018
SUBJECT/REPORT NO:	2019 Ward Budgets (FCS18083) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Amanda Thind (905) 546-2424 Ext. 4522
SUBMITTED BY:	Brian McMullen General Manager Finance and Corporate Services Department
SIGNATURE:	

Council Direction:

N/A

Information:

As a result of the Ward Boundary review and adoption of new Ward Boundaries for the City of Hamilton, the 2019 Ward Budgets need to be reviewed to align with the new Ward boundaries.

The existing Ward budgets are calculated using several categories, some based on the census data for the population and number of households within each Ward.

The 2018 Ward Budgets for all of the existing 15 wards was \$4,036,790. Table 1 provides the budget by category.

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SUBJECT: 2019 Ward Budgets (FCS18083) (City Wide) – Page 2 of 3**Table 1**

2018 Budget	
Councillor Salaries and Benefits (\$120,970 per ward)	\$1,814,550
Councillor Administrative Assistant Salaries and Benefits (\$88,503 per ward)	1,327,545
Additional Administrative Support for Wards 7 and 8	177,000
Administration Coverage (\$3,390 per ward)	50,850
Information Mailings	90,000
Population Factor	346,447
Student Accommodation Factor	6,879
Geographic Factor	2,500
Inner City Fund	49,704
Other Discretionary Expenses (\$11,421 per ward)	171,315
Total 2018 Budget	\$4,036,790

Three options for calculating the new ward budgets are detailed below. Table 2 provides the details of the options by ward.

Option A - Recalculate the Ward budgets using revised Ward populations as reported in the Watson & Associates Economists Ltd. Report.

Since Census Canada has not yet published the number of households by ward for the new boundaries, the information mailings component of the budget of \$90,000 has been calculated assuming the average of number of households is 42% of the population.

Using the 2018 budget and recalculating based on new population figures, the shift in budget ranges from a 7.2% increase in Ward 14 to a 7% decrease in Ward 11.

Option B – Recalculate the Ward budgets using revised Ward populations as reported in the Watson & Associates Economists Ltd. Report and reduce Ward Budgets by \$177,000.

Currently, Wards 7 and 8 receive budget dollars to compensate for an additional FTE in each ward. Option B assumes that the need for the additional assistance has been eliminated with the new ward boundaries and more even distribution of population across the wards. Eliminating the additional two FTE from the budget would result in a shift of a 7% increase in Ward 14 to a 29% decrease in the Ward 8 budget when compared to the 2018 budget.

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SUBJECT: 2019 Ward Budgets (FCS18083) (City Wide) – Page 3 of 3

Option C – Divide the Ward Budgets Equally across all 15 Wards.

This option results in a budget of \$269,119 for each ward. The shift in budgets compared to the 2018 budget ranges from an increase in budget of 14% in Ward 14 to a decrease of 26% in Ward 7.

Table 2

Ward	2018 Budget	Option A		Option B		Option C	
		2018 Budget Revised for Population	% Change from 2018	2018 Revised for Population and Reduced FTE	% Change from 2018	2018 Budget Equally Spread	% Change from 2018
1	\$ 251,220	\$ 260,601	3.7%	\$ 260,601	3.7%	\$ 269,119	7.1%
2	\$ 269,970	\$ 266,801	-1.2%	\$ 266,801	-1.2%	\$ 269,119	-0.3%
3	\$ 268,700	\$ 272,765	1.5%	\$ 272,765	1.5%	\$ 269,119	0.2%
4	\$ 265,650	\$ 269,542	1.5%	\$ 269,542	1.5%	\$ 269,119	1.3%
5	\$ 267,290	\$ 273,029	2.1%	\$ 273,029	2.1%	\$ 269,119	0.7%
6	\$ 257,400	\$ 256,447	-0.4%	\$ 256,447	-0.4%	\$ 269,119	4.6%
7	\$ 363,800	\$ 353,742	-2.8%	\$ 265,239	-27.1%	\$ 269,119	-26.0%
8	\$ 359,030	\$ 343,666	-4.3%	\$ 255,163	-28.9%	\$ 269,119	-25.0%
9	\$ 247,490	\$ 246,346	-0.5%	\$ 246,346	-0.5%	\$ 269,119	8.7%
10	\$ 242,900	\$ 256,197	5.5%	\$ 256,197	5.5%	\$ 269,119	10.8%
11	\$ 262,150	\$ 243,814	-7.0%	\$ 243,814	-7.0%	\$ 269,119	2.7%
12	\$ 256,260	\$ 261,848	2.2%	\$ 261,848	2.2%	\$ 269,119	5.0%
13	\$ 242,840	\$ 253,988	4.6%	\$ 253,988	4.6%	\$ 269,119	10.8%
14	\$ 236,210	\$ 253,229	7.2%	\$ 253,229	7.2%	\$ 269,119	13.9%
15	\$ 245,880	\$ 246,260	0.2%	\$ 246,260	0.2%	\$ 269,119	9.5%
	\$4,036,790	\$4,058,275	0.5%	\$3,881,269	-3.9%	\$4,036,790	0.0%

The respective 2019 Ward Budgets would be eligible for any guideline increase approved by Council.

Appendices and Schedules Attached

None.

AT/dt

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CITY OF HAMILTON
Corporate Services
Office of the City Clerk

TO:	Chair and Members of the Governance Review Sub-Committee
COMMITTEE DATE:	August 29, 2018
SUBJECT/REPORT NO:	Review of the Selection Process CL18011 (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon, Acting City Clerk 4304
SUBMITTED BY:	Janet Pilon Acting City Clerk Office of the City Clerk
SIGNATURE:	

RECOMMENDATION

- (a) That the Nomination Meeting for the members of Council-Elect be held on November 20, 2018;
- (b) That the Revised City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, attached hereto as Appendix "A", be approved; and
- (c) That the Revised City of Hamilton Advisory Committee Procedural Handbook, attached hereto as Appendix "B", be approved.

EXECUTIVE SUMMARY

This report recommends several proposed amendments to the current selection process for appointing citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees.

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

Financial: Approximately \$30,000 was spent on advertising for citizen appointments in the Hamilton Spectator as well as local community newspapers during the selection process at the beginning of the 2014-2018 Term of Council. The amount above does not include any advertising which may have been required during the Term of Council to fill vacancies left by citizens who resign from committees.

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SUBJECT: Review of the Selection Process CL18011 (City Wide) - Page 2 of 4

The City of Hamilton continues to utilize the City's website, the recreation centres, libraries and the Municipal Service Centres for advertising vacancies, and providing information about the various committees and their mandates. This is one of the most cost-effective means of advertising for our committee vacancies.

Access and Equity staff were directed to review the selection process with respect to attracting a more diverse group of applicants, including any costs associated with an expanded communication plan, and are reporting to the General Issues Committee in September, 2018.

Staffing: Clerk's Legislative Staff assists both with the Selection Committee and the respecting Standing Committees with the selection process including advertising, orientation and interviews. Staff Liaisons from other departments provide assistance at the orientation sessions, as well as working with the committee and Clerk's staff in developing suggested questions for interviews.

Legal: None.

HISTORICAL BACKGROUND (Chronology of events)

The City of Hamilton currently appoints members of Council and citizens to 118 Committees. These include, Agencies, Boards, Commissions, Advisory (Volunteer) Committees, Sub-Committees and Standing Committees.

Appointment of Members of Council

Members of Council are appointed to their preferred Standing Committees, Sub-Committee, Agencies, Boards and Commissions at the Inaugural Council meeting, being held on December 3, 2018 for the 2018-2022 Term of Council.

Prior to the Inaugural Council meeting members of Council-Elect provide Clerk's with a list of their preferred choices for Standing Committees, Sub-Committees, Agencies, Boards and Commissions.

All members of Council are appointed to the General Issues Committee and Board of Health and are required to be a member of a minimum of two other Standing Committees.

A Nomination Meeting is held prior to the Inaugural Council meeting to fill the vacant positions on Standing Committees, Sub-Committees, Agencies, Boards and Commissions.

Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees

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SUBJECT: Review of the Selection Process CL18011 (City Wide) - Page 3 of 4

As Council directed in July 10, 2015, staff have implemented an online application process, which has been successfully used during the recruitment process in 2014 – 2018.

The revised City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees (Appendix "A", attached hereto), outlines the selection process for the appointments to the Advisory (Volunteer) Committees and Sub-Committees as detailed in Appendix "C", attached hereto.

The selection process and the Advisory Committee Procedural Handbook (Appendix "B", attached hereto) have also taken into consideration the approved Hamilton Advisory Committee/Task Force Code of Conduct in order to ensure that all appointees are compliant with the Code of Conduct.

Members/Advisors who Represent an Organization on a City Committee

Clerk's staff will continue the practice of forwarding letters in the Fall of 2018 to the respective organizations who have representatives who are either members of or advisors to the various committees, as per Appendix "C", attached hereto.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None.

RELEVANT CONSULTATION

Clerk's Legislative staff
Staff Liaisons for the Advisory (Volunteer) Committees

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

Clerk's have in the past scheduled a Nomination Meeting prior to the Inaugural Council meeting to fill the vacant positions on Standing Committees, Sub-Committees, Agencies, Boards and Commissions. The proposed Nomination Meeting would be scheduled for November 20, 2018 at 9:30 a.m. in Room 192/193 and all members of Council-Elect are encouraged to attend.

In order to prepare for the Information Session(s) for interested applicants and the Orientation Sessions for the new members of the Advisory (Volunteer) Committees and the Sub-Committees, the approval of the revised City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, attached hereto as Appendix "A", and the

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SUBJECT: Review of the Selection Process CL18011 (City Wide) - Page 4 of 4

revised City of Hamilton Advisory Committee Procedural Handbook, attached hereto as Appendix “B”, is required.

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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Revised City of Hamilton Policy respecting the Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees.

Appendix “B” – Revised City of Hamilton Advisory Committee Procedural Handbook.

Appendix “C” - 2018 – 2022 Recruitment Details for Advisory (Volunteer) Committees; Sub-Committees and Agencies, Boards and Tribunals.

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Appendix "A" to Report CL18011

***City of Hamilton Policy
respecting the
Appointment of Citizens to the City's
Agencies, Boards, Commissions,
Advisory (Volunteer) Committees and Sub-Committees***

Eligibility

1. The Selection Process is open to all residents and business owners of the City of Hamilton who are at least 18 years of age, unless otherwise stated (Note: Additional requirements may be requested by the individual Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee, if they are governed by separate legislation, policies or mandates);
2. City Council wishes to ensure that its Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees reflect the diverse nature of the City of Hamilton's population and encourages all residents to apply for appointment opportunities.

Public Notice

3. The City Clerk's Office advertises for all citizen member vacancies on the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees in the Hamilton Spectator and/or relevant Community Newspapers, on the City's website and through other appropriate methods.

Recruitment

4. Citizen membership on all of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, with the exception of those terms of office defined by Provincial or Federal legislation, will be to serve for a period of up to four years, which coincides with the Term of Council, or until a successor is appointed by Council.
5. Citizens are permitted to apply for membership on no more than two (2) of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees.
6. Applications and information regarding all the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees (i.e. Terms of Reference, Mandate, approximate number of meetings per year, etc.) are made available at the City Clerk's Office, at all Municipal Service Centre locations and on the City's website (www.hamilton.ca);
7. Completed application forms are to be returned to the City Clerk's Office or any of the Municipal Service Centres by the application deadline (date and time), as set out in the advertised Public Notice. Applications received after the deadline will not be considered for appointment.

8. Completed applications may be submitted by one of the following methods:
 - (a) Online Application Process on the City's website;
 - (b) Hand delivered or mailed to the Office of the City Clerk, 1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5;
 - (c) Delivered to any Municipal Service Centre;
 - (d) Scanned and forwarded via e-mail to the contact person listed in the Advertisement; or,
 - (e) By Facsimile Transmission at (905) 546-2095
9. Applications shall be kept on file by the City Clerk's Office for the Term of Council. In the event of a vacancy, the Selection Committee or Interview Sub-Committee may consider interviewing applicants whose applications are on file for that term, and the appointment would be for the balance of that Term of Council only.
10. Incumbents who are eligible and willing to seek reappointment to a City Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee must reapply in the same manner as other applicants.

Information Session(s)

11. An Information Session(s) is scheduled during the beginning of the initial recruitment process (end of the previous Term of Council) and although attendance is not mandatory, attendance is strongly encouraged for new applicants.

At the Information Session(s), citizens are provided with information regarding the various Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, and are afforded the opportunity to ask questions of the Staff Liaisons.

Interested citizens may also fill out and submit an application during the Information Session(s).

Selection Process for Agencies, Boards, Commissions and Sub-Committees

12. A minimum of five (5) members of Council are appointed to the Selection Committee whose mandate will be to:
 - (i) Review citizen member applications for the City's Agencies, Boards, Commissions and Sub-Committees;
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Interview candidates;

- (iv) Make recommendations to City Council for the appointment of citizens to the various Agencies, Boards, Commissions and Sub-Committees.

Selection Process for Advisory (Volunteer) Committees

13. A minimum of three (3) members of each Standing Committee (plus two alternates) are appointed to the respective Standing Committee Interview Sub-Committee whose mandate will be to:
 - (i) Review citizen member applications for the City's Advisory (Volunteer) Committees;
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Interview candidates;
 - (iv) Make recommendations to the respective Standing Committee for the appointment of citizen members to the various Advisory (Volunteer) Committees. These recommendations are ratified by Council.

Selection Process for the Hamilton Aboriginal Advisory Committee

14. The local Hamilton Aboriginal Community leadership, will recommend to Council the appointment of residents from the Hamilton Aboriginal community, to sit on the Hamilton Aboriginal Advisory Committee. *(Approved by Council on July 10, 2015)*

Selection Process for Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees Established during the Term of Council

15. When an Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee is established during the Term of Council, the respective process outlined in Section 12 and 13 will be followed.

Interview Process

16. The Selection Committee or Interview Sub-Committee may, at its discretion, with the assistance of staff, shortlist candidates using the following criteria:
 - (i) Related competencies;
 - (ii) Previous committee experience; and,
 - (iii) Number of citizens who applied for vacancy(ies).
17. Interviews will be conducted, where required, with those applicants who are most suited to serve on the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees as follows:

- (i) Applicants will be notified verbally or by e-mail of their interview date and time by the City Clerk's office;
 - (ii) The allotted time for each interview will be approximately ten (10) minutes in length;
 - (iii) An established set of interview questions will be developed by staff in relation to the mandated role of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee in consultation with the City Clerk's Office;
 - (iv) The City Clerk's Office will notify all applicants in writing once the appointments have been approved by Council;
 - (v) Applicants may be required to have background checks.
18. One (1) City of Hamilton Legislative Coordinator or Staff Liaison to the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee, shall attend the interviews and serve as a resource person.

Roles and Responsibilities of Appointed Citizen Members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees

19. Citizen members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee(s) to which they are making application to.
20. Citizen members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees:
- (i) are required to attend and participate fully in the meetings;
 - (i) who miss three (3) consecutive meetings without Committee approval, may be subject to replacement on the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee and may not be eligible for re-appointment; and
 - (ii) upon appointment, are required to sign a Committee Member Acknowledgement Form (attached hereto as Schedule "B"), provided by the City Clerk's Office, ***prior to attending the first meeting*** of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee to which they are appointed. Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen's appointment.
21. Citizen members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50> and attached as Appendix "D" to the Advisory Committee, Procedural Handbook.

22. Citizen members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are to comply with the Hamilton Advisory Committee/Task Force Code of Conduct (attached hereto as Scheduled "D").

Filling of Vacancies

23. Vacancies on the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees can occur throughout the Term of Council, due to a member's resignation, should a vacancy occur during the Term of Council, the following process will be followed:
- (i) The Committee member who is resigning shall do so formally in writing by providing a completed and signed copy of the Committee Member Resignation Form (attached hereto as Schedule "C") to the appropriate Legislative Coordinator, in the City Clerk's office, stating which Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee the Committee member is resigning from and general reasons why (the inclusion of private/personal information is not required).
 - (ii) The Committee Member Resignation Form will be placed on a Standing Committee or Council Agenda to be formally received by Committee/Council; and, consideration of the vacancy shall be forwarded to the Selection Committee or Interview Sub-Committee for review.
 - (iii) The Selection Committee or respective Interview Sub-Committee will consider whether to fill the vacancy from those applicants who applied in the initial call for applications, or to re-advertise.
 - (iv) If the vacancy occurs within 12 months of the end of the Term of Council, the vacancy will not be filled, and the quorum of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee will be adjusted accordingly.

SELECTION COMMITTEE & INTERVIEW SUB-COMMITTEE GUIDING PRINCIPLES

1. The Selection Committee and Interview Sub-Committees are committed to fulfilling the recruitment and selection of its citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees in an open, transparent and equitable manner.
2. The Selection Committee and Interview Sub-Committees are committed to a public recruitment process which is communicated well in advance and which encourages a broad range and diverse participation of citizens, free of barriers.
3. The Selection Committee and Interview Sub-Committees are committed to a competitive recruitment process which seeks suitable candidates evaluated on interest, merit and related competencies.
4. The Selection Committee and Interview Sub-Committees are committed to unbiased decision making essential to a fair and impartial selection process.



Hamilton

COMMITTEE MEMBER ACKNOWLEDGEMENT FORM

I _____ in consideration of the City of Hamilton appointing me to the _____, for the _____ term, acknowledge, undertake and agree as follows:

1. I will make all reasonable efforts to attend all meetings of this body to which I have been appointed and to participate in an impartial manner with the understanding that:
 - (a) If I am absent from more than three meetings, I may be subject to replacement on the Committee and not be eligible for re-appointment.
2. I will exercise all of the roles and responsibilities of a member of the body to which I have been appointed.
3. I shall respect and co-operate with the other Committee members and City staff.
4. I shall not disclose to any member of the public any confidential information, acquired by virtue of my position.
5. As a volunteer Committee member, I have received, read and have a general understanding of the City of Hamilton Advisory Committee Procedural Handbook

Dated at City of Hamilton, in the Province of Ontario this _____ day of _____, 20__.

Applicant:

Witness:

(Must be at least 18 years if age.)

(Please Print Your Name)

(Please Print Your Name)

(Please Sign)

(Please Sign)



Hamilton

COMMITTEE MEMBER RESIGNATION FORM

I, _____, would like to submit my resignation, effective _____, 20____, from the _____, for the following reason(s):

- My circumstances have changed and I know longer have the time to effectively participate on the Committee.
- Personal reasons.
- Other (please explain briefly):

Additional Comments (optional)

Signature

Date

Schedule "D"**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. MEDIA COMMUNICATION

Except for the Chair, who may accurately communicate a recommendation or direction, Appointees shall not comment to the media.

Should the media contact an Appointee directly, the Appointee shall refer the media to the Chair or, in the absence of the Chair, to the Vice Chair.

Approved by Council on March 8, 2017



Hamilton

ADVISORY COMMITTEE PROCEDURAL HANDBOOK

An advisory body Council established to advise on specific areas of interest, with members of the public making up more than fifty (50) percent of the membership and Council members making up the rest.

**Prepared By:
Office of the City Clerk, Legislative Section
Updated: September 2018**

TABLE OF CONTENTS

	Page No.
Meeting Procedures	3
Rules of Procedures at a Glance	3
Agenda Preparation	4
Minutes Preparation	4
Report Preparation	5
Common Procedural Questions	5
The Consensus Method of Decision Making	6
Roles and Responsibilities of Committee Members	7
Role of the Chair	7
Role of the Secretary	7
Role of the Staff Liaison	8
Use of Working Groups or Task Forces	8
Members Communicating with Any Outside Agencies, Including Other Levels of Government and the Media	8
Use of Secondary Logos	8
Committee Member Resignation	9
What to do if further consultation on procedural advice is required?	9

APPENDICES

Appendix A - Agenda Template	10
Appendix B - Minutes Template	11
Appendix C - Citizen Committee Report Template	14
Appendix D - Standard Operating Procedure #08-001; Communicating with Any Outside Agencies, Including Other Levels of Government and the Media	15
Appendix E - Committee Member Acknowledgement Form	16
Appendix F - Committee Member Resignation Form	17
Appendix G – Hamilton Advisory Committee/Task Force Code of Conduct	18

The rules of procedure as set out in By-law 18-[REDACTED], A By-Law To Govern the Proceedings of Council and Committees of Council, shall be observed in all proceedings and apply to all Committees. Rules of procedure are intended to help the group conduct its business fairly and efficiently.

Rules for a meeting are designed to achieve the following basic meeting principles:

1. Every member has rights equal to every other member.
2. The will of the majority must be carried out.
3. Only one topic will be considered at a time.

The Role of the Committee and its members is to provide “advice” to Council through the appropriate Standing Committee on matters that are related to the specific mandate of the Committee (not for purposes of lobbying for special causes on behalf of the City or themselves).

Rules of Procedures at a Glance

1. Sequence of steps in having a motion voted on:

- Moved – a proposal from the floor.
- Seconded – another member feels the proposal is worth discussing.
- Stated – by the Chair or Secretary. Wording is recorded properly and everyone understands the intent of the proposal.
- Discussed – every member who wishes to speak addresses the chair and must speak only to the motion/amendment on the floor.
- Amended – if required, changing the wording of the motion by: adding or deleting words, replacing with different words.
- Called – after sufficient discussion, either a motion to end debate or a vote (if amended, the amendment first and then the main motion as amended) is called at the discretion of the Chair.
- Restated (if necessary) – ensures everyone understands what is being voted on.
- Voted – Chair calls each option: “All in favour”, “opposed”?
- Declared – results of the vote are announced by the Chair “carried” or “defeated”.

2. Amending a motion

- An amendment cannot convert a motion to its direct negative (cannot change the intent of the original motion).
- An amendment must be pertinent or relevant to the topic in the main motion i.e. a motion to “commend the President for his work with the Chapter” may not be amended by striking the word “commend” with “condemn”.

An agenda is a step-by-step outline of the issues to be covered at a meeting.

The following agenda outline is often used:

1. Changes to the Agenda
2. Declarations of Interest
3. Approval of Minutes of Previous Meeting
4. Consent Items
5. Presentations
6. Discussion Items
7. Notices of Motion
8. Motions
9. Other Business
10. Adjournment

Feel free to be flexible with the agenda planning. Keep the following points in mind:

- The early part of the meeting is usually the most lively and creative – items requiring mental energy, bright ideas and clear heads should appear early on the agenda.
- Put time limits on agenda items to help focus discussion and encourage decision making.

A sample template for an agenda is attached as Appendix “A”, for your reference.

Minute Preparation

The purpose of the minutes is to:

- Provide a permanent record of the proceedings of a meeting.
- Keep track of progress.
- Inform absent members.
- Provide a useful guide for evaluating a committee’s work.
- Minutes should be as brief as possible, yet maintain their accuracy.

Basic set of minutes should include:

1. Name of the Committee.
2. When (date and time) and where the committee met.
3. Who was present/absent.
4. Adoption of last meeting’s minutes.
5. Matters discussed and any decisions made:
 - Record motions, the mover (who) made the motion, who seconded it, and whether it was carried or defeated, and any members who wished to be recorded as opposed to the motion.
 - General discussion (briefly).

After the Committee minutes are approved by the Committee, the minutes are Page 17 of 171
the appropriate Standing Committee for receipt. The approved minutes are to be submitted
each month to the respective Legislative Coordinator to the Standing Committee that the
Committee reports to.

A sample template for the minutes is attached as Appendix “B”, for your reference.

Report Preparation

If the Committee is making a recommendation that requires the approval of the Standing Committee, then a Citizen Committee Report is prepared for the Standing Committee’s consideration. The respective Legislative Coordinator and the Staff Liaison to the Committee can assist in the preparation of the Report.

A sample template for the Committee report is attached as Appendix “C”, for your reference.

Common Procedural Questions

1. How can a meeting start without a quorum?

A quorum is the minimum number of eligible voters that must be present at a meeting to conduct business. This number is half of the membership rounded up to the nearest whole number.

If no quorum is present, then:

- The Chair may dismiss the group 30 minutes after the time appointed for the meeting, or
- The group may agree to proceed informally with the agenda, awaiting ratification of any decisions at a future meeting, or
- The group may discuss any items of interest, but make no decisions.
- The Committee Secretary shall record the names of the Committee members present in the minutes of the meeting.

2. After considerable debate, we still are not ready to vote on the motion. What can we do?

- A Motion to defer the matter until the next meeting may be in order, so that more information can be gathered.
- A Motion to defer temporarily allows a motion to be set aside until later in the meeting, allowing more urgent business to be dealt with, permitting amendments to be drafted, or allowing time for implications of the motion to be checked.
- The Motion may be withdrawn at the request of its mover, at any time before decision or amendment.

3. Closing debate on a Motion.

Someone “calling the question” from the floor indicates that they want the motion put to a vote, which needs to be seconded and cannot interrupt the list of first time speakers. Only if the Chair feels that the motion has had reasonable debate and most members are ready to vote, can they call the question (ie: “All those in favour?”, “Opposed?”, etc.)

4. Encouraging an alternative motion.

Sometimes while one motion is being considered, an alternative motion might be the better one. How can it be presented?

- (a) The movers of the original motion are asked if they will withdraw their motion, with the consent of a majority of the members.
- (b) If the original motion is withdrawn, then the alternative motion can be put forward.
- (c) If the original motion is not withdrawn, then the movers of the alternative motion inform the Committee that their motion will be moved if the original is defeated. They thus urge the members to vote against the original motion.

The Consensus Method of Decision Making in Groups

The following process can be used throughout the meeting for every issue the group needs to discuss.

Step 1

Describe the issue before the Committee:

- State the issue clearly and concisely. If it is complex, then write it out.

Step 2

Gather all information relevant to the issue:

- All pertinent facts and ideas about the issue need to be heard in order to make an informed decision.
- Distinguish between facts and opinions.

A decision can often be made right away. However, action may need to be deferred so that additional information can be gathered.

Step 3

List all possible solutions or actions:

- Explore alternatives.
- Be creative. Use brainstorming techniques to generate new ideas, from every member.

Step 4

Choose the best possible solution:

Use a process of elimination; refine and combine parts of your list in Step 3.

Step 5

Make a decision:

- Formulate a statement of general agreement or consensus, or
- Develop a motion and vote on it.
- Then, record the results in the minutes.

Members of the Committee are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Committee(s) to which they are making application to.

Members of the Committee:

- (i) are required to attend and participate fully in the meetings;
- (ii) who miss three (3) consecutive meetings without Committee approval, may be subject to replacement on the Committee and may not be eligible for re-appointment; and
- (iii) upon appointment, are required to sign a Committee Member Acknowledgement Form (attached hereto as Appendix “E”), provided by the City Clerk’s Office, **prior to attending the first meeting** of the Committee to which they are appointed. Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen’s appointment.

Members of the Committee are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50>.

Members of the Committee are to comply with the Hamilton Advisory Committee/Task Force Code of Conduct (attached hereto as Appendix “G”).

Role of the Chair

As the Chair of a meeting, you have several important roles: knowing the group, helping members get started, planning ahead, preparing for meetings, and presiding at meetings.

Helpful tips:

Know your group – find out what your members’ skills are and what they can do. Make sure all members understand their roles and responsibilities;

Help Members get started – involve and motivate your group members. Be sure your members understand their purpose, responsibilities, timelines and budgetary constraints;

Prepare for meetings – plan your agenda. Check on all pre-meeting arrangements; and,

Preside at meetings – establish your guidelines or rules of order. Follow your agenda; involve the members; manage the discussion.

Role of the Secretary

- Providing relevant information, ideas and opinions as a participant in the meeting;
- Record without note or comment all resolutions, decisions and other proceedings at the meeting (as per the *Municipal Act, 2001*).
- Keeping an accurate set of minutes of each meeting;
- Keeping an up-to-date membership/contact list;
- Distributing minutes to members and notifying them of upcoming meetings;
- Keeping a list of all advisory committees and members;
- Helping the Chair with preparing the agenda, advice on meeting procedure, reference materials and information retrieved from the records; and,

- Making meeting and physical set-up arrangements (*Note: room booking facilities will be co-ordinated through the Committee's Staff Liaison.*)

Role of the Staff Liaison

- Coordinate; develop and deliver the Orientation Session for the Committee;
- Liaise with the Committee providing technical advice from the host department for the preparation of reports; correspondence, etc.;
- Submission of the Committee's reports, correspondence, etc. to the Director of the host department prior to finalization for review;
- Liaise with all City staff for advice and information required by the Committee, including procedural advice from Legislative Coordinator in the Office of the City Clerk;
- Arrange for printing of agendas, minutes, reference material and distribution required by the Committee;
- Arrange for the booking of the meeting room;
- Coordinate the annual review of the Committee's Terms of Reference and Mandate;
- Coordinate the preparation of the Roles, Responsibilities and Expectations of New Members prior to the end of the Committee's term;
- Arrange for parking passes, if required; and,
- Forward completed Committee Member Resignation Forms to the Legislative Coordinator for inclusion in the appropriate Standing Committee agenda.

Use of Working Groups or Task Forces

Committees can create working groups or task forces to assist in the research or review of a given item and it reports its findings back to the Committee. A working group is normally comprised of Committee Members, however, when required, volunteers may be called upon for their expertise to assist a working group by providing required information. Working groups operate by consensus and formal motions are not required. Administrative support shall not be available to working groups and consequently, the preparation of agendas, minutes and meeting requirements shall be the responsibility of the working group, if required. Support staff shall not be required to attend working group meetings.

Members Communicating with Any Outside Agencies, Including Other Levels of Government and the Media

Please note that members of a Committee cannot correspond or speak to any Ministries, any outside agencies, or the media without Council's prior approval, as per Standard Operating Procedure #08-001 – Communicating with any outside agencies, including other Levels of Government and the media attached as Appendix "D" and the Code of Conduct attached as Appendix "G".

Use of Secondary Logos for Advisory Committees

The use of secondary logos for promotional/educational purposes by a Committee requires approval, subject to the following guidelines:

- (i) Requests for approval of a secondary logo are required to be presented to the Governance Review Sub-committee for consideration and approval by the Committee's respective Standing Committee and Council, prior to any use.

- Page 15 of 171
- (ii) The approved City Logo (triple H symbol, with the word mark Hamilton underscoring line), as per the *Identity Standards Guide*, must be of appropriate size relative to the intended purpose and included in a sufficiently prominent location on the promotional/ educational materials.
 - (iii) Design costs are to be funded by the Committee.

Committee Member Resignation

While the City of Hamilton hopes that, upon applying for and being appointed as a member of a Committee, you are able to fulfil your commitment, we do realize that on occasion a person's circumstances may change.

Therefore, if for any reason you are unable to continue to participate as an active member of the Committee(s) you have been appointed to, it is very important that you resign formally in writing by providing a completed and signed copy of the Committee Member Resignation Form (attached as Appendix "F") to the appropriate Legislative Coordinator, in the City Clerk's office, stating which Committee(s) you are resigning from and general reasons why (the inclusion of private/personal information is not required). This will allow the Committee to adjust its membership accordingly in order to remain effective in achieving the goals of its mandate. Your completed Committee Member Resignation Form will be included in the appropriate Standing Committee agenda to be received by Council.

What to do if further consultation on procedural advice is required?

Depending upon which Standing Committee, the Committee reports through, please contact the one of following Clerk's Division staff:

Ida Bedioui

Legislative Coordinator
Planning Committee
Phone: (905) 546-2424 ext. 4605
Fax : (905) 546-2095
E-mail: ida.bedioui@hamilton.ca

Angela McRae

Legislative Coordinator
Audit, Finance & Administration
Committee
Phone: (905) 546-2424 ext. 5987
Fax : (905) 546-2095
E-mail: angela.mcrae@hamilton.ca

Loren Kolar

Legislative Coordinator
Board of Health
905 546 2424 ext. 2604
905 546-2095 (fax)
E-mail: loren.kolar@hamilton.ca

Stephanie Paparella

Legislative Coordinator
General Issues Committee
Phone: (905) 546-2424 ext. 3993
Fax : (905) 546-2095
E-mail: stephanie.paparella@hamilton.ca

Lauri Leduc

Legislative Coordinator
Public Works Committee
905 546 2424 ext. 4102
905 546-2095 (fax)
E-mail: lauri.leduc@hamilton.ca

Lisa Chamberlain

Legislative Coordinator
Healthy & Safe Communities Committee
Phone: (905) 546-2424 ext. 2729
Fax : (905) 546-2095
E-mail: lisa.chamberlain@hamilton.ca



Hamilton

A G E N D A **ABC ADVISORY COMMITTEE**

Monday, January 1, 2000
2:00 p.m.
Room 123, 1st Floor
City Hall
71 Main Street West, Hamilton

**Added Items*

- A. APPOINTMENT OF CHAIR AND VICE CHAIR** *(This should be done at the first meeting of each year. After the first meeting – this heading is to be removed)*
- 1. CHANGES TO THE AGENDA**
- 2. DECLARATIONS OF INTEREST**
- 3. APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 3.1 ABC Advisory Committee Meeting Minutes, dated December 1, 1999 *(for approval)*
- 4. CONSENT ITEMS**
 - 4.1 Research Report *(for receipt)*
 - *4.2 Working Group Minutes *(for receipt)*
- 5. PRESENTATIONS**
 - 5.1 ABC Advisory Committee Terms of Reference Review *(for approval)*
 - 5.2 ABC Advisory Committee Strategic Plan *(for approval)*
- 6. DISCUSSION ITEMS**
 - 6.1 Roles, Responsibilities and Expectations of New Members *(for approval)*
- 7. NOTICES OF MOTION**
 - *7.1 ABC Advisory Committee Meeting Schedule *(for approval)*
- 8. MOTIONS**
 - 8.1 ABC Advisory Committee Change to the Location of Meetings *(for approval)*
- 9. OTHER BUSINESS**
- 10. ADJOURNMENT**



Hamilton

MINUTES ABC COMMITTEE

Monday, January 1, 2000
2:00 p.m.
Room 123, 1st Floor
City Hall
71 Main Street West, Hamilton

Present: Chair: (insert name)
(Committee members only) Vice-Chair: (insert name)
Secretary: (insert name)
Members: (insert names)

Absent with Regrets: *(insert names of absent Committee members only)*

Also Present: *(insert staff names with titles)*

1. CHANGES TO THE AGENDA

The Clerk advised of the following changes to the agenda:

4. CONSENT ITEMS

4.2 Working Group Minutes

7. NOTICES OF MOTION

7.1 ABC Advisory Committee Meeting Schedule

(Mover/Seconder)

That the agenda for the January 1, 2000 meeting of ABC Advisory Committee be approved, as amended. *(if there are no changes to the agenda, then the approval would be "as presented")*

CARRIED

2. DECLARATIONS OF INTEREST

List any declarations that were made or note that there were none.

3.1 January 1, 2000

(Mover/Second)

That the Minutes of the January 1, 2000 meeting of ABC Committee be approved, as presented.

CARRIED

4. CONSENT ITEMS

(i) **Research Report (Item 4.1)**

(Mover/Second)

That the Research Report, be received.

CARRIED

(ii) **Working Group Minutes – December 1, 1999 (Item 4.2)**

(Mover/Second)

That the Working Group Minutes – December 1, 1999, be received.

CARRIED

5. PRESENTATIONS

(i) **ABC Advisory Committee Terms of Reference Review (Item 5.1)**

(Insert Name) provided the Committee with a presentation respecting a review of the ABC Advisory Committee Terms of Reference.

(Mover/Second)

That the presentation respecting the ABC Advisory Committee Terms of Reference Review, be received; and

That the ABC Advisory Committee Terms of Reference Review, be amended to *(insert recommendation approved by the Committee)*

CARRIED

(ii) **ABC Advisory Committee Strategic Plan (Item 5.2)**

(Insert Name) provided the Committee with a presentation respecting a review of the ABC Advisory Committee Strategic Plan.

(Mover/Second)

That the presentation respecting the ABC Advisory Committee Strategic Plan, be received; and

That the ABC Advisory Committee Strategic Plan, be approved. *(or insert recommendation approved by the Committee)*

CARRIED

(i) Roles, Responsibilities and Expectations of New Members (Item 6.1)**(Mover/Second)**

That the Roles, Responsibilities and Expectations of New Members, be approved. *(or insert recommendation approved by the Committee)*

CARRIED

7. NOTICES OF MOTION

(i) ABC Advisory Committee Meeting Schedule (Item 7.1)

(Committee Member's Name) introduced a Notice of Motion respecting the ABC Advisory Committee Meeting Schedule.

(A Notice of Motion can be left as a Notice of Motion and then placed on the next Committee agenda or the Rules of Order can be waived to allow the introduction of the Notice of Motion as a Motion at this meeting, if so, a motion to waive the rules, is required)

(Mover/Second)

That the Rules of Order to be waived to allow for the introduction of a motion respecting the ABC Advisory Committee Meeting Schedule.

CARRIED**(Mover/Second)**

That the ABC Advisory Committee Meeting Schedule, be approved. *(or insert recommendation approved by the Committee)*

CARRIED

8. MOTIONS

(i) ABC Advisory Committee Change to the Location of Meetings (Item 8.1)**(Mover/Second)**

That the ABC Advisory Committee Meeting Location be changed to _____. *(or insert recommendation approved by the Committee)*

CARRIED

9. OTHER BUSINESS

(i) Title

Brief overview of the item

10. ADJOURNMENT

(Mover/Second)

That, there being no further business, the meeting be adjourned at ____ a.m./p.m. *(insert time that the meeting adjourned)*

CARRIED

The minutes are signed by the Chair or Vice Chair (whoever presided over the meeting) and the Secretary.



Hamilton

CITIZEN COMMITTEE REPORT

To:	Chair and Members General Issues Committee
From:	Monika Ciolek (Co-Chair) _____ and Kyle Andrew Skinner (Co-Chair) _____ Arts Advisory Commission (to be signed by the Chair)
Date:	March 22, 2017
Re:	Transfer from reserve for Big Picture 2017 Arts Community Outreach Event (AAC-17-01) (City Wide)

Recommendation:

That an amount of up to \$13,000 be transferred from the Arts Advisory Commission Reserve (112212) to Arts Advisory Commission operating (300322) to fund the Commission’s 2017 outreach event and programs.

Background: *(Describe here what the money will be used for and why the Committee is asking for more)*

The Arts Advisory Commission (AAC) has the following mandate:

To recommend activities for the stabilization and strengthening of the arts community; to inform Council of issues and achievements in the Hamilton arts community; to liaise with and act as a point of contact for members of the arts community regarding issues affecting the arts community; to monitor and assist with the implementation of the Public Art Program; to monitor and assist with the implementation of the Arts Awards Program.

The primary focus of the Arts Advisory Commission over the last five years has been the development of a strategic arts funding model through its Arts Funding Task Force.

A new AAC was appointed in 2016. The new members of the AAC are looking to undertake a community outreach and consultation program to determine the issues important to the arts community moving forward.

Analysis/Rationale: *(In the Analysis/Rationale section, the Committee should explain why the recommendation is being put forward, benefits for the recommendation, and any another information, which Committee wishes to share with the Grants Sub-Committee to support the recommendation)*

In 2017, the Arts Advisory Commission will focus its efforts on outreach and consultation with the arts community to identify issues important to the community. It is assumed that issues such as; artists living and work space costs, sustaining and growing the arts community and promoting the arts community will be identified among others. Consultation plans include a symposium type event to bring the community together along with interviews and online surveys. The results of this work will be used to develop the AAC work plan for 2017-2018.

STANDARD OPERATING PROCEDURE	08-001
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Subject:	Communicating with any outside agencies, including other Levels of Government and the media
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- a) City of Hamilton Committees wishing to correspond with any outside agency including the media, Ministers of the Provincial/Federal Governments or with MP's and MPP's will follow the subjoined procedures:
1. Recommendation(s) to correspond with any outside agency submitted by a Committee are forwarded to the appropriate Standing Committee for approval with the draft correspondence being attached as an appendix to a Citizen Committee Report prepared by the respective Committee Staff Liaison.
 2. Once the recommendation is approved by the Standing Committee and Council, the correspondence is submitted for signature and will be signed jointly by the Mayor and the Chair of the Committee.
 3. Any follow up correspondence received by the City of Hamilton in response to the letter will be forwarded to both City Council and to the Committee, which initiated the recommendation and correspondence.
 4. Appointees should accurately communicate a recommendation or direction.
 5. 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.
 6. Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.



Hamilton

COMMITTEE MEMBER ACKNOWLEDGEMENT FORM

I _____ in consideration of the City of Hamilton appointing me to the _____, for the _____ term, acknowledge, undertake and agree as follows:

1. I will make all reasonable efforts to attend all meetings of this body to which I have been appointed and to participate in an impartial manner with the understanding that:
 - (a) If I am absent from more than three meetings, I may be subject to replacement on the Committee and not be eligible for re-appointment.
2. I will exercise all of the roles and responsibilities of a member of the body to which I have been appointed.
3. I shall respect and co-operate with the other Committee members and City staff.
4. I shall not disclose to any member of the public any confidential information, acquired by virtue of my position.
5. As a volunteer Committee member, I have received, read and have a general understanding of the City of Hamilton Advisory Committee Procedural Handbook

Dated at City of Hamilton, in the Province of Ontario this _____ day of _____, 20____.

Applicant:

Witness:

(Must be at least 18 years if age.)

(Please Print Your Name)

(Please Print Your Name)

(Please Sign)

(Please Sign)



Hamilton

COMMITTEE MEMBER RESIGNATION FORM

I, _____, would like to submit my resignation, effective _____, 20____, from the _____, for the following reason(s):

- My circumstances have changed and I know longer have the time to effectively participate on the Committee.
- Personal reasons.
- Other (please explain briefly):

Additional Comments (optional)

Signature

Date

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 a 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.

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

RECRUITMENT

CITIZEN APPOINTMENTS TO **ADVISORY (VOLUNTEER) COMMITTEES** 2018-2022

ADVISORY (VOLUNTEER) COMMITTEE	CITIZEN MEMBERSHIP REQUIRED
Advisory Committee for Immigrants and Refugees	<i>consists of a maximum of 20 citizen members</i>
Arts Advisory Commission	<i>consists of up to 13 citizen members</i>
Committee Against Racism	<i>consists of 15 citizen members</i>
Food Advisory Committee	<p><i>consists of up to 13-18 members as follows:</i></p> <ul style="list-style-type: none"> • <i>Food Production: 2-3 members (e.g., representation from rural and urban agriculture, including large and small scale farmers, gardeners, soil specialists, horticulturalists)</i> • <i>Processing & Distribution: 2-3 members (representation from large and small scale food production and distribution, including food entrepreneurs, managers/operators of incubators, food banks, food hubs, food box delivery programs, warehousing, storage, etc.)</i> • <i>Buying & Selling: 2-3 members (e.g., representation from large and small scale food retail, including grocers, restaurateurs, Farmers Markets managers, social enterprise food entrepreneurs, specialty food stores owners, street vendors, etc.)</i> • <i>Consumption: 2-3 members (e.g., representation from community and neighbourhood based food programs and cultural groups, including food literacy educators, consumers, chefs, food enthusiasts, etc.)</i> • <i>Food Waste Management: 2-3 members (representation from food waste management, including researchers/consultants, managers, operators of environmental groups, gleaning programs, experts/experienced individuals in composting/resource management, etc.)</i> • <i>3 members at large (citizens at large, local food advocates, etc.)</i>

ADVISORY (VOLUNTEER) COMMITTEE	CITIZEN MEMBERSHIP REQUIRED
Hamilton Aboriginal Advisory Committee	<i>consists of up to 14 citizen members - the local Hamilton Aboriginal Community leadership, recommends to Council the appointment of residents from the Hamilton Aboriginal community, to sit on the Hamilton Aboriginal Advisory Committee</i>
Hamilton Cycling Committee	<i>consists of 15 citizen members – ultimately one representative from each Ward</i>
Hamilton Status of Women Committee	<i>consists of up to 15 citizen members</i>
Hamilton Veterans Committee	<i>consists of up to 9 citizen members who are Veterans of the City of Hamilton</i>
Housing and Homelessness Advisory Committee	<p><i>consists of between 12-15 citizen members with experience or strong interest in homelessness prevention and the provision of affordable housing. Citizens with the following backgrounds or experiences are encouraged to apply for membership:</i></p> <ul style="list-style-type: none"> <i>• Lived experience with homelessness (men, women, youth, families);</i> <i>• Newcomers;</i> <i>• Tenants (private, social);</i> <i>• Persons living with disabilities;</i> <i>• Aboriginal community members;</i> <i>• Supportive housing providers;</i> <i>• Seniors;</i> <i>• Landlords and homebuilders;</i> <p><i>Other experiences or backgrounds that may bring a valuable or unique perspective to any aspect of the homelessness and housing continuum</i></p>
Keep Hamilton Clean and Green Committee	<i>consists of 6 citizen members (2 representatives of Hamilton businesses and 4 citizen-at-large representatives)</i>
Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (LGBTQ)	<i>consists of 13 citizen members – however, there is no maximum</i>
Mundialization Committee	<i>consists of 9 citizen members</i>
Seniors Advisory Committee	<i>consists of a maximum of 19 members</i>

RECRUITMENT

CITIZEN APPOINTMENTS TO **SUB COMMITTEES**

2018-2022

SUB COMMITTEE	CITIZEN MEMBERSHIP REQUIRED
Accessibility Transit Services Review Sub Committee	None, only Councillors
Advisory Committee for Persons with Disabilities	<i>13 Citizen Members</i>
Affordable Housing Site Selection Sub Committee	None, only Councillors
Agricultural and Rural Affairs Advisory Committee (Non-Voting Members)	None, only Councillors
Agricultural and Rural Affairs Advisory Committee (Voting Members)	<i>Members of the Hamilton-Wentworth Federation of Agriculture (3); Brant Wentworth Christian Farmers Association (1); Hamilton-Wentworth Women's Institute (1); Agricultural Societies (1) (Rockton, Binbrook and Ancaster) and Wentworth Soil and Crop Improvement Association (2)</i>
Airport Sub-Committee	None, only Councillors
Business Improvement Area Advisory Committee	<i>one Member from each BIA</i>
Capital Projects Work In-Progress Review Sub-Committee	None, only Councillors
Cleanliness and Security in the Downtown Core Task Force	<i>8 Citizen Members are also appointed: one member from each of the following BIAs: Downtown; International Village; James Street South Business District and James Street North Business Merchants and 3 community members</i>
Community Benefits Protocol Advisory Committee	Waiting for Terms of Reference – newly formed Committee
Cross-Melville District Heritage Advisory Committee (Dundas)	<i>3 citizens (1 ecclesiastical representative from the District; 1 member of the Hamilton Municipal Heritage Committee (Dundas); 1 member of the Municipal Heritage Permit Review Sub-Committee (Dundas))</i>
Development Charges Stakeholders Sub-Committee	<i>5 Citizen Members as follows: 1 representative each from the Realtors Association of Hamilton-Burlington; Hamilton-Halton Homebuilders Association and Hamilton Chamber of Commerce</i>
SUB COMMITTEE	CITIZEN MEMBERSHIP REQUIRED

Facility Naming Sub-Committee	None, only Councillors
Glanbrook Landfill Co-ordinating Committee	<i>4 Citizen Members</i>
Governance Review Sub-Committee	None, only Councillors
Government Relations Sub-Committee	<i>Official Advisors are from the following list, but is not limited to the following groups: Hamilton Chamber of Commerce (and its entire affiliated local Chambers which includes the Flamborough Chamber of Commerce, and the Stoney Creek Chamber of Commerce); Roundtable for Poverty Reduction; Hamilton Centre for Civic Inclusion; Other Transit/Transportation and Social Service organizations; Educational, post-secondary, healthcare and other institutional sectors</i>
Grants Sub-Committee	None, only Councillors
Greater Bay Area Committee (Hamilton & Burlington)	None, only Councillors
Hamilton Future Fund Board of Governors	<i>13 Citizen Members</i>
Hamilton Licensing Tribunal	None, only Councillors
Hamilton Municipal Heritage Committee	<i>11 Citizen Members: 1 resident of the former Town of Ancaster; 1 resident of the former Town of Dundas; 1 resident of the former Town of Flamborough; 1 resident of the former Town of Glanbrook; 1 resident of the former Town of Stoney Creek; 4 residents of the former City of Hamilton and 2 citizens at large</i>
Hamilton Port Authority-City of Hamilton Liaison Committee	<i>Chair of Port Authority Board, 2 members of the Port Authority Board, City Manager and the Director, Port Authority</i>
Hamilton Utilities Corporation Joint Advisory Committee	<i>the Chair and 3 members of the Hamilton Utilities Corporation Board of Directors</i>
Hamilton Water Sub-Committee	None, only Councillors
Hamilton-Wentworth Catholic District School Board (HWCD SB) Liaison Committee	<i>3 representatives of HWCD SB (Chair of the Board and 2 Trustees)</i>
Hamilton-Wentworth District School Board (HWDSB) Liaison Committee	<i>3 representatives of the HWDSB (Chair of the Board and 2 Trustees) and 2 HWDSB Secondary Students (non-voting, rotating basis, invited by the HWDSB)</i>
SUB COMMITTEE	CITIZEN MEMBERSHIP REQUIRED

Hess Village Pedestrian Mall Authority	<i>2 Citizen members</i>
HMRF/HWRF Pension Administration Committee	<i>3 HMRF representatives and 3 HWRF representatives</i>
Light Rail Transit Sub-Committee	<i>key stakeholders from but not limited to the Chamber of Commerce, BIA's, HHHBA, institutional and business partners are invited as advisors</i>
Mayor's Blue Ribbon Task Force on Workforce Development	<i>a local representative from Labour and the Chamber of Commerce respectively (2) , four representatives of Hamilton based industries (4), two post-secondary education reps (2), two workforce specialists (the Executive Directors of the Industry Education Council and Workforce Planning Hamilton)</i>
Mayor's Intelligent Community Forum Task Force	<i>community partners and experts, to include McMaster University, Mohawk College, Hamilton Health Sciences, St. Joseph's Healthcare Hamilton, and Innovation Factory</i>
Multi-Year Budget Planning Sub-Committee	None, only Councillors
Municipal Drainage Court of Revision	None, only Councillors
Non-Union Compensation Sub-Committee	None, only Councillors
Open for Business Sub-Committee	<i>Representatives from the Hamilton-Halton Home Builders Association and the Hamilton, Flamborough and Stoney Creek Chambers of Commerce, the Business Improvement Area Advisory Committee (BIACC) and the Realtors Association of Hamilton-Burlington will also participate as ex-officio, as non-voting key advisors</i>
Physician Recruitment and Retention Steering Committee	<i>a representative from The Hamilton Academy of Medicine (preferably a family physician); a representative from The Hamilton Chamber of Commerce; a representative from the Department of Family Medicine, McMaster University and a new physician practicing in Hamilton within five years of their graduation from residency</i>
SUB COMMITTEE	CITIZEN MEMBERSHIP REQUIRED

Procurement Sub-Committee	<i>3 industry representatives with 1 representative from the OGCA, 1 representative from the HHCA and 1 representative from the architectural association (voting members). The membership shall be amended as required, to include representation from providers of goods and services to the City, as appropriate</i>
Red Hill Valley Joint Stewardship Board	<i>the Board consists of equal members of City Councillors and Haudenosaunee Council members</i>
Rental Housing Sub-Committee	<i>a representative of the Realtors Association of Hamilton-Burlington (RAHB); a representative of the Hamilton and District Apartment Association (HDAA); an independent member who is an operator of a low density rental housing operation; a representative of the Legal Aid Community; a representative of the Housing Help Centre; and a representative of the Social Planning and Research Council of Hamilton</i>
School Board Properties Sub-Committee	None, only Councillors
Selection Committee for Agencies, Boards and Sub-Committees	None, only Councillors
Steel Committee	None, only Councillors
Truck Route Sub-Committee	None, only Councillors
Waste Management Advisory Committee	<i>2 citizen members</i>
Wentworth Lodge Heritage Trust Fund	<i>1 Wentworth Lodge resident, 1 Alternate Lodge Resident, 1 Wentworth Lodge Family Council representative and 1 Dundas Senior Citizens' Club representative</i>
West Harbour Development Sub-Committee	None, only Councillors

RECRUITMENT

CITIZEN APPOINTMENTS TO AGENCIES, BOARDS AND TRIBUNALS 2018-2022

AGENCY, BOARD OR TRIBUNAL	CITIZEN MEMBERSHIP REQUIRED
Art Gallery of Hamilton Board of Directors	None, only Councillors
Association of Municipalities of Ontario (AMO) Board of Directors <i>(Meets the last Friday of every month from 10:00 a.m. to 2:00 p.m.)</i>	None, only Councillors AMO will request Council representation when a vacancy occurs
Association of Municipalities of Ontario (AMO) Large Urban Board	None, only Councillors AMO will request Council representation when a vacancy occurs
CityHousing Hamilton Corporation Board of Directors	<i>4 Citizen Members</i>
Committee of Adjustment	<i>9 citizen members (Note: Not less than 4 members shall have knowledge and experience in rural planning and agricultural matters)</i>
Conservation Halton Board of Directors	<i>2 Citizen Members</i>
D.A.R.T.S. Board of Directors	None, only Councillors
Dundas Centre for the Arts Board Management	None, only Councillors
Dundas Community Services	None, only Councillors
Election Compliance Audit Committee (recruitment was completed in June 2018)	<i>5 Citizen Members (Members must have a thorough understanding of the campaign finance rules (i.e. auditors, accountants, lawyers, etc.))</i>
Federation of Canadian Municipalities	None, only Councillors FCM will request a Council representation when a vacancy occurs
Grand River Conservation Authority Board of Directors	<i>1 Citizen Member</i>
Greater Toronto Transportation Authority Board of Directors	None, only Councillors
Halton-Hamilton Water Source Protection Committee	None, only Councillors
Hamilton Arts Council Board of Directors	None, only Councillors
AGENCY, BOARD OR TRIBUNAL	CITIZEN MEMBERSHIP REQUIRED

Hamilton Centre for Civic Inclusion Board of Directors	None, only Councillors
Hamilton Chamber of Commerce Light Rail Transit Task Force	None, only Councillors
Hamilton Conservation Authority Board of Directors	<i>5 Citizen Members</i>
Hamilton Enterprises Holding Corporation Board of Directors	<i>5 Citizen Members – the current members' term commenced on June 30, 2018 and is only for one year – Note: that the recruitment for these positions should begin in April/May 2019 for appointments to be made June 2019</i>
Hamilton Farmers' Market Corporation Board of Directors	<i>2 City of Hamilton staff ex-officio, 4 vendor representatives and 5 Citizen Members are also appointed</i>
Hamilton Library Board of Directors	<i>9 Citizen Members</i>
Hamilton Licensing Tribunal	None, only Councillors
Hamilton Police Services Board <i>(3 public appointees are also appointed by the Province)</i>	<i>1 Citizen Member</i>
Hamilton Port Authority Board of Directors	<i>1 Citizen Member</i>
Hamilton Renewable Power Inc. Board of Directors	<i>6 Non-Voting staff (Director, President, Vice President, Secretary, Treasurer and Accountant)</i>
Hamilton Street Railway Board of Directors	None, only Councillors
Hamilton Utilities Corporation Board of Directors	<i>5 Citizen Members – the current members' term commenced on June 30, 2018 and is only for one year – Note: that the recruitment for these positions should begin in April/May 2019 for appointments to be made June 2019</i>
Hamilton Waterfront Trust Board of Trustees	<i>2 Citizen Members</i>
Hamilton/Burlington SPCA Board of Directors	None, only Councillors
Heritage Green Community Trust Board of Trustees	None, only Councillors
International Children's Games Committee	None, only Councillors
Knowles Bequest Trust	<i>3 Citizen Members</i>
Niagara Escarpment Commission	None, only Councillors
Niagara Peninsula Conservation Authority	<i>2 Citizen Members</i>
AGENCY, BOARD OR TRIBUNAL	CITIZEN MEMBERSHIP REQUIRED

Property Standards Committee	<i>5 Citizens</i>
Royal Botanical Gardens Board of Directors	<p><i>maximum of two members, to be comprised of elected officials and/or citizens</i></p> <p><i>Note: This recruitment will have to be determined following the Nomination Meeting, as the composition is 2 members of either elected officials or citizens</i></p>
Terrapure Community Liaison Committee	None, only Councillors
Theatre Aquarius Board of Directors	None, only Councillors