



City of Hamilton
GOVERNANCE REVIEW SUB-COMMITTEE
AGENDA

Meeting #: 21-001
Date: January 25, 2021
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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. December 2, 2020

4. COMMUNICATIONS

4.1. Correspondence from Cameron Kroetsch, respecting suggested changes to consolidated Procedural By-law 18-270

Recommendation: Be received and referred to consideration of Item 9.1 - Review of the City's Procedural By-law Amendments (FCS21004 / LS21001).

5. DELEGATION REQUESTS

- 5.1. Cameron Kroetsch, respecting changes to the Procedural By-law (For today's meeting)

6. CONSENT ITEMS

7. PUBLIC HEARINGS / DELEGATIONS

8. STAFF PRESENTATIONS

9. DISCUSSION ITEMS

- 9.1. 2020 Review of the City's Procedural By-law Amendments (FCS21004 / LS21001)
- 9.2. Civil Marriage Solemnization Update (CL19012(b)) (City Wide) (Outstanding Business List Item)
- 9.3. Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) (Outstanding Business List Item)

10. MOTIONS

11. NOTICES OF MOTION

12. GENERAL INFORMATION / OTHER BUSINESS

- 12.1. Amendments to the Outstanding Business List:

12.1.a. Items Considered Complete and Needing to be Removed:

Civil Marriage Solemnization (CL19012) (City Wide) (Item 10.2)

That report CL19012 respecting Civil Marriage Solemnization be referred back to staff for public consultation on a 1 year Pilot Project, to a maximum of 150 ceremonies, using current resources.

Added: November 26, 2019 at Governance Review Sub-Committee (Item 10.2)

Completed: February 12, 2020 at Governance Review Sub-Committee (Item 10.1)

OBL Item: D-2019

Civil Marriage Solemnization (CL19012(a)) (City Wide) (Item 10.1)

That staff report back to the Governance Review Sub-Committee within a one year period to provide an update on Civil Marriage Solemnization services.

Added: February 12, 2020 at Governance Review Sub-Committee (Item 10.1)

Completed: January 25, 2021 at Governance Review Sub-Committee (Item 9.2)

OBL Item: 2020-A

13. PRIVATE AND CONFIDENTIAL

13.1. Legal Advice on Contract Terms (No Copy)

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

14. ADJOURNMENT



Hamilton

GOVERNANCE REVIEW SUB-COMMITTEE

MINUTES 20-003

Wednesday, December 2, 2020

1:00 pm

Room 264

Hamilton City Hall

Present: Councillors T. Whitehead (Chair), M. Wilson (Vice-Chair), B. Clark, L. Ferguson, M. Pearson, and A. VanderBeek

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

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

(Pearson/Clark)

That the December 2, 2020 Agenda of the Governance Review Sub-Committee be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) October 13, 2020 (Item 4.1)

(Ferguson/Wilson)

That the Minutes of the October 13, 2020 meeting of the Governance Review Sub-Committee be approved, as presented.

CARRIED

(d) DISCUSSION ITEMS (Item 10)

(i) Integrity Commissioner Work Plan (FCS20016(a)) (City Wide) (Item 10.1)

(Ferguson/Pearson)

That Report FCS20016(a), respecting the Integrity Commissioner Work Plan be referred back to Clerk's staff and Principles Integrity to determine

an upset limit for development of each the following and report back to the Governance Review Sub-Committee:

- (a) Council Code of Conduct
- (b) Council/Staff Relations Policy
- (c) Protocols for review and/or investigation of complaints, and reporting on complaints
- (d) Members' roles and responsibilities including with respect to appointments to, and sitting on, external bodies and separate entities such as municipal corporations
- (e) Advisory Committee/Task Force Governance Issues, and Codes of Conduct (Local Boards)
- (f) Such Other issues of integrity or governance that Council wishes to assign

CARRIED

(e) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Procedural By-Law Update from City Clerk - Andrea Holland

Andrea Holland, City Clerk advised the Committee that a Governance Review Sub-Committee meeting will be scheduled for January 25, 2020 for the Procedural By-law Review.

(f) ADJOURNMENT (Item 15)

(Pearson/VanderBeek)

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 3:04 p.m.

CARRIED

Respectfully submitted,

Councillor T. Whitehead, Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Suggested changes to consolidated Procedural By-law 18-270

January 25, 2021

Cameron Kroetsch

Preamble

The comments shared in this document are the result of work I have been doing since late 2017 with both City of Hamilton staff and the Governance Review Sub-Committee. Some of these comments were shared with then Acting City Clerk Janet Pilon in advance of the Council term changes made in 2018 (before City Council approved my suggestion to go to yearly reviews of the bylaw).

This is the first opportunity I have had to participate in the yearly review process since that decision was ratified.

This document is being sent, in advance, to staff in the Office of the City Clerk and members of the Governance Review Sub-Committee (GRS) so that they might have a chance to read it before the meeting on January 25, 2021 so that there is ample time to review it before the meeting. I am also asking that this document be placed on the GRS's agenda as correspondence.

At the meeting on January 25, 2021, there will be a presentation of the highlights from this document. The presentation will likely take more than the permitted 5 minutes and I will ask for additional time at the beginning of my delegation.

General comments

- The bylaw should be reorganized with an emphasis on grouping things together by priority. What terms are universal? What is necessary? Many of the subtitles are confusing (i.e. "General", "Application"). It would be useful, for instance, to have universal sections on "Motions", one on "Points of Order", etc. This would help to streamline the bylaw and likely reduce the total number of pages.
- The bylaw should spell out basic procedures very clearly and directly from *Bourinot's Rules of Order* (BRO) rather than suggesting that the absence of any of those rules should cause the reader to have to consult BRO. The bylaw should be a complete document.
- An orientation and training outline should be made part of the bylaw to ensure that there is mandatory compliance with training and that any training is sufficient enough for councillors to properly execute their duties.

- More direct references to BRO (where something has been paraphrased) and the *Municipal Act* (MA), when it is being relied on, should be made throughout the bylaw so that it's easier for councillors to find the relevant legislation when they need to.
- In general, and where legally permissible, this bylaw should be written in more accessible language and with the acknowledgement that it is going to be used by non-experts including the general public. Those non-experts need a document that is impeccably clear, using agreed upon Clear Writing Standards.
- A process for reporting mechanisms and report tracking should be included here. It should be obvious to anyone who reads this document how the City's processes work with respect to reports, deadlines, and follow up.
- A completely revised schedule of meetings for Council should be considered such that everyone, including Councillors, has more time to review documents. This would be a considerable overhaul of the current system that could be accomplished most easily either in December or during the summer months of any calendar year (see comments in section 3.2).
- Strict deadlines for staff submissions to Council should be included with a provision for "emergency only" items and a defined set of parameters for what an emergency is. If staff do not meet those deadlines then the item should be forced onto the next agenda, giving everyone more time. If staff needs more time then everyone needs more time.
- It would be good to set a time for delegations and for specific time slots for delegates during all meetings. It is far too often the case that delegates wait around for hours to delegate. If they are assigned a time slot at the beginning of a meeting, along with allotted times for other initial activities, this will aid in encouraging more participation from the public.

1.1 Definitions

While these may be definitions and not technically in the "body of the bylaw" it would be useful to include as many references to legislation as possible in the definitions section. This document may be used by the public in any number of ways and may not be used sequentially. More references are usually better than fewer and this is no exception.

- In general, the definitions are missing the kind of detail that exists in the [City of Ottawa's 2007 Bill 130](#), which helps to classify the different types of "committees". After reviewing the City's website, it appears that these are the categories of "committee" that exist in the City of Hamilton. They should be defined in this bylaw and are as follows.
 - Advisory Committee (e.g. Seniors Advisory Committee)

- Advocacy Group (e.g. Federation of Canadian Municipalities)
 - Authority (e.g. Niagara Peninsula Conservation Authority)
 - Board (e.g. Alectra Board of Directors)
 - Council (e.g. City Council)
 - Commission (e.g. Niagara Escarpment Commission)
 - Liaison Group (e.g. Development Industry Liaison Group)
 - Shareholder (e.g. Hamilton Renewable Power Inc. Shareholder)
 - Sole Voting Member (e.g. Hamilton Farmers' Market, Sole Voting Member)
 - Standing Committee (e.g. Audit, Finance and Administration Committee)
 - Sub-Committee (e.g. Governance Review Sub-Committee)
 - Tribunal (e.g. Hamilton Licensing Tribunal)
 - Trust (e.g. Knowles Bequest Trust)
- "Approve" - This seems problematic. There are only decisions in BRO, not "approvals". A report can be "accepted" but to vote in favour or against is not the same as "approve". To approve something is an action, but the only thing that these bodies do with actions is make decisions.
 - "Bill" - It would be useful to make the exact reference to the legislation here (i.e. where it says that a proposed bylaw is called a bill).
 - "Closed Meeting" - Be specific about what Act is being referred to and what section of the Act is implied here so that it can be quickly referenced.
 - "Consent Items" - This is very tricky and should be removed. There is no such thing in BRO as a "consent item". There is a "consent agenda", in some general use, but even that is not used very widely. This idea supposes that there are items that will be met with the automatic approval of Council. In general, if staff are already empowered to do something then it doesn't need to go on the agenda at all (except perhaps as an item of Correspondence or as a staff Information Report). If, however, there is some Council approval required, that approval should be outlined clearly and it should be treated like any other motion (i.e. not a Consent Item). Attempting to classify motions this way, and only in the positive, is confusing to Councillors and the public and establishes "consent" as an awkward democratic practice.
 - "Committee of the Whole" - It would be best to remove this practice entirely. It does not appear to have a mandatory legal use and is here primarily out of "tradition". This may have made more sense when there was a different structure, especially when there were other bodies like a Board of Control for instance. While it is understood that Council considers reports from Standing Committees in this manner, it is not technically necessary for them to do so. Council can consider them without doing this. It no longer makes sense to consider that City Council must be at a certain legislative distance from Committees or that it has to do some parts of its work as the "Committee of the Whole"

away from its role as a municipal Council. It is clear to all concerned, and the public, that Council ratifies certain things. Comments in section 3.2 suggest a way to get around this.

- "Deputy Mayor" - If the Mayor has or derives certain powers the source of those powers should be outlined here.
 - (a) What does it mean to "assist" the Mayor? If it means, as is stated, "that if the Mayor requires the Deputy Mayor's assistance they would call on them to attend a meeting in their absence when appointments conflict and the rest of the definition speaks to their responsibilities" then it should be stated more clearly. At this point, it's not clear that the Deputy Mayor would assist the Mayor at their request.
 - (b)
 - (i) It is not clear what powers the Deputy Mayor can exercise and while "all" is useful it's not instructive. What are the terms for "absent" from the city? Does this mean the city limits or does this mean a period of time? Is there notification that must be given? In what form? How does the Deputy Mayor know this?
 - (ii)
 - (2) What does this mean and when does it apply?
- "Designate" - This definition could use more detail around how an office holder (like the City Clerk, or the Mayor) "designates" someone with their authority. Is this done in writing? Where is this recorded? How is it known to those who are accepting the authority of the designate?
- "Emergency" - It is clear, because of the use of the word "emergency" throughout parts of the bylaw, that the City should define this, generally speaking. What constitutes an emergency? Be specific. At this point, especially in relation to section 3.5, it appears to be at the whim of the Mayor. It would make more sense for a quorum of members of Council to decide on whether an emergency meeting is called since all of them must be in attendance. This seems achievable through email.
- "Ex-officio" - Wording is not succinct enough and the first sentence is very confusing. This definition is trying to do too many things. This is not where the reference to the Mayor being ex officio should be made, that should be made in a section about the Mayor which should stand alone and could include information about the Mayor's powers, etc. Also, the Latin term "ex officio" does not require a hyphen. Finally, to have

someone be both "ex officio" and have full voting privileges creates a general sense of confusion. If this applies just to the Mayor then say so in a separate section, if all ex officio roles have voting privileges then they are no different than any other member of a committee and this should be made clearer. Also, all of the Standing Committees should be properly listed under that definition.

- "Motion" - This has become confusing. Is there a definition in BRO that is slightly more straightforward? Is it a "proposal" or is it related to a "decision"? Motions are usually just decisions. Does it make sense to decide that a motion is only something on a formal agenda? Council can put forward motions that are not on the agenda. More clarity would help with this and it is important to define it properly as it is foundational to the way that all meetings work.
- "Notice of Motion" - It is very important to specify under what circumstances a Notice of Motion is required. If all decisions of Council technically happen as a "motion", of some sort or other, then this is not clear enough. It would presume that every decision, unless the rules were suspended, must have notice provided at least 1 meeting in advance. If this is merely optional or applies to specific motions, that should be made clear (cf. 3.12 [8]).
- "Point of Order" - Where does the phrase "practised conduct" come from and what does it mean? Make a reference to this so it is clear to the reader. If it does not have an origin, consider rewording this.
- "Point of Privilege" - Please provide clear and specific examples that would relate to this body. There are few, and this may help some Councillors better understand this issue. What does the phrase "that ensure Council's or a Committee's ability to function freely" mean? Does the word "freely" apply physically, in a purely political manner, or both?
- "Receive" - A suggestion for this which would be more straightforward - "means to accept information presented as part of the agenda in the official record" (or something similar to this). The word "receipt" makes this confusing as it is closely associated with the word "receive" (i.e. they have the same root meaning).
- "Recess" - Members are now taking breaks for meals. This should be changed to include more specific language around breaks at meetings, when they normally take place, time limits, etc.
- "Recorded Vote" - Make a reference to the section of the bylaw where this is otherwise mentioned.
- "Question" - It doesn't appear that this is correct. It would appear that the word "question" is rightly the vote "in favour" or "opposed" to a motion only in the context of

"putting the question" (see BRO sections 13 and 42), and nothing else. This would mean reviewing the bylaw to correct this error. Strictly speaking, City Council does not follow the "Parliamentary Rules" section of Stanford 1995 ("Motions" under paragraph 8 versus "Motions" under paragraph 36) entirely. It would be useful to make this clearer and more understandable. In the end, and for the purposes of City Council, "putting the question" is not the same as a "question" (it seems that Stanford may have misused this word). See also section 17 on "Questions", which further complicates the matter. The matter may be most easily resolved by looking at the origins of municipal rules, set out separately from rules for Canada's Parliament, as outlined in the *Procedure of Public Meetings* by J. G. Bourinot (1894) or his *Rules of Order* (1918). While it is understandable to use the Stanford edition from 1995, it doesn't likely go into great enough detail. It would likely be better to rely on the manner in which the word "question" is used in the section in Stanford that talks about "general assemblies" (rather than the section on Canada's Parliament).

- "Quorum" - If there is one standard rule that applies to all City of Hamilton meetings then this would be a good place to enshrine that rule. If it's 50% + 1, for instance, then explaining that here would be helpful. What happens in the case of an odd number, like 7 where the majority is 50%? A common understanding that staff has invoked at some meetings is $3.5 = 3$; $+1 = 4$ is quorum. But, there have also been staff who have suggested that $3.5 = 4$; $+1 = 5$ is quorum (in the same situation). It would be good if this was written down. Also, it would be better to cite sections 3.7 and 5.4 on Quorum and/or define all of the major points here. The sections on Quorum are confusing throughout this document and could easily have one set of standards applied and outlined here so as not to confuse things. If another section is needed it should be universal and not repeated separately for individual kinds of bodies (i.e. Council, Standing Committee, etc.).
- "Selection Committee" - In this definition "agencies" are listed but they are not included in other definitions like, for instance, "Meeting" (but there are others). Is this intentional?
- "Time Sensitive" - This phrase is only used once in the bylaw. The definition is ambiguous. It would be better to be specific and just outline what is meant in this one instance rather than have it listed as a definition (i.e. if a matter is affected by an impending deadline date or pertains to a specific time period).

2.2

- "as far as is reasonably practicable" - Deputy Clerk Pilon's comment from the previous review was, "There may be instances when the use of the BRO conflicts with another section of the bylaw, therefore it would not be reasonably practicable to follow the BRO in all respects when the PBL is silent on a matter". This phrase should be stated more clearly. It is too vague. Is there a reference in legislation? In general, it would be better if

the bylaw was a complete document and did not require readers to access other documents for where it may be "silent on a matter".

3.1 First Council Meeting

- (2) (b) Specify the Act every time it is mentioned. Those who use this document may not be reading the entire document and might only be looking at a specific clause.
- (2) (c) It seems to me that this should not be done at the first meeting of Council. Council should have the opportunity to discuss this when it is formally a sitting Council. At the time this is discussed it is a "Council elect" and there are not appropriate ways for brand new Councillors to be able to enact themselves at that moment. It would be more appropriate to do this at the first meeting of the new year. It is a serious and important task that should be administered by staff and not left for an unbalanced field of power of "more senior" and "more junior" Councillors-elect to make decisions about. This can wait until they are sworn in. A good practice would actually be for all Councillors to sit in on all meetings during their first month in office and then, from there, to make decisions about their placement in the new calendar year.

3.2 Regular Council Meeting Times

- "Regular Meeting Times" should include customary times for meetings to end. It may also be customary to approve a meeting be extended, but a norm should be set here.
- In general, there is not enough time between regular meetings of Standing Committees and City Council sufficient for all concerned to adequately review the materials. It is often the case, at least once but sometimes more than once, that meeting agendas are sparse or a meeting is cancelled. This points to a system of inefficiencies that could be corrected. There are several ways to solve this problem using a variety of scheduling arrangements. The suggestion below would seem to require the least amount of disruption to the current methods and naming conventions. The goal of any system of changes would be to increase the amount of time that staff have to prepare and submit reports and that Council has to read and receive reports.

There are presently 6 Standing Committees, including the General Issues Committee (GIC) and the Board of Health. Since GIC consists of all members of Council it seems more appropriate to simply ensure that all Councillors attend all Standing Committee meetings (see analysis of this below the charts).

Caveat - this is one possible solution and not meant to be perfect. It's meant to demonstrate that, with a few tweaks, an alternative system exists that would allow both Councillors and the general public more time to absorb, read about, and participate in decision making.

In order to illustrate one possible solution, though there are many, let's use the month of October 2020 as an example.

Apart from any special budget GIC meetings, Council and GIC met a combined number of 4 times in October 2020, or about once a week. If GIC was eliminated in favour of **all members of Council attending all Standing Committee meetings** and Council meeting once every 2 weeks, this would help to streamline things.

Issues that have normally fallen outside of the 4 traditional Standing Committees or the Board of Health would be referred to the **Administration** portion of the Audit, Finance, and Administration Committee.

Once this system was up and running for a while, it would essentially work to provide everyone involved, including the public, **at least 1 full week** to read and receive materials in advance. It would take some practice and would change the flow of everyone's duties but because of the break periods that currently exist in the summer months and in December, this could be implemented without complete disruption (as long as ample training was provided in advance).

All reports and other City materials for Council meetings would be due 12 days in advance.

An example of how this would work in a sample month -

- The month starts on Monday the 1st and has only 30 days
- Wednesday the 10th is the first Council meeting (Council 1) and Wednesday the 24th is the second Council meeting (Council 2) and carries on in a biweekly cycle
- Audit, Finance and Administration and Emergency and Community Services would report to Council 1; reports and other City materials would be due on a Friday 12 days prior (only 2 Standing Committees report to Council 1 because of the extra material for Audit, Finance and Administration that would be absorbed by the former now dissolved General Issues Committee)
- All of the Standing Committees that report to Council 1 would have to meet a minimum of 14 days before Council 1 meets.
- Board of Health; Planning; and Public Works would report to Council 2; reports and other City materials would be due on a Friday 12 days prior
- All of the Standing Committees that report to Council 2 would have to meet a minimum of 14 days before Council 2 meets

Below is an example of how this could work over a 2 month period.

MONTH 1

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 PL C2	2	3 PW C2	4	5	6	7
8 BOH C2	9	10 C1	11	12 C2 due	13	14
15 AFA C1	16	17 ECS C1	18	19	20	21
22	23	24 C2	25	26 C1 due	27	28
29 PL C2	30					

MONTH 2

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 PW C2	2	3	4	5
6 BOH C2	7	8 C1	9	10 C2 due	11	12
13 AFA C1	14	15 ECS C1	16	17	18	19
20	21	22 C2	23	24 C1 due	25	26
27 PL C2	28	29 PW C2	30	31		

Having materials due on a Friday means that if there is more time needed for an exceptional situation, the weekend is there as a buffer; as long as the Office of the City Clerk has the materials in before Monday they would have the entire next 2 days to prepare the agenda to be distributed before Wednesday morning.

This is the current impact on City Council (meetings = Standing Committees, Board of Health, City Council) -

3 meetings	6.25%	1 member*
4 meetings	0.00%	0 members
5 meetings	81.25%	13 members
6 meetings	18.75%	3 members**

*Mayor Fred Eisenberger is only a member of City Council, GIC, and Board of Health

**Councillors Chad Collins, Lloyd Ferguson, and Maria Pearson

This would be the future impact on City Council with the changes suggested -

6 meetings	100.00%	16 members
------------	---------	------------

3.3 Location of Meetings

- After this section, as a new section 3.4, there should be detailed instructions for the procedures associated with online meetings.

3.6 Meetings of Council for Emergencies

- (5) There is an extra leading space at the beginning of this clause.

3.8 Remedy for Lack of Quorum

- Cite the exact place in the *MCIA* where this originates (i.e. include a citation at the beginning or the end of the clause).

3.9 Delegations

- This statement does not appear to be correct. It should be modified to reflect the practices of Council or to mention that the rules must be suspended by a 2/3 majority in order to allow it (i.e. 3.14 [12]).

3.10 Communication Items

- (1) There are a few issues here. The first is with the word "presented". Who is presenting them? It's not clear that this makes sense. There's also no clear relationship established between the person sending it in and the body receiving it. A paragraph explaining what a "Communication Item" is, with it also being added to the definitions, would be helpful here. If "Correspondence" is the same as a "Communication Item" then this is likely where the confusion lies. Also, when it says "consideration" here it's not clear if this kind of consideration is the subject of a "decision/motion" or some other action.
- (2) The word "of" is likely missing in "Wednesday **of** the week prior".
- (5) It is not clear what is being "debated" specifically here. The practice is understood, but it could be made much clearer. It also seems repetitive. It appears that the phrase "recommended disposition" is not defined and that, in the absence of understanding the process, it is not clear what is happening here. It is also not clear who makes these recommendations. Also, it says "Council communications" here. Does it mean "Communication Items"? Something including these points would be better, "The Office of the City Clerk will make recommendations with respect to motions for Council to consider for each individual Communication Item and they will be listed with that item. Communication Items can either be moved to be received individually or as a group or not at all (i.e. moved not to be received). If a member wishes to move the receipt of a Communication Item individually, they may do so by referring to where it is listed and they may speak to the reasons why they have moved to do so. A motion to refer a Communication Item to another body is also in order. Debate on any motion with respect to a Communication Item must be limited either to reasons to receive or not receive a Communication Item or to reasons with respect to the whether or not an item should be referred to another body".
- (6) It is not clear that this is necessary as the rights around Communication Items do not change based on who submits them.
- (8) This appears to be inappropriate. City Council should make these decisions. Many Councillors have stated this preference over the years and it should be considered.
- (9) This appears to be inappropriate. The notion that any conduct of a member of City Council must rise to the level of a complaint accompanied by a \$100 fee would literally act as a filter to keep criticism away from City Council and would set an unnatural precedent or standard for criticism.
- (10) This clause refers to itself but is likely meant to refer to clauses (8) and (9).

3.11 Order of Business

- "unless changes by Council in the course of the meeting" - this should be removed. It seems inappropriate and inconsiderate of those in the public who, for many reasons, are relying on the order of the agenda in order to tune in to something or in order to appear as a delegate. It is not reasonable for Council to change the order without advance notice.
- (i) This practice should be eliminated.

3.12 Rules of Debate

- There is nothing in this section, though there should be, that addresses personal attacks, insults, or raising unsubstantiated claims. It would be a good idea to include something that states that a procedure will be followed to ensure equity and freedom from discrimination or prejudice on specific grounds (i.e. the *Ontario Human Rights Code*).
- (6) This is good but it should also include a statement that says that it is only the member's own time that is being tracked, not the length of time of the response from a delegate. This has been interpreted broadly in different ways and it can serve to interrupt the flow if a delegate takes too much time in answering a question. In essence, the member's time clock should be based on their own comments and questions and nothing else.
- (8) It has never been clear that "leave" is required as part of this bylaw. This word should be removed unless it has an important legal precedence (which should be cited). Of the items on this list, this might be a better way to separate them for accuracy.

"Procedural Motions" (or motions that direct the course of the meeting but do not themselves bear on a decision about a specific matter) are -

- a motion to amend or make an amendment to a motion
- (c) a motion to adjourn
- (d) a motion to call the question
- (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

"Motions" (decisions that are real or have a material impact on a matter before Council and are not merely procedural in effect); all of these motions should appear on the agenda and should be submitted on the agenda either in advance or at the start of the meeting when the agenda is being approved (though this should only be in the case of an emergency)

- all motions other than those listed above including motions to "ratify" the decisions of other bodies (which are not outlined in the bylaw except at 5.11 and in the definition for "Confirming By-law")
- (l) a motion to lift - A motion to lift something does not procedurally change the fact that a decision is being made with respect to the matter "being lifted" - for instance, if Council is approving a report of the Planning Committee, it tends to do so based on individual items in the report; there is no need, then, to lift an item out, just to make a specific decision to ratify
- (8) (e) The Committee of the Whole is unnecessary as is this motion (see comments under section 1.1).
- (8) (j) Cite the MA.
- (8) (l) The idea of a motion to lift should be eliminated from the bylaw unless it is going to be defined and contextualized. While it may be useful in creating expediency, it is not necessary to have a motion to lift something. Motions can be made about individual things without the need to lift them from larger things. Another way of dividing these things so that it's clear is to group motions about decisions separate from "procedural motions" (though all motions are related to decisions).

3.13 Voting Procedures

- (1) This is not accurate in terms of proper procedure. The person who moves the motion has the ultimate right to withdraw that motion if they wish. Council cannot prevent that without reintroducing the motion by having another one of its members else move and then second that motion once it has been withdrawn.

- (2) This appears to be related to a Declaration of Interest or, perhaps, a section that should be rightly called Statutory Conflicts. An example should be provided.
- (5) This does not clarify where the vote will be recorded in these instances (though the previous section clarifies this).
- (7) It should be made clear under "Point of Privilege" that this is relevant to that category. It is not clear if this is accurate. If it is, this would be a prudent and useful example. It would be best to list all acceptable points of privilege so that there is no confusion about what this term means. It is also not clear that a Point of Privilege can be voted on in this manner. If someone declares a legitimate Point of Privilege then the Chair would rule on that subject to a Challenge of the Chair that would be voted upon by a simple majority.
- (9) This should be reworded entirely. It is not clear that the only interest that should be declared is "pecuniary", this is also worded in a way that makes it illegible. If this refers to the MA, please refer to the specific section. What happens when someone is simply not present? How is this a "recusal"? These things are not clear.
- (10) Are recorded votes otherwise not tabulated? Do we have no record of who voted on something in the absence of an electronic system? If so, that should be stated clearly.
- (14) This seems undemocratic. While the discussion on such a matter can happen in a closed meeting under certain circumstances (cite the MA here), it does not make sense for the vote on that matter to happen in private. It is reasonable to simply come out of a closed meeting and vote on matters in public without revealing those matters in their entirety. Clear titles about those matters are sufficient in such instances.

3.14 Motions Procedures (should this be "Motion Procedures"?)

- (1) (a) It is still not clear what the required process is. It seems to be that someone can put a motion on the agenda by announcing it in the previous meeting or simply by sending it in the day before. If there is no requirement for (i) then it should be stated. It's unclear, for instance, when a Notice of Motion should be happening. There should also be an emergency provision here to make it clear that motions for a particular meeting have to be submitted well in advance unless it's an emergency. Again, the public and other members of Council deserve to have time to consider these items well in advance.
- (b) Does this mean, "withdrawn" by the mover and seconder? What does "not proceeded with" mean? This does not appear to be an official action.

- (c) Similar to (b), there is new language here about something being "dropped". This does not appear to be an official action.
- (2) Define "emergency", if it is the case that Council decides on what is or is not an emergency, please make this point clearly.
- (3) See earlier comments about this. The motion does not come under the carriage of Council until it is carried (or if the motion fails to be carried by Council). Once it is carried it then becomes a decision of that body. Until that time, it is the mover and the seconder who have placed the item "on the table" and the mover and seconder who can withdraw it from the table. If this rule came from BRO, please specify where.
- (4) The wording in this section appears to be incorrect. There are amendments referring to questions. They are not questions, they are motions. Look at the definition of the word "Question" in section 1.1, as follows, for more information about this -

"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" (for more clarification see my comments on "Questions" in the definitions section).

- (5) This is not consistent with the definition. Here it says that a "date" must be specified but in the definitions section it says that it can be "after an event". Choose one definition and repeat it in both places.
- (6) This seems arbitrary and seems to limit the privileges of speakers, which is not permissible. So called "Dilatory Motions" (see Stanford section 11, which is under the parliamentary section), seem to provide some guidance but do not go as far as the bylaw does. It might be useful to look at Stanford sections 11, 42 (d), and 42 (e) for more clarity and to dial back what has been suggested in (6) (d) and (6) (e). A motion to refer should be debatable and a motion to refer should be subject to an amendment. Motions to refer should also be seen as benign and not limiting the privileges of any member.
- (6) (f) This is not possible under the current circumstances as, on occasion, "first time speakers" come forward after some people have spoken more than once. If rules are going to be generated around the completion of a list of first time speakers then it is up to Council to announce when the list has been fulfilled so that anyone wishing to conduct business on this motion or another motion related to a first time speakers' list will know that they can do so. Otherwise, it is confusing and potentially always out of order.

- (7) (d) What is a "proceeding" in this case? When can it be deemed that Council has conducted "further proceedings"?
- (8) See my comments on (6) (f) about the first time speakers' list.
- (9) (a) This seems undemocratic. While the idea makes sense, it doesn't appear that this is prescribed anywhere in BRO. Since the motion to reconsider depends upon a 2/3 majority, why should it also be dependent on someone voting in the majority to put it forward? This institutes 2 kinds of limits on a motion to reconsider, when only 1 is prescribed in BRO.
- (10) The motion under (d) from this list does not appear above in 3.12. This motion is not in order and not permissible under BRO. It is a main and major difference between Robert's Rules of Order and BRO and should likely just be removed. There is no mechanism for members to "move to ask a question" of another member. While questions may be asked of staff, those are in the context of other motions and do not stand on their own.
- (12) This is dangerous if left in this condition. It is important to be clearer about what is meant here. Suspending which Rules of Procedure? A motion to do this should specify exactly which rules are being suspended. To suspend them, generally, suggests that nothing in this bylaw would apply and that cannot be the case.

3.16 Editorial and Other Changes

- (1) "resolution" - This word appears about a dozen times in the bylaw but does not have a definition. It appears at 3.10 (6), 3.10 (7), 3.14 (7) (b), 3.16 (1), 3.17 (a), 3.17 (b), 4.1, 8.4 (a), Appendix G (b), Appendix G (g). It is important to define this term as it actually seems to mean something with respect to Parliamentary procedure. It would be better to use either "decision" or "motion" as needed/applicable or to reword things to avoid the use of the phrase "resolution".
- (1) (h) This is not the current practice. In the recent past, when an error was made with respect to a Citizen Committee Report of the LGBTQ Advisory Committee, an entire paragraph was redacted rather than having the erroneous word corrected. If this will be the practice going forward, it should be stated clearly here.

SECTION 4 - COMMITTEE OF THE WHOLE

- See comments in section 1.1. This is mostly meant for the purposes of Parliament, not a City Council. While the rules here are meant to be "less strict" they don't seem to apply at all to City Council since the outcomes of all decisions as part of a Committee of the Whole have the same force and effect of all other decisions. The only "slackening" of

the rules is with respect to "lifting items". Also see the definitions in Stanford to see how this relates more specifically to Parliament.

5.1 Standing Committees

- (a) Should be spelled General **Issues** Committee.
- (e) Should be spelled Emergency **and** Community Services Committee for consistency with <https://www.hamilton.ca/council-committee/council-committee-meetings/emergency-and-community-services-committee>.
- (f) Should be spelled Audit, Finance **and** Administration Committee for consistency with <https://www.hamilton.ca/council-committee/council-committee-meetings/audit-finance-and-administration-committee>.

5.2 Appointment of Standing Committee Chairs and Vice Chairs

- "Vice Chair" as in the title should be the preference over "Vice-Chair" as is used throughout this section. It's clearer and easier to read.
- (1) and (1) (a) change "2nd" to appear the same way as it does in (1) (b). All of these ordinal superscripts should be the same size as the regular text (to make it clearer to those who may be using a screen reader or other assistive device to view text).

5.3 Standing Committee Membership

- (8) As previously mentioned, there should be a section on the Mayor that clearly outlines his powers separate from these individual mentions. It is confusing when only found in specific sections. It can be reiterated here but the prevailing new paragraph on the Mayor should also be cited for a full list of their powers. Some of this is currently in an Appendix but it should be moved into the body of the document so that it is not overlooked. Roles and responsibilities seem to be important enough to be included in the bylaw itself.

5.4 Quorum

- See comments under "Quorum" in section 1.1.

5.5 Standing Committee Meeting Times

- See comments on 3.2.

5.7 Standing & Selection Committee Reports

- This is not sufficient time. See comments on section 3.2.

5.8 Rules of Procedure

- There should be no need for separate Rules of Procedure for Standing Committees if other changes that have been recommended are taken into account. In general, no matter where they are taken into account or not, there could easily be a general section on Rules of Procedure and then exceptions or a short list of those that apply to different bodies.

5.10 Order of Business

- See comments on 3.11.

5.11 Delegations

- (1) (a) This does not make sense. It is deferring the power of accepting a delegation request to Council, rather than to the Standing Committee by waiting for the matter to come before Council in the form of a Standing Committee report. This is an unnecessary delay and one that prejudices the rights of individuals to address Standing Committees. Also, the Standing Committee should be empowered to make a decision about whether or not it wants to hear a delegation immediately or have it postponed. This should not be the purview of the Office of the City Clerk.
- (1) (b) The hyperlink to www.hamilton.ca is not active.
- (3) The word "entertain" seems inappropriate here.
- (11) Should be "add a delegation".

5.13 Communication Items

- See comments on 3.10 and comments about not including repetitive sections for City Council and Standing Committees (cf. comments on 5.8, for instance).

5.14 Reconsideration of a Matter Decided Within a Standing Committee Meeting

- Same as 5.13.

5.15 Conflict of Interest Declarations

- Same as 5.13.

5.16 Special Meetings of a Standing Committee

- Same as 5.13 except there should be no additional powers granted to the Mayor with respect to Standing Committees of which he is an ex officio member. It should be the Chair (and at the purview of a majority of members).

5.17 Change to a Scheduled Committee Meeting

- Same as 5.13.

7.7

- Probably useful to have a title for all such numbered sections throughout the document (e.g. 2.1, 2.2, 7.1 - 7.7, 8.1 - 8.4, 9.1).
- (b) "Closed Meetings" has capitals at the beginning of each word. This is not consistent throughout.

8.1

- City the *MA* and list from it in quotation marks. Cite the specific section.

8.2 and 8.3

- Both of these sections could be worked together and made part of 8.1 with a proper title.

8.4

- (a) This should also include a brief description of the matter and specifically what part of the *MA* is being invoked, not just to the general sentiments of a "closed meeting". As much detail as possible should be used so as not to give away any confidential or private information but to allow the public to know what is being spoken about (i.e. Red Hill Valley Parkway road conditions report, Sewage spill into Cootes Paradise, Integrity Commissioner complaint against a member of an Advisory Committee). None of the titles given as examples would reveal any confidential information and are all factual representations of the matters at hand.

10.1 and 10.2

- This is not enough time. See my comments on 3.2.

SECTION 11 - GENERAL

- The public copy should be dated and signed and the section for City Clerk should be updated to read A. Holland.

Appendix G - Roles of Council, Mayor and Committee Chair

- This should be incorporated into the body of the bylaw in the places it makes the most sense so that it's not an afterthought. Some of the information here is crucial to the understanding of the document and procedures as a whole and having it in an Appendix is confusing.

Request to Speak to Committee of Council

Submitted on Tuesday, January 5, 2021 - 10:50 am

==Committee Requested==

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:

To speak to the Governance Review Sub-Committee at its January 25, 2021 meeting about changes to the Procedural By-law.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

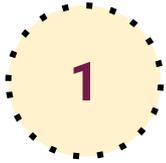
Suggested changes to the City's Procedural By-law

Governance Review Sub-Committee

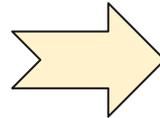
January 25, 2021

Cameron Kroetsch

Overview of suggested changes



The suggestions outlined in my 20 page submission are the culmination of work I have been doing with the City of Hamilton to suggest improvements to its bylaws since November 2017.



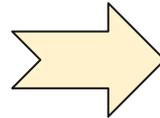
Why does this matter?

These comments are being made in the spirit of continued collaboration and a genuine desire to see both short and long term improvements.

Overview of suggested changes

2

The entire bylaw should be reworded using the principles of **Clear Writing Standards** and using language that is accessible to as many Hamiltonians as possible.



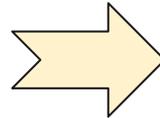
Why does this matter?

The easier the document is to read, the easier it will be to interpret and use by **everyone**, including City Council, staff, and the general public.

Overview of suggested changes

3

The bylaw should be reorganized, shortened, and similar things should be grouped together. In general, the bylaw should spell out anything that's **unclear**, **missing**, or requires another **source**.



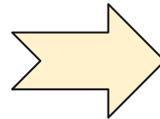
Why does this matter?

Members of Council will be able to rely on the bylaw as a complete document and it will be easier to navigate and find specific wording.

Overview of suggested changes



Members of City Council should give themselves more time to review documents in between meetings and the meeting schedule should be changed as soon as possible to **prioritize** this.



Why does this matter?

This will give members of Council more time to review reports, documents, and correspondence. It will also give the public more time to engage.

2

+

3

**Reorganizing,
shortening, and
increasing clarity**

Has the bylaw gotten longer?

45 pgs	52 pgs	67 pgs
13k wds	14k wds	20k wds
2010	2014	2021

+50% increase in # of pgs / wds

Was the bylaw made clearer?

B

2010

B

2014

C

2021

-1 full letter grade in readability

Readability of current bylaw

- **Flesch-Kincaid / Gunning Fog - 12.0**
 - Good scores are less than 10.0
- **Flesch Reading Ease - 40.1**
 - Good scores are over 60.0
- **Sentences with more than 30 syllables - 42%**
 - Good scores are less than 6%

Readability of current bylaw

- **Sentences with more than 20 syllables - 56%**
 - Good scores are less than 12%
- **Words with more than 12 letters - 0%**
 - Good scores are less than 3%
- **Words with more than 4 syllables - 2%**
 - Good scores are less than 3%

4

Changes to the meeting schedule



Where is your time spent?

City Council
General Issues
Board of Health

All members of Council

AF & A - 8/16

E & CS - 6/16

Planning - 8/16

Public Works - 11/16

38% - 69%

Where is your time spent?

3 mtgs

6.25%

1 member

5 mtgs

81.25%

13 members

6 mtgs

18.75%

3 members

81.25% of Council already attends 5

What am I suggesting?

City Council
~~**General Issues**~~
Board of Health

All members of Council

AF & A - 16/16
E & CS - 16/16
Planning - 16/16
Public Works - 16/16

All members of Council

What am I suggesting?

6 mtgs

100.00%

~20% of Council already attends 6

What are the benefits?

**All members of
council are at
all meetings**

No repetition



**More time to
review things in
between**

At least 1 week

What are the benefits?

**All members of council
are at all meetings**

**+ Inclusion + Awareness
+ Representation**



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

TO:	Governance Review Sub Committee
COMMITTEE DATE:	January 25, 2021
SUBJECT/REPORT NO:	2020 Review of the City's Procedural By-law FCS21004/LS21001 (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon Ext. 4304 Stacey Applebee Ext. 4660
SUBMITTED BY:	Andrea Holland City Clerk Office of the City Clerk Nicole Auty, City Solicitor Legal Services
SIGNATURES:	

RECOMMENDATION

- (a) That the Summary of the Proposed Revisions, as detailed in Appendix 'B' attached to Report FSC21004/LS21001, be approved;
- (b) That By-law 18-270, the Council Procedural By-law, and it's amending By-laws 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184, be repealed; and,
- (c) That the Council Procedural By-law attached as Appendix 'A' to Report FSC21004/LS21001, be enacted by Council.

EXECUTIVE SUMMARY

The Governance Review Sub Committee at their meeting of March 25, 2019, directed staff to perform a review of the By-law to Govern the Proceedings of Council and Committees of Council on an annual basis.

Proposed Amendments:

The terms IN-PERSON / VIRTUAL / HYBRID have been added to refer to the various ways the City of Hamilton could be conducting their meetings.

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: 2020 Review of the City's Procedural By-law (FCS21004/LS21001)
(City Wide)**

Page 2 of 3

The contents of Appendices J, K and L attached to By-law 18-270, as amended, which were appendices that addressed the holding of Electronic meetings, have been incorporated into the proposed Procedural By-law, in order to keep the reference in the by-law to one area, rather than 4 (four) in some cases (i.e. sub-section 2.1 could be found in the by-law, Appendices J, K and L).

Staff have also noted occurrences where the Procedural By-law was lacking in clarity; was silent; conflicted with other sections of the by-law; required revisions, etc., and are recommending the enactment of the Council Procedural By-law attached as Appendix 'A' to Report FSC21004/LS21001. A full list of the proposed amendments to the Council Procedural By-law can be found in Appendix 'B' to this report.

Staff provided training to 2020 Chairs/Vice-Chairs/Deputy Mayors on October 26, 2020 based on the feedback received during the training, staff made a few proposed amendments to the Procedural By-law.

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

Financial: There are no financial implications.

Staffing: There are no staffing implications.

Legal: Section 238(2) of the *Municipal Act*, 2001, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

HISTORICAL BACKGROUND (Chronology of events)

On September 12, 2018, Council enacted By-law No. 18-270, a By-law to Govern the Proceedings of Council and Committees of Council (the Procedural By-law), which was amended by By-law 19-090 on May 9, 2019, By-law 19-212 on September 11, 2019 and By-law 19-308 on December 11, 2019.

In 2020, Council approved numerous amendments to By-law No. 18-270, a By-law to Govern the Proceedings of Council and Committees of Council (the Procedural By-law), which has made it necessary to repeal and replace the by-law.

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 proposed revisions to the procedural by-law.

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: 2020 Review of the City's Procedural By-law (FCS21004/LS21001)
(City Wide)****Page 3 of 3****ANALYSIS AND RATIONALE FOR RECOMMENDATION
(Include Performance Measurement/Benchmarking Data if applicable)**

The City's current Procedural By-law (By-law 18-270), as approved by Council in 2018 and amended in 2019 and 2020, will be repealed and a new by-law with the revisions listed in Appendix 'B' will be enacted.

ALTERNATIVES FOR CONSIDERATION**(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)**

As per Bill 197, *COVID-19 Economic Recovery Act, 2020*, Council may provide for proxy votes in the City's Procedural By-law, staff's advice is that this would not be recommended at this time.

Bill 197, also allows for electronic meetings following COVID-19 and Committee may decide if they wish to recommend this to be permanently added to the procedural by-law now or at a later date.

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' – Draft By-law, the Council Procedural By-law

Appendix 'B' – Summary of the Proposed Revisions

Appendix 'C' – Example of the Councillor Communication Updates package

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

Appendix A to Report FCS21004/LS21001

Authority: Item ____, Audit, Finance &
Administration Committee Report
21-0__ (Governance Review Sub-
Committee Report 21-____)
Date: _____, 2021

Bill No. _____

CITY OF HAMILTON**BY-LAW NO. 21-____****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 Item ____ of Audit, Finance and Administration Committee Report 21-____ on _____, 2021 recommended that By-laws 18-270, 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184 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	7
Council Meetings	3	7
First Council Meeting	3.1	7
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	9
Cancellation of a Council Meeting	3.6	9
Quorum	3.7	10
Remedy for Lack of Quorum	3.8	10
Delegations	3.9	11
Communication Items	3.10	11
Order of Business	3.11	12
Bills and By-laws	3.12	12
Editorial and Other Changes	3.13	13
Shareholder and Board of Director Meetings	3.14	14
Conflict of Interest Declarations	3.15	14
Provisional Governance Committee During a Declared Emergency	3.16	14

Council Communication Updates	3.17	15
Committee of the Whole	4	15
Council may, by resolution:	4.1	15
Standing Committee Meetings	5	16
Standing Committees	5.1	16
Appointment of Standing Committee Chairs and Vice Chairs	5.2	16
Standing Committee Membership	5.3	16
Quorum	5.4	17
Location of Meetings	5.5	18
Standing Committee Meeting Times	5.6	18
Cancellation of a Committee Meeting	5.7	19
Committee Reports	5.8	19
Rules of Procedure	5.9	20
Duties of Standing Committees	5.10	20
Order of Business	5.11	20
Delegations	5.12	21
Public Hearings at Standing Committees	5.13	22
Communication Items	5.14	23
Reconsideration of a Matter Decided Within a Standing Committee Meeting	5.15	24
Conflict of Interest Declarations	5.16	25
Special Meetings of a Standing Committee	5.17	25
Change to a Schedules Committee Meeting	5.18	26
Rules of Debate, Voting Procedures and Motion Procedures	6	26
Rules of Debate	6.1	26
Relinquishing the Chair	6.1(9)	27
Voting Procedures	6.2	27
Motion Procedures	6.3	29
Notice of Motion	6.3(1)	29
Dispensing with Notice	6.3(2)	30
Motion to Withdraw	6.3(3)	30
Motion to Amend	6.3(4)	30
Motion to Defer	6.3(5)	30
Motion to Refer	6.3(6)	31
Motion to Adjourn	6.3(7)	31
Motion to Call the Question	6.3(8)	31
Motion to Reconsider a Matter Decided by Council	6.3(9)	31
Order of Procedural Motions	6.3(10)	32
Non-Debatable Motions	6.3(11)	33
Motion to Suspend the Rules of Procedure	6.3(12)	33
Motion Beyond Jurisdiction of Council	6.3(13)	33
Establishment of Advisory Committees or Task Forces	7	33
Order and Decorum	8	33
Meetings Closed to the Public	9	35

Virtual Participation at Council and/or Committee Meetings	10	36
Virtual Participation During an Emergency	10.1	36
Virtual Meetings during an Emergency	11	36
Role of Clerk	12	37
General	13	37
Appendices		
General Issues Committee	Appendix A	39
Board of Health	Appendix B	41
Public Works Committee	Appendix C	42
Planning Committee	Appendix D	43
Emergency & Community Services Committee	Appendix E	44
Audit, Finance & Administration Committee	Appendix F	45
Roles of Council, Mayor and Committee Chair	Appendix G	54
Criteria for the Creation of Advisory Committees or Task Forces	Appendix H	57
Hamilton Advisory Committee/Task Force Code of Conduct	Appendix I	58
Hearing Procedures for Development Charge Complaints – Section 20	Appendix J	60

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.

“**Chair**” means the member presiding at any meeting of Council or Committee.

“**Challenge**” means to appeal a ruling of the Chair.

“**City**” means the geographical area of the City of Hamilton or the municipal corporation as the context requires.

“**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”.

“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.

“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.

“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;

“ELE” means Electronic meeting procedures and applies to Virtual and Hybrid meetings during an emergency and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

“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.

“Hybrid” means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings during an emergency.

“INP” means In-Person meeting procedures and applies only when the procedures for In-Person meetings differs from Electronic (ELE) meeting procedures.

“In-Person” means a proceeding where members participate In-Person at Council and Committee meetings.

“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 included in the published agenda, 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 that may be included in the published agenda or in the addendum.

“Point of Order” means a question raised 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 matter that affects the credibility, reputation, and dignity of a Member individually or that Council or Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely; a need for assistance, to be excused for illness or a personal emergency.

“Public Hearing” means a Meeting or portion of a Meeting held pursuant to the requirements of a statute, regulation or by-law to hold a public meeting to hear representations on a matter from any person who attends the public meeting.

“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.

“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.

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

“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.

“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.

“Senior Leadership Team” means the City Manager and General Managers appointed by Council and anyone designated by the City Manager.

“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.

“Time Sensitive” means useful for a specific amount of time only or has to be used or completed by a specific time.

“Virtual” means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings during an emergency.

“Website” means the official City website.

SECTION 2 - APPLICATION

- 2.1** The rules of procedure shall be observed in all IN-PERSON / VIRTUAL / HYBRID 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 IN-PERSON / VIRTUAL / HYBRID 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 IN-PERSON / VIRTUAL / HYBRID 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 9:30 a.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 9:30 a.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 9:30 a.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) That, from time to time, there may be a need for Special Council Meeting at 5:00 p.m. to accommodate a Ceremonial Activity where the individuals being recognized are unable to attend a meeting during the day; and
 - (3) 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

- (1) IN-PERSON / VIRTUAL / HYBRID 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.
- (2) When necessary, Meetings of Council may be held in an adjacent municipality (Halton Region; Niagara Region or Haldimand County), with the details posted on the City's website.

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 2 days 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.
- (5) In the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality, and such meetings may be held as IN-PERSON / VIRTUAL / HYBRID meetings, with the details posted on the City's website.

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 2 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) **INP** If Quorum cannot be maintained during an IN-PERSON Council 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.
- ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Council meeting, due to a loss of members' electronic connection, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Council meeting is on the City's website. Where Quorum during a VIRTUAL/HYBRID Council meeting is lost for any other reason the INP procedure shall apply.

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) Communication Items shall be addressed to the Mayor and Members of Council or the City Clerk and shall be presented to Council for consideration.
- (2) Communication Items 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) Communication Items not received for inclusion in the Agenda package, shall be introduced under Changes to the Council Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Council meeting.
- (4) Communication Items shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.
- (5) Communication Items shall not contain the names of individuals (staff or public) with the exception of the author's name. Any names found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- (6) 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.
- (7) Resolutions from other municipalities requesting support will be included on the Council Agenda to be received, unless otherwise directed by a Member of Council.
- (8) 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.
- (9) 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.
- (10) Communications respecting the conduct of a member(s) of Council or any member of a body subject to review by the Integrity Commissioner 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.

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

3.11 Order of Business

The Order of Business for scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless amended by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Ceremonial Activities (**ELE** – During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
- (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) Council Communication Updates
- (k) Private and Confidential
- (l) By-laws and Confirming By-law
- (m) Adjournment

3.12 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.

3.13 Editorial and Other Changes

- (1) The Clerk may make 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 3.13(1)(a) to 3.13(1)(c) inclusive in the manner that they consider appropriate.
 - (b) shall provide notice of the changes made under subsections 3.13(1)(d) to 3.13(1)(h) inclusive in the manner that they consider appropriate.
 - (c) in determining whether to provide notice under subsection 3.13(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 3.13(2)(a) or 3.13(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.

3.14 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.

3.15 Conflict of Interest Declarations

- (1) Where a member has disclosed a conflict of interest 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 3.15(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.

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

3.17 Council Communication Updates

- (1) All staff Communication Update documents sent to Council and posted on the website will be published by the Clerk on the Council agenda for receipt into the public record.
- (2) A member may refer any of the items listed within the Council Communication Updates to a Standing Committee by contacting the Clerk and any item so referred shall be placed on the next available agenda of the respective Standing Committee.

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; Selection Committee Reports and the Reports of Committees who report directly to Council on the Council meeting agenda; and
- (b) move out of Committee of the Whole to report to Council.

4.2 During the consideration of Reports a member may lift an item from the Information Section with the approval of a majority of the members present, for the matter:

- (a) to be voted upon by Council; or
- (b) to be debated and/or amended by Council.

4.3 An information item that is lifted from a Report and amended, will be given an item number and added to the appropriate section of the Standing Committee Report, Selection Committee Report, or the Report of Committee who reports directly to Council.

SECTION 5 – 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) Emergency & Community Services Committee
- (f) Audit, Finance & Administration Committee

5.2 Appointment of 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.
- (3) The Board of Health shall recommend to Council the appointment of a Vice-Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice-Chair shall stand as Vice-Chair for the term of Council for the Board of Health.
- (4) Each Sub-Committee, Advisory Committee and Task Force shall recommend to Council the appointment of a Chair and Vice Chair. The Chair or Vice-Chair of a Sub-Committee, Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

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 7 Members of Council.
- (4) Emergency & Community Services 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 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) 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.
- (4) If a quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID 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 another meeting may be called in accordance with the provisions of this By-law, except as provided for in 5.4(6) and 5.4(7).
- (5) **INP** If Quorum cannot be maintained during an IN-PERSON Committee 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.
- ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Standing Committee meeting, due to a loss of members' electronic connection, the Clerk will advise the Chair that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Standing Committee meeting is on the City's website. Where Quorum during a VIRTUAL/HYBRID Standing Committee meeting is lost for any other reason the INP procedure shall apply.

- (6) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Chair may decide to proceed informally to hear scheduled presentations. Ratification of any decisions will be postponed to a future meeting.
- (7) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of a Committee, the Chair may allow the Committee to discuss items of interest. Ratification of any decisions will be postponed to a future meeting.

5.5 Location of Meetings

- (1) IN-PERSON / VIRTUAL / HYBRID Standing Committee Meetings 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.
- (2) When necessary, Standing Committee Meetings may be held in an adjacent municipality (Halton Region; Niagara Region or Haldimand County), with the details posted on the City's website.

5.6 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 9:30 a.m.;
 - (iii) Public Works Committee shall meet at least once per month commencing at 1:30 p.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) Emergency & Community Services Committee shall meet at least once per month on a Thursday commencing at 1:30 p.m.;
 - (b) In the event a meeting date, as shown in subsections 5.6(1)(a)(i) to 5.6(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 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 2 days notice, delivering notice in accordance with subsections 5.17(3) and 5.17(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 .

5.7 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 2 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 5.7(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.

5.8 Committee Reports

- (1) Each Standing Committee, the Selection Committee, and other Committees that report directly to Council shall make recommendations to Council.
- (2) A minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council 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 5.8(2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

5.9 Rules of Procedure

- (1) 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.
- (2) 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 6.3(1) to the Chair of the Standing Committee and to the Committee Legislative Coordinator.
- (3) 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.

5.10 Duties of Standing Committees

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

5.11 Order of Business

- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
 - (a) Ceremonial Activities (**ELE-** During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Delegation Requests
 - (g) Consent Items
 - (h) Staff Presentations
 - (i) Public Hearings/ Delegations
 - (j) Discussion Items
 - (k) Motions
 - (l) Notice of Motions
 - (m) General Information/Other Business

- (n) Private and Confidential
 - (o) Adjournment
- (2) The Clerk may prepare the Order of Business for the scheduled meetings of Committees with slight adjustments to the general Order of Business when deemed necessary.

5.12 Delegations

- (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee
- ELE** Persons who wish to appear as a delegation at a VIRTUAL/HYBRID meeting will appear virtually to address a Committee
- (a) Persons wishing to delegate on a matter that is not listed on a Committee agenda, shall make a request in writing to the Clerk and the Clerk shall list the delegation request on the respective 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 Committee's Report.
 - (b) Persons wishing to delegate on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as a delegation to the Clerk no later than 12:00 noon the business day before the meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday before.
 - (c) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).
- (2) A request to attend IN-PERSON or VIRTUALLY 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 IN-PERSON or VIRTUALLY as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Committee and the decision whether or not to entertain the delegation will be made by the Committee.
- (4) When a person is listed as a delegation on a 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 5.12(1) and 5.12(2).
- (5) An IN-PERSON or VIRTUAL delegation of one or more persons, shall be limited to an oral presentation of not more than five minutes.

- (6) Notwithstanding subsection 5.12(5), an extension of a specific allotment of time to the five-minute restriction may be granted with the approval of a majority of the members of the Committee present.
- (7) Delegations are encouraged to provide a written brief of their presentation to the Clerk, at least 5 days in advance, which will be provided to the members of the Committee and become part of the public record.
- (8) An IN-PERSON or VIRTUAL delegation may provide additional written material regarding the subject matter, for the public record, by providing a copy of such written material to the Clerk at least 5 days in advance of the meeting.
- (9) Except as required by by-law, any IN-PERSON or VIRTUAL 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.
- (10) Notwithstanding subsection 5.12(9), a Committee member may add the delegation on a Committee Agenda.
- (11) Delegates appearing IN-PERSON or VIRTUALLY will adhere to Section 8, Order and Decorum of this by-law.
- (12) Members of Committees can ask questions of the delegations for clarification purposes only and not for debate.

5.13 Public Hearings at Standing Committees

- (1) Public Hearings shall be held at Standing Committee meetings.
- (2) Advertising or notice of a Public Hearing shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.
- (3) 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; and
 - (c) **INP** 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).

ELE Presentations by delegations who have registered to attend VIRTUALLY, will be heard.
- (4) Persons who wish to appear as a delegation IN-PERSON or VIRTUALLY to address Standing Committee on a matter that is the subject of a Public Hearing may make a delegation in accordance with section 5.12.

- (5) **INP** Notwithstanding subsection 5.13(4), Standing Committee shall hear oral representations from any person in attendance at a Public Hearing, whether or not a request was made in advance.
- ELE** Notwithstanding subsection 5.13(4), Standing Committee shall only hear oral representations from persons who have registered to attend VIRTUALLY.
- (6) IN-PERSON or VIRTUAL delegations made at a Public Hearing shall be limited to an oral presentation of not more than five minutes.
- (7) Where a delegation wishes to provide written material to become part of the public record to the members of the Standing Committee at a Public Hearing, the delegation shall:
- (a) comply with subsection 5.12(8); or
 - (b) if after the deadline, provide a copy of the written material to the Clerk at the IN-PERSON meeting for distribution after the meeting; or
 - (c) if after the deadline, provide a copy of the written material to the Clerk via email at a VIRTUAL / HYBRID meeting for distribution after the meeting.

5.14 Communication Items

- (1) Communication Items shall be addressed to the Chair and Members of Committee or the City Clerk and shall be presented to the Standing Committee for consideration if the matter is being considered at the Standing Committee meeting.
- (2) Communication Items 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 5.14(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 5.14(2), for inclusion in the printed Standing Committee Agenda.
- (4) Communication Items not received for inclusion in the Standing Committee Agenda package, shall be introduced under Changes to the Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Standing Committee meeting.
- (5) Communication Items shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.

- (6) Communication Items shall not contain the names of individuals (staff or public) with the exception of the author's name. Any names found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- (7) 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.
- (8) Communication Items received after the prescribed deadline as set out in subsection 5.14(4) will be included on the Council Agenda, to be received and referred to the consideration of that matter within the Standing Committee Report.
- (9) 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 Standing Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
- (10) Communications respecting the conduct of a member(s) of Council or any member of a body subject to review by the Integrity Commissioner will not be placed on a Standing Committee Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.
- (11) Notwithstanding subsections 5.14(9) and 5.14(10) a Standing Committee member may add any communication item to a Standing Committee Agenda.

5.15 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 Standing 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 Standing 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.

5.16 Conflict of Interest Declarations

- (1) Where a member has disclosed a conflict of interest 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 5.16(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.

5.17 Special Meetings of a Standing Committee

- (1) In addition to scheduled Standing Committee meetings, the Mayor or the Standing 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 2 days 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 5.17(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 5.17(4), other business may be considered at a special meeting with at least two-thirds of the Standing 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 5.11.

5.18 Change to a Scheduled Committee Meeting

- (1) The Clerk may change the time or location of 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 the change to the Committee meeting at least 2 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 5.18(2) shall state the reason for the change to the meeting.
- (4) The Clerk shall ensure that the change to the Committee meeting is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

SECTION 6- RULES OF DEBATE, VOTING PROCEDURES AND MOTION PROCEDURES

6.1 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 or the Chair 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 the Chair 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 Council and Committee meetings.
- (7) Notwithstanding subsection 6.1(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 Council or Committee 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
 - (i) a motion to go into a closed meeting
 - (j) a motion to suspend the rules of procedure
 - (k) a motion to lift

(9) **Relinquishing the Chair**

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

6.2 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) **INP** When an electronic voting system is available at an IN-PERSON meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically excluding those motions referred to in (i) and (ii) below which shall be by show of hands:
 - (i) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
 - (ii) Consent Items.
- ELE** When an electronic voting system is available at a VIRTUAL / HYBRID meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically.
- (4) When an electronic voting system is available 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 an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error immediately following and prior to the taking of another vote, the vote will be considered void and a new electronic vote will be retaken immediately.
- (7) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error following the taking of another vote, the member's request will be considered through a vote to reconsider the matter:
 - (i) If a two-thirds majority vote to reconsider is decided in the affirmative, the electronic vote will be retaken immediately;
 - (ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.
- (8) When a vote is taken and a tie results, a question is deemed to be lost.
- (9) **INP** When a Member of Council at an IN-PERSON 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.

ELE When a Member of Council at a VIRTUAL / HYBRID meeting of Council or Committee does not disclose a pecuniary interest, and does not vote electronically on a Motion, the Mayor/Chair will call on the member to vote 3 (three) times, if the member doesn't respond the member will be noted as being 'Not Present' during the vote.
- (10) 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 or Committee on the question.
- (11) When the Mayor or the 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 the Chair, and during such time no Member of Council or Committee shall walk across the room or speak to any other Member of Council or Committee or make any noise or disturbance.
- (12) After a question is put by the Mayor or the 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.
- (13) 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.

- (14) Despite subsection 6.2(13), a meeting may be closed to the public during a vote if:
- (a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 9 (Meetings Closed to the Public) of this By-law; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.
- (15) The Mayor or the 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.
- (16) If a Member of Council or Committee disagrees with the announcement of the Mayor or the 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.
- (17) Members of Council who are appointed as representatives of an Advisory Committee, do not have voting rights while attending an Advisory Committee meeting.

6.3 Motion Procedures

(1) Notice of Motion

- (a) Notice of all new motions, except motions listed in subsection 6.1(8) 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 the 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 the 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 or Committee, 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 or Committee and 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 6.3(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 or Committee meeting shall always be in order except:

- (a) when a Member of Council or Committee 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 or Committee has already indicated to the Mayor or the Chair, that they desire to speak on the question;
- (d) when decided in the negative, cannot be made again until Council or Committee 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 or Committee 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 6.3(9)(a) to (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 or Committee at Council or Committee 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.

SECTION 7 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES

- 7.1** 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.
- 7.2** When Council approves of the formation of the Advisory Committee or Task Force the procedures as outlined in Appendix H shall be followed.
- 7.3** 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 8 - ORDER AND DECORUM

- 8.1** No Person in attendance IN-PERSON or VIRTUALLY at a Council or Committee meeting shall:
 - (a) be disrespectful or disrupt the Meeting in any manner;
 - (b) bring food or beverages, water excepted, into the Council Chamber when an IN-PERSON 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.

- 8.2** Should a person persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 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.
- 8.3** Notwithstanding subsection 8.2, 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.
- 8.4** Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them without challenge 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.
- 8.5** 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 an IN-PERSON 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 an IN-PERSON 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.
- 8.6** 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.
- 8.7** Electronic devices at IN-PERSON / VIRTUAL / HYBRID 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 IN-PERSON / VIRTUAL / HYBRID Closed Meetings is strictly prohibited.
 - (c) Staff from the Office of the City Clerk are exempted from subsection 8.7(b) when using electronic devices for record-keeping purposes.

SECTION 9 – 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.

- 9.1** 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 or a local board;
 - (b) personal matters about an identifiable individual, including City or a local board employees;
 - (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
 - (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 or a local board by Canada, a province or territory or a Crown agency of any of them;
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the 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 or a local board and has monetary value or potential monetary value; or
 - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.
- 9.2** 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*.
- 9.3** 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.

- 9.4** 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 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

- 10.1** Virtual participation is prohibited at Council and/or Committee meetings, except where permitted during an Emergency as set out in subsection 10.2.

10.2 Virtual Participation During an Emergency

- (1) Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings during an emergency when attending in-person is not possible.
- (2) Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings during an emergency when attending in-person is not possible.
- (3) Virtual participation, that is consistent with the obligation to hold public meetings in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, or at a Standing Committee of Council is permitted by members of the public at Committee meetings.

SECTION 11 – VIRTUAL MEETINGS DURING AN EMERGENCY

- 11.1** All VIRTUAL/ HYBRID Council and Committee meetings shall be streamed live.
- 11.2** Upon being apprised that a virtual meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.

- 11.3** If the live feed of a Virtual meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned. The Council/ Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.
- 11.4** If the Virtual meeting is interrupted and its live feed cannot be resumed, the names of the Council/Committee members present and any decisions of Council/ Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting.

SECTION 12 - ROLE OF CLERK

- 12.1** The Clerk shall make the agendas of Council and Committee meetings available to members of Council and Senior Leadership Team electronically at least 5 days prior to the scheduled meetings.
- 12.2** The Clerk shall make the agendas of Council and Committee meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 12.1 on the City's website.
- 12.3** The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.
- 12.4** The Clerk shall submit for confirmation the minutes of the previous Council or Committee meeting. Upon approval of the majority of the members of Council or Committee, the Mayor or Chair and Clerk shall sign the minutes as confirmed or as amended.
- 12.5** 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 9 of this By-law.
- 12.6** 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.
- 12.7** The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council or Committee. The Clerk shall take a vote of the challenge for Members of Council or Committee in favour or opposed to the ruling. The ruling fails when there is a majority vote in favour of the challenge.

SECTION 13 – GENERAL

- 13.1** This By-law shall not be amended or repealed except by a majority vote of all Members of Council.
- 13.2** 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.
- 13.3** This By-law comes into force on the date on which it is passed.
- 13.4** The short title of this By-law is the Procedural By-law or the Council Procedural By-law.

13.5 By-law Nos. 18-270, 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184, governing and amending the rules and procedures of Council of the City of Hamilton are repealed.

PASSED this _____ day of _____, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

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
- Municipal Benchmarking Network Canada (MBNC)
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- Growth Related Integrated Development Strategy (GRIDS)
- Vision 20/20
- Upper Levels of Government Funding Matters
- Department Work Programs: Planning and Economic Development
- Legal Services – all matters having definite litigation
- Human Resources – labour negotiations
- Departmental Organizational Structure Changes
- Boards and Agencies
- Hamilton Utilities Corporation
- Climate Change
- 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 GRIDS
- 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

Appendix A

- 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

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 Services including input to Strategic Planning initiatives to ensure alignment with Council's Mission, Vision, Values and Goals
- 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 Public Health Services
- 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
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

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, Accessible Transportation Services (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
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

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 Local Planning Appeal Tribunal (LPAT) 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
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

EMERGENCY & COMMUNITY SERVICES COMMITTEE

COMPOSITION

The Emergency & Community Services 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 Emergency & Community Services 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 Emergency & Community Services 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
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

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; and
- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997*

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 – Office of the City Auditor Charter
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

Schedule F1 to Appendix F**CITY OF HAMILTON
OFFICE OF THE CITY AUDITOR CHARTER****INTRODUCTION**

The Office of the City Auditor provides independent, objective audit assurance and consulting services designed to add value and improve the City of Hamilton's operations. The Office of the City Auditor (OCA) 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 City Auditor 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 Office of the City Auditor completes the following types of work:

- Compliance Auditing
- Value for Money Auditing
- Special Investigations (Fraud and Waste, Whistleblower)
- Risk assessments
- Consulting

The first three activities are conducted by the Office in its capacity as Auditor General.

Audit Assurance and Special Investigations

Audit and Assurance work includes the examination and evaluation of the adequacy and effectiveness of the City's governance, risk management process, systems of internal control and the quality of performance in carrying out assigned responsibilities to achieve the organization's goals and objectives. This includes both compliance and value for money audits. The City's processes should function in a manner that ensures:

- 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.

Schedule F1 to Appendix F

- Quality and continuous improvement are fostered in the organization's internal control processes.

In addition to audits, special investigations may be undertaken by the OCA pursuant to Council having given that authority under the Whistleblower By-law (19-181) and the City of Hamilton's Fraud Policy and Protocol. These include reviews or investigations of matters of alleged or suspected wrongdoing, per the Whistleblower By-law or fraud, waste or other similar activities reported by employees or residents through the Fraud and Waste Hotline or other mechanisms.

The City Auditor has been appointed by By-law 19-180 (City Auditor 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 these sections of the *Municipal Act, 2001*. The powers and protections provided to the City Auditor (by appointment as an Auditor General) strengthens the position of independence and institutional authority of the City Auditor while providing information to Council for its oversight role.

Consulting and Risk Assessment

In addition to audit engagements, the Office of the City Auditor provides advisory or other consulting services, as planned, or at the request of Council or senior management. These types of services may include:

- Risk assessments and related workshops;
- Performing research;
- Providing education/training on audit related topics such as risk management, fraud awareness, performance measurement and internal controls;
- Performing Lessons Learned/Opportunities Assessments on project/program implementations that have experienced difficulties or challenges; and
- Providing counsel or advice (e.g. on the adequacy of draft procedures).

AUTHORITY

The Office of the City Auditor 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)).

The OCA 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.

Schedule F1 to Appendix F

All employees will assist the OCA in fulfilling its objectives.

As an Auditor General, the OCA 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 current 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, not including a corporation established in accordance with Section 203 of the *Municipal Act, 2001*); and
- Grant recipients (as currently defined under Section 223.1 of the *Municipal Act, 2001* as “a person or entity that receives a grant directly or indirectly from the municipality, a local board or a municipally-controlled corporation”);

These responsibilities under Section 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.

The relevant excerpts from the *Municipal Act* (accessed on July 16, 2019 at <https://www.ontario.ca/laws/statute/01m25#BK272>) are included below for reference:

Auditor General

223.19 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Auditor General who reports to council and is responsible for assisting the council in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations. 2006, c. 32, Sched. A, s. 98.

Same

(1.1) The Auditor General shall perform his or her responsibilities under this Part in an independent manner. 2009, c. 33, Sched. 21, s. 6 (11).

Exceptions

(2) Despite subsection (1), the responsibilities of the Auditor General shall not include the matters described in clauses 296 (1) (a) and (b) for which the municipal auditor is responsible. 2006, c. 32, Sched. A, s. 98.

Schedule F1 to Appendix FPowers and duties

(3) Subject to this Part, in carrying out his or her responsibilities, the Auditor General may exercise the powers and shall perform the duties as may be assigned to him or her by the municipality in respect of the municipality, its local boards and such municipally-controlled corporations and grant recipients as the municipality may specify. 2006, c. 32, Sched. A, s. 98.

Grant recipients

(4) The authority of the Auditor General to exercise powers and perform duties under this Part in relation to a grant recipient applies only in respect of grants received by the grant recipient directly or indirectly from the municipality, a local board or a municipally-controlled corporation after the date on which this section comes into force. 2006, c. 32, Sched. A, s. 98.

Delegation

(5) The Auditor General may delegate in writing to any person, other than a member of council, any of the Auditor General's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(6) The Auditor General may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.

Status

(7) The Auditor General is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 98.

Duty to furnish information

223.20 (1) The municipality, its local boards and the municipally-controlled corporations and grant recipients referred to in subsection 223.19 (3) shall give the Auditor General such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

Access to records

(2) The Auditor General is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality, the local board, the municipally-controlled corporation or the grant recipient, as the case may be, that the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

No waiver of privilege

(3) A disclosure to the Auditor General under subsection (1) or (2) does not constitute a waiver of solicitor-client privilege, litigation privilege or settlement privilege. 2006, c. 32, Sched. A, s. 98.

Schedule F1 to Appendix FPowers re examination

223.21 (1) *The Auditor General may examine any person on oath on any matter pertinent to an audit or examination under this Part. 2006, c. 32, Sched. A, s. 98.*

Application of Public Inquiries Act, 2009

(2) *Section 33 of the Public Inquiries Act, 2009 applies to an examination by the Auditor General. 2009, c. 33, Sched. 6, s. 72 (3).*

Duty of confidentiality

223.22 (1) *The Auditor General and every person acting under the instructions of the Auditor General shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.*

Same

(2) *Subject to subsection (3), the persons required to preserve secrecy under subsection (1) shall not communicate information to another person in respect of any matter described in subsection (1) except as may be required,*
 (a) *in connection with the administration of this Part, including reports made by the Auditor General, or with any proceedings under this Part; or*
 (b) *under the Criminal Code (Canada). 2006, c. 32, Sched. A, s. 98.*

Same

(3) *A person required to preserve secrecy under subsection (1) shall not disclose any information or document disclosed to the Auditor General under section 223.20 that is subject to solicitor-client privilege, litigation privilege or settlement privilege unless the person has the consent of each holder of the privilege. 2006, c. 32, Sched. A, s. 98.*

Section prevails

(4) *This section prevails over the Municipal Freedom of Information and Protection of Privacy Act. 2006, c. 32, Sched. A, s. 98.*

Testimony

223.23 *Neither the Auditor General nor any person acting under the instructions of the Auditor General is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 32, Sched. A, s. 98.*

INDEPENDENCE

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

Schedule F1 to Appendix F

To provide for the independence of Office of the City Auditor, its personnel report to the City Auditor, who reports administratively to the City Manager and functionally to the Audit, Finance and Administration Committee of Council. Audit and other 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 OCA 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. The City Auditor has the authority to revise and extend the scope of any audit or investigation in the course of their examination.

The OCA 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 City Auditor and the staff of the OCA 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 residents.
- 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.

Schedule F1 to Appendix F

- 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 a flexible multi-year work plan, including any risks or control concerns identified by management or other audits as well as appropriate special tasks or projects requested by management.
- Undertake assessments, investigations, or refer issues to other appropriate parties as a result of disclosures under a Whistleblower By-law or the Fraud and Waste Hotline.
- Maintain a professional audit staff with sufficient knowledge, skills and experience.

AUDIT PLANNING

Each term of Council, the City Auditor shall prepare a multi-year work plan, setting out the proposed work for the term.

For the projects, 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 term but delayed or not completed;
- Any conditions or concerns discovered or communicated throughout past years; and
- Input from members of the public, via the Fraud and Waste Hotline and resident complaints or suggestions.
- Areas likely to provide significant payback in terms of increased revenues, reduced costs, operational efficiencies and quality of services.

The multi-year work plan 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 City Auditor to consider.

Schedule F1 to Appendix F**REPORTING**

A written report is prepared and issued by the City Auditor following the conclusion of each audit assurance project. The report will include management's responses to the report 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.

The OCA is responsible for appropriate follow up on audit findings and recommendations. All significant findings will remain open until the City Auditor has determined management has appropriately taken action to resolve the finding.

By-law 19-181 (Whistleblower By-law), Section 19 – Responsibility of the City Auditor requires a quarterly report for, in the aggregate, on the number, nature and outcome of disclosures of serious wrongdoing made under this By-law. Quarterly reports known as "Whistleblower, Fraud and Waste Information Updates" are submitted to the Audit, Finance and Administration Committee and capture at a high level the special investigations activity undertaken by the OCA.

Consulting and risk assessment project reports are issued at the discretion of the City Auditor. Considerations for reports include project size and type, topic, risk profile and organizational impact.

All reports are generally presented to the Audit, Finance and Administration Committee. Reports may be presented to the General Issues Committee, if appropriate.

PROFESSIONAL STANDARDS

Under the City Auditor's authority granted in this Office of the City Auditor Charter, all OCA activity will be guided by the following professional standards and/or legislative requirements:

- *Municipal Act*, Sections 223.19-223.23 (Auditor General), as applicable.
- City of Hamilton Whistleblower By-law (19-181).
- International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors, for research and general consulting work.
- Certified Fraud Examiners Code of Professional Standards issued by the Association of Certified Fraud Examiners for Fraud, Waste and Whistleblower assessments and investigations.

When working as an Auditor General performing audit assurance engagements, work activities will be guided by professional standards and/or legislative requirements, as applicable.

Audit Services professional staff are also bound by the standards and ethics of their respective professional organizations, which include the Chartered Professional Accountants of Canada (CPA), Institute of Internal Auditors (IIA) and Association of Certified Fraud Examiners (ACFE).

(Approved by Council – September 11, 2019 – Report AUD19005)

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.

Appendix G**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.

Appendix G

- (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.

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.

HEARING PROCEDURES FOR DEVELOPMENT CHARGE COMPLAINTS – SECTION 20

COMMITTEE COMPOSITION

The Audit, Finance & Administration Committee has delegated authority to hold hearings for Section 20 Development Charges complaints. The Audit, Finance & Administration (AF&A) shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

SECTION 20 COMPLAINT

As Per the *Development Charges Act, 1997*, a person may submit a formal complain to Council respecting one of three issues:

- 20** (1) A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,
- (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
 - (c) there was an error in the application of the development charge by-law. 1997, c. 27, s. 20 (1).

The formal complaint must be submitted within 90 days of the charge being payable (*Development Charges Act, 1997*) and must be in accordance with the grounds permitted under the *Development Charges Act*.

- (2) A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable. 1997, c. 27, s. 20 (2).

The formal complaint must be in writing, stating the complainant's name, address where notice can be given, and the reason for the complaint.

DEVELOPMENT CHARGES COMPLAINT HEARING - SECTION 20 COMPLAINT

A hearing (or tribunal) must be held within 60 days of receiving the complaint (Section 22(2)). A Hearing Notice will be mailed to the complainant at least 14 days before the hearing.

The Complaint Hearing is governed by the procedures set out in the Council Procedure By-law and the *Statutory Powers Procedure Act* ("SPPA").

The Audit, Finance & Administration Committee, in conducting the hearing of a Development Charges Complaint, is required to only consider the grounds permitted under subsection 20(1) of the *Development Charges Act*.

The grounds set out in the *Development Charges Act* are very specific and quite focused. They do not include a request to be exempt from a Development Charge otherwise applicable pursuant to a Development Charge By-law nor do they include a request to create a new category of development not found in a Development Charge By-law. A Development Charge Complaint cannot be used to amend the Development Charge By-law to alter the Development Charge rate otherwise validly applicable or to add a credit or exemption not already within the Development Charge By-law.

1. Party Representatives

There are two parties to the hearing of a Development Charge Complaint, the City and the Complainant. The City's Finance Division is responsible for administering the Development Charge By-law and a solicitor from the Legal Division will represent the City at the hearing. The Complainant may represent themselves or have legal representation as well.

In addition, the Committee will have a solicitor from the Legal Division to provide legal advice to the Committee during a hearing and deliberations. This practice is permissible provided that the Solicitor does not take part in making findings of fact or in making the ultimate decision on the matter.

2. Live Stream & Electronic Voting

The Development Charge Hearing is not live-streamed when meeting IN-PERSON, unless specifically requested by someone in attendance and then agreed upon by both parties.

Electronic votes are not taken during a Development Charge Hearing.

Subject to Section 4 of this Appendix J, the Development Charge Hearing is live-streamed when meeting VIRTUALLY, in order to have all proceedings open to the public and the parties.

3. Conflict of Interest

If any Committee member feels that they should not be hearing a particular matter, the member may inform the Committee that they will not participate, giving a general or specific reason why not, e.g. one of the witnesses is a relation.

4. Open and Closed Proceedings / Deliberations

All proceedings are to be open to the public and the parties unless one of the exceptions under the SPPA or the *Municipal Act, 2001* applies. Section 9(1) of the SPPA provides that a hearing may be closed to the public if:

- (a) a matter involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

If the Committee believes that such matters could be disclosed, it should ask each of the parties if this is the case. If the Committee is convinced that the harm outweighs the desirability of the hearing being open to the public, the hearing may be closed to the public.

When a hearing is closed to the public under the SPPA, only the parties and their representatives remain in attendance.

The Committee may also rely on the authority under section 239 of the *Municipal Act, 2001* in closing proceedings to the public or the public and the parties - for example, if it wishes to receive advice subject to solicitor client privilege.

The Committee may, but is not required to, retire to deliberate in the absence of the public and the parties. Deliberations occur when the Committee considers the evidence and submissions in arriving at a decision. The decision itself is announced in the presence of the public and the parties. The authority for retiring to deliberate is found at common law and is referred to as the “confidentiality principle” or the “rule on deliberative secrecy”.

5. Adjournments

Adjournments may be requested by either party at the start of or during a hearing. The Committee may grant or refuse an adjournment request in light of a number of considerations including: the legitimate inability of the complainant or a witness to attend or, within reason, the counsel of their choice; or, the necessity for time to prepare before a hearing or to respond to new and unexpected issues or allegations arising in the course of a hearing.

6. Agreed Upon Statements of Fact and Joint Submissions

The parties may submit an agreed upon statement of facts which means that they will inform the Committee that some or all of the facts relevant to the hearing are not in dispute. Agreed upon facts need not be proven and should be accepted by the Committee.

Appendix J

The parties may go beyond an agreed upon statement of facts to make a joint submission, asking for a final decision that is acceptable to both. The Committee must give serious consideration to a joint submission and must not reject it without good cause. While the Committee may reject all or part of a joint submission, if this is being considered, both parties must be given the opportunity to make representations before the final decision is made.

7. Witnesses

The parties may call witnesses during the Hearing. (Section 10.1, SPPA)

At the request of a party or on its own initiative, the Committee may require the attendance of a witness to give evidence by issuing a summons.

A witness who is summoned to testify before the Committee cannot refuse to answer a proper and relevant question and Section 13 of the *Canadian Charter of Rights and Freedoms* and Section 14 of the SPPA protect witnesses when providing answers.

The Committee should be hearing only the relevant evidence of the parties' witnesses.

Witnesses should be sworn or affirmed by the Chair of the Committee prior to commencing their testimony.

Lawyers or representatives acting as an advocate for a complainant cannot be a witness.

8. Evidence

Administrative tribunals are given much more latitude than courts with respect to the evidence which they may receive and consider in arriving at a decision. Accordingly, the Committee may receive hearsay evidence and unsworn evidence. (Section 15, SPPA)

The fundamental test with respect to the admissibility of evidence is that it must be relevant to the issues which are involved in the hearing. Relevance for a Development Charge hearing is determined by reference to the permitted grounds set out in subsection 20(1) of the *Development Charges Act* and by the grounds set out in the complaint, but only if those grounds are permitted grounds.

When the Committee is confronted with an objection to the admissibility of a relevant piece of evidence, the evidence should generally be admitted unless it is clearly irrelevant. The Committee should consider the objection with respect to the weight it gives to that particular evidence when arriving at its decision. The general principle is that indirect evidence (hearsay) should be given less weight than direct evidence such as a witness' own observations, unless there is a valid reason to conclude that the direct evidence is not credible.

Appendix J

The Committee may make a finding of credibility in considering the testimony of a witness – giving little or no weight to testimony it does not find credible. An administrative tribunal may find it very difficult to indicate in a decision that a witness was not credible. It is advisable for the administrative tribunal to fully and clearly explain itself, for example, by stating X's testimony was not relied upon because they admitted to a direct financial interest in the outcome of the hearing and because their answers were influenced by this.

Although unaffirmed or unsworn evidence is admissible, testimony to the Committee should be given under affirmation or oath. Each witness should be affirmed or sworn immediately before giving their testimony. A witness should be asked whether they prefer to be sworn or affirmed.

An unrepresented complainant is acting in two capacities, both as their own representative and as a witness. When they are acting as a witness – for example, telling the Committee what did or did not happen – they should be under affirmation.

The parties may examine their own witnesses and cross-examine other witnesses. (Section 10.1, SPPA) The Committee may also question witnesses. Generally, this should be done after the parties have finished questioning the witness.

The Chair or Vice Chair presiding should allow each party to ask any further questions of the witness they may have arising from questions posed by a member of the Committee.

The onus is on the complainant to satisfy the Committee that the Development Charge amount was incorrectly determined, that a credit should have been issued against the Development Charge, that a credit was incorrectly applied, or there was an error in the application of the Development Charge by-law.

9. Note-taking

Notes taken by Committee members during the Hearing should be kept for a reasonable period of time, enough time for whatever appeal right there may be to be exercised. A problem arises when protection of privacy and freedom of information legislation applies. In the case of the *Municipal Freedom of Information and Protection of Privacy Act*, there is no exception made for the notes of members sitting on a municipal tribunal such as a Development Charge Complaint Hearing. As a consequence, if the City, in this case Clerks, has custody or control of the notes, these notes may be subject to disclosure under MFIPPA. In addition, the notes arguably would be subject to the Records Retention By-law and could only be destroyed in accordance with that By-law.

Consequently, to ensure that adjudicative independence can be maintained, it is recommended that if a Committee member chooses to take notes, they:

- (1) Do so for the purposes of helping:
 - (a) to remember and understand what occurred during a hearing; and
 - (b) to make a decision in respect of a hearing;
- (2) Keep their notes confidential, not allowing any other person to see, read or use the notes for any purpose;
- (3) maintain responsibility for the care and safe-keeping of their notes;
- (4) store their notes at their office or home; and
- (5) destroy their notes after some reasonable period of time such as one year.

10. Decisions

In the context of a Development Charge Complaint hearing, the Committee makes two types of decisions:

- (1) procedural decisions such as adjourning the hearing to another date; and,
- (2) final decisions concerning whether:
 - (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
 - (c) there was an error in the application of the development charge by-law.

The procedural decision or final decision of the majority of the members of the Committee is the procedural decision or final decision of the Hearing, allowing for a vote with dissent. However, it is recommended that the Committee operate on a consensual basis in respect of Development Charge Complaint decisions.

The Committee may retire to deliberate in the absence of the public and the parties. At the conclusion of its deliberations, the Committee gives its procedural decision or final decision on the matter in the presence of the parties and the public.

The Committee is not required to give reasons for a procedural decision that is made with the consent of the parties. The Committee must give oral and/or written reasons for a procedural decision that does not have the consent of both parties.

For a final decision, the Committee must announce it orally in the presence of the parties and the public. Additionally, it must make its decision in writing to the complainant and/or their legal counsel or agent within a reasonable time subsequent to the completion of the hearing.

Subsection 17(1) of the SPPA requires a written decision to include reasons for the decision only if a party to the complaint requests reasons. If reasons are requested the decision should summarize the facts and arguments presented by the parties, the findings of fact made by the Committee. The decision must explain the relationship between the evidence and its conclusions, including why evidence was rejected or given little credibility.

Committee members should refrain from expressing opinions on the merits or strength of a case until after all of the evidence and submissions have been heard and they are giving their decision.

It is important that the Committee provides clear instructions to the Legislative Coordinator about the decisions it makes, however, it is acceptable for the Legislative Coordinator to prepare a draft decision for approval by the Committee.

11. Appeal

The *Development Charges Act* requires notice of the decision of the Hearing to be mailed within 20 days after the day the decision is made.

The decision of the Hearing is subject to appeal by the complainant to the LPAT. An appeal must be made no later 40 days after the day the decision is made. The appeal is an appeal *de novo* which means LPAT is not required to consider the Audit, Finance & Administration Committee's reasons in its decision regarding an appeal.

Appendix B to Report FCS21004/LS21001

Summary of the Proposed Revisions

Throughout the by-law:

The terms IN-PERSON / VIRTUAL / HYBRID have been added to refer to the various ways the City of Hamilton could be conducting their meetings.

The term 'regularly scheduled meetings' has been amended to 'scheduled meetings'.

The contents of Appendices J, K and L attached to By-law 18-270, as amended, which were appendices that addressed the holding of Electronic meetings, have been incorporated into the proposed Procedural By-law, in order to keep the reference in the by-law to one area, rather than 4 (four) areas in some cases (i.e. sub-section 2.1 could be found in the by-law as well as Appendices J, K and L.

SECTION 1 - DEFINITIONS

- *Added the following definitions, in order to define the new terms when they appear in the by-law:*

“ELE” means Electronic meeting procedures and applies to Virtual and Hybrid meetings during an emergency and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

“Hybrid” means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings during an emergency.

“INP” means In-Person meeting procedures and applies only when the procedures for In-Person meetings differs from Electronic (ELE) meeting procedures.

“In-Person” means a proceeding where members participate In-Person at Council and Committee meetings.

“Virtual” means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings during an emergency.

- *Revised the following definitions to enhance their meanings for better understanding:*

“Point of Order” means a question raised 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 matter that affects the credibility, reputation, and dignity of a Member individually or that Council or Committee collectively hold, that ensure Council's or a Committee's ability to function freely; a need for assistance, to be excused for illness or a personal emergency.

Appendix B to Report FCS21004/LS21001

SECTION 3 – COUNCIL MEETINGS

3.3 Location of Meetings

- *Added Section 3.3(2), to ensure that Council, has the ability to meet in an adjacent municipality, when necessary:*

(2) When necessary, Meetings of Council may be held in an adjacent municipality (Halton Region; Niagara Region or Haldimand County), with the details posted on the City's website.

3.5 Meetings of Council for Emergencies

- *Added Section 3.5(5), to ensure that Council, has the ability to meet in an adjacent municipality, when necessary during an emergency:*

(5) In the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality, and such meetings may be held as IN-PERSON / VIRTUAL / HYBRID meetings, with the details posted on the City's website.

3.7 Quorum

- *Section 3.7(5), has been divided into 2 sections, to address quorum for in IN-PERSON and VIRTUAL / HYBRID meetings:*

(5) **INP** If Quorum cannot be maintained during an IN-PERSON Council 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.

ELE If Quorum cannot be maintained during a VIRTUAL / HYBRID Council meeting, due to a loss of members' electronic connection, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the meeting will be recessed for up to 15 minutes or until the members' electronic connection is resumed, which could result in a delay to the next available business day. the Clerk will ensure that the proper messaging respecting the continuation of a Council meeting to the following day or next available day is on the City's website.

3.10 Communication Items

- *Sections 3.10(1), 3.10(2) and 3.10(4) have been amended to reflect 'Communication Items.....'.*

Appendix B to Report FCS21004/LS21001

- *Added Section 3.10(5) to apprise those who send in communication items for inclusion on Council agendas that reference another person or staff member will be redacted as per the relevant legislation:*
 - (5) Communication Items shall not contain the names of individuals (staff or public) with the exception of the author's name. Any names found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation.
- *Section 3.10(10) has been amended to include 'or any member of a body subject to review by the Integrity Commissioner':*
 - (10) Communications respecting the conduct of a member(s) of Council or any member of a body subject to review by the Integrity Commissioner 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.

3.11 Order of Business

- *Added a note on Item (c), Ceremonial Activities, to address the format of Ceremonial Activities at electronic meetings; and 'Council Communication Updates' as per the addition of Section 3.17 (below):*

The Order of Business for scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless amended by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Ceremonial Activities (**ELE** – During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
- (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) Council Communication Updates
- (k) Private and Confidential
- (l) By-laws and Confirming By-law
- (m) Adjournment

Appendix B to Report FCS21004/LS21001

3.17 Council Communication Updates

- *Added Section 3.17, Council Communication Updates, to initiate the preparation and distribution of a package that contains the Communication Updates forwarded to Council in a two-week time period, as follows:*
 - (1) All staff Communication Update documents sent to Council and posted on the website will be published by the Clerk on the Council agenda for receipt into the public record.
 - (2) A member may refer any of the items listed within the Council Communication Updates to a Standing Committee by contacting the Clerk and any item so referred shall be placed on the next available agenda of the respective Standing Committee.
- *Sections 3.12 (Rules of Debate); 3.13 (Voting Procedures) and 3.14 (Motion Procedures) have been moved to their own section (Section 6), as they apply to both Council and Committees.*

3.15 Conflict of Interest Declarations

- *Section 3.15(1) has been amended to remove the reference to the Conflict of Interest Act, 1990:*
 - (1) Where a member has disclosed a conflict of interest at a meeting, the member, shall file a written statement with the Clerk.

SECTION 4 - COMMITTEE OF THE WHOLE

- *Added 'and the Reports of Committees who report directly to Council', as we have and have had several Committees who report directly to Council:*
 - 4.1** Council may, by resolution:
 - (a) move into Committee of the Whole to consider, including debate, Standing Committee Reports; Selection Committee Reports and the Reports of Committees who report directly to Council on the Council meeting agenda; and
 - 4.2** During the consideration of Reports a member may lift an item from the Information Section with the approval of a majority of the members present, for the matter:
 - 4.3** An information item that is lifted from a Report and amended, will be given an item number and added to the appropriate section of the Standing Committee Report Selection Committee Report or the Report of Committee who reports directly to Council.

Appendix B to Report FCS21004/LS21001

SECTION 5 – COMMITTEE MEETINGS

- *The title of Section 5, as well as any references to ‘Standing’ Committee throughout the section has been removed as this section applies to all Committees, unless the sub-section is specific to only ‘Standing’ Committees:*

5.2 Appointment of Committee Chairs and Vice Chairs

- *Section 5.2(4) has been amended to reflect that each Sub-Committee, Advisory Committee and Task Force recommends to Council the appointment of a Chair and Vice-Chair:*

- (4) Each Sub-Committee, Advisory Committee and Task Force shall recommend to Council the appointment of a Chair and Vice Chair. The Chair or Vice-Chair of a Sub-Committee, Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

5.4 Quorum

- *Section 5.4(4) has been amended to reflect the loss of quorum with the exception of sections 5.4(6) and 5.4(7):*

- (4) If a quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID 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 another meeting may be called in accordance with the provisions of this By-law, except as provided for in 5.4(6) and 5.4(7).

- *Section 5.4(5) has been divided into 2 sections, to address quorum for in IN-PERSON and VIRTUAL / HYBRID meetings:*

- (5) **INP** If Quorum cannot be maintained during an IN-PERSON Committee 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.

- ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Standing Committee meeting, due to a loss of members’ electronic connection, the Clerk will advise the Chair that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member’s electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Standing Committee meeting is on the City’s website. Where Quorum during a VIRTUAL/HYBRID Standing Committee meeting is lost for any other reason the INP procedure shall apply.

Appendix B to Report FCS21004/LS21001

- *Section 5.4(6), reflects the continuation of a meeting without quorum to address when the Committee has an outside consultant; organization, etc., who is in attendance at meeting where quorum isn't achieved, it permits the Chair to decide to proceed with hearing the scheduled presentation without making any decisions:*

(6) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Chair may decide to proceed informally to hear scheduled presentations. Ratification of any decisions will be postponed to a future meeting.

- *Section 5.4(7), reflects the continuation of a meeting without quorum to address when the Committee members who are in attendance at a meeting where quorum isn't achieved, want to talk informally on a matter of interest without making any decisions:*

(7) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of a Committee, the Chair may allow the Committee to discuss items of interest. Ratification of any decisions will be postponed to a future meeting.

- *Section 5.5 was added to include a section on the location of Committee meetings:*

5.5 Location of Meetings

- (1) IN-PERSON / VIRTUAL / HYBRID Standing Committee Meetings 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.
- (2) When necessary, Standing Committee Meetings may be held in an adjacent municipality (Halton Region; Niagara Region or Haldimand County), with the details posted on the City's website.

5.8 Committee Reports

- *Added 'and other Committees that report directly to Council', as we have and have had several Committees who report directly to Council:*
- (1) Each Standing Committee, the Selection Committee, and other Committees that report directly to Council shall make recommendations to Council.
 - (2) A minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council 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.

Appendix B to Report FCS21004/LS21001

5.9 Rules of Procedure

- *The original Section 5.9(1) has been removed as Section 2.1 (below) addresses the rules of procedure for all Committees:*

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

2.1 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.

5.10 Order of Business

- *Section 5.10 has been amended, so that the Committees hear the staff presentations prior to hearing from delegations; and*
- *Added a note on Item (c), Ceremonial Activities, to address the format of Ceremonial Activities at electronic meetings:*

(1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:

- (a) Ceremonial Activities (**ELE**- During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
- (b) Approval of Agenda
- (c) Declarations of Interest
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Delegation Requests
- (g) Consent Items
- (h) Staff Presentations
- (i) Public Hearings/ Delegations
- (j) Discussion Items
- (k) Motions
- (l) Notice of Motions
- (m) General Information/Other Business
- (n) Private and Confidential
- (o) Adjournment

Appendix B to Report FCS21004/LS21001

5.12 Delegations

- *Section 5.12(1) has been divided into 2 sections, to address delegation for in IN-PERSON and VIRTUAL / HYBRID meetings:*
 - (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee
 - ELE** Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee
- *Sections 5.12(11) and 5.12(12) have been included based on the feedback received from the Committee Chairs:*
 - (11) Delegates appearing IN-PERSON or VIRTUALLY will adhere to Section 8, Order and Decorum of this by-law.
 - (12) Members of Committees can ask questions of the delegations for clarification purposes only and not for debate.
- *The title of Section 5.13, has been amended to reflect 'at Standing Committees':*

5.13 Public Hearings at Standing Committees

- *Section 5.13(3)(c) has been divided into 2 sections, to address public hearing delegations for in IN-PERSON and VIRTUAL / HYBRID meetings:*
 - (3) 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; and
 - (c) **INP** 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).
 - ELE** Presentations by delegations who have registered to attend VIRTUALLY, will be heard.
- *Section 5.13(5) has been divided into 2 sections, to address public hearing delegations for in IN-PERSON and VIRTUAL / HYBRID meetings:*
 - (5) **INP** Notwithstanding subsection 5.13(4), Standing Committee shall hear oral representations from any person in attendance at a Public Hearing, whether or not a request was made in advance.

Appendix B to Report FCS21004/LS21001

ELE Notwithstanding subsection 5.13(4), Standing Committee shall only hear oral representations from persons who have registered to attend VIRTUALLY.

- *Section 5.13(6) has been amended to state a 5 minute limit, as there is nothing within the legislation that provides a delegation with unlimited time to speak at a public hearing:*

(6) IN-PERSON or VIRTUAL delegations made at a Public Hearing shall be limited to an oral presentation of not more than five minutes.

- *Section 5.13(7) has been amended to reflect a concern raised by the Governance Review Sub-Committee respecting the number of copies a delegation is to bring to a meeting:*

(7) Where a delegation wishes to provide written material to become part of the public record to the members of the Standing Committee at a Public Hearing, the delegation shall:

(a) comply with subsection 5.12(8); or

(b) if after the deadline, provide a copy of the written material to the Clerk at the IN-PERSON meeting for distribution after the meeting; or

(c) if after the deadline, provide a copy of the written material to the Clerk via email at a VIRTUAL / HYBRID meeting for distribution after the meeting.

5.14 Communication Items

- *Sections 5.14(1), 5.14(2) and 5.14(5) have been amended to reflect 'Communication Items.....'.*

- *Added Section 5.14(6) to apprise those who send in communication items for inclusion on Council agendas that reference another person or staff member will be redacted as per the relevant legislation or procedure:*

(5) Communication Items shall not contain the names of individuals (staff or public) with the exception of the author's name. Any names found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.

Appendix B to Report FCS21004/LS21001

- *Section 5.14(10) has been amended to include 'or any member of a body subject to review by the Integrity Commissioner':*

(10) Communications respecting the conduct of a member(s) of Council or any member of a body subject to review by the Integrity Commissioner will not be placed on a Standing Committee Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.

5.15 Reconsideration of a Matter Decided Within a Standing Committee Meeting

- The original Section 5.15(2) (in italics), has been incorporated into Section 5.15(1):

(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 Standing 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 Standing Committee to confirm that they voted with the majority on the issue in question.*

5.16 Conflict of Interest Declarations

- *Section 5.16(1) has been amended to remove the reference to the Conflict of Interest Act, 1990:*

(1) Where a member has disclosed a conflict of interest at a meeting, the member, shall file a written statement with the Clerk.

SECTION 6- RULES OF DEBATE, VOTING PROCEDURES AND MOTION PROCEDURES

- *Sections 6.1 formerly 3.12 (Rules of Debate); 6.2 formerly 3.13 (Voting Procedures) and 6.3 formerly 3.14 (Motion Procedures) have been moved from Section 3 and have formed a new section, as they apply to Council and all Committees.*
- *Throughout Sections 6.1, 6.2 and 6.3, the wording has been amended to include 'the Mayor and/or the Chair' and 'Council and/or Committee' where it was omitted.*

6.2 Voting Procedures

- *Sections 6.2(3) and 6.2(9) have been divided into 2 sections, to address voting procedures for in IN-PERSON and VIRTUAL / HYBRID meetings:*

(3) **INP** When an electronic voting system is available at an IN-PERSON meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically excluding those motions referred to in (i) and (ii) below which shall be by show of hands:

Appendix B to Report FCS21004/LS21001

- (i) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
- (ii) Consent Items.

ELE When an electronic voting system is available at a VIRTUAL / HYBRID meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically.

- (9) **INP** When a Member of Council at an IN-PERSON 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.

ELE When a Member of Council at a VIRTUAL / HYBRID meeting of Council or Committee does not disclose a pecuniary interest, and does not vote electronically on a Motion, the Mayor/Chair will call on the member to vote 3 (three) times, if the member doesn't respond the member will be noted as being 'Not Present' during the vote.

- *Sections 6.2(6) and 6.2(7), have been amended for better understanding:*

- (6) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error immediately following and prior to the taking of another vote, the vote will be considered void and a new electronic vote will be retaken immediately.

- (7) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error following the taking of another vote, the member's request will be considered through a vote to reconsider the matter:

- (i) If a two-thirds majority vote to reconsider is decided in the affirmative, the electronic vote will be retaken immediately;
- (ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.

- *Section 6.2(17) has been included to address the voting rights of members of Council who are representatives on an Advisory Committee, when attending an Advisory Committee meeting, as members of Council have their opportunity to vote on these matters at Standing Committee and Council:*

- (17) Members of Council who are appointed as representatives of an Advisory Committee, do not have voting rights while attending an Advisory Committee meeting.

Appendix B to Report FCS21004/LS21001

SECTION 8 - ORDER AND DECORUM

- *Section 8.4, has been amended by adding the words ‘without challenge’, as the Chair may without challenge ask a member of Council to vacate the meeting room:*

8.4 Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them without challenge 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.

SECTION 9 – MEETINGS CLOSED TO THE PUBLIC

- *Section 9.1 has been amended to reflect the content of Section 239(2) ‘or a local board’ where it was omitted:*

9.1 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 or a local board;
- (b) personal matters about an identifiable individual, including City or a local board employees;
- (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
- (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 or a local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the 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 or a local board and has monetary value or potential monetary value; or

Appendix B to Report FCS21004/LS21001

- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.

SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

- *Section 10, has been amended to reflect ‘virtual’ participation at Council and/or Committee meetings rather than ‘electronic’ participation.*
- *Added Section 11, to provide for virtual meetings during an emergency:*

SECTION 11 – VIRTUAL MEETINGS DURING AN EMERGENCY

- 11.1** All VIRTUAL / HYBRID Council and Committee meetings shall be streamed live.
- 11.2** Upon being apprised that a virtual meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.
- 11.3** If the live feed of a Virtual meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned. The Council/ Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.
- 11.4** If the Virtual meeting is interrupted and its live feed cannot be resumed, the names of the Council/Committee members present and any decisions of Council/ Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting.

SECTION 12 - ROLE OF CLERK

- *Sections 12.1 and 12.2 have been amended to provide for the electronic distribution of agendas:*
- 12.1** The Clerk shall make the agendas of Council and Committee meetings available to members of Council and Senior Leadership Team electronically at least 5 days prior to the scheduled meetings.
- 12.2** The Clerk shall make the agendas of Council and Committee meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 12.1 on the City’s website.

Appendices

Appendix A - GENERAL ISSUES COMMITTEE

- *Added “Upper Levels of Government Funding Matters” to the Mandate; and*
- *Added “all matters having definite litigation” to Legal Services to the Mandate.*

Appendix B to Report FCS21004/LS21001

Appendix B, C, D, E and F – OTHER STANDING COMMITTEES

- *Added “Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee”, under Specific duties shall include:*

Appendix J - HEARING PROCEDURES FOR DEVELOPMENT CHARGE COMPLAINTS – SECTION 20

- *Appendix J has been added to address the Hearing Procedures for Development Charge Complaints – Section 20*

Appendix 'C' to Report FCS21004/LS21001

COUNCIL COMMUNICATION UPDATES**November 2, 2020 to November 13, 2020**

Council received the following Information Updates during the time period listed above, the Information Updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 20-_____ (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Date	Department	Subject	Link
2-Nov-20	Planning and Economic	Public Consultation on Cootes to Escarpment Eco-Park Strategic Plan Update	https://www.hamilton.ca/sites/default/files/media/browser/2020-11-02/information-update-ped-consultation-cootes-escarpment-eco-park-nov2020.pdf
5-Nov-20	Public Works	Tree Removal – E-W Corridor Waterdown – Parkside Drive (ENG20.001) (Ward 15)	https://www.hamilton.ca/sites/default/files/media/browser/2020-11-12/info-update-e-wcorridor-parksidetreeremoval-20201109.pdf
6-Nov-20	Healthy and Safe Communities	Community Safety and Well-Being Plan (City Wide)	
9-Nov-20	City Manager's Office	Hamilton Anti-Racism Resource Centre Update	https://www.hamilton.ca/sites/default/files/media/browser/2020-11-10/info-update-harrc-update-cap-members-nov9.pdf
12-Nov-20	Public Works	Automated Speed Enforcement Operational Update (TOM2007) (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2020-11-12/information-update-automated-speed-enforcement-nov12-2020.pdf
13-Nov-20	Planning and Economic Development	John C. Munro Hamilton International	https://www.hamilton.ca/sites/default/files/media/browser/2020-11-13/info-update-jcm-hamilton-international-airport-lease-overview-city_wide.pdf

Appendix 'C' to Report FCS21004/LS21001

		Airport Lease Overview (City Wide)	
--	--	---	--

Page 1 of 81

Authority: Item ____, Audit, Finance &
Administration Committee Report
21-0__ (Governance Review Sub-
Committee Report 21-____)
Date: _____, 2021

Bill No. _____

CITY OF HAMILTON

BY-LAW NO. 21-____

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 Item ____ of Audit, Finance and Administration Committee Report 21-____ on _____, 2021 recommended that By-laws 18-270, 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184 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	7
Council Meetings	3	7
First Council Meeting	3.1	7
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	9
Cancellation of a Council Meeting	3.6	9
Quorum	3.7	10
Remedy for Lack of Quorum	3.8	10
Delegations	3.9	11
Communication Items	3.10	11
Order of Business	3.11	12
Bills and By-laws	3.12	12
Editorial and Other Changes	3.13	13
Shareholder and Board of Director Meetings	3.14	14
Conflict of Interest Declarations	3.15	14
Provisional Governance Committee During a Declared Emergency	3.16	14

Council Communication Updates	3.17	15
Committee of the Whole	4	15
Council may, by resolution:	4.1	15
Standing Committee Meetings	5	15
Standing Committees	5.1	15
Appointment of Standing Committee Chairs and Vice Chairs	5.2	16
Standing Committee Membership	5.3	16
Quorum	5.4	17
Location of Meetings	5.5	18
Standing Committee Meeting Times	5.6	18
Cancellation of a Committee Meeting	5.7	19
Committee Reports	5.8	19
Rules of Procedure	5.9	19
Duties of Standing Committees	5.10	20
Order of Business	5.11	20
Delegations	5.12	20
Public Hearings at Standing Committees	5.13	22
Communication Items	5.14	23
Reconsideration of a Matter Decided Within a Standing Committee Meeting	5.15	24
Conflict of Interest Declarations	5.16	24
Special Meetings of a Standing Committee	5.17	25
Change to a Schedules Committee Meeting	5.18	25
Rules of Debate, Voting Procedures and Motion Procedures	6	25
Rules of Debate	6.1	26
Relinquishing the Chair	6.1(9)	27
Voting Procedures	6.2	27
Motion Procedures	6.3	29
Notice of Motion	6.3(1)	29
Dispensing with Notice	6.3(2)	29
Motion to Withdraw	6.3(3)	29
Motion to Amend	6.3(4)	29
Motion to Defer	6.3(5)	30
Motion to Refer	6.3(6)	30
Motion to Adjourn	6.3(7)	30
Motion to Call the Question	6.3(8)	31
Motion to Reconsider a Matter Decided by Council	6.3(9)	31
Order of Procedural Motions	6.3(10)	32
Non-Debatable Motions	6.3(11)	32
Motion to Suspend the Rules of Procedure	6.3(12)	32
Motion Beyond Jurisdiction of Council	6.3(13)	32
Establishment of Advisory Committees or Task Forces	7	32
Order and Decorum	8	33
Meetings Closed to the Public	9	34

Virtual Participation at Council and/or Committee Meetings	10	35
Virtual Participation During an Emergency	10.1	35
Virtual Meetings during an Emergency	11	36
Role of Clerk	12	36
General	13	37
Appendices		
General Issues Committee	Appendix A	38
Board of Health	Appendix B	40
Public Works Committee	Appendix C	41
Planning Committee	Appendix D	42
Emergency & Community Services Committee	Appendix E	43
Audit, Finance & Administration Committee	Appendix F	44
Roles of Council, Mayor and Committee Chair	Appendix G	53
Criteria for the Creation of Advisory Committees or Task Forces	Appendix H	56
Hamilton Advisory Committee/Task Force Code of Conduct	Appendix I	57
Hearing Procedures for Development Charge Complaints – Section 20	Appendix J	59

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.

“**Chair**” means the member presiding at any meeting of Council or Committee.

“**Challenge**” means to appeal a ruling of the Chair.

“**City**” means the geographical area of the City of Hamilton or the municipal corporation as the context requires.

“**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”.

“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.

“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.

“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;

“ELE” means Electronic meeting procedures and applies to Virtual and Hybrid meetings during an emergency and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

“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.

“Hybrid” means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings during an emergency.

“INP” means In-Person meeting procedures and applies only when the procedures for In-Person meetings differs from Electronic (ELE) meeting procedures.

“In-Person” means a proceeding where members participate In-Person at Council and Committee meetings.

“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 included in the published agenda, 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 that may be included in the published agenda or in the addendum.

“Point of Order” means a question raised 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 matter that affects the credibility, reputation, and dignity of a Member individually or that Council or Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely; a need for assistance, to be excused for illness or a personal emergency.

“Public Hearing” means a Meeting or portion of a Meeting held pursuant to the requirements of a statute, regulation or by-law to hold a public meeting to hear representations on a matter from any person who attends the public meeting.

“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.

“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.

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

“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.

“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.

“Senior Leadership Team” means the City Manager and General Managers appointed by Council and anyone designated by the City Manager.

“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.

“Time Sensitive” means useful for a specific amount of time only or has to be used or completed by a specific time.

“Virtual” means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings during an emergency.

“Website” means the official City website.

SECTION 2 - APPLICATION

- 2.1 The rules of procedure shall be observed in all IN-PERSON / VIRTUAL / HYBRID 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 IN-PERSON / VIRTUAL / HYBRID 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 IN-PERSON / VIRTUAL / HYBRID 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 9:30 a.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 9:30 a.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 9:30 a.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) That, from time to time, there may be a need for Special Council Meeting at 5:00 p.m. to accommodate a Ceremonial Activity where the individuals being recognized are unable to attend a meeting during the day; and
- (3) 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

- (1) IN-PERSON / VIRTUAL / HYBRID 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.
- (2) When necessary, Meetings of Council may be held in an adjacent municipality (Halton Region; Niagara Region or Haldimand County), with the details posted on the City's website.

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 2 days 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.

(5) In the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality, and such meetings may be held as IN-PERSON / VIRTUAL/ HYBRID meetings, with the details posted on the City's website.

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 2 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) **INP** If Quorum cannot be maintained during an IN-PERSON Council 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.

ELE If Quorum cannot be maintained during a VIRTUAL / HYBRID Council meeting, due to a loss of members' electronic connection, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Council meeting is on the City's website. Where Quorum during a VIRTUAL/HYBRID Council meeting is lost for any other reason the INP procedure shall apply.

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) Communication Items shall be addressed to the Mayor and Members of Council or the City Clerk and shall be presented to Council for consideration.
- (2) Communication Items 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) Communication Items not received for inclusion in the Agenda package, shall be introduced under Changes to the Council Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Council meeting.
- (4) Communication Items shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.
- (5) Communication Items shall not contain the names of individuals (staff or public) with the exception of the author's name. Any names found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation.
- (6) 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.
- (67) Resolutions from other municipalities requesting support will be included on the Council Agenda to be received, unless otherwise directed by a Member of Council.
- (8) 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.
- (9) 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.
- (10) Communications respecting the conduct of a member(s) of Council or any member of a body subject to review by the Integrity Commissioner 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.

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

3.11 Order of Business

The Order of Business for ~~the regular~~ scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless ~~changed~~ amended by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Ceremonial Activities (ELE – During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
- (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) Council Communication Package
- ~~(k)~~ Private and Confidential
- ~~(kl)~~ By-laws and Confirming By-law
- ~~(lm)~~ 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~~
 - ~~(l) a motion to lift~~

~~(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 (electronic voting is effective January 2019)**~~

- ~~(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 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 an electronic vote is taken and a member advises the Chair of a point of privilege immediately following and prior to the taking of another vote, with respect to their vote being omitted or in error, the vote will be considered void and a new electronic vote will be retaken immediately.~~
- ~~(7) When an electronic vote is taken and a member advises the Chair of a point of privilege following the taking of another vote, with respect to their vote being omitted or in error, the member's request will be considered through a vote to reconsider the matter:~~
- ~~(i) If a two-thirds majority vote to reconsider is decided in the affirmative, the electronic vote will be retaken immediately;~~
 - ~~(ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.~~
- ~~(8) When a vote is taken and a tie results, a question is deemed to be lost.~~
- ~~(9) 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.~~
- ~~(10) 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.~~
- ~~(11) 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.~~
- ~~(12) 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.~~
- ~~(13) 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.~~
- ~~(14) Despite subsection 3.13(13), 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.~~
- ~~(15) 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.~~

~~(16) 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(8) 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.~~

3.153.12 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.

3.4613 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 3.4613(1)(a) to 3.4613(1)(c) inclusive in the manner that they consider appropriate.
 - (b) shall provide notice of the changes made under subsections 3.4613(1)(d) to 3.4613(1)(h) inclusive in the manner that they consider appropriate.
 - (c) in determining whether to provide notice under subsection 3.4613(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 3.4613(2)(a) or 3.4613(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.

3.4714 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.

3.4815 Conflict of Interest Declarations *(this section is effective March 1, 2019)*

- (1) Where a member, has disclosed ~~an a conflict of 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 3.4815(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.

3.1916 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 Provisional Governance 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 Provisional Governance Committee shall conduct its meetings in accordance with this By-law, providing that the quorum for the constitution of a valid meeting of the Provisional Governance Committee shall be 5 Members of Council.

3.17 Council Communication Updates

- (1) All staff Communication Update documents sent to Council and posted on the website will be published by the Clerk on the Council agenda for receipt into the public record.
- (2) A member may refer any of the items listed within the Council Communication Updates to a Standing Committee by contacting the Clerk and any item so referred shall be placed on the next available agenda of the respective Standing Committee.

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 and the Reports of Committees who report directly to Council on the Council meeting agenda; and
- (b) move out of Committee of the Whole to report to Council.

4.2 During the consideration of Standing Committee Reports and Selection Committee Reports, a member may lift an item from the Information Section with the approval of a majority of the members present, for the matter:

- (a) to be voted upon by Council; or
- (b) to be debated and/or amended by Council.

Commented [P12]: Added Standing and Selection to be consistent with the other sections within the by-law.

- 4.3 An information item that is lifted from a ~~Standing Committee Reports and Selection Committee Reports~~, and amended, will be given an item number and added to the appropriate section of the Report.

Commented [PJ3]: Added Standing and Selection to be consistent with the other sections within the by-law.

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) Emergency & Community Services 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.
- ~~(3) The Board of Health shall recommend to Council the appointment of a Vice-Chair for the required term.~~
- ~~(4)~~(3) in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice-Chair shall stand as Vice-Chair for the term of Council for the Board of Health. *(Approved by Council – May 9, 2019)*
- ~~(5)~~(4) Despite subsection 5.2 (1)(a) Each Sub-Committee, Advisory Committee and Task Force shall recommend to Council the appointment of a Chair and Vice Chair. The Chair or Vice-Chair of a Sub-Committee ~~or an~~ Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

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 7 Members of Council.
- (4) Emergency & Community Services 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) 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.
- (4) If a quorum is not achieved within 30 minutes after the time appointed for ~~an~~ IN-PERSON / VIRTUAL / HYBRID 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~~another meeting may be called in accordance with the provisions of this By-law, ~~except as provided for in 5.4(6) and 5.4(7).~~
- (5) INP If Quorum cannot be maintained during ~~a~~an IN-PERSON Committee 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.

ELE If Quorum cannot be maintained during a VIRTUAL / HYBRID Standing Committee meeting, due to a loss of members' electronic connection, the Clerk will advise the Chair that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding

the time of the continuation of the Standing Committee meeting is on the City's website. Where Quorum during a VIRTUAL/HYBRID Standing Committee meeting is lost for any other reason the INP procedure shall apply.

(6) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Chair may decide to proceed informally to hear scheduled presentations. Ratification of any decisions will be postponed to a future meeting.

(7) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of a Committee, the Chair may allow the Committee to discuss items of interest. Ratification of any decisions will be postponed to a future meeting.

5.5 Location of Meetings

(1) IN-PERSON / VIRTUAL / HYBRID Standing Committee Meetings 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.

(2) When necessary, Standing Committee Meetings may be held in an adjacent municipality (Halton Region; Niagara Region or Haldimand County), with the details posted on the City's website.

5.6 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 9:30 a.m.;
- (iii) Public Works Committee shall meet at least once per month commencing at 1:30 p.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) Emergency & Community Services Committee shall meet at least once per month on a Thursday commencing at 1:30 p.m.;
- (b) In the event a meeting date, as shown in subsections ~~5.56~~(1)(a)(i) to ~~5.56~~(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 2 days notice, delivering notice in accordance with subsections ~~3.45.17~~(3) and ~~3.45.17~~(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 .

5.7 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 2 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 5.67(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.

~~Standing & Selection~~ 5.8 Committee Reports

- (1) Each Standing Committee, ~~including~~ the Selection Committee, ~~and other Committees that report directly to Council~~ shall make recommendations to Council.
- (2) A minimum of 2 days shall pass before ~~the Report of~~ a Standing Committee ~~and/~~ ~~the Selection Committee,~~ or ~~Selection~~ other Committee ~~Report that reports directly to Council~~ 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 5.78(2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

5.9 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.~~

(1) 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~~
(2) 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 ~~6.3-14~~(1) to the Chair of the Standing Committee and to the Committee Legislative Coordinator.

~~4~~
(3) 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.

5.10 Duties of Standing Committees

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

5.4011 Order of Business

(1) The general Order of Business for the ~~regular~~IN-PERSON / VIRTUAL / HYBRID scheduled meetings of ~~Standing~~ Committees, unless ~~changed~~amended by the ~~Standing~~ Committee in the course of the meeting, shall be as follows:

- (a) Ceremonial Activities ~~(ELE- During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)~~
- (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~~
- ~~(h)~~ Staff Presentations
- ~~(i) Public Hearings/ Delegations~~
- (j) Discussion Items
- (k) Motions
- (l) Notice of Motions

- (m) General Information/Other Business
- (n) Private and Confidential
- (o) Adjournment

(#2) The Clerk may prepare the Order of Business for the ~~regular~~scheduled meetings of ~~Standing~~ Committees with slight adjustments to the general Order of Business when deemed necessary.

5.4412 Delegations

(1) INP Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a ~~Standing~~ Committee

ELE Persons who wish to appear as a delegation at a VIRTUAL/HYBRID meeting will appear virtually to address a Committee

(a) Persons wishing to delegate on a matter that :

~~(a)~~ is not listed on a ~~Standing~~ Committee agenda, shall make a request in writing to the Clerk, and the Clerk ~~will~~shall 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) Persons wishing to delegate on a matter that is listed on the ~~agenda for a Standing~~ Committee ~~meeting agenda~~, shall make a request in writing to be listed as a delegation, ~~such request to be received by to~~ 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 before.

(c) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form ~~is~~ is (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).

(2) A request to attend IN-PERSON or VIRTUALLY 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 IN-PERSON or VIRTUALLY 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) 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 5.4412(1) and 5.4412(2).

- ~~(6) A(5)~~ An IN-PERSON or VIRTUAL delegation, ~~which can be made by two of one~~ or more ~~individuals~~persons, shall be limited to an oral presentation of not more than five minutes.
- ~~(6)~~ Notwithstanding subsection 5.11~~(612(5))~~, 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.
- (7) Delegations are encouraged to provide a written brief of their presentation to the Clerk, at least 5 days in advance, which will be provided to the members of the ~~Standing~~ Committee and become part of the public record.
- (8) ~~A~~An IN-PERSON or VIRTUAL delegation may provide additional written material regarding the subject matter, for the public record, by providing a copy of such written material to the Clerk at least 5 days in advance of the meeting.
- ~~(9)~~ Except as required by by-law, any IN-PERSON or VIRTUAL 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.
- (10) Notwithstanding subsection 5.11~~(4012(9))~~, a Committee member may add the delegation on a Committee Agenda.
- ~~5.12(11)~~Delegates appearing IN-PERSON or VIRTUALLY will adhere to Section 8 Order and Decorum of this by-law.
- ~~(12)~~ Members of Committees can ask questions of the delegations for clarification purposes only and not for debate.

5.13 Public Hearings at Standing Committees

- (1) Public Hearings shall be held at Standing Committee meetings.
- (2) Advertising or notice of a Public Hearing shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.
- (3) 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; and
 - (c) INP 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).

ELE Presentations by delegations who have registered to attend VIRTUALLY, will be heard.

- (4) Persons who wish to appear as a delegation IN-PERSON or VIRTUALLY to address Standing Committee on a matter that is the subject of a Public Hearing may make a delegation in accordance with section 5.4412.
- (5) INP Notwithstanding subsection 5.13(4), Standing Committee shall hear oral representations from any person in attendance at a Public Hearing, whether or not a request was made in advance.

~~There is no limitation to the length of ELE. Notwithstanding subsection 5.13(4), Standing Committee shall only hear oral representations from persons who have registered to attend VIRTUALLY.~~

- ~~(6) IN-PERSON or VIRTUAL delegations made at a Public Hearing, except that the Chair may encourage the delegation shall be limited to conclude where the representations are irrelevant or repetitive, an oral presentation of not more than five minutes.~~
- (7) Where a delegation wishes to provide written material to become part of the public record to the members of the Standing Committee at a Public Hearing, ~~which will become public record,~~ the delegation shall:
- (a) ~~(a)~~ comply with subsection 5.44912(8); or
- (b) if after the deadline, provide 25 copies a copy of the written material to the Clerk at the IN-PERSON meeting for distribution at after the meeting, ~~with the exception of; or~~
- (c) if after the deadline, provide a copy of the written material to the Clerk via email at a VIRTUAL / HYBRID meeting for distribution after the General Issues Committee, which requires 45 copies. meeting.

5.4314 Communication Items

- (1) Communication Items shall be addressed to the Mayor and Members of Council or the City Clerk and shall be presented to the Standing Committee for consideration if the matter is being considered at the Standing Committee meeting.
- (2) Communication Items 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 5.4314(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 5.4314(2), for inclusion in the printed Standing Committee Agenda.
- (4) Communication Items not received for inclusion in the Standing Committee Agenda package, shall be introduced under Changes to the Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Standing Committee meeting.

- (5) Communication Items shall not be ~~defamatory~~anonymous or contain any defamatory, obscene, offensive, ~~anonymous~~, indecent, improper, rude or vulgar language.
- (6) Communication Items shall not contain the names of individuals (staff or public) with the exception of the author's name. Any names found in the communication will be redacted pursuant to the obligations of Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- (7) 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.
- (8) Communication Items received after the prescribed deadline as set out in subsection 5.4314(4) will be included on the Council Agenda, to be received and referred to the consideration of that matter within the Standing Committee Report.
- (9) 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 Standing Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
- (10) Communications respecting the conduct of a member(s) of Council or any member of a body subject to review by the Integrity Commissioner will not be placed on a Standing Committee Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.
- (11) Notwithstanding subsections 5.4314(9) and 5.4314(10) a Standing Committee member may add any communication item to a Standing Committee Agenda.

5.4415 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 Standing 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 Standing Committee to confirm that they voted with the majority on the issue in question.
- ~~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.

5.4516 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, 1990a~~ conflict of interest 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 5.4516(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.

5.17 Special Meetings of a Standing Committee

- (1) In addition to scheduled Standing Committee meetings, the Mayor or the Standing 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 2 days 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 5.4617(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 5.4617(4), other business may be considered at a special meeting with at least two-thirds of the Standing 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 5.4011.

5.18 Change to a Scheduled Committee Meeting

- (1) The Clerk may change the time or location of 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 the change to the Committee meeting at least 2 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 5.4718(2) shall state the reason for the change to the meeting.
- (4) The Clerk shall ensure that the change to the Committee meeting is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

SECTION 6- RULES OF DEBATE, VOTING PROCEDURES AND MOTION PROCEDURES

6.1 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 **or the Chair** 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 the Chair** 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 **Council and Committee** ~~and Council~~ meetings.
- (7) Notwithstanding subsection 6.1(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 **Council or 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
 - (i) a motion to go into a closed meeting
 - (j) a motion to suspend the rules of procedure
 - (k) a motion to lift

(9) Relinquishing the Chair

The Mayor **or the Chair** 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 **or the Chair** with respect to chairing the meeting.

6.2 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) **INP** When an electronic voting system is available at an IN-PERSON meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically excluding those motions referred to in (i) and (ii) below which shall be by show of hands:

- (i) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
- (ii) Consent Items.

ELE When an electronic voting system is available at a VIRTUAL / HYBRID meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically.

- (4) When an electronic voting system is **used available** 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 an electronic vote is taken and a member advises the **Mayor or the** Chair of a point of privilege **with respect to their vote being omitted or in error** immediately following and prior to the taking of another vote, **with respect to their vote being omitted or in error** the vote will be considered void and a new electronic vote will be retaken immediately.
- (7) When an electronic vote is taken and a member advises the **Mayor or the** Chair of a point of privilege **following the taking of another vote** with respect to their vote being omitted or in error **following the taking of another vote**, the member's request will be considered through a vote to reconsider the matter:

 - (i) If a two-thirds majority vote to reconsider is decided in the affirmative, the electronic vote will be retaken immediately.
 - (ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.
- (8) When a vote is taken and a tie results, a question is deemed to be lost.
- (9) **INP** When a Member of Council at an IN-PERSON 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.
- ELE** When a Member of Council at a VIRTUAL / HYBRID meeting of Council or Committee does not disclose a pecuniary interest, and does not vote electronically on a Motion, the Mayor/Chair will call on the member to vote 3 (three) times, if the member doesn't respond the member will be noted as being 'Not Present' during the vote.
- (10) 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 **or Committee** on the question.

- (11) When the Mayor or the 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 the Chair, and during such time no Member of Council or Committee shall walk across the room or speak to any other Member of Council or Committee or make any noise or disturbance.
- (12) After a question is put by the Mayor or the 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.
- (13) 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.
- (14) Despite subsection 6.2(13), a meeting may be closed to the public during a vote if:
- (a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 9 (Meetings Closed to the Public) of this By-law; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.
- (15) The Mayor or the 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.
- (16) If a Member of Council or Committee disagrees with the announcement of the Mayor or the 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.
- (17) Members of Council who are appointed as representatives of an Advisory Committee, do not have voting rights while attending an Advisory Committee meeting.**

6.3 Motion Procedures

(1) Notice of Motion

- (a) Notice of all new motions, except motions listed in subsection 6.1(8) 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 **the** 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 **the** 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 **or Committee**, 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 **or Committee** and 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 6.3(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 or Committee meeting shall always be in order except:

- (a) when a Member of Council or Committee 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 or Committee has already indicated to the Mayor or the Chair, that they desire to speak on the question;
- (d) when decided in the negative, cannot be made again until Council or Committee 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 or Committee 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 6.3(9)(a) to (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 or Committee at Council or Committee 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.

SECTION 7 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES

- 67.1** 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.
- 67.2** When Council approves of the formation of the Advisory Committee or Task Force the procedures as outlined in Appendix H shall be followed.
- 67.3** 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 78 - ORDER AND DECORUM

- 78.1** No Person in attendance IN-PERSON or VIRTUALLY at a Council or Committee meeting shall:
 - (a) be disrespectful or disrupt the Meeting in any manner;
 - (b) bring food or beverages, water excepted, into the Council Chamber when an IN-PERSON 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.
- 78.2** Should a person persist in conducting themselves in a manner contrary to the rules set forth in subsection 78.1 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.

- 78.3** Notwithstanding subsection 78.2, 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.
- 78.4** Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 78.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them without challenge 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.
- 78.5** 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 an IN-PERSON 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 an IN-PERSON 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.
- 78.6** 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.
- 78.7** Electronic devices at IN-PERSON / VIRTUAL / HYBRID 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 IN-PERSON / VIRTUAL / HYBRID Closed Meetings is strictly prohibited.
 - (c) Staff from the Office of the City Clerk are exempted from subsection 78.7(b) when using electronic devices for record-keeping purposes.

SECTION 89 – 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.

- 89.1** 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 or a local board;

- (b) personal matters about an identifiable individual, including City or a local board employees;
- (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
- (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 or a local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the 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 or a local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City ~~or~~ a local board.

89.2 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*.

89.3 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.

89.4 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 – ELECTRONIC10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

910.1 ~~Electronic~~Virtual participation is prohibited at Council and/or Committee meetings, except where permitted during an Emergency as set out in subsection 910.2.

910.2 ~~Electronic~~Virtual Participation During an Emergency

- (1) ~~Electronic~~Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings during an emergency when attending in-person is not possible. ~~(Refer to Appendix 'J' for UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED as they would apply to Electronic participation by members of Council at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible)~~
- (2) ~~Electronic~~Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at ~~the Mayor's Task Force on Economic Recovery, Planning Committee, Hamilton Municipal Heritage Committee and associated Working Groups (Education and Communications Working Group, Policy and Design Working Group, Inventory and Research Working Group), Cross-Melville District Heritage Committee and Heritage Permit Review Committee meetings during an emergency when attending in-person is not possible. (Refer to Appendix 'K' for UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED as they would apply to Electronic participation by Citizen Committee members at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible)~~Committee meetings during an emergency when attending in-person is not possible.
- (3) ~~Electronic~~Virtual participation, that is consistent with the obligation to hold public meetings in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, or at a Standing Committee of Council is permitted by members of ~~public at the Planning Committee, Hamilton Municipal Heritage Committee, Cross-Melville District Heritage Committee, Heritage Permit Review Committee, General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee Board of Health and Emergency and Community Services Committee. (Refer to Revised Appendix 'K' for UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED as they would apply to Electronic participation by members of Council at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible)~~the public at Committee meetings.

- (4) ~~Electronic participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at the Advisory Committee for Immigrants and Refugees, Committee Against Racism, Hamilton Aboriginal Advisory Committee, Hamilton Status of Women Committee, Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee, Mundialization Committee, Food Advisory Committee, Hamilton Veterans Committee, Housing and Homelessness Advisory Committee, Seniors Advisory Committee, Arts Advisory Committee, Hamilton Cycling Committee, Keep Hamilton Clean and Green Committee, Agriculture and Rural Affairs Advisory Committee, Hamilton Future Fund, Business Improvement Area Advisory Committee, Cleanliness & Security in the Downtown Core, Advisory Committee for Persons with Disabilities and Waste Management Advisory Committee meetings during an emergency when attending in person is not possible. (Refer to Appendix 'L' for UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED as they would apply to Electronic participation by Citizen Advisory Committee Members at ELECTRONIC Citizen Advisory meetings during an emergency when attending in person is not possible)~~

SECTION 11 – VIRTUAL MEETINGS DURING AN EMERGENCY

- 11.1** All VIRTUAL/ HYBRID Council and Committee meetings shall be streamed live.
- 11.2** Upon being apprised that a virtual meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.
- 11.3** If the live feed of a Virtual meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned. The Council/ Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.
- 11.4** If the Virtual meeting is interrupted and its live feed cannot be resumed, the names of the Council/Committee members present and any decisions of Council/ Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting.

SECTION 12 - ROLE OF CLERK

- 10.12.1** The Clerk shall ~~distribute~~**make** the agendas of Council and ~~Standing~~ Committee meetings **available** to members of Council and Senior Leadership Team **electronically** at least 5 days prior to the scheduled meetings.
- 10.12.2** The Clerk shall make the agendas of Council and ~~Standing~~ Committee meetings, available to the media and general public **electronically**, simultaneously with the distribution set out in subsection ~~10.12.1~~.
- ~~10.3~~ ~~The Clerk shall make the agendas of Council and Standing Committee meetings available~~ on the ~~City~~**City's** website.
- 10.412.3** The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.

Page 44 of 81

40.512.4 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.

40.612.5 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 89 of this By-law.

40.712.6 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.

40.812.7 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 ~~or Committee~~. The Clerk shall take a vote of the challenge for Members of Council ~~or Committee~~ in favour or opposed to the ruling. The ruling fails when there is a majority vote in favour of the challenge.

SECTION 4413 – GENERAL

4413.1 This By-law shall not be amended or repealed except by a majority vote of all Members of Council.

13.2 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.

13.3 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.~~

4413.4 The short title of this By-law is the Procedural By-law or the Council Procedural By-law.

4413.5 By-laws ~~18-270, 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184,~~ governing and amending the rules and procedures of Council of the City of Hamilton are repealed.

PASSED this _____ day of _____, ~~2019~~2021.

F. Eisenberger
Mayor

A. Holland
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
- Municipal Benchmarking Network Canada (MBNC)
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- Growth Related Integrated Development Strategy (GRIDS)
- Vision 20/20
- Upper Levels of Government Funding Matters
- Department Work Programs: Planning and Economic Development
- Legal Services – all matters having definite litigation ~~matters~~
- Human Resources – labour negotiations
- Departmental Organizational Structure Changes
- Boards and Agencies
- Hamilton Utilities Corporation
- Climate Change
- 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 GRIDS
- 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

Appendix A

- To consider and make recommendations to Council on matters regarding Boards and Agencies

Page 46 of 81

- 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 Services including input to Strategic Planning initiatives to ensure alignment with Council's Mission, Vision, Values and Goals
- 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 Public Health Services
- 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
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues 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, Accessible Transportation Services (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
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues 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 Local Planning Appeal Tribunal (LPAT) 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
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

Appendix E

EMERGENCY & COMMUNITY SERVICES COMMITTEE**COMPOSITION**

The Emergency & Community Services 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 Emergency & Community Services 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 Emergency & Community Services 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
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

Page 51 of 81

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; and
- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997*

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 – Office of the City Auditor Charter
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

**CITY OF HAMILTON
OFFICE OF THE CITY AUDITOR CHARTER**

INTRODUCTION

The Office of the City Auditor provides independent, objective audit assurance and consulting services designed to add value and improve the City of Hamilton's operations. The Office of the City Auditor (OCA) 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 City Auditor 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 Office of the City Auditor completes the following types of work:

- Compliance Auditing
- Value for Money Auditing
- Special Investigations (Fraud and Waste, Whistleblower)
- Risk assessments
- Consulting

The first three activities are conducted by the Office in its capacity as Auditor General.

Audit Assurance and Special Investigations

Audit and Assurance work includes the examination and evaluation of the adequacy and effectiveness of the City's governance, risk management process, systems of internal control and the quality of performance in carrying out assigned responsibilities to achieve the organization's goals and objectives. This includes both compliance and value for money audits. The City's processes should function in a manner that ensures:

- 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 internal control processes.

In addition to audits, special investigations may be undertaken by the OCA pursuant to Council having given that authority under the Whistleblower By-law (19-181) and the City of Hamilton's Fraud Policy and Protocol. These include reviews or investigations of matters of alleged or suspected wrongdoing, per the Whistleblower By-law or fraud, waste or other similar activities reported by employees or residents through the Fraud and Waste Hotline or other mechanisms.

The City Auditor has been appointed by By-law 19-180 (City Auditor 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 these sections of the *Municipal Act, 2001*. The powers and protections provided to the City Auditor (by appointment as an Auditor General) strengthens the position of independence and institutional authority of the City Auditor while providing information to Council for its oversight role.

Consulting and Risk Assessment

In addition to audit engagements, the Office of the City Auditor provides advisory or other consulting services, as planned, or at the request of Council or senior management. These types of services may include:

- Risk assessments and related workshops;
- Performing research;
- Providing education/training on audit related topics such as risk management, fraud awareness, performance measurement and internal controls;
- Performing Lessons Learned/Opportunities Assessments on project/program implementations that have experienced difficulties or challenges; and
- Providing counsel or advice (e.g. on the adequacy of draft procedures).

AUTHORITY

The Office of the City Auditor 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)).

The OCA 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 will assist the OCA in fulfilling its objectives.

As an Auditor General, the OCA 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 current 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, not including a corporation established in accordance with Section 203 of the *Municipal Act, 2001*); and
- Grant recipients (as currently defined under Section 223.1 of the *Municipal Act, 2001* as “a person or entity that receives a grant directly or indirectly from the municipality, a local board or a municipally-controlled corporation”);

These responsibilities under Section 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.

The relevant excerpts from the *Municipal Act* (accessed on July 16, 2019 at <https://www.ontario.ca/laws/statute/01m25#BK272>) are included below for reference:

Auditor General

223.19 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Auditor General who reports to council and is responsible for assisting the council in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations. 2006, c. 32, Sched. A, s. 98.

Same

(1.1) The Auditor General shall perform his or her responsibilities under this Part in an independent manner. 2009, c. 33, Sched. 21, s. 6 (11).

Exceptions

(2) Despite subsection (1), the responsibilities of the Auditor General shall not include the matters described in clauses 296 (1) (a) and (b) for which the municipal auditor is responsible. 2006, c. 32, Sched. A, s. 98.

Schedule F1 to Appendix F

Powers and duties

(3) Subject to this Part, in carrying out his or her responsibilities, the Auditor General may exercise the powers and shall perform the duties as may be

assigned to him or her by the municipality in respect of the municipality, its local boards and such municipally-controlled corporations and grant recipients as the municipality may specify. 2006, c. 32, Sched. A, s. 98.

Grant recipients

(4) The authority of the Auditor General to exercise powers and perform duties under this Part in relation to a grant recipient applies only in respect of grants received by the grant recipient directly or indirectly from the municipality, a local board or a municipally-controlled corporation after the date on which this section comes into force. 2006, c. 32, Sched. A, s. 98.

Delegation

(5) The Auditor General may delegate in writing to any person, other than a member of council, any of the Auditor General's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(6) The Auditor General may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.

Status

(7) The Auditor General is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 98.

Duty to furnish information

223.20 (1) The municipality, its local boards and the municipally-controlled corporations and grant recipients referred to in subsection 223.19 (3) shall give the Auditor General such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

Access to records

(2) The Auditor General is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality, the local board, the municipally-controlled corporation or the grant recipient, as the case may be, that the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

No waiver of privilege

(3) A disclosure to the Auditor General under subsection (1) or (2) does not constitute a waiver of solicitor-client privilege, litigation privilege or settlement privilege. 2006, c. 32, Sched. A, s. 98.

Schedule F1 to Appendix F

Powers re examination

223.21 (1) The Auditor General may examine any person on oath on any matter pertinent to an audit or examination under this Part. 2006, c. 32, Sched. A, s. 98.

Application of Public Inquiries Act, 2009

(2) Section 33 of the Public Inquiries Act, 2009 applies to an examination by the Auditor General. 2009, c. 33, Sched. 6, s. 72 (3).

Duty of confidentiality

223.22 (1) The Auditor General and every person acting under the instructions of the Auditor General shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(2) Subject to subsection (3), the persons required to preserve secrecy under subsection (1) shall not communicate information to another person in respect of any matter described in subsection (1) except as may be required,
(a) in connection with the administration of this Part, including reports made by the Auditor General, or with any proceedings under this Part; or
(b) under the Criminal Code (Canada). 2006, c. 32, Sched. A, s. 98.

Same

(3) A person required to preserve secrecy under subsection (1) shall not disclose any information or document disclosed to the Auditor General under section 223.20 that is subject to solicitor-client privilege, litigation privilege or settlement privilege unless the person has the consent of each holder of the privilege. 2006, c. 32, Sched. A, s. 98.

Section prevails

(4) This section prevails over the Municipal Freedom of Information and Protection of Privacy Act. 2006, c. 32, Sched. A, s. 98.

Testimony

223.23 Neither the Auditor General nor any person acting under the instructions of the Auditor General is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 32, Sched. A, s. 98.

INDEPENDENCE

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

Schedule F1 to Appendix F

To provide for the independence of Office of the City Auditor, its personnel report to the City Auditor, who reports administratively to the City Manager and functionally to the Audit, Finance and Administration Committee of Council. Audit and other 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 OCA 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. The City Auditor has the authority to revise and extend the scope of any audit or investigation in the course of their examination.

The OCA 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 City Auditor and the staff of the OCA 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 residents.
- 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.

Schedule F1 to Appendix F

- 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 a flexible multi-year work plan, including any risks or control concerns identified by management or other audits as well as appropriate special tasks or projects requested by management.
- Undertake assessments, investigations, or refer issues to other appropriate parties as a result of disclosures under a Whistleblower By-law or the Fraud and Waste Hotline.
- Maintain a professional audit staff with sufficient knowledge, skills and experience.

AUDIT PLANNING

Each term of Council, the City Auditor shall prepare a multi-year work plan, setting out the proposed work for the term.

For the projects, 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 term but delayed or not completed;
- Any conditions or concerns discovered or communicated throughout past years; and
- Input from members of the public, via the Fraud and Waste Hotline and resident complaints or suggestions.
- Areas likely to provide significant payback in terms of increased revenues, reduced costs, operational efficiencies and quality of services.

The multi-year work plan 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 City Auditor to consider.

Schedule F1 to Appendix F

REPORTING

A written report is prepared and issued by the City Auditor following the conclusion of each audit assurance project. The report will include management's responses to the report 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.

The OCA is responsible for appropriate follow up on audit findings and recommendations. All significant findings will remain open until the City Auditor has determined management has appropriately taken action to resolve the finding.

By-law 19-181 (Whistleblower By-law), Section 19 – Responsibility of the City Auditor requires a quarterly report for, in the aggregate, on the number, nature and outcome of disclosures of serious wrongdoing made under this By-law. Quarterly reports known as “Whistleblower, Fraud and Waste Information Updates” are submitted to the Audit, Finance and Administration Committee and capture at a high level the special investigations activity undertaken by the OCA.

Consulting and risk assessment project reports are issued at the discretion of the City Auditor. Considerations for reports include project size and type, topic, risk profile and organizational impact.

All reports are generally presented to the Audit, Finance and Administration Committee. Reports may be presented to the General Issues Committee, if appropriate.

PROFESSIONAL STANDARDS

Under the City Auditor’s authority granted in this Office of the City Auditor Charter, all OCA activity will be guided by the following professional standards and/or legislative requirements:

- *Municipal Act*, Sections 223.19-223.23 (Auditor General), as applicable.
- City of Hamilton Whistleblower By-law (19-181).
- International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors, for research and general consulting work.
- Certified Fraud Examiners Code of Professional Standards issued by the Association of Certified Fraud Examiners for Fraud, Waste and Whistleblower assessments and investigations.

When working as an Auditor General performing audit assurance engagements, work activities will be guided by professional standards and/or legislative requirements, as applicable.

Audit Services professional staff are also bound by the standards and ethics of their respective professional organizations, which include the Chartered Professional Accountants of Canada (CPA), Institute of Internal Auditors (IIA) and Association of Certified Fraud Examiners (ACFE).

(Approved by Council – September 11, 2019 – Report AUD19005)

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.

Appendix G**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.

Appendix G

- (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

**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.

Appendix I

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.

CONDUCTING AN ELECTRONIC MEETING

The following ~~UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED~~ applies to Electronic participation by members of Council at ~~ELECTRONIC Council and/or Committee meetings during an emergency when attending in person is not possible:~~

~~2.1~~ The rules of procedure shall be observed in all ~~ELECTRONIC~~ 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 ~~ELECTRONIC~~ 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.

3.2 Regular Council Meeting Times

~~(1) Unless otherwise decided by Council, ELECTRONIC Council meetings shall be held:~~

~~(a) in January:~~

~~on the fourth Wednesday of the month, commencing at 9:30 a.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 9:30 a.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 9:30 a.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.~~

3.7—Quorum

- ~~(5) If Quorum cannot be maintained during an ELECTRONIC meeting, DUE TO A LOSS OF ELECTRONIC CONNECTION, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE CONTINUATION OF A COUNCIL MEETING TO THE FOLLOWING DAY OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.~~

3.11—Order of Business

~~The Order of Business for ELECTRONIC 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) Approval of Minutes of Previous Meeting~~
- ~~(d) Communications~~
- ~~(e) Committee of the Whole~~
 - ~~(i) Consent Items~~
 - ~~(ii) Public Hearings / Written Delegations~~
 - ~~(iii) Staff Presentations~~
 - ~~(iv) Discussion Items~~
- ~~(f) Motions~~
- ~~(g) Notice of Motions~~
- ~~(h) Statement by Members (non-debatable)~~
- ~~(j) Private and Confidential~~
- ~~(k) By laws and Confirming By law~~
- ~~(l) Adjournment~~

3.13—Voting Procedures (electronic voting is effective January 2019)

- ~~(3) (i) When an electronic voting system is available AT AN ELECTRONIC MEETING 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:~~
- ~~(a) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and~~
 - ~~(b) Consent Items.~~

- ~~(ii) IF A MEMBER OF COUNCIL DOES NOT VOTE ELECTRONICALLY WHEN A VOTE IS CALLED BY THE MAYOR/CHAIR AT AN ELECTRONIC MEETING, THE MAYOR/CHAIR WILL CALL ON THE MEMBER TO VOTE 3 (THREE) TIMES, IF THE MEMBER DOESN'T RESPOND THE MEMBER WILL BE NOTED AS BEING 'NOT PRESENT' DURING THE VOTE.~~

4.1 ~~Council may, by resolution:~~

- ~~(a) move into Committee of the Whole AT AN ELECTRONIC MEETING to consider, including debate, CONSENT ITEMS, PUBLIC HEARINGS/WRITTEN DELEGATIONS, STAFF PRESENTATIONS AND DISCUSSION ITEMS on the Council meeting agenda; and~~
- ~~(b) move out of Committee of the Whole to report to Council.~~

4.2 ~~During the consideration of CONSENT ITEMS AT AN ELECTRONIC MEETING, a member may lift an item from the LIST with the approval of a majority of the members present, for the matter:~~

- ~~(a) to be voted upon SEPARATELY; or~~
- ~~(b) to be debated and/or amended.~~

5.5 Quorum

- ~~(5) If Quorum cannot be maintained during an ELECTRONIC meeting, DUE TO A LOSS OF ELECTRONIC CONNECTION, the Clerk will advise the Chair that quorum is lost and the MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE CONTINUATION OF A COMMITTEE MEETING TO THE FOLLOWING OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.~~

5.10 Order of Business

- ~~(i) The general Order of Business for the ELECTRONIC meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:~~
- ~~(a) Approval of Agenda~~
- ~~(b) Declarations of Interest~~
- ~~(c) Approval of Minutes of Previous Meeting~~
- ~~(d) Communications~~
- ~~(e) Consent Items~~
- ~~(f) Public Hearings/Written Delegations~~
- ~~(g) Staff Presentations~~
- ~~(h) Discussion Items~~
- ~~(i) Motions~~

- ~~(j) Notice of Motions~~
- ~~(k) General Information/Other Business~~
- ~~(l) Private and Confidential~~
- ~~(m) Adjournment~~

5.11 WRITTEN Delegations

- ~~(1) Persons who wish to delegate to COUNCIL OR COMMITTEE on a matter that:
 - ~~(b) is listed OR NOT LISTED on the agenda for a COMMITTEE OF THE WHOLE OR COMMITTEE, shall SUBMIT THEIR DELEGATION in writing TO THE CLERK, the Clerk will list the DELEGATION on the COMMITTEE OF THE WHOLE'S OR THE COMMITTEE'S upcoming agenda. Such WRITTEN DELEGATIONS MUST be received by the Clerk no later than 12:00 noon the business day before the meeting.~~~~

~~10.1 The Clerk shall MAKE the agendas of ELECTRONIC Council and Committee meetings AVAILABLE to members of Council and Senior Leadership Team at least 5 days prior to the scheduled meetings ON THE CITY'S WEBSITE.~~

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

HEARING PROCEDURES FOR DEVELOPMENT CHARGE COMPLAINTS – SECTION 20

COMMITTEE COMPOSITION

The Audit, Finance & Administration Committee has delegated authority to hold hearings for Section 20 Development Charges complaints. The Audit, Finance & Administration (AF&A) shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

SECTION 20 COMPLAINT

As Per the *Development Charges Act, 1997*, a person may submit a formal complain to Council respecting one of three issues:

- 20 (1) A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,
- (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
 - (c) there was an error in the application of the development charge by-law. 1997, c. 27, s. 20 (1).

The formal complaint must be submitted within 90 days of the charge being payable (*Development Charges Act, 1997*) and must be in accordance with the grounds permitted under the *Development Charges Act*:

- (2) A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable. 1997, c. 27, s. 20 (2).

The formal complaint must be in writing, stating the complainant's name, address where notice can be given, and the reason for the complaint.

DEVELOPMENT CHARGES COMPLAINT HEARING - SECTION 20 COMPLAINT

A hearing (or tribunal) must be held within 60 days of receiving the complaint (Section 22(2)). A Hearing Notice will be mailed to the complainant at least 14 days before the hearing.

The Complaint Hearing is governed by the procedures set out in the Council Procedure By-law and the *Statutory Powers Procedure Act* ("SPPA").

Appendix J

The Audit, Finance & Administration Committee, in conducting the hearing of a Development Charges Complaint, is required to only consider the grounds permitted under subsection 20(1) of the *Development Charges Act*.

The grounds set out in the *Development Charges Act* are very specific and quite focused. They do not include a request to be exempt from a Development Charge otherwise applicable pursuant to a Development Charge By-law nor do they include a request to create a new category of development not found in a Development Charge By-law. A Development Charge Complaint cannot be used to amend the Development Charge By-law to alter the Development Charge rate otherwise validly applicable or to add a credit or exemption not already within the Development Charge By-law.

1. Party Representatives

There are two parties to the hearing of a Development Charge Complaint, the City and the Complainant. The City's Finance Division is responsible for administering the Development Charge By-law and a solicitor from the Legal Division will represent the City at the hearing. The Complainant may represent themselves or have legal representation as well.

In addition, the Committee will have a solicitor from the Legal Division to provide legal advice to the Committee during a hearing and deliberations. This practice is permissible provided that the Solicitor does not take part in making findings of fact or in making the ultimate decision on the matter.

2. Live Stream & Electronic Voting

The Development Charge Hearing is not live-streamed when meeting IN-PERSON, unless specifically requested by someone in attendance and then agreed upon by both parties.

Electronic votes are not taken during a Development Charge Hearing.

Subject to Section 4 of this Appendix J, the Development Charge Hearing is live-streamed when meeting VIRTUALLY, in order to have all proceedings open to the public and the parties.

3. Conflict of Interest

If any Committee member feels that they should not be hearing a particular matter, the member may inform the Committee that they will not participate, giving a general or specific reason why not, e.g. one of the witnesses is a relation.

Appendix J**4. Open and Closed Proceedings / Deliberations**

All proceedings are to be open to the public and the parties unless one of the exceptions under the SPPA or the *Municipal Act, 2001* applies. Section 9(1) of the SPPA provides that a hearing may be closed to the public if:

- (a) a matter involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

If the Committee believes that such matters could be disclosed, it should ask each of the parties if this is the case. If the Committee is convinced that the harm outweighs the desirability of the hearing being open to the public, the hearing may be closed to the public.

When a hearing is closed to the public under the SPPA, only the parties and their representatives remain in attendance.

The Committee may also rely on the authority under section 239 of the *Municipal Act, 2001* in closing proceedings to the public or the public and the parties - for example, if it wishes to receive advice subject to solicitor client privilege.

The Committee may, but is not required to, retire to deliberate in the absence of the public and the parties. Deliberations occur when the Committee considers the evidence and submissions in arriving at a decision. The decision itself is announced in the presence of the public and the parties. The authority for retiring to deliberate is found at common law and is referred to as the "confidentiality principle" or the "rule on deliberative secrecy".

5. Adjournments

Adjournments may be requested by either party at the start of or during a hearing. The Committee may grant or refuse an adjournment request in light of a number of considerations including: the legitimate inability of the complainant or a witness to attend or, within reason, the counsel of their choice; or, the necessity for time to prepare before a hearing or to respond to new and unexpected issues or allegations arising in the course of a hearing.

6. Agreed Upon Statements of Fact and Joint Submissions

The parties may submit an agreed upon statement of facts which means that they will inform the Committee that some or all of the facts relevant to the hearing are not in dispute. Agreed upon facts need not be proven and should be accepted by the Committee.

Appendix J

The parties may go beyond an agreed upon statement of facts to make a joint submission, asking for a final decision that is acceptable to both. The Committee must give serious consideration to a joint submission and must not reject it without good cause. While the Committee may reject all or part of a joint submission, if this is being considered, both parties must be given the opportunity to make representations before the final decision is made.

7. Witnesses

The parties may call witnesses during the Hearing. (Section 10.1, SPPA)

At the request of a party or on its own initiative, the Committee may require the attendance of a witness to give evidence by issuing a summons.

A witness who is summoned to testify before the Committee cannot refuse to answer a proper and relevant question and Section 13 of the *Canadian Charter of Rights and Freedoms* and Section 14 of the SPPA protect witnesses when providing answers.

The Committee should be hearing only the relevant evidence of the parties' witnesses.

Witnesses should be sworn or affirmed by the Chair of the Committee prior to commencing their testimony.

Lawyers or representatives acting as an advocate for a complainant cannot be a witness.

8. Evidence

Administrative tribunals are given much more latitude than courts with respect to the evidence which they may receive and consider in arriving at a decision. Accordingly, the Committee may receive hearsay evidence and unsworn evidence. (Section 15, SPPA)

The fundamental test with respect to the admissibility of evidence is that it must be relevant to the issues which are involved in the hearing. Relevance for a Development Charge hearing is determined by reference to the permitted grounds set out in subsection 20(1) of the *Development Charges Act* and by the grounds set out in the complaint, but only if those grounds are permitted grounds.

When the Committee is confronted with an objection to the admissibility of a relevant piece of evidence, the evidence should generally be admitted unless it is clearly irrelevant. The Committee should consider the objection with respect to the weight it gives to that particular evidence when arriving at its decision. The general principle is that indirect evidence (hearsay) should be given less weight than direct evidence such as a witness' own observations, unless there is a valid reason to conclude that the direct evidence is not credible.

Appendix J

The Committee may make a finding of credibility in considering the testimony of a witness – giving little or no weight to testimony it does not find credible. An administrative tribunal may find it very difficult to indicate in a decision that a witness was not credible. It is advisable for the administrative tribunal to fully and clearly explain itself, for example, by stating X’s testimony was not relied upon because they admitted to a direct financial interest in the outcome of the hearing and because their answers were influenced by this.

Although unaffirmed or unsworn evidence is admissible, testimony to the Committee should be given under affirmation or oath. Each witness should be affirmed or sworn immediately before giving their testimony. A witness should be asked whether they prefer to be sworn or affirmed.

An unrepresented complainant is acting in two capacities, both as their own representative and as a witness. When they are acting as a witness – for example, telling the Committee what did or did not happen – they should be under affirmation.

The parties may examine their own witnesses and cross-examine other witnesses. (Section 10.1, SPPA) The Committee may also question witnesses. Generally, this should be done after the parties have finished questioning the witness.

The Chair or Vice Chair presiding should allow each party to ask any further questions of the witness they may have arising from questions posed by a member of the Committee.

The onus is on the complainant to satisfy the Committee that the Development Charge amount was incorrectly determined, that a credit should have been issued against the Development Charge, that a credit was incorrectly applied, or there was an error in the application of the Development Charge by-law.

9. Note-taking

Notes taken by Committee members during the Hearing should be kept for a reasonable period of time, enough time for whatever appeal right there may be to be exercised. A problem arises when protection of privacy and freedom of information legislation applies. In the case of the *Municipal Freedom of Information and Protection of Privacy Act*, there is no exception made for the notes of members sitting on a municipal tribunal such as a Development Charge Complaint Hearing. As a consequence, if the City, in this case Clerks, has custody or control of the notes, these notes may be subject to disclosure under MFIPPA. In addition, the notes arguably would be subject to the Records Retention By-law and could only be destroyed in accordance with that By-law.

Consequently, to ensure that adjudicative independence can be maintained, it is recommended that if a Committee member chooses to take notes, they:

- (1) Do so for the purposes of helping:

 - (a) to remember and understand what occurred during a hearing; and
 - (b) to make a decision in respect of a hearing;
- (2) Keep their notes confidential, not allowing any other person to see, read or use the notes for any purpose;
- (3) maintain responsibility for the care and safe-keeping of their notes;
- (4) store their notes at their office or home; and
- (5) destroy their notes after some reasonable period of time such as one year.

Appendix J**10. Decisions**

In the context of a Development Charge Complaint hearing, the Committee makes two types of decisions:

- (1) procedural decisions such as adjourning the hearing to another date; and,
- (2) final decisions concerning whether:
 - (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
 - (c) there was an error in the application of the development charge by-law.

The procedural decision or final decision of the majority of the members of the Committee is the procedural decision or final decision of the Hearing, allowing for a vote with dissent. However, it is recommended that the Committee operate on a consensual basis in respect of Development Charge Complaint decisions.

The Committee is not required to give reasons for a procedural decision that is made with the consent of the parties. The Committee must give oral and/or written reasons for a procedural decision that does not have the consent of both parties.

For a final decision, the Committee must announce it orally in the presence of the parties and the public. Additionally, it must make its decision in writing to the complainant and/or their legal counsel or agent within a reasonable time subsequent to the completion of the hearing.

Subsection 17(1) of the SPPA requires a written decision to include reasons for the decision only if a party to the complaint requests reasons. If reasons are requested the decision should summarize the facts and arguments presented by the parties, the findings of fact made by the Committee. The decision must explain the relationship between the evidence and its conclusions, including why evidence was rejected or given little credibility.

Committee members should refrain from expressing opinions on the merits or strength of a case until after all of the evidence and submissions have been heard and they are giving their decision.

It is important that the Committee provides clear instructions to the Legislative Coordinator about the decisions it makes, however, it is acceptable for the Legislative Coordinator to prepare a draft decision for approval by the Committee.

11. Appeal

The Development Charges Act requires notice of the decision of the Hearing to be mailed within 20 days after the day the decision is made.

Appendix K**CONDUCTING AN ELECTRONIC MEETING – PUBLIC****MAYOR'S TASK FORCE ON ECONOMIC RECOVERY, PLANNING COMMITTEE, HAMILTON MUNICIPAL HERITAGE COMMITTEE AND ASSOCIATED WORKING GROUPS (EDUCATION AND COMMUNICATIONS WORKING GROUP, POLICY AND DESIGN WORKING GROUP, INVENTORY AND RESEARCH WORKING GROUP), CROSS-MELVILLE DISTRICT HERITAGE COMMITTEE, HERITAGE PERMIT REVIEW COMMITTEE, GENERAL ISSUES COMMITTEE, PUBLIC WORKS COMMITTEE, AUDIT, FINANCE AND ADMINISTRATION COMMITTEE BOARD OF HEALTH AND EMERGENCY AND COMMUNITY SERVICES COMMITTEE**

The following ~~UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED~~ applies to Electronic participation by citizen Committee members and members of the public at ~~ELECTRONIC~~ Committee meetings ~~during~~ ~~appeal is an~~ emergency when attending in person ~~appeal de novo~~ which means LPAT ~~is not~~ possible with respect to the Mayor's Task Force on Economic Recovery, Planning Committee, Hamilton Municipal Heritage Committee and associated Working Groups (Education and Communications Working Group, Policy and Design Working Group, Inventory and Research Working Group), Cross-Melville District Heritage Committee, Heritage Permit Review Committee, General Issues Committee, Public Works Committee, required to consider the ~~Audit, Finance and Administration~~ Committee Board of Health and Emergency and Community Services Committee only:

~~21~~ — The rules of procedure shall be observed in all ~~ELECTRONIC~~ 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.

~~22~~ — All matters relating to the ~~ELECTRONIC~~ 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.

5.4 — Quorum

~~(5)~~ — If Quorum cannot be maintained during an ~~ELECTRONIC~~ meeting, ~~DUE TO A LOSS OF ELECTRONIC CONNECTION~~, the Clerk will advise the Chair that quorum is lost and the ~~MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE~~

~~CONTINUATION OF A COMMITTEE MEETING TO THE FOLLOWING OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.~~

5.10—Order of Business

- ~~(i) — The general Order of Business for the ELECTRONIC meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:~~
- ~~(a) — Approval of Agenda~~
 - ~~(b) — Declarations of Interest~~
 - ~~(c) — Approval of Minutes of Previous Meeting~~
 - ~~(d) — Communications~~
 - ~~(e) — Consent Items~~
 - ~~(f) — Public Hearings/Written Delegations/Virtual Delegations~~
 - ~~(g) — Staff Presentations~~
 - ~~(h) — Discussion Items~~
 - ~~(i) — Motions~~
 - ~~(j) — Notice of Motions~~
 - ~~(k) — General Information/Other Business~~
 - ~~(l) — Private and Confidential~~
 - ~~(m) — Adjournment~~

5.11—WRITTEN Delegations/VIRTUAL Delegations

- ~~(1) — Persons who wish to APPEAR VIRTUALLY as a delegation at a Standing Committee of Council or at a public meeting held in accordance with applicable legislation, in a manner that is consistent with the obligation to hold public meetings at electronic Committee meetings during an emergency when attending in person is not possible with respect to the Planning Committee, Hamilton Municipal Heritage Committee, Cross-Molville District Heritage Committee, Heritage Permit Review Committee, General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee Board of Health and Emergency and Community Services Committee, shall 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 Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday.~~

~~The "Request to Speak to a Committee of Council—VIRTUALLY" form is available on the City's website at~~

- ~~(2) Persons who wish to delegate to Committee on matters that don't require the holding of a public meeting in accordance with applicable legislation, may submit their delegation in WRITING to the Clerk, the Clerk will list the delegation on the Committee's upcoming agenda. Such WRITTEN delegations must be received by the Clerk no later than 12:00 noon the business day before the meeting.~~
- ~~(3) A request to APPEAR VIRTUALLY as a delegation at a Standing Committee of Council or at a public meeting held in accordance with applicable legislation, 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. Requests to appear virtually will only be accepted for items listed on the agenda.~~
- ~~(4) Upon receipt of a request to APPEAR VIRTUALLY as a delegation or at a Standing Committee of Council or at a public meeting held in accordance with applicable legislation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Committee.~~
- ~~(5) A VIRTUAL delegation of one or more persons, being made at a public meeting held in accordance with applicable legislation, will be limited to five (5) minutes.~~
- ~~(6) Notwithstanding subsection 5.11(5), 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.~~
- ~~(7) Delegates appearing Virtually will adhere to Section 7— Order and Decorum of the Procedural By-law 18-270 as amended.~~
- ~~(8) A VIRTUAL delegation may provide additional written material reasons in its decision regarding the subject matter, for the public record, by providing a copy of such written material to the Clerk at least 5 days in advance of the meeting.~~
- ~~(9) Except as required by by-law, any VIRTUAL 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.~~

5.12—Public Hearings

- ~~(1) Public Hearings shall be held at Standing Committee meetings.~~
- ~~(2) Advertising or notice of a Public Hearing shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.~~

Appendix A to Report FCS21004/LS21001

- ~~(3) Public Hearings shall follow the following order:~~
- ~~(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; and~~
 - ~~(c) presentations by delegations who have registered to APPEAR VIRTUALLY, will be heard.~~
- ~~(4) Persons who wish to appear as a delegation VIRTUALLY to address Committee on a matter that is the subject of a Public Hearing may make a delegation in accordance with section 5.11 of Appendix K.~~
- ~~(5) VIRTUAL delegations made at a Public Hearing will be limited to 5 minutes.~~
- ~~(6) Where a delegation wishes to provide written material to the members of the Standing Committee at a Public Hearing, which will become public record, the delegation shall:~~
- ~~(a) comply with subsection 5.11(8) of Appendix K.~~
- ~~10.1 The Clerk shall MAKE the agendas of ELECTRONIC Council and Committee meetings AVAILABLE to members of Council and Senior Leadership Team at least 5 days prior to the scheduled meetings ON THE CITY'S WEBSITE.~~
- ~~10.2 The Clerk shall make the agendas of ELECTRONIC Council and Committee meetings, available to the media and general public, simultaneously with the distribution set out in subsection 10.1.~~

~~CONDUCTING AN ELECTRONIC MEETING – Citizen Advisory Committees~~

~~ADVISORY COMMITTEE FOR IMMIGRANTS AND REFUGEES, COMMITTEE AGAINST RACISM, HAMILTON ABORIGINAL ADVISORY COMMITTEE, HAMILTON STATUS OF WOMEN COMMITTEE, LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER ADVISORY COMMITTEE, MUNDIALIZATION COMMITTEE, FOOD ADVISORY COMMITTEE, HAMILTON VETERANS COMMITTEE, HOUSING AND HOMELESSNESS ADVISORY COMMITTEE, SENIORS ADVISORY COMMITTEE, ARTS ADVISORY COMMITTEE, HAMILTON CYCLING COMMITTEE, KEEP HAMILTON CLEAN AND GREEN COMMITTEE, AGRICULTURE AND RURAL AFFAIRS ADVISORY COMMITTEE, HAMILTON FUTURE FUND, BUSINESS IMPROVEMENT AREA ADVISORY COMMITTEE, CLEANLINESS & SECURITY IN THE DOWNTOWN CORE, ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES AND WASTE MANAGEMENT ADVISORY COMMITTEE~~

The following ~~UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED~~ applies to Electronic participation by Citizen Advisory Committee Members at ELECTRONIC Citizen Advisory Committee meetings during an emergency when attending in-person is not possible with respect to the Advisory Committee for Immigrants and Refugees, Committee Against Racism, Hamilton Aboriginal Advisory Committee, Hamilton Status of Women Committee, Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee, Mundialization Committee, Food Advisory Committee, Hamilton Veterans Committee, Housing and Homelessness Advisory Committee, Seniors Advisory Committee, Arts Advisory Committee, Hamilton Cycling Committee, Keep Hamilton Clean and Green Committee, Agriculture and Rural Affairs Advisory Committee, Hamilton Future Fund, Business Improvement Area Advisory Committee, Cleanliness & Security in the Downtown Core, Advisory Committee for Persons with Disabilities and Waste Management Advisory Committee only:

- ~~2.1~~ The rules of procedure shall be observed in all ELECTRONIC 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 ELECTRONIC 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.

~~5.6 – Quorum~~

- ~~(5)~~ if quorum cannot be met or maintained during an ELECTRONIC meeting, for whatever reason, the Clerk/Staff Liaison will advise the Chair that quorum has not been reached or has been lost and the meeting will be recessed for up to 15 minutes, or until quorum is reached. If quorum cannot be reached within 15

~~minutes, the meeting will be considered adjourned. The Committee will meet at the next regularly scheduled meeting date.~~

- ~~(6) If Quorum cannot be obtained, the Committee Secretary shall record the names of the Committee members present in the minutes of the meeting.~~

5.10—Order of Business

- ~~(iii) The general Order of Business for the ELECTRONIC meetings of Citizen Advisory Committees, unless changed by the Committee in the course of the meeting and shall be as follows:~~

- ~~(a) Changes to the Agenda~~
- ~~(b) Declarations of Interest~~
- ~~(c) Approval of Minutes of Previous Meeting~~
- ~~(d) Communications~~
- ~~(e) Delegations~~
- ~~(f) Consent Items~~
- ~~(g) Presentations~~
- ~~(h) Discussion Items~~
- ~~(i) Notices of Motion~~
- ~~(j) Motions~~
- ~~(k) Other Business~~
- ~~(l) Adjournment~~

5.11—WRITTEN Delegations

- ~~(1) Persons who wish to delegate to ELECTRONIC Citizen Advisory Committee shall submit their delegation in WRITING to the Clerk/Staff Liaison, the Clerk/Staff Liaison will list the delegation on the Committee's upcoming agenda. Such WRITTEN delegations must be received by the Clerk/Staff Liaison no later than 12:00 noon the business day before the meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday.~~

~~**10.1** The Clerk/Staff Liaison shall MAKE the agendas of ELECTRONIC Citizen Advisory Committee meetings available to members of the committee 3 days prior to the scheduled meetings ON THE CITY'S WEBSITE.~~

~~**10.2** The Clerk/Staff Liaison shall make the agendas of ELECTRONIC Citizen Advisory Committee meetings, available to the media and general public, simultaneously with the distribution set out in subsection 10.1 an appeal.~~



INFORMATION REPORT

TO:	Governance Review Sub-Committee
COMMITTEE DATE:	January 25, 2021
SUBJECT/REPORT NO:	Civil Marriage Solemnization Update (CL19012(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon (905) 546-2424 Ext. 4304
SUBMITTED BY:	Andrea Holland City Clerk Office of the City Clerk
SIGNATURE:	

COUNCIL DIRECTION

At the February 20, 2020 Audit, Finance and Administration Committee meeting, the following motion was approved with respect to providing Civil Marriage Solemnization Services in the City of Hamilton:

- (a) That the City of Hamilton provide Civil Marriage Solemnization services as of April 6, 2020, using current resources;
- (b) That the Proposed 2020 User Fees and Charges respecting Civil Marriage Ceremony services attached as Appendix 'C' to Audit, Finance and Administration Committee Report 20-003, be approved, and included in Schedule 'A' of the By-law to Establish Certain 2020 User Fees and Charges for Services, Activities or the Use of Property;
- (c) That a By-law to Authorize Civil Marriage Solemnization Services and To Delegate the Authority to Solemnize Marriages in the City of Hamilton attached as Appendix 'B' to Governance Review Sub-Committee Report 20-001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Civil Marriage Solemnization Update (CL19012(b)) (City Wide) Page 2 of 2

- (d) That staff report back to the Governance Review Sub-Committee within a one year period to provide an update on Civil Marriage Solemnization services.

INFORMATION

Due to the onset of COVID, staff were unable to begin providing the Civil Marriage Solemnization Service on April 6, 2020, as directed.

With the reopening of City Hall, the staff delegated the authority by the City Clerk to perform Civil Marriage Solemnization Services were trained on August 19, 2020, in order to begin providing Civil Marriage Solemnization Services on August 24, 2020.

Staff have performed 147 Civil Marriage Consultations/Ceremonies, from August 24, 2020 to December 21, 2020, when the City of Hamilton moved into COVID-19 Lockdown.

As a result of vacations prior to the holidays, there were no Civil Marriage Consultations/Ceremonies booked after December 18, 2020, therefore, we were not required to cancel any Civil Marriage Consultations/Ceremonies for the end of December 2020 when the City moved into COVID-19 Lockdown.

Clerk's however, did have 18 Civil Marriage Consultations/Ceremonies booked for January 2021, which were cancelled and will need to be rescheduled once City Hall is reopened, along with 6 Civil Marriage Consultations/Ceremonies schedule in February 2021, which are on notice and 7 Civil Marriage Consultations/Ceremonies waiting to be scheduled as of January 4, 2021.

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Members of Governance Committee
COMMITTEE DATE:	January 25, 2021
SUBJECT/REPORT NO:	Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (905) 546-2424 Ext. 5409
SUBMITTED BY:	Andrea Holland City Clerk, Office of the City Clerk
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the Integrity Commissioner's Work Plan outlined in Appendix A be approved;
- (b) That the City Clerk be directed to manage the delivery of the Integrity Commissioner's Work Plan as outlined in Appendix A; and,
- (c) That completed Work Plan items outlined in Appendix A be presented to General Issues Committee for discussion.

EXECUTIVE SUMMARY

At the December 2, Governance Committee, staff presented the work plan for the Integrity Commissioner. Committee made amendments to the staff recommendations and Council approved the following:

Integrity Commissioner Work Plan (FCS20016(a)) (City Wide) (Item 10.1)

(i) Report FCS20016(a), respecting the Integrity Commissioner Work Plan was referred back to Clerk's staff and Principles Integrity to determine an upset limit for development of each the following and report back to the Governance Review Sub-Committee:

- (1) Council Code of Conduct;*
- (2) Council/Staff Relations Policy;*

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) - Page 2 of 4

- (3) Protocols for review and/or investigation of complaints, and reporting on complaints;*
- (4) Members' roles and responsibilities including with respect to appointments to, and sitting on, external bodies and separate entities such as municipal corporations;*
- (5) Advisory Committee/Task Force Governance Issues, and Codes of Conduct (Local Boards); and,*
- (6) Such Other issues of integrity or governance that Council wishes to assign;*

(ii) That staff be directed to gather and review Council/Staff Relations policies from other municipalities and bring recommendations on a new policy to the governance committee by April 30, 2021.

(iii) That staff be directed to write to the Ministry of Municipal Affairs and Housing, which governs the Conflict of Interest Act to obtain a second opinion on common law to determine which of a Councillors' family members would a Councillor be obliged to declare conflicts of interest on.

(iv) That staff be directed to write a letter to Principles Integrity to seek insight into how Janice Atwood-Petkovski manages her work to avoid Conflicts of Interest given her past relationship with the City of Hamilton as an employee.

A response for item (iv) was received from Principles Integrity and placed on the Council agenda on January 20, 2021.

At the February 26, 2020 meeting of Council, Principles Integrity were appointed as the City of Hamilton's Integrity Commissioner.

At the General Issues Committee meeting,

"staff were directed to report back to GIC with recommendations for implementing a code of conduct, applicable to the Council-appointed-citizen members of independent external boards and agencies, including addressing the use of discriminatory language or actions, and the receiving of gifts or benefits by citizen board/agency members as well as the inclusion of a confidentiality agreement and remedies available to Council to address breaches of conduct and confidentiality such as Council's right to recall"

The Integrity Commissioner's work plan is attached in Appendix A for Committee's discussion. The staff direction above has been added to the work plan in order to ensure consistency of codes of conduct for all areas of the governance framework.

Alternatives for Consideration –Not Applicable

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) - Page 3 of 4**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: All financial costs associated with this work plan will be funded through IC-Lobbyist Registrar (Account Number 300400), as per Council approval on February 26, 2020.

Staffing: N/A

Legal: Legal staff will participate in the staff review of policies or codes prior to presentation to Committee for consideration.

HISTORICAL BACKGROUND N/A**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017, which received Royal Assent on May 30, 2017, expanded the responsibilities of the Integrity Commissioners and required that all municipal governments provide access to an Integrity Commissioner and either appoint its own Integrity Commissioner or make provisions that the services of an Integrity Commissioner be provided by another municipality by March 1, 2019.

The *Municipal Act, 2001*, as amended, Part V.1 Accountability and Transparency, section 223.2 to 223.12 (Appendix 'A') outlines the requirements for City Council "to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality". Council has expressed their intent to retain their own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Sections 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Section 223.11 authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

Section 270.2.1 mandates a policy of "the relationship between members of council and the officers and employees of the municipality." Currently, Council and Administration are without a separate Council-Staff Relationship Policy as per the *Municipal Act 2001*, as amended. As per item (ii) of the Council direction on December 16, 2020; Staff have initiated the development of this policy and plan to bring a draft for Governance Committee's review and discussion by the end of April 2021.

RELEVANT CONSULTATION N/A

SUBJECT: Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) - Page 4 of 4

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

In January 2020, Council approved “Trust and Confidence in City Governance” as one of the Council Term Priorities. The work outlined within the Work Plan attached in Appendix A supports Council Term Priorities, the statement of work outlined within the RFP and the staff direction approved by Council.

ALTERNATIVES FOR CONSIDERATION

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix ‘A’ – Integrity Commissioner Work Plan

Appendix ‘B’ – Integrity Commissioner Work Plan Cost Estimates

December 2, 2020

Governance Committee
City of Hamilton

Ethical Framework Program of Review

Principles *Integrity* is pleased to submit the following proposal for a program of review for the City of Hamilton's Ethical Framework¹.

Background

The purpose of this report is to seek Council's endorsement of a process for the review of council policies that form part of the city of Hamilton's ethical framework.

In particular this report recommends a pathway for Councillor's review or development of:

- Council Code of Conduct
- Council/Staff Relations Policy
- Protocols for review and/or investigation of complaints, and reporting on complaints
- Members' roles and responsibilities including with respect to appointments to, and sitting on, external bodies and separate entities such as municipal corporations
- Advisory Committee/Task Force Governance Issues, and Codes of Conduct (Local Boards)
- Such Other issues of integrity or governance that Council wishes to assign

The objective is to provide Council with a framework that reflects best practices that have developed in the dozen years since the City of Hamilton adopted a Code of Conduct, being one of the first Ontario municipalities to do so.

This work is timely. The recommendations of the Collingwood Judicial Inquiry on Transparency and the Public Interest were released on November 2nd. That report helps to inform best practices on the contents of codes of conduct, the roles of elected and appointed officials, as well as other important considerations relating to transparency and accountability in municipal government.

As Council is aware, a judicial review application is pending in response to a recent Council decision that arose from a complaint Council filed with the Integrity Commissioner in which allegations of non-compliance were raised about the Chair of an advisory committee. One of the matters at issue in the application is the applicability of code of conduct provisions affecting the city's advisory committees. A review of components of

¹ Though the ethical framework includes the City's Lobbyist Registry By-law, that by-law is not being proposed for review until the bulk of the work plan identified in this report has been concluded.

the City's ethical framework will hold in abeyance the issues in contention in the judicial review pending the hearing of the matter, which is anticipated to occur in June 2021. The bulk of the work identified above can proceed immediately.

Principles of Our Proposed Approach

Primacy of Council

Council's role is to set the vision and direction for the City, adopt the policies that guide and govern the municipality, assign the resources to achieve Council's objectives, and ensure fiscal and fiduciary oversight is in place.

The role of Council's Committees, and its staff, is to make recommendations to Council, recognizing that Council is the decision-maker. Committees also serve as the primary forums for stakeholder input, and the assessment of data, expertise and lived experiences, so that recommendations to Council can be fully researched and informed.

Ultimately, Council will make a decision based on the recommendations it receives and other inputs it considers. At the end of the day Council must make a decision which weighs a variety of factors in order to arrive at a resolution which, in its view, best serves community interests.

Pragmatism and Sustainability

Compliance with regulation should not be considered the sole objective of an ethical framework. Rather, a system that supports the Members of Council in discharging their duty to serve the public interest, *while* not breaching ethical standards, should be the appropriate target in setting an ethical framework.

As such the protocols which guide complaints and investigations, which support the appropriate levels of procedural fairness, and which accommodate public input at the right places, should be adaptive, flexible, and as minimally prescriptive as possible. Using the principles of procedural fairness as a touchstone, and respect for the statutory and conventional roles of councillors, procedural rules that support the ethical framework should be focused on meaningfully serving the public interest and not just step-wise compliance.

Council operates within a system of statutory and court-made laws and so its ethical framework should reference Council's and councillors' legal obligations. The principle statutory touch-points are the *Municipal Act*, the *Municipal Conflict of Interest Act*, the *Occupational Health and Safety Act*, and the *Municipal Freedom of Information and Protection of Privacy Act*.

The ethical framework should be framed in such a way, however, that places the focus on guidance rather than compliance. Though ethical policy provisions must have teeth, they should nevertheless be structured as educational and guiding documents rather than prohibitions and prescriptions.

The Public Interest in Transparent and Accountable Municipal Government

As noted in the Collingwood Judicial Inquiry Report, “the importance of maintaining and enhancing a culture of integrity for Council, staff, and those who wish to deal with municipalities is fundamental to good government at the local level.”

Municipalities across the province have now adopted ethical frameworks, including codes of conduct, as a result of *Municipal Act* mandatory provisions that came into force in 2019. Many of those municipalities had codes of conduct in place prior to them becoming mandatory.

It is no longer necessary to craft codes of conduct (and related policies) from scratch. The review will take advantage of traditional and emerging code themes so that Council can focus on the provisions most important to the Hamilton context.

Public confidence in the ethical behaviour of their elected officials is the glue which sustains local democracy and it will be important for Council’s constituents to know that the Hamilton ethical framework meets, or exceeds, standards in place elsewhere.

One emerging standard involves broadening what previously was considered by some to be the limits of provisions governing the avoidance of conflicts of interest. As noted in the Collingwood Judicial Inquiry Report:

It was apparent that all Council members were aware of the *Municipal Conflict of Interest Act*. It was also apparent that it is far too easy to misconstrue the *Municipal Conflict of Interest Act* as addressing all the kinds of conflict of interest that Council members must confront. Despite its name, the *Municipal Conflict of Interest Act* does not provide a complete conflict of interest code for municipal actors. It addresses the pecuniary interests of a narrowly defined group of family members related to a Council member which are by virtue of the *Act* deemed to be pecuniary interests of the Council member. Council members are obligated to avoid all forms of conflicts of interest or, where that is not possible, to appropriately disclose and otherwise address those conflicts.

The City’s ethical framework should guide Councillors in recognizing and avoiding conflicts between their private interests and their public responsibility to act in the best interests of the City, and that guidance must go beyond mere compliance with the *Municipal Conflict of Interest Act*.

Likewise, provisions must clarify Members’ roles and responsibilities, and the limits of the exercise of their authority, to guide them in avoiding the application of undue influence.

To support public confidence in Council's commitment to its ethical framework, there must exist an accessible complaint process. Complaint protocols must prevent unnecessary barriers, but at the same time ensure that frivolous or vexatious complaints, or ones that are out of scope or jurisdiction, are resolved early. Where matters of a minor nature can be resolved satisfactorily without a public recommendation report, there should be opportunity for early disposition. The protocols in the ethical framework should also speak to the independence of the integrity commissioner and the requirement for the integrity commissioner to ensure procedural fairness, while focusing on best serving the public interest.

Conduct, Decorum and Respectful Behaviour

Provisions respecting Member conduct, decorum and respectful behaviour apply with respect to members of the public, staff and each other. Adherence to rules that support proper decorum in all settings not only support effective deliberation, but they foster open exchanges of information and ideas regardless of the setting (including on social media). More than any other factor, the presence of disrespectful behaviour tends to undermine public confidence in the municipality, and Council in particular.

Work Plan

On a schedule to be established in consultation with the City Manager and the City Clerk, the Integrity Commissioner will present the following draft documents for discussion and consideration at [General Issues Committee/Governance Committee], and generally in the following order.

1. Council Code of Conduct [Q1 2021]
2. Council/Staff Relations Policy [Q1 2021]
3. Protocols for review and/or investigation of complaints, and reporting on complaints [Q2 2021]
4. Members' roles and responsibilities including with respect to appointments to, and sitting on, external bodies and separate entities such as municipal corporations [Q2 2021]
5. Advisory Committee/Task Force Governance Issues, and Codes of Conduct (Local Boards) [Q3 2021]
6. Such other issues of integrity or governance that Council wishes to consider, including an evaluation of the Lobbyist Registry By-law.

Respectfully submitted,

Principles *Integrity*

Integrity Commissioner for the City of Hamilton

Principles Integrity

January 19, 2021

Chair and Members
Governance Review Sub-Committee

Re: Integrity Commissioner Work Plan Costing

As requested by the Governance Review Sub-Committee the chart below represents the cost limits for itemized portions of the Integrity Commissioner's work plan. All work undertaken by the Integrity Commissioner will be at the rate of \$230/hr (per our standard practice, only one hourly rate is applied regardless of whether one or both of the integrity commissioners is in attendance).

Our assumptions include the preparation of materials for up to two meetings of the General Issues Committee, and attendance at Council when the documents are presented for approval.

Item	Proposed Activity	Assumptions	Projected Cost: Not to exceed
Code of Conduct	Propose Revisions to Code of Conduct	Includes 3-10 hours of drafting and 2 meetings	\$2,300
Protocols for review and investigation of complaints	Propose Revisions to process for intake, review, investigation, resolution and reporting of complaints	Included in Code of Conduct (above)	n/a
Guidance regarding members roles on external bodies	Identification of issues; development of guidance or policy documentation	Includes 5-10 hours of research and drafting	\$2,300
Local Board Governance Issues (includes advisory committee) and Code of Conduct	Preparation of Code documentation	Includes 5-10 hours of drafting and 2 meetings	\$2,300
Other Issues of Integrity or Governance Council Wishes to Assign	To be determined	n/a	

All of which is respectfully submitted,

Principles *Integrity*,
Integrity Commissioner for the City of Hamilton