



Hamilton

GOVERNANCE REVIEW SUB-COMMITTEE

MINUTES 21-001

Monday, January 25, 2021

9:30 am

Council Chambers

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:

1. 2020 Review of the City's Procedural By-law Amendments (FCS21004 / LS21001) (Item 9.1)

(Pearson/Ferguson)

- (a) That the **revised** 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and it's amending By-laws 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184, be repealed; and,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, **as amended**, be enacted by Council.

Result: Main Motion As Amended CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

2. Civil Marriage Solemnization Update (CL19012(b)) (City Wide) (Item 9.2)

(Ferguson/Pearson)

That Report CL19012(b) respecting Civil Marriage Solemnization Update, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. Legal Advice on Contract Terms (Item 13.1)

(Ferguson/Clark)

That the direction provided to staff in Closed Session respecting Legal Advice on Contract Terms, be approved and remain confidential.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

CHANGE TO THE ORDER OF ITEMS:

Item 13.1, respecting Legal Advice on Contract Terms, to be considered immediately following Item 9.2.

(Ferguson/Clark)

That the January 25, 2021 Agenda of the Governance Review Sub-Committee be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

(i) December 2, 2020 (Item 3.1)

(VanderBeek/Pearson)

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

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(d) COMMUNICATIONS (Item 4)

(i) Correspondence from Cameron Kroetsch, respecting suggested changes to consolidated Procedural By-law 18-270 (Item 4.1)

(Ferguson/VanderBeek)

That the correspondence from Cameron Kroetsch, respecting suggested changes to consolidated Procedural By-law 18-270 be received and referred to consideration of Item 9.1 - Review of the City's Procedural By-law Amendments (FCS21004 / LS21001).

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(e) DELEGATION REQUESTS (Item 5)

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

(Wilson/Clark)

That the delegation request from Cameron Kroetsch, respecting changes to the Procedural By-law, be approved for today's meeting.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(f) DELEGATIONS (Item 7)

(i) Cameron Kroetsch, respecting changes to the Procedural By-law (Added Item 7.1)

Cameron Kroetsch addressed the Committee respecting changes to the Procedural By-law, with the aid of a PowerPoint presentation.

(Wilson/Pearson)

That the delegation from Cameron Kroetsch, respecting changes to the Procedural By-law, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(g) DISCUSSION ITEMS (Item 9)

(i) 2020 Review of the City's Procedural By-law Amendments (FCS21004 / LS21001) (Item 9.1)

(Pearson/Ferguson)

- (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.

(i) **(Ferguson/Clark)**

That staff be directed to report back to the next Governance Review Sub-Committee meeting, on a further amendment to the Council Procedural By-law, to permit electronic participation by members of Council at Council and Standing Committee meetings beyond the Emergency Order currently in place.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(ii) **(Clark/Whitehead)**

That Sections 3.3 (2) and 5.5 (2) – Location of Meetings to Appendix “A” of Report FCS21004 / LS21001, be deleted in their entirety as follows:

SECTION 3 – COUNCIL MEETINGS

3.3 Location of Meetings

~~(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.~~

SECTION 5 – COMMITTEE MEETINGS

5.5 Location of Meetings

~~(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.~~

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(iii) **(Clark/VanderBeek)**

That staff be directed to review and provide the Audit, Finance and Administration Committee with clarification on the wording of Sections 3.10 (10) and 5.14 (10) – Communications Items to Appendix “A” of Report FCS21004 / LS21001 on February 4, 2021.

Result: Motion CARRIED by a vote of 5 to 1, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
NO - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(iv) **(Clark/VanderBeek)**

(a) That Section 8.4 – Order and Decorum of Appendix “A” to Report FCS21004 / LS21001, ***be amended*** by deleting the words ***“without challenge”***; and,

(b) That staff be directed to provide the Audit, Finance and Administration Committee with alternative language on February 4, 2021.

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.

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(v) **(Wilson/VanderBeek)**

That Section 5.9 (3) – Rules of Procedure, of Appendix “A” to Report FCS21004 / LS21001, ***be amended*** by deleting the words ***“when a subject matter directly affects their Ward”***; as follows:

- (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.

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(h) PRIVATE AND CONFIDENTIAL (Item 13)

(Ferguson/Pearson)

That Committee move into Closed Session respecting Item 13.1, pursuant to Section 8.1, Sub-section (f) of the City's Procedural Bylaw 18-270, 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.

Result: Motion CARRIED by a vote of 5 to 1, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
NO - Councillor Brad Clark

(i) Legal Advice on Contract Terms (Item 13.1)

Staff were provided direction in Closed Session.

For disposition of this matter refer to Item 3.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson

YES - Councillor Brad Clark

(i) DISCUSSION ITEMS (Item 9) (Continued)

(ii) Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) (Item 9.3)

(Ferguson/Pearson)

That the consideration of Report FCS20016(b), respecting the Integrity Commissioner Work Plan be deferred to the next Governance Review Sub-Committee meeting.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Chair Terry Whitehead

NOT PRESENT - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 12)

(i) Amendments to the Outstanding Business List (Item 12.1):

(Pearson/Wilson)

That the following amendments to the Outstanding Business List, be approved:

(a) Items to be Removed (Item 12.1(a)):

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

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(k) ADJOURNMENT (Item 14)

(Pearson/Clark)

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 1:18 p.m.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

Respectfully submitted,

Councillor T. Whitehead, Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk