



City of Hamilton

GOVERNANCE REVIEW SUB-COMMITTEE ADDENDUM

Meeting #: 21-006

Date: August 24, 2021

Time: 9:30 a.m.

Location: Due to the COVID-19 and the Closure of City Hall (CC)

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

5. COMMUNICATIONS

- *5.1. Correspondence from Viv Saunders, respecting Ward Office Budgets and Policy Guidelines

Recommendation: Be received and referred to consideration of Item 10.1, Councillor Ward Office Budgets and Policy Guidelines for Eligible Expenses for Elected Officials (FCS18083(c)) (City Wide).

6. DELEGATION REQUESTS

- *6.1. Cameron Kroetsch, respecting the Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to the Governance Review Sub-Committee, regarding Special Meetings of Council (For today's meeting)

10. DISCUSSION ITEMS

- *10.2. Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to Governance Review Sub-Committee, respecting Special Meetings of Council

From: [REDACTED]
To: [McRae, Angela](#)
Subject: Re: Ward Office Budgets & Policy Guidelines
Date: August 21, 2021 9:46:11 AM

Angela, can you please add this correspondence to the Agenda for the 24th.

Dear Governance Committee Members,

I'm providing you with a link to the City of Burlington's Use of Corporate Resources during a Municipal Election (page 3) which is a comparable that is fairly consistent throughout other municipalities. [Corporate Policy \(burlington.ca\)](#)

Please consider the following amendments to the Staff Recommendation:

1. No sponsorships after the first day an election campaign period opens (Report states May 31st, body of policy states May 1st?)
2. No newsletters after the first day an election campaign period opens (policy states August, other muni's are May 1st)
3. Any other amendments you might notice where Hamilton significantly deviates from comparable muni which might be perceived by the public as providing incumbent municipal candidates with an unfair advantage/municipal campaign contributions (including, but not limited to Advertising).

Respectfully,

Viv Saunders

Submitted on Friday, August 20, 2021 - 11:42am Submitted by anonymous user: 172.70.126.98 Submitted values are:

==Committee Requested==

Committee: Other Advisory/Sub-Committee

Specify which Advisory/Sub-Committee: Governance Review

Sub-Committee

==Requestor Information==

Name of Individual: Cameron Kroetsch

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To speak at the August 24, 2021 meeting to Item 10.2 on the Addendum to the Agenda

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

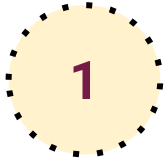
Changes to Sections 3.4 and 3.5 of the City's Procedural By-law

Governance Review Sub-Committee

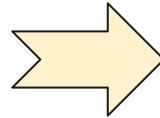
August 24, 2021

Cameron Kroetsch

3.4 - Special Meetings of Council



It's clear that the Procedural By-law can *limit* the ways in which the Mayor can call a "special meeting"; those limits should remain in place and should be more clearly defined



Why does this matter?

If the Procedural By-law is written too broadly it will be interpreted in a way that serves to *permit* rather than *limit* "special meetings"

What the *Municipal Act* says

Calling of meetings

240 Subject to the procedure by-law passed under section 238,
(a) the head of council may at any time call a special meeting; and
(b) upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition. 2001, c. 25, s. 240.

What the *Procedural By-law* says

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.**

What the *Procedural By-law* says

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

What the *Procedural By-law* says

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 ...

What today's proposal says

7. Notwithstanding subsection 3.4(3), on **urgent and extraordinary occasions**, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor **without notice** to consider and deal with such **urgent and extraordinary** matters.

Why this should be reconsidered

- One-off rules to address individual circumstances make for **bad policy**; policy should be based on sound research and should be evidence-based; there is no evidence, that I have seen, that demonstrates why this policy should be implemented

Why this should be reconsidered

- There is already a provision for "urgent" and "extraordinary" circumstances; it's called an **emergency meeting** and it is also already provided for in the *Municipal Act*

Why this should be reconsidered

- Creating another class of "emergency" weakens the legal definition of an emergency and requires additional definitions to outline how "urgent" and "extraordinary" differ; it dilutes the seriousness of an emergency and **limits the public and Council's access** to "urgent" and "extraordinary" matters

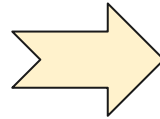
Why this should be reconsidered

- By removing the timeline for notice, this will allow the Mayor to call a meeting that may exclude some from attendance due to it being called immediately; this power should only be employed for *bona fide* emergencies and nothing else

3.5 - Meetings of Council for Emergencies

2

The definition of an "emergency" in the City's Procedural By-law is not adequate and does not clearly outline the context for an emergency and when an emergency meeting is needed



Why does this matter?

Because there are no limits placed on the **timing** around an emergency or language that would limit any abuse of this provision

What the *Procedural By-law* says

“emergency” means a situation or an 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 otherwise; (“situation d’urgence”) - **this is from the *Emergency Management and Civil Protection Act* (though this is not stated in the By-law)**

What the *Procedural By-law* says

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.**

Why this should be reconsidered

- There is a limit on the meeting in the By-law that currently states, based on a broad interpretation, that an emergency meeting can be called **provided** that the Clerk has notified people in the most expedient way possible; **great** but there is no other limit placed on this

Why this should be reconsidered

- While the definition in the by-law is good, it's in the bylaw without context and without a suggestion about its **proximity to the next Council meeting – i.e. is it necessary to call a Monday emergency meeting when there's a regular meeting on a Friday**

Why this should be reconsidered

- While the definition is clear, who makes the call as to whether or not the **subject of the emergency meeting** conforms to the definitions? **Who determines** if something is a *bona fide* emergency? Shouldn't Council be able to nullify such a called meeting if it can accurately determine it's not an emergency?

Summary

- While the definition in the by-law is good, and I personally recommended it when I submitted my suggested revisions, it's in the bylaw without context and without providing a suggestion about the **proximity to the next Council meeting**

The following amendment to the Procedural By-law was referred by Council on August 13, 2021 to Governance Review Sub-Committee for further discussion:

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.
- (7) ***Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.***