



## City of Hamilton

# WOMEN AND GENDER EQUITY ADVISORY COMMITTEE REVISED

**Date:** April 13, 2023

**Time:** 6:00 p.m.

**Location:** YouTube Channel Streaming for Virtual Meetings

All electronic meetings can be viewed at:

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

Morgan Stahl, Staff Liaison 905-546-2424 x2178

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	<b>Pages</b>
<b>1. CEREMONIAL ACTIVITIES</b>	
1.1 Land Acknowledgement	
<b>2. APPROVAL OF AGENDA</b>	
(Added Items, if applicable, will be noted with *)	
<b>3. DECLARATIONS OF INTEREST</b>	
<b>4. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>	
4.1 January 26, 2023	3
Withdrawn from March 23, 2023 Audit, Finance and Administration Committee meeting and referred back to Women and Gender Equity Committee for review and approval.	
4.2 February 16, 2023	15
4.3 March 16, 2023	21
<b>5. COMMUNICATIONS</b>	

\*5.1 Direction from Clerks on Policy and Procedure for Citizen Committee Reports 25

\*5.2 Correspondence from Fondation Emergence respecting International Day Against Homophobia and Transphobia on May 17 33

**6. DELEGATION REQUESTS**

**7. CONSENT ITEMS**

**8. PUBLIC HEARINGS / DELEGATIONS**

**9. STAFF PRESENTATIONS**

9.1 Hamilton For All Campaign (no copy)

Gachi Issa and Sarah Wayland will attend to discuss the campaign.

**10. DISCUSSION ITEMS**

10.1 Update on Staff Liaison for Women and Gender Equity Committee (no copy)

10.2 Advice to Committee from Clerks on Policy and Procedure related to Motion on Citizen Committee Report 37

**11. MOTIONS**

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



Hamilton

**Minutes 23-001**

**Hamilton Women and Gender Equity Committee**

**Thursday, January 26, 2023**

**6:00 p.m.**

**Due to the COVID-19 and the Closure of City Hall All electronic meetings can be viewed at: City's YouTube Channel:**

**<https://www.youtube.com/user/InsideCityofHamilton>  
Virtual Meeting**

**Present:** Deanna Allain, Gagan Batra, Melanie Cummings, Anna Davey, Autumn Getty, Adriana Harris, Jan Lukas, Pascale Marchand, Kathleen Shannon, and Yulena Wan

**Regrets:** Michelle Hutton, Heather Platt, Stephanie Scardellato and Julie Turner

**Also**

**Present:** Morgan Stahl, Director of Government Relations and Community Engagement  
Loren Kolar, Legislative Coordinator

**1. CEREMONIAL ACTIVITIES**

**(i) Land Acknowledgement**

D. Allain provided the Land Acknowledgement.

**2. APPROVAL OF THE AGENDA (ITEM 2)**

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

10. DISCUSSION ITEMS

## 10.4 Citizen Committee Report respecting Gender Lens Budgeting

### **(Batra/Harris)**

That the agenda for the January 26, 2023 meeting of the Hamilton Women and Gender Equity Committee, be approved, as amended.

**CARRIED**

### **3. DECLARATION OF INTEREST (Item 3)**

None.

### **4. APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

#### **(i) December 22, 2022 (Item 4.1)**

### **(Batra/Harris)**

That the Hamilton Women and Gender Equity Committee approve the Minutes of December 22, 2022, as presented.

**CARRIED**

### **5. COMMUNICATIONS (Item 5)**

#### **(i) Audit, Finance and Administration Committee Report 22-016, Item 5 (b), as Amended by Council, September 28, 2022 respecting Confidential Interview Questions for the Hamilton Police Services Board Selection Committee (Item 5.1)**

### **(Getty/Harris)**

That the Audit, Finance and Administration Committee Report 22-016, Item 5 (b), as Amended by Council, September 28, 2022 respecting Confidential Interview Questions for the Hamilton Police Services Board Selection Committee, be received.

## **6. DISCUSSION ITEMS (Item 10)**

### **(i) Review of the Citizen Committee Report regarding feedback on the Procedural Handbook (Item 10.1)**

The Committee provided the following feedback:

The City of Hamilton Women and Gender Equity Advisory Committee recommends that Council, with the support of staff, consider the following items of feedback respecting the Procedural Handbook, and ensure that commitments listed by the city and staff are upheld.

The document's table of contents and references to by-laws and other pieces of legislation should include hyperlinks for ease of access in electronic format. Additionally, the document should be available in a plain language format, recognizing that the format and legalese creates a barrier to engagement and ensuring all committee members understand their roles and commitments.

Should council members or staff require additional information related to any of the mentioned feedback, the committee is prepared to provide additional reports or attend meetings to respond to questions.

The following items of feedback were identified by members of the Women and Gender Equity Advisory Committee through working group sessions:

- Page 10: regarding the appointment and recruitment process, there should be a commitment by the City of Hamilton to provide recruitment information to community partners and organizations, with particular focus on

encouraging members of marginalized communities to apply, in line with a focus on equity, diversity, and inclusion in the recruitment process.

- Page 12: regarding member training, it is imperative that the City Clerk ensure existing and new members of the committee receive training, as new members to this committee beginning early 2022 did not receive most of the listed training, or materials related to it. In the sharing of training information and reference documents, it should be readily available and easily accessible for both committee members and the general public to access, including having such information available on the City of Hamilton website along with up-to-date committee information. The City Clerk should have a commitment and procedure to monitor their fulfilment of training and reference documents provided. Committee members feel that training and orientation has been minimal and insufficient, causing confusion and limiting engagement and the development of action items in formal meetings. Providing additional training in procedure, meeting format, and how to prepare documents such as Citizen Committee Reports or Meeting Minutes would be helpful to effective operation and success.
- Page 14: regarding council representatives on advisory committees, there should be a commitment of attendance, or otherwise a process to allow committees to request another council representative if attendance becomes a challenge. The Women and Gender Equity Advisory Committee has only had a council representative attend one meeting since the beginning of its current term.
- Page 21: regarding consultation on staff reports, this is a practice that has not taken place during this term of the committee. Staff should be

committed to utilizing advisory committees for feedback on reports on a frequent and consistent basis, and members of council should be encouraged to directly request staff consult with advisory committees to ensure this takes place. In the absence of this practice, citizen advisory committees often lack notice and necessary time to review documents and generate reports and feedback before items are reviewed by members of council. Again, there should be a commitment by staff to regularly and consistently consult with advisory committees, and a procedure to ensure the commitment is maintained.

- Page 23: regarding calls to vote, there is no mention of an option to abstain from votes and how they would be recorded. If there is no abstention option for members, it should be clearly stated along with reasoning in this handbook.
- Page 33, regarding public notice of citizen member vacancies, these again should be shared with community organizations with a focus on equity, diversity, and inclusion.

**(Harris/Gagan)**

- (a) That the feedback from the Hamilton Women and Gender Equity Committee, respecting the Procedural Handbook, be referred to the Clerks Office; and
- (b) That the Citizen Committee Report regarding Feedback on the Procedural Handbook, be approved.

**CARRIED**

**(ii) Review of the Citizen Committee Report regarding Feedback on the Code of Conduct (Item 10.2)**

The Committee provided the following feedback:

- Page 41: regarding the statement, "This Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary in this Code is illustrative and not exhaustive.", the committee feels that the Code of Conduct should be explained more thoroughly and in plain language to prevent interpretation which extends beyond the understanding of the public and volunteer advisory committee members.
- Page 43: regarding confidential information, more information is needed to establish exactly what is considered to be confidential, how members can be aware of what the board of city is prevented from disclosing, and how the rule differentiates between items discussed in a closed meeting and information that is already publicly available. There should be a clear system to label and identify confidential information to local boards. Information related to confidentiality for members of council is much clearer in their code of conduct compared to this proposed code for volunteers.
- Page 44: regarding member conduct, more clarity is needed to provide committee members with information on how the City of Hamilton can require decorum "at all times". For instance, if political protest is a charter protected right, but is not considered conducting oneself with decorum, more clarity is needed to confirm if a volunteer advisory committee member may face consequences or penalties.
- Page 44-45: regarding media communications, the committee was previously told that the chair could



not speak to media without approval from the committee they report to, which does not appear to be the case in the code of conduct. There is no information on the ability of the Chair to speak to media and what, if any, approval is required, or what limitations, if any, exist as part of such media communication. The commentary also identified that the rules of decorum apply to social media, and recommend that members “should consider articulating and posting their own policy of addressing how frequently they will monitor the site for the purpose of identifying and removing disparaging, abusive or hateful comments.” It is in the opinion of the advisory committee that the City of Hamilton should not be applying rules of decorum to volunteer committee members on their personal social media accounts, or outside of their duties as committee members, as it may infringe on their rights to expression and political protest. Further, it is unreasonable to apply responsibility for filtering hateful and abusive comments on the posts of volunteer advisory committee members. The City of Hamilton should not expect anyone to read through abusive and hateful comments on personal social media as part of code of conduct, and especially should not do so without providing support and resources for the additional harm such exposure to hate and abuse can cause.

- Page 45: regarding the expectation that members “adhere to and encourage public respect for the Local Board, the municipality and its by-laws, policies and procedures”, the committee feels the Code of Conduct must provide clearer definitions or respect and what is considered disrespectful. Further to this, more clarity is needed to ensure members understand whether their rights to expression and political protest will be restricted

or prohibited when agreeing to volunteer on a citizen advisory committee.

- Page 45: regarding the workplace harassment and violence policies in place for staff, members of this advisory committee have not received copies of such policies, and these policies, in addition to the code of conduct, must be easily and readily available to members so they can comply.
- Page 46: regarding the advice to consult the integrity commissioner if members seek clarification, there should be direction or information on who or how to contact the integrity commissioner included in the code of conduct.
- Page 46: the formatting of "Part 2" to include additional context for previously mentioned rules and the addition of new rules makes this part of the document particularly difficult to read and follow, and revision may be needed.
- Page 47: regarding the consequences of failure to adhere to code of conduct, and in addition to the aforementioned feedback on this item, "reprimand" must be clearly defined, and this section must clearly identify what reprimand and remedial actions will look like for volunteer citizen committee members.
- Page 49: the numbering of the items on this page include two separate items numbered as 4, rather than a continued sequential order. More clarity is needed on the operating procedure regarding any requirements for approval that are needed before a chair can speak to media on behalf of the committee, and what restrictions might be in place for such engagement.
- Page 53: regarding the note at the bottom of the page, the Chair or Vice-Chair and the Secretary have never signed the meeting minutes in practice on this committee, and more clarification is needed on if digital signatures would be acceptable if this is now going to be required,

considering the hybrid operation of most committees.

**(Harris/Marchand)**

- (a) That the feedback from the Hamilton Women and Gender Equity Committee, respecting the Feedback on the Code of Conduct, be referred to the Clerks Office; and
- (b) That the Citizen Committee Report regarding Feedback on the Code of Conduct, be approved.

**CARRIED**

**(iii) Women of Distinction Awards, March 2, 2023 – discussion & table purchase (Item 10.3)**

**(Marchand/Shannon)**

That the HWGEC committee approve the purchase of 2 tables, to a maximum amount of \$3000, with \$1500 from the Operating Budget and \$1500 from the Reserve Fund for the 2023 Women of Distinction Awards.

**CARRIED**

**(Cummings/Getty)**

That the remaining funds from the WWGEC 2022 budget be allocated to the 2023 Reserve for the committee, to the maximum amount.

**CARRIED**

**(iv) Citizen Committee Report respecting Gender Lens Budgeting (Added Item 10.4)**

**(Lukas/Getty)**

- (a) That the City of Hamilton consider applying a gender lens to the City of Hamilton for the 2023 Operational Budget, with implementation in the 2024 Operational Budget;

- (b) That the City of Hamilton continue to promote gender equity in society through the operational budget, in support of the City of Hamilton's 2016-2025 Strategic Plan, including economic prosperity and growth, healthy and safe communities, clean and green, built environment and infrastructure, and culture and diversity;
- (c) Consider gender and diversity in taxation and resource allocation decisions; and
- (d) That the Citizen Committee Report be approved, and referred to the Audit, Finance and Administration Committee for consideration.

**CARRIED**

## **7. PRIVATE AND CONFIDENTIAL (Item 14)**

### **(Davey/Getty)**

That the Hamilton Women and Gender Equity Committee move into Closed Session respecting Item 14.1, Pursuant to Section 9.1, Sub-section (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (i) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City 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.

**(i) Confidential Interview Questions for Police Services Board Selection Committee**

**(Getty/Harris)**

That staff be directed to forward the confidential interview questions from the Hamilton Women and Gender Equity Committee to the Police Services Board, and that the questions remain confidential.

**8. ADJOURNMENT (Item 15)**

**(Marchand/Wan)**

That the Hamilton Women and Gender Equity Committee be adjourned at 7:34pm.

**CARRIED  
Respectfully,**

**Deanna Allain, Chair  
Women and Gender Equity  
Advisory Committee**





Hamilton

**Minutes 23-02  
Hamilton Women and Gender Equity Committee  
Thursday February 16, 2023  
6:00pm-8:00pm**

**All virtual meetings can be viewed at the  
City's YouTube Channel:  
<https://www.youtube.com/user/InsideCityofHamilton>  
Virtual Meeting**

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**Present:** Deanna Allain, Melanie Cummings, Adrianna Harris, Michelle Hutton, Jan Lukas, Pascale Marchand and Kathleen Shannon.

**Regrets:** Gagan Batra, Anna Davey, Autumn Getty, Heather Platt, Stephanie Scardellato and Yulena Wan.

**Also Present:** Morgan Stahl, Director of Government Relations and Community Engagement and Jocelyn Strutt, Senior Project Manager and Public Engagement Specialist.

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**1. CEREMONIAL ACTIVITIES**

**1.1 Land Acknowledgement**

D. Allain provided the Land Acknowledgement

**2. APPROVAL OF THE AGENDA (ITEM 2)**

The Chair advised the committee of the following additions to the agenda:

## 10. DISCUSSION ITEMS

10.1 Citizen Committee Report respecting Barriers to the Volunteer Advisory Committees' Ability to Fulfill its Mandate – REVISED

10.2 Update on Citizen Committee Report on Gender Equity Budgeting

10.3 Clarification respecting rules, guidelines, formatting, and limitations in the development of Citizen Committee Reports

**(J. Lukas / K. Shannon)**

That the agenda for the February 16, 2023 meeting be approved, as amended.

**CARRIED**

## 3. DECLARATION OF INTEREST (ITEM 3)

None.

## 4. APPROVAL OF MINUTES OF PREVIOUS MEETING (ITEM 4)

### i. January 26, 2023 (Item 4.1)

**(K. Shannon / A. Harris)**

That the Hamilton Women and Gender Equity Committee approve the Minutes of January 26, 2023 as amended.

**CARRIED**

## 5. COMMUNICATIONS

### (i) Resignation from the Women and Gender Equity Advisory Committee (Item 5.1)



**(A. Harris / M. Cummings)**

That the resignation of Julie Turner from the Women and Gender Equity Advisory Committee, be received.

**CARRIED**

**6. STAFF PRESENTATIONS (ITEM 9)****(i) Hamilton Street Railway "Take the Wheel" Campaign (item 9.1)**

Sadhna Jayatunge, Hamilton Street Railway Coordinator, Transit Customer Experience and Innovation, Public Works, City of Hamilton addressed Committee with information regarding their "Take the Wheel" campaign on International Women's Day March 8, 2023, 6-8pm at Mohawk College and their efforts to recruit more female drivers for the HSR.

**(P. Marchand / J. Lukas)**

That the Presentation respecting the Hamilton Street Railway "Take the Wheel" Campaign, be received.

**CARRIED**

**7. DISCUSSION ITEMS (Item 10)****(i) Citizen Committee Report respecting Barriers to the Volunteer Advisory Committees' Ability to Fulfil its Mandate – REVISED (Added Item 10.1)****(P. Marchand/M. Cummings)**

- (a) That the Citizen Committee Report respecting Barriers to the Volunteer Advisory Committees' Ability to Fulfil its Mandate, be approved; and
- (b) That, once approved by Council, copies of the Citizen Committee Report respecting Barriers to the Volunteer Advisory Committees' Ability to Fulfil its Mandate, be distributed to the Committee Against Racism, the Immigrant and Refugee

Advisory Committee, and the Advisory Committee, Indigenous Advisory Committee, Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (LGBTQ), Seniors Advisory Committee.

**CARRIED**

**(ii) Citizen Committee Report on Gender Equity Budgeting (Added Item 10.2)**

The Chair addressed Committee with an update on presentation at City Budget meeting of Citizen Committee Report on Gender Equity Budgeting. Report was passed 6-0 to ask staff to look at and incorporate into 2024 budget.

**(iii) Clarification respecting rules, guidelines, formatting, and limitations in the development of Citizen Committee Reports (Added Item 10.3)**

**(P. Marchand/M. Cummings)**

- (a) That the committee be provided with clear clarification respecting the rules, guidelines, formatting, and limitations in the development of Citizen Committee Reports by the March 16, 2023 meeting.
- (b) In the event that there is no policy or procedure, that a response still be provided ahead of the March 16, 2023 meeting to provide findings to advisory committee.

**CARRIED**

**14. PRIVATE AND CONFIDENTIAL**

- (i) Closed Session Minutes of January 26, 2023.

**(P. Marchand / K. Shannon)**

That the Closed Session Minutes of January 26,2023,  
be approved.

**CARRIED**

**15. ADJOURNMENT (ITEM 15)**

**(A. Harris/ M. Hutton)**

That the Hamilton Women and Gender Equity Committee be  
adjourned at 7:18 p.m.

**CARRIED**

**15.1 Next Meeting Thursday March 16, 6pm**

Respectfully submitted,

D. Allain, Chair  
Hamilton Women and  
Gender Equity Committee

Morgan Stahl,  
Director of Government Relations & Community Engagement  
City Manager's Office





Hamilton

**Minutes 23-03**

**Hamilton Women and Gender Equity Committee**

**Thursday March 16, 2023**

**6:00pm-8:00pm**

**All virtual meetings can be viewed at the**

**City's YouTube Channel:**

**<https://www.youtube.com/user/InsideCityofHamilton>**

**Virtual Meeting**

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**Present:** Deanna Allain, Gagan Batra, Melanie Cummings, Anna Davey, Adrianna Harris, Michelle Hutton, Jan Lukas, Pascale Marchand and Yulena Wan.

**Regrets:** Autumn Getty, Heather Platt, Stephanie Scardellato and Kathleen Shannon.

**Also Present:** Jocelyn Strutt, Senior Project Manager and Public Engagement Specialist.

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**1. CEREMONIAL ACTIVITIES**

**1.1 Land Acknowledgement**

D. Allain provided the Land Acknowledgement

**2. APPROVAL OF THE AGENDA (ITEM 2)**

**(G. Batra / Y. Wan)**

Request to add 5.2 Resignation to agenda.

**CARRIED**

### **3. DECLARATION OF INTEREST (ITEM 3)**

None.

### **4. APPROVAL OF MINUTES OF PREVIOUS MEETING (ITEM 4)**

#### **i. February 16, 2023 (Item 4.1)**

##### **(A. Davey / P. Marchand)**

That the Hamilton Women and Gender Equity Committee defer approval of the Minutes of February 16, 2023 to the next meeting on April 13, 2023.

**CARRIED**

### **5. COMMUNICATIONS**

#### **(M. Harris / Y. Wan)**

5.1 Motion to receive information on Mayor's Task Force. Mayor working to clarify terms of reference.

#### **(J. Lukas/ Y. Wan)**

5.2 Resignation from committee member Heather Platt due to move to another city.

**CARRIED**

### **6. DISCUSSION ITEMS**

10.1 Meeting Dates for 2023 WGE Committee  
Poll to be distributed to accommodate majority.

10.2 Delegation at Governance Review Sub-Committee on Code of Conduct and Procedural Handbook Staff Report  
March 27 going to Governance Committee or can register independently or send in written correspondence. Jocelyn said a motion would have to be put forward for the committee to attend. Pascale said hybrid is an option and can leave it with report sent through already.

**15. ADJOURNMENT (ITEM 15)**

**(J. Lukas / G. Batra)**

That the Hamilton Women and Gender Equity Committee be adjourned at 7:22 p.m.

**CARRIED**

**15.1 Next Meeting Thursday April 13, 6pm**

Respectfully submitted,

D. Allain, Chair  
Hamilton Women and  
Gender Equity Committee

Morgan Stahl,  
Director of Government Relations & Community Engagement  
City Manager's Office





**From:** [Deanna Allain](#)  
**To:** [Strutt, Jocelyn](#); [Stahl, Morgan](#)  
**Subject:** Fwd: FW: Please share with the WGEC: Advice to Advisory re Motion on Policy & Procedure around CCR  
**Date:** Tuesday, April 4, 2023 5:39:22 PM  
**Attachments:** [Advisory Committee Procedural Handbook approved July 17 2020.pdf](#)  
[Procedural By-law 21-021 - Procedural By-law Amendments December 7 2022.doc](#)

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Hi Jocelyn,

The information included as a response to the WGEC motion and the two policies attached are what I believe should be included on the agenda as a discussion item. I believe it could also fall under a consent item for the committee to receive, but am forwarding this email so it's at the top of your inbox.

Please feel free to reach out if you have any questions or want to clarify what I am referring to for the upcoming agenda, will reply to your email momentarily. :)

Deanna

----- Forwarded message -----

**From:** **Strutt, Jocelyn** <[Jocelyn.Strutt@hamilton.ca](mailto:Jocelyn.Strutt@hamilton.ca)>  
**Date:** Wed, Mar 8, 2023 at 2:58 PM  
**Subject:** FW: Please share with the WGEC: Advice to Advisory re Motion on Policy & Procedure around CCR  
**To:** Deanna Allain <[allaindeanna@gmail.com](mailto:allaindeanna@gmail.com)>, Stahl, Morgan <[Morgan.Stahl@hamilton.ca](mailto:Morgan.Stahl@hamilton.ca)>

Hi Deanna,

Thank you for your patience with me and trying to get the information you need in advance of the March meeting.

With respect to the motion, Clerks has made one comment re: dates. Because the motion, when approved at the March WGE Meeting must then go to AF&A (Scheduled March 23) and then to Council, the March 16 date cannot be met. There are two suggestions:

- Remove the date in its entirety; or,
- Remove the date and add in a general comment “at/to an upcoming Standing Committee meeting” (or something to that effect)

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As for the proposed motion for the March 16 meeting of the Women and Gender Equity, **I suggest the revising the dates:**

(a) That the committee be provided with clear clarification respecting the rules, guidelines, formatting, and limitations in the development of Citizen Committee Reports **by the March 16, 2023 meeting.** - this date is not possible, as the motion must first be approved by the Advisory Committee, Standing Committee and Council before it can be implemented.

(b) In the event that there is no policy or procedure, that a response still be provided ahead of the March 16, 2023 meeting - this date is not possible, as the motion must first be approved by the Advisory Committee, Standing Committee and Council before it can be implemented.

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That being said, Clerks has also provided additional information and clarity around CCRs – their process, when they are required and how the broader Procedural By-law provides direction in the absence of clear direction within the Procedural Committee Handbook.

Please read through the information.

- If this clarification satisfies the motion, that is great and we can decide to remove the motion from the agenda in its entirety.
- If this information is helpful in providing additional context, but you

feel it does not directly reflect the information that the committee is seeking, then we will continue as-is and reflect the chosen wording for the date based on the above options.

Once you have read through the information (and I apologize, there is a lot!), I am happy to discuss it further with you, either by phone or via email. I will commit to ensuring that you have the information you need to move forward in your role as Chair. Please do not hesitate to reach out. My extension is 905-546-2424 x5702. Thank you for all the work and commitment you put into this role and the committee as a whole!

Please forward this to members of the Women & Gender Equity Committee.

I am writing to your advisory committee today to provide you with advice regarding the creation of Citizen Committee Reports. The information provided here will be shared again with all Staff Liaisons and their Advisory Committee members.

I have attached the current Procedural Committee Handbook, and the Procedural by-law for your reference.

We have also shared the following information regarding Citizen Committee Reports with all Staff Liaisons for all the advisories.

**WHEN A CITIZEN COMMITTEE REPORT IS REQUIRED:**

- Use of budget funds on expenditures outside of approved expenditures
- Recommendations with financial implications to the City
- Reserve fund - funds in or out of the reserve
- Changes to the Terms of Reference (i.e. membership; mandate; etc.)
- Delegations to other Advisory Committees, Sub-Committees and Standing Committees on behalf of the Advisory Committee
- Recommendations outside the purview of the Advisory Committee involving City infrastructure (i.e. roads, sidewalks, processes, etc.)
- Correspondence to any outside agencies, including other Levels of Government and the media
- Events or Actions that the Committee wishes to take, that fall outside of the Committee's Terms of Reference

#### WHEN A CITIZEN COMMITTEE REPORT IS NOT REQUIRED:

- Delegations to an Advisory Committee's respective Standing Committee
- Approved budgetary items
- Formation of Working Groups
- Providing feedback to staff on city services and programs

- Inviting members of the community to speak at Advisory Committee meetings

The following process for Citizen Committee Reports has also been communicated to all Staff Liaisons:

1. Advisory Committee approves a motion that requires a CCR
2. CCR is drafted by committee members, with assistance from the Staff Liaison, and Clerk's Office
3. CCR then travels up to Standing Committee, then Council (does not go back to Advisory)

To address the questions of guidelines and limitations in CCRs, the Procedural bylaw advises the following:

### **3.10 Communication Items**

(5) Communication Items shall not contain the personal information without their express consent, with the exception of the author's name. Any personal information 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.

(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 which are in substance an allegation of a violation of the Code of Conduct or the Municipal Conflict of Interest Act by a member of Council or any member of a local board will not be placed on a Council agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.

Delegations:

(10) Delegations 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 a Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.

(11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the Municipal Conflict of Interest Act by a member

of Council or any member of a local board will not be placed on a Committee agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.

Please let me know if you have questions.

**Loren Kolar**

*Legislative Coordinator*

*Office of the City Clerk*

**T** | (905) 546-2424 ext. 2604

**E** | [loren.kolar@hamilton.ca](mailto:loren.kolar@hamilton.ca)





## City Clerk's Division

# COUNCIL FOLLOW-UP NOTICE REVISED

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**TO:** Chelsea Kirkby, Staff Liaison      **DATE:** April 12, 2023

Jocelyn Strutt, Staff Liaison

**FROM:** Loren Kolar  
Legislative Coordinator, Office of the City Clerk

**RE:**      **City Council Meeting – April 12, 2022**

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The attached correspondence was referred to the LGBTQ Advisory Committee and the Women and Gender Equity Committee, for their information, by Council at its April 12, 2023 meeting:

- 5.1 Correspondence from Fondation Emergence respecting International Day Against Homophobia and Transphobia on May 17th.

Recommendation: Be received ***and referred to the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee and Women and Gender Equity Advisory Committee.***

Montréal, Tuesday, March 14, 2023

**Subject: International Day Against Homophobia and Transphobia, May 17, 2022**

Hi,

Fondation Émergence's mission is to defend the rights of lesbian, gay, bisexual and trans (LGBTQ+) people. Each year, it organizes the International Day Against Homophobia and Transphobia (May 17), which was created by the Foundation for the first time in the world, in Quebec, in 2003. This day is now recognized nationally and internationally.

For last year's International Day Against Homophobia and Transphobia, Fondation Émergence sent a pride flag (rainbow) to every municipality in Quebec. For this year, we're trying to reach out to every municipality in Canada, this will send a stronger message to the government that the population stand with the LGBTQ+ community. We also invite you to adopt a resolution at City Council to mark this important day (see attached template in the email).

Last year 287 municipalities showed their support for LGBTQ+ people, join the movement to help us reach a new record this year for the 20th anniversary of the Day. [Map of Municipalities - May 17](#)

In addition, we invite you to share a photo on your social networks by tagging @journee17mai with the #17mai so that your municipality can shine a light on its inclusivity throughout Quebec.

If you do not have a flag in your possession, you can send us a request at the following email address: ([courrier@fondationemergence.org](mailto:courrier@fondationemergence.org)) with the complete address of the City Hall and we will be able to send you one at the price of only \$15.

With your support, we continue to make history in Canada and internationally by taking a strong stand against homophobia and transphobia. Together, we can create a country that fully accepts sexual and gender diversity.

Yours sincerely



Laurent Breault  
General Director

---

Présentateur officiel



Remerciements à



This document is a draft municipal resolution template for the recognition of May 17<sup>th</sup> as  
International Day Against Homophobia and Transphobia.  
Please send a certified true copy to [may17mai@fondationemergence.org](mailto:may17mai@fondationemergence.org)

RESOLUTION OF THE MUNICIPAL COUNCIL

OF "Name of your municipality"

Date

Resolution No. "resolution number" - **International Day Against Homophobia and Transphobia**

WHEREAS the Quebec Charter of Human Rights and Freedoms recognizes that no one can be discriminated against on the basis of sexual orientation or gender identity or expression;

WHEREAS Quebec is a society open to everyone, including lesbian, gay, bisexual and trans people (LGBTQ+) and to all other people who identify with sexual diversity and the multiplicity of gender identities and expressions;

WHEREAS, despite recent efforts towards greater inclusion of LGBTQ+ people, homophobia and transphobia are still present in society.

WHEREAS May 17<sup>th</sup> is the International Day Against Homophobia and Transphobia, is celebrated as such in many countries and is the result of a Quebec-based initiative promoted by Fondation Émergence starting in 2003.

WHEREAS there is reason to support the efforts of Fondation Émergence in holding this day;

It is resolved to proclaim May 17 INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA and to recognize this day as such.

ADOPTED UNANIMOUSLY

Certified true copy

SIGNATURE

Name

Title



International Day Against  
**Homophobia and Transphobia**





Hamilton

# **ADVISORY COMMITTEE PROCEDURAL HANDBOOK**

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

**Prepared By:  
Office of the City Clerk, Legislative Section  
Updated: July 2020**



## Table of Contents

<b>Meeting Procedures .....</b>	<b>4</b>
<b>Rules of Procedures at a Glance .....</b>	<b>4</b>
<b>Agenda Preparation .....</b>	<b>5</b>
<b>Minute Preparation.....</b>	<b>5</b>
<b>Report Preparation.....</b>	<b>6</b>
<b>Common Procedural Questions.....</b>	<b>6</b>
<b>The Consensus Method of Decision Making in Groups .....</b>	<b>7</b>
<b>Roles and Responsibilities of Committee Members .....</b>	<b>8</b>
<b>Role of the Chair.....</b>	<b>8</b>
<b>Role of the Secretary .....</b>	<b>9</b>
<b>Role of the Staff Liaison .....</b>	<b>9</b>
<b>Use of Working Groups or Task Forces.....</b>	<b>9</b>
<b>Members Communicating with Any Outside Agencies, Including Other Levels of Government and the Media .....</b>	<b>10</b>
<b>Use of Secondary Logos for Advisory Committees.....</b>	<b>10</b>
<b>Committee Member Resignation.....</b>	<b>10</b>
<b>Electronic Meetings .....</b>	<b>11</b>
<b>What to do if further consultation on procedural advice is required? .....</b>	<b>12</b>
<b>Appendix “A” .....</b>	<b>13</b>
<b>Appendix “B” .....</b>	<b>15</b>
<b>Appendix “C” .....</b>	<b>19</b>
<b>Appendix “D”.....</b>	<b>21</b>
<b>Appendix “E” .....</b>	<b>22</b>
<b>Appendix “F” .....</b>	<b>23</b>
<b>Appendix “G” .....</b>	<b>24</b>

## Meeting Procedures

The rules of procedure as set out in By-law 18-270, A By-Law To Govern the Proceedings of Council and Committees of Council, shall be observed in all proceedings and apply to all Committees. Rules of procedure are intended to help the group conduct its business fairly and efficiently.

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

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

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

## Rules of Procedures at a Glance

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

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

### 2. Amending a motion

- An amendment cannot convert a motion to its direct negative (cannot change the intent of the original motion).



FCS20061- Appendix D. Advisory Committee Procedural Handbook July 17-2020

- An amendment must be pertinent or relevant to the topic in the main motion i.e. a motion to “commend the President for his work with the Chapter” may not be amended by striking the word “commend” with “condemn”.

## Agenda Preparation

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

The following agenda outline is often used:

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

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

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

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

## Minute Preparation

The purpose of the minutes is to:

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

Basic set of minutes should include:

1. Name of the Committee.
2. When (date and time) and where the committee met.
3. Who was present/absent.

FCS20061- Appendix D. Advisory Committee Procedural Handbook July 17-2020

4. Adoption of last meeting's minutes.
5. Matters discussed and any decisions made:
  - Record motions, the mover (who) made the motion, who seconded it, and whether it was carried or defeated, and any members who wished to be recorded as opposed to the motion.
  - General discussion (briefly).

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

***A sample template for the minutes is attached as Appendix "B", for your reference.***

## **Report Preparation**

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

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

## **Common Procedural Questions**

### **1. How can a meeting start without a quorum?**

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

#### **If no quorum is present, then:**

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

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

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

FCS20061- Appendix D. Advisory Committee Procedural Handbook July 17-2020

- The Motion may be withdrawn at the request of its mover, at any time before decision or amendment.

### **3. Closing debate on a Motion.**

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

### **4. Encouraging an alternative motion.**

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

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

## **The Consensus Method of Decision Making in Groups**

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

### **Step 1**

Describe the issue before the Committee:

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

### **Step 2**

Gather all information relevant to the issue:

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

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

### **Step 3**

List all possible solutions or actions:

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

**Step 4**

Choose the best possible solution:

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

**Step 5**

Make a decision:

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

**Roles and Responsibilities of Committee Members**

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

Members of the Committee:

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

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

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

**Role of the Chair**

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

*Helpful tips:*

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

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

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

FCS20061- Appendix D. Advisory Committee Procedural Handbook July 17-2020  
*Preside at meetings* – establish your guidelines or rules of order. Follow your agenda; involve the members; manage the discussion.

### **Role of the Secretary**

- Providing relevant information, ideas and opinions as a participant in the meeting;
- Record without note or comment all resolutions, decisions and other proceedings at the meeting (as per the *Municipal Act, 2001*).
- Keeping an accurate set of minutes of each meeting;
- Keeping an up-to-date membership/contact list;
- Distributing minutes to members and notifying them of upcoming meetings;
- Keeping a list of all advisory committees and members;
- Helping the Chair with preparing the agenda, advice on meeting procedure, reference materials and information retrieved from the records; and,
- Making meeting and physical set-up arrangements (*Note: room bookings with City Facilities will be co-ordinated through the Committee's Staff Liaison.*)

### **Role of the Staff Liaison**

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

### **Use of Working Groups or Task Forces**

Committees can create and hold ELECTRONIC working group or task force meetings to assist in the research or review of a given item and it reports its findings back to the Committee only during an emergency when attending in-person is not possible. A working group is normally comprised of Committee Members, however, when required, volunteers may be called upon for their expertise to assist a working group by providing required information.

Working groups and task forces operate by consensus and formal motions are not required. City staff and/or resources may not be available to working groups/task forces and consequently, the preparation of agendas, minutes and meeting requirements shall be the

FCS20061- Appendix D. Advisory Committee Procedural Handbook July 17-2020  
responsibility of the working group, if required. Support staff shall not be required to attend working group meetings.

The number of Members participating in a working group or task force should be less than a quorum number of the Citizen Advisory Committee membership.

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

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

## **Use of Secondary Logos for Advisory Committees**

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

- (i) Requests for approval of a secondary logo are required to be presented to the Governance Review Sub-committee for consideration and approval by the Committee's respective Standing Committee and Council, prior to any use.
- (ii) The approved City Logo (triple H symbol, with the word mark Hamilton, with an underscoring line), as per the *Identity Standards Guide*, must be of appropriate size relative to the intended purpose and included in a sufficiently prominent location on the promotional/ educational materials.
- (iii) Design costs are to be funded by the Committee.

## **Committee Member Resignation**

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

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

**Electronic Meetings *(held only during an emergency when attending in-person is not possible)***

All ELECTRONIC Citizen Advisory Committee meetings will be scheduled and hosted by the Clerk/Staff Liaison using the City approved virtual meeting software. The scheduling of meetings will commence according to EOC approved and/or Council approved reopening schedules. Only Council appointed Committee members will participate electronically in these meetings.

All ELECTRONIC Citizen Advisory Committee meetings will be streamed live. If the meeting is interrupted and cannot proceed with its live feed, the meeting will be recessed for up to 15 minutes, or until the live feed is resumed. If the live feed cannot be resumed within 15 minutes, the meeting will be considered adjourned. The Committee will meet at the next regularly scheduled meeting date.

If the meeting is interrupted and its live feed cannot be resumed, the names of the Committee members present shall be recorded in the minutes of the meeting and any decisions of Committee up to the point in time of the interruption.

Working Group/Task Force meetings will not be live streamed. Working Group Members will determine their meeting method, while City facilities remain closed to the public.

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

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

**Lisa Kelsey**

Legislative Coordinator  
 Planning Committee  
 Phone: (905) 546-2424 ext. 4605  
 Fax : (905) 546-2095  
 E-mail: [Lisa.kelsey@hamilton.ca](mailto:Lisa.kelsey@hamilton.ca)

**Angela McRae**

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

**Loren Kolar**

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

**Stephanie Paparella**

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

**Alicia Davenport**

Legislative Coordinator  
 Public Works Committee  
 905 546 2424 ext. 2729  
 905 546-2095 (fax)  
 E-mail: [alicia.davenport@hamilton.ca](mailto:alicia.davenport@hamilton.ca)

**Tamara Bates**

Legislative Coordinator  
 Emergency and Community Services  
 Committee  
 Phone: (905) 546-2424 ext. 4102  
 Fax : (905) 546-2095  
 E-mail: [tamara.bates@hamilton.ca](mailto:tamara.bates@hamilton.ca)





# Hamilton

**A G E N D A**  
**ABC ADVISORY COMMITTEE**  
**Monday, January 1, 2000**  
**2:00 p.m.**  
**Room 123, 1<sup>st</sup> Floor**  
**City Hall**  
**71 Main Street West, Hamilton**

*\*Added Items*

---

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

FCS20061- Appendix D. Advisory Committee Procedural Handbook July 17-2020

**9. OTHER BUSINESS**

**10. ADJOURNMENT**



Hamilton

**MINUTES  
ABC COMMITTEE  
Monday, January 1, 2000  
2:00 p.m.  
Room 123, 1<sup>st</sup> Floor  
City Hall  
71 Main Street West, Hamilton**

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

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

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

**1. CHANGES TO THE AGENDA**

The Clerk advised of the following changes to the agenda:

**4. CONSENT ITEMS**

4.2 Working Group Minutes

**7. NOTICES OF MOTION**

7.1 ABC Advisory Committee Meeting Schedule

**(Mover/Second)**

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

**CARRIED**

**2. DECLARATIONS OF INTEREST**

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

### 3. APPROVAL OF MINUTES OF PREVIOUS MEETING

#### 3.1 January 1, 2000

**(Mover/Second)**

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

**CARRIED**

### 4. CONSENT ITEMS

#### (i) Research Report (Item 4.1)

**(Mover/Second)**

That the Research Report, be received.

**CARRIED**

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

**(Mover/Second)**

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

**CARRIED**

### 5. PRESENTATIONS

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

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

**(Mover/Second)**

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

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

**CARRIED**

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

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

**(Mover/Second)**

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

FCS20061- Appendix D. Advisory Committee Procedural Handbook July 17-2020

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

**CARRIED**

**6. DISCUSSION ITEMS**

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

**(Mover/Second)**

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

**CARRIED**

**7. NOTICES OF MOTION**

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

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

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

**(Mover/Second)**

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

**CARRIED**

**(Mover/Second)**

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

**CARRIED**

**8. MOTIONS**

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

**(Mover/Second)**

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

**CARRIED**

**9. OTHER BUSINESS**

**(i) Title**

Brief overview of the item

**10. ADJOURNMENT**

**(Mover/Second)**

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

**CARRIED**

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



## Hamilton

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

### **Recommendation:**

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

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

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

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

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

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

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

## FCS20061- Appendix D. Advisory Committee Procedural Handbook July 17-2020

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



**Appendix "D"**

<b>STANDARD OPERATING PROCEDURE</b>	<b>08-001</b>
-------------------------------------	---------------

<b>Subject:</b>	<b>Communicating with any outside agencies, including other Levels of Government and the media</b>
-----------------	--

- a) City of Hamilton Committees wishing to correspond with any outside agency including the media, Ministers of the Provincial/Federal Governments or with MP's and MPP's will follow the subjoined procedures:
1. Recommendation(s) to correspond with any outside agency submitted by a Committee are forwarded to the appropriate Standing Committee for approval with the draft correspondence being attached as an appendix to a Citizen Committee Report prepared by the respective Committee Staff Liaison.
  2. Once the recommendation is approved by the Standing Committee and Council, the correspondence is submitted for signature and will be signed jointly by the Mayor and the Chair of the Committee.
  3. Any follow up correspondence received by the City of Hamilton in response to the letter will be forwarded to both City Council and to the Committee, which initiated the recommendation and correspondence.
  4. Appointees should accurately communicate a recommendation or direction.
  5. Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee.
  6. Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.

**Appendix "E"**



Hamilton

**COMMITTEE MEMBER ACKNOWLEDGEMENT FORM**

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

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

Dated at City of Hamilton, in the Province of Ontario this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Applicant:

Witness:

(Must be at least 18 years if age.)

\_\_\_\_\_  
(Please Print Your Name)

\_\_\_\_\_  
(Please Print Your Name)

\_\_\_\_\_  
(Please Sign)

\_\_\_\_\_  
(Please Sign)



Hamilton

**COMMITTEE MEMBER RESIGNATION FORM**

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

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

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Additional Comments (optional)

---



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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Appendix “G”**

### **HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT**

Council has adopted this Code of Conduct for the guidance of Appointees to Advisory Committees and Task Forces providing recommendations to Standing Committees and to assist Appointees in performing their duties in a manner which will promote the public’s confidence in these Advisory Committees and Task Forces operating with integrity, transparency and courtesy.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Appointees may be called upon to exercise judgement as to the appropriate standard of conduct. When this occurs, Appointees are to ensure that their decisions maintain the Advisory Committee or Task Force’s integrity, transparency and courtesy.

This Code of Conduct does not apply to Members of Council who are subject to the Council Code of Conduct.

Failure to comply with this Code of Conduct may result in the Advisory Committee or Task Force:

- (1) requesting an apology from the Appointee; and/or
- (2) removing the Appointee from the Advisory Committee or Task Force for a portion or all of their term.

#### **1. GOOD CONDUCT**

Appointees shall act with honesty and integrity including:

- acting in a manner that contributes to the public’s confidence in the Advisory Committee or Task Force; and
- not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointees.

#### **2. MEETINGS**

Appointees shall maintain proper control over meetings demonstrating respect for everyone who is involved in a proceeding.

Appointees are expected to attend all meetings of the Advisory Committee or Task Force. If an Appointee misses more than three meetings during their term, the Chair, after hearing and considering any explanation provided by the Appointee, may remove the Appointee from the Advisory Committee or Task Force for the remainder of their term.

#### **3. COLLEGIALITY**

Appointees shall respect and co-operate with other Appointees and the Advisory Committee or Task Force staff.

**4. GIFTS OR BENEFITS**

Appointees shall not accept a gift or benefit that may appear as being offered because they are a Appointees.

**5. CONFIDENTIAL INFORMATION**

Appointees shall not disclose to any member of the public any confidential information acquired by virtue of their position.

**6. COMMUNICATION**

Appointees should accurately communicate a recommendation or direction.

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee.

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



**Authority:** Item 4, Audit, Finance &  
Administration Committee Report  
21-002 (Governance Review Sub-  
Committee Report 21-001)  
Date: February 4, 2021

**Bill No. 021**

**CITY OF HAMILTON**

**BY-LAW NO. 21-021**

**A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL  
AND COMMITTEES OF COUNCIL**

**CONSOLIDATION**

*This By-law is a consolidated version and includes amendments made by those amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.*

**CITY OF HAMILTON**

**CONSOLIDATED BY-LAW NO. 21-021**

Incorporating amendments made by:

By-law Number

Effective Date

21-148

August 13, 2021

22-017

February 9, 2022

22-035

February 23, 2022

22-254

September 28, 2022

22-267

December 7, 2022



## CITY OF HAMILTON

### BY-LAW NO. 21-021

#### 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 4 of Audit, Finance & Administration Committee Report 21-021 on February 24, 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
<b>Definitions</b>	<b>1</b>	<b>3</b>
<b>Application</b>	<b>2</b>	<b>7</b>
<b>Council Meetings</b>	<b>3</b>	<b>7</b>
First Council Meeting	3.1	7
Regular Council Meeting Times	3.2	8
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	11
Delegations	3.9	11
Communication Items	3.10	11
Order of Business	3.11	12
Bills and By-laws	3.12	13
Editorial and Other Changes	3.13	13
Shareholder and Board of Director Meetings	3.14	14
Declarations of Interest	3.15	14
Provisional Governance Committee During a Declared Emergency	3.16	15
Council Communication Updates	3.17	15
<b>Committee of the Whole</b>	<b>4</b>	<b>16</b>
<b>Committee Meetings</b>	<b>5</b>	<b>16</b>
Standing Committees	5.1	16
Appointment of Standing Committee Chairs and Vice Chairs	5.2	17

Standing Committee Membership	5.3	17
Quorum	5.4	18
Location of Meetings	5.5	19
Standing Committee Meeting Times	5.6	19
Cancellation of a Committee Meeting	5.7	20
Committee Reports	5.8	20
Rules of Procedure	5.9	20
Duties of Standing Committees	5.10	21
Order of Business	5.11	21
Delegations	5.12	22
Public Hearings at Standing Committees	5.13	23
Communication Items	5.14	24
Reconsideration of a Matter Decided Within a Standing Committee Meeting	5.15	25
Declarations of Interest	5.16	26
Special Meetings of a Standing Committee	5.17	26
Change to a Scheduled Committee Meeting	5.18	27
<b>Rules of Debate, Voting Procedures and Motion Procedures</b>	<b>6</b>	<b>27</b>
Rules of Debate	6.1	27
Relinquishing the Chair	6.1(9)	28
Voting Procedures	6.2	28
Motion Procedures	6.3	31
Notice of Motion	6.3(1)	31
Dispensing with Notice	6.3(2)	31
Motion to Withdraw	6.3(3)	31
Motion to Amend	6.3(4)	31
Motion to Defer	6.3(5)	32
Motion to Refer	6.3(6)	32
Motion to Adjourn	6.3(7)	32
Motion to Call the Question	6.3(8)	33
Motion to Reconsider a Matter Decided by Council	6.3(9)	33
Order of Procedural Motions	6.3(10)	34
Non-Debatable Motions	6.3(11)	34
Motion to Suspend the Rules of Procedure	6.3(12)	34
Motion Beyond Jurisdiction of Council	6.3(13)	34
<b>Establishment of Advisory Committees or Task Forces</b>	<b>7</b>	<b>34</b>
<b>Order and Decorum</b>	<b>8</b>	<b>35</b>
<b>Meetings Closed to the Public</b>	<b>9</b>	<b>36</b>
<b>Virtual Participation at Council and/or Committee Meetings</b>	<b>10</b>	<b>38</b>
<b>In-Person / Virtual / Hybrid Meetings</b>	<b>11</b>	<b>38</b>
<b>Role of Clerk</b>	<b>12</b>	<b>38</b>
<b>General</b>	<b>13</b>	<b>39</b>

## Appendices

General Issues Committee	Appendix A	41
Board of Health	Appendix B	43
Public Works Committee	Appendix C	44
Planning Committee	Appendix D	45
Emergency & Community Services Committee	Appendix E	46
Audit, Finance & Administration Committee	Appendix F	47
Roles of Council, Mayor and Committee Chair	Appendix G	57
Criteria for the Creation of Advisory Committees or Task Forces	Appendix H	60
Hamilton Advisory Committee/Task Force Code of Conduct <i>(To be deleted in its entirety on May 1, 2023)</i>	Appendix I	61

## SECTION 1 - DEFINITIONS

### 1.1 In this By-law,

“**Act**” means the *Municipal Act, 2001*.

“**Advisory Committee**” means a group of appointed citizens established by Council for the purpose of providing advice on matters that are related to the specific mandate of the committee.

“**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 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.

**“Hearing”** means a Meeting or hearing in a proceeding to which the *Statutory Powers and Procedure Act* applies.

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

**“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.

**“Main Motion”** means a proposal by a member that begins the process of making any decision for consideration of Council or a Committee, that is moved by a member and seconded by another member.

**“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. A Motion may be Procedural or Substantive in nature.

**“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.

**“Procedural Motion”** means any motion concerning the manner or time of consideration of any matter before the Council or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the question; to go into committee of the whole; to recess; to refer; to defer; to go into a closed meeting; to suspend the rules of procedure and to lift.

**“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, with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and six (6) Council representatives with full voting privileges.

**“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.

**“Sub-Committee”** means a Committee established by Council, comprised of some Members of Council and in certain circumstances also citizen members. Sub-Committees report up to an assigned Standing Committee with members of Sub-Committees being appointed by Council.

**“Task Force”** means a temporary ad hoc group of appointed citizens established by Council for the purpose of providing advice on matters related to a specific mandate of the task force.

**“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.

**“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.
- 2.3** Notwithstanding any other provisions of this By-Law, where Council or a Committee convenes for the purpose of holding a Hearing, the provisions of the relevant statute, the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended or re-enacted from time to time, together with any procedures and practices established by the Council or Committee, shall govern the Hearing, as applicable.

## **SECTION 3 – COUNCIL MEETINGS**

### **3.1 First Council Meeting**

- (1) The First Meeting of Council shall be held at a time and place to be fixed by the Clerk provided that it shall not be held later than 31 days after the term of Council commences.
- (2) The IN-PERSON 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) Despite subsection 3.1(2), and provided all requirements of the Act relating to the First Meeting of Council can be satisfied, the First Meeting of Council may be held as a VIRTUAL or HYBRID proceeding in the event of an Emergency.

### 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](http://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.

### 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](http://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.
  - (2.1) A Member of Council participating in-person or virtually shall be counted in determining whether or not a quorum of Members is present at any point in time.
- (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 the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained, 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 of 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 personal information without their express consent, with the exception of the author's name. Any personal information 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 which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Council agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of 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**

- (1) 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
  - (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
- (2) All Ceremonial Activities at Council meetings will take place virtually, during an Emergency.

### 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 Declarations of Interest**

(1) In this Section:

- (a) An "Interest" means a 'disqualifying interest' or a 'non-disqualifying interest' as such terms are defined within the Council approved Code of Conduct to which the member is bound.

- (2) Where a member has disclosed an Interest at a meeting in accordance with a Council approved Code of Conduct to which the member is bound, the member, shall file a written statement with the Clerk.
- (3) Where a member, has disclosed an Interest and filed a written statement with the Clerk, as required by subsection 3.15(2), the Clerk, shall:
  - (a) file the written statement by the member in the Declarations 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 Declarations of Interest Registry; and
  - (d) make the Declarations 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 Standing Committee Reports and Selection Committee Reports a member may:**

- (a) request that a matter contained within the Committee Report be voted on separately at Council;
- (b) amend a matter contained within the Committee Report;
  - (i) in the event, an amendment is considered to be contrary to the main motion within the Committee Report, Council will follow the following process:
    1. The main motion within the Committee Report shall be voted upon;
      - (a) if the vote result is deemed to be Carried, the matter is considered closed; and
      - (b) if the vote result is deemed to be lost, the amendment considered to be contrary to the main motion within the Committee Report, may be introduced if duly moved and seconded.

### **4.3 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.

### **4.4 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 Issues 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, 2<sup>nd</sup> Vice Chair for the required term.
  - (a) The term of the Chair, Vice Chair and 2<sup>nd</sup> 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 2<sup>nd</sup> Vice Chair of the same Standing Committee for more than one year in a Council term.
- (2) Despite subsections 5.2(1)(a) and (b):
  - (a) the Mayor shall stand as Chair for the term of Council for the Board of Health; and
  - (b) the Mayor may stand as the Chair of the General Issues Committee for the term of Council or the Chair of the General Issues Committee may be rotated amongst the Deputy Mayors.
- (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) The Vice Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors when the Mayor is Chair of the General Issues Committee or the Deputy Mayor from the previous month shall be the Vice Chair of the General Issues Committee when the Chair of the General Issues Committee is rotated amongst the Deputy Mayors.
- (5) 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.
- (6) Despite subsection 5.2(1)(c) the role of Chair of the General Issues Committee Budget meetings may be chaired by the Mayor or a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.
- (7) The role of Vice-Chair of the General Issues Committee Budget meetings may be vice-chaired by a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Vice-Chair of the General Issues Committee Budget meetings 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 7 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.
  - (1.1) A Member of a Committee participating in-person or virtually shall be counted in determining whether or not a quorum of members is present at any point in time.
- (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 the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained, 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.

## **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](http://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](http://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, 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
  - (b) Approval of Agenda
  - (c) Declarations of Interest
  - (d) Approval of Minutes of Previous Meeting
  - (e) Communications
  - (f) Delegation Requests
  - (g) Delegations
  - (h) Staff Presentations
  - (i) Consent Items
  - (j) Public Hearings
  - (k) Discussion Items
  - (l) Motions
  - (m) Notice of Motions
  - (n) General Information/Other Business
  - (o) Private and Confidential
  - (p) 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.
- (3) All Ceremonial Activities at Committee meetings will take place virtually, during an Emergency.

## 5.12 Delegations

- (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person or virtually 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) Persons wishing to delegate with a pre-recorded video on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as delegate to the Clerk no later than 12:00 noon two business days before the meeting. If the Committee is meeting on Monday, the deadline will be 12:00 noon on the Thursday before.
  - (d) 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 or a delegate with a pre-recorded video 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) Delegations 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 a Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
- (11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
- (12) Notwithstanding subsections 5.12(9), 5.12(10) and 5.12(11), a Standing Committee member may add the delegation request on a Standing Committee Agenda.
- (13) Delegates appearing IN-PERSON or VIRTUALLY will adhere to Section 8, Order and Decorum of this by-law.
- (14) 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 personal information without their express consent, with the exception of the author's name. Any personal information 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 which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of 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 Declarations of Interest**

- (1) In this Section:
  - (a) An "Interest" means a 'disqualifying interest' or a 'non-disqualifying interest' as such terms are defined within the Council approved Code of Conduct to which the member is bound.
- (2) Where a member has disclosed an Interest at a meeting in accordance with a Council approved Code of Conduct to which the member is bound, the member, shall file a written statement with the Clerk.
- (3) Where a member, has disclosed an Interest and filed a written statement with the Clerk, as required by subsection 5.16(2), the Clerk, shall:
  - (a) file the written statement by the member in the Declarations 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 Declarations of Interest Registry; and
  - (d) make the Declarations 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](http://www.hamilton.ca).

## 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.

- 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 to vacate the place the meeting is being held:
- (i) If the Member of Council apologizes, they may, by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question), be permitted to remain at the meeting; and
  - (ii) Any Member of Council other than the member ordered to vacate the place the meeting is being held may appeal the Mayor's or Chair's ruling, and Council or Committee may overturn the Chair's ruling by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question). An appeal is not in order once a vote under section 8.4 (i) has taken place.
  - (iii) exclusions from voting provided for in subsections 8.4(i) and (ii) shall apply notwithstanding any other provisions in the By-law that require a member of Council or Committee to vote.

- 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 / HYBRID 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 / HYBRID 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**

- 9.1** Except as provided in this Section 9, all Committee and Council meetings shall be open to the public.
- 9.2** For the purpose of Sections 9.3, 9.5, 9.6 and 9.7, "Committee" shall mean any committee of which at least 50% of the members are also members of Council.
- 9.3** A meeting of Council or a Committee or part thereof may be closed to the public if 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 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) 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 City 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.
- 9.4** 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*.
- 9.5** 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 Council 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.
- 9.6** 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.
- 9.7** A member of Council, of a Local Board or of a Committee of either of them

can participate virtually in a meeting that is closed to the public.

- 9.8** A vote may be taken during a meeting that is closed to the public pursuant to Sections 9.3, 9.4 and 9.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board is permitted.

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

- 10.1** 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 when attending in-person is not possible.
- 10.2** Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings when attending in-person is not possible.
- 10.3** 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.
- 10.4** Members of Council and Citizen Committee members who intend on participating at a meeting virtually should advise the Clerk at least 2 days prior to the meeting.
- 10.5** The Mayor, Deputy Mayor, Chair or Vice Chair presiding at a Council or Committee meeting shall attend in-person at a HYBRID meeting.

**SECTION 11 – IN-PERSON / VIRTUAL / HYBRID MEETINGS**

- 11.1** All VIRTUAL Council and Committee meetings shall be streamed live.
- 11.2** All IN-PERSON / HYBRID Council and Committee meetings may be streamed live.
- 11.3** Upon being apprised that an IN-PERSON / HYBRID meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will continue as long as quorum is maintained and the connection will be resumed as soon as possible.
- 11.4** 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.
- 11.5** If the live feed of a VIRTUAL meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned with 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. The Council/Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.

### **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 two-thirds 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.

- 13.6** In the event of a conflict between the provisions of this By-Law and the Act, or any other legislation, the provisions of the Act and legislation shall prevail, to the extent of the conflict.
- 13.7** In the event of a conflict between the provisions of this By-Law and the Terms of Reference for any Sub-Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

**PASSED** this 24th day of February, 2021.

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F. Eisenberger  
Mayor

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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
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the General Issues Committee
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the General Issues 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.
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Board of Health
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Board of Health

**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.
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Public Works Committee

**Appendix D****PLANNING COMMITTEE****COMPOSITION**

The Planning Committee shall be comprised of a minimum of 9 Members of Council, plus the Mayor as ex-officio.

**MANDATE***General:*

To report and make recommendations to Council on matters relating to:

- Long Range Planning, land use management, development planning and engineering, transportation planning and downtown planning and implementation
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues

*Specific duties shall include:*

To consider and recommend to Council on:

- the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws
- all matters related to the *Planning Act*, the *Ontario Heritage Act*, the *Municipal Act, 2001*, the *Niagara Escarpment Act* and other applicable legislation regarding planning, development engineering, by-law enforcement and licensing and downtown planning issues
- the City's Official Plan and Zoning By-laws and amendments thereto, pursuant to the *Planning Act*, and to conduct such related public meetings as may be required
- applications for subdivision and condominium approval pursuant to the *Planning Act* and *Condominium Act*, as applicable
- matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
- matters relating to Parking Operations and Enforcement
- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Ontario Land Tribunal (OLT) 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.
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Planning Committee.

**Appendix E****EMERGENCY & COMMUNITY SERVICES COMMITTEE****COMPOSITION**

The Emergency & Community Services 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:

- Children's Services
- Ontario Works
- Neighbourhood Development
- Housing Services
- Lodges: Macassa Lodge and Wentworth Lodge
- Recreation
- Fire Services
- Paramedic Services

*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.
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Emergency & Community Services 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

#### *Delegated Authority:*

- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997* and *Section 257.85 of the Education Act*.

#### *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 & 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
- To consider recommendations from the City Auditor as per the Office of the City Auditor Charter (Schedule F1 to Appendix F).

- 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.
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Audit, Finance & Administration 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 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 & Administration Committee of Council. Audit and other reports are sent directly to the Audit, Finance & 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 & 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 & 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 & 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. *(to be deleted in its entirety on May 1, 2023)*
- (h) Appointees shall seek to serve the public interest in accordance with the Council approved Code of Conduct for Local Boards; *(in effect on May 1, 2023)*
- (i) All minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and
- (j) Staff may act as resource persons in a non-voting capacity.

**Appendix I****HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT**

*(to be deleted in its entirety on May 1, 2023)*

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. COLLEGIALLY**

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.