



Hamilton

## **REPORT 13-002**

**GOVERNANCE REVIEW SUB-COMMITTEE**

**Tuesday, October 22, 2013**

**2:00 p.m. Room 264**

**Hamilton City Hall**

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**Present:** Councillor R. Powers, Chair  
Councillors R. Pasuta, B. Clark, M. Pearson. T. Whitehead

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### **THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 13-002 AND RESPECTFULLY RECOMMENDS:**

- 1. Correspondence from Laura Ryan respecting her resignation from the Accountability and Transparency Sub-Committee (Referred from Council on June 12, 2013) (Item 4.1)**
  - (a) That the letter of resignation from Laura Ryan be received;
  - (b) That a letter be sent to Laura Ryan thanking her for her service on the Accountability and Transparency Sub-Committee.
  
- 2. Dissolving of the Accountability and Transparency Sub-Committee**
  - (a) That the Accountability and Transparency Sub-Committee be dissolved;
  - (b) That any future issues relating to Accountability and Transparency be forwarded to the Governance Review Sub-Committee for consideration.
  
- 3. City of Hamilton LGBTQ Advisory Committee – Secondary Logo (Report LGBTQ 13002) (Item 4.4)**

That the secondary logo, attached as Appendix “A” to Governance Review Sub-Committee Report 13-002, be approved for use by the City of Hamilton LGBTQ Advisory Committee .

**4. Housekeeping Procedural By-law Amendments (to be distributed) (Item 4.5)**

That the Housekeeping Procedural By-law Amendments, attached as Appendix "B" to Governance Review Sub-Committee Report 13-002, be approved.

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

**(i) ADDED DELEGATION REQUESTS**

- (1) Joey Coleman respecting agenda item 4.2 regarding the Facilitation and Availability of Agendas to the Members of the Public.**

The agenda was approved as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) June 10, 2013 (Item 3.1)**

The minutes of the June 10, 2013 meeting of the Governance Review Sub-Committee, were approved.

**(d) DISCUSSION ITEMS (Item 4)**

**(i) Correspondence from Laura Ryan respecting her resignation from the Accountability and Transparency Sub-Committee (Referred from Council on June 12, 2013) (Item 4.1)**

It was noted that the Accountability and Transparency Sub-Committee has completed their mandate, and there is no need to replace this members.

Please refer to item 1 for disposition.

**(ii) Joey Coleman respecting agenda item 4.2 regarding the Facilitation and Availability of Agendas to the Members of the Public**

Joey Coleman spoke to the Committee and expressed three requests: that all subcommittees be available online, whether it be on the city website or a sub-site; that Council agendas be released to the public by Friday prior to the meeting date to give members of the public more time to digest the issues and decisions that are being presented at Council; and that members of the media receive printed copies of agendas.

- (a) The delegation by Joey Coleman respecting agenda item 4.2 regarding the Facilitation and Availability of Agendas to the Members of the Public, was received;
- (b) Staff were directed to report back to the next Governance Review Sub-Committee meeting respecting the issues raised by Mr. Coleman.

**(iii) 2014 Committee Calendar (Item 4.3)**

The Committee discussed the 2014 Committee Calendar.

**Please note that the following recommendation was presented to the General Issues Committee on November 6, 2013.**

The 2014 Committee Calendar was approved as amended, with the last meeting of City Council being on September 24, 2014.

**(e) OTHER BUSINESS (Item 5)**

The Outstanding Business List Item B respecting the Writ Period of a Municipal Election was removed as the item is complete.

The due dates and name changes on the following items on the Outstanding were revised accordingly:

Item "A" – "Inner City Fund" and the "Geographic Factor"  
Due Date: Q3 2013  
Revised Due Date: Q4 2013

Item "D" – Standing Committee Membership  
Due Date: Q4 2013  
Revised Due Date: Q3 2014

Item "E" – AODA Requirements in Report Writing  
Due Date: Q2 2014

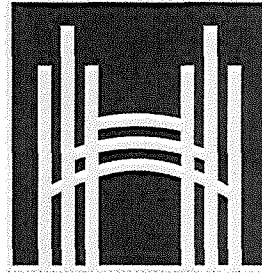
**(f) ADJOURNMENT (Item 6)**

With no further business the Governance Review Sub-Committee meeting,  
adjourned at 4:10 p.m.

Respectfully submitted,

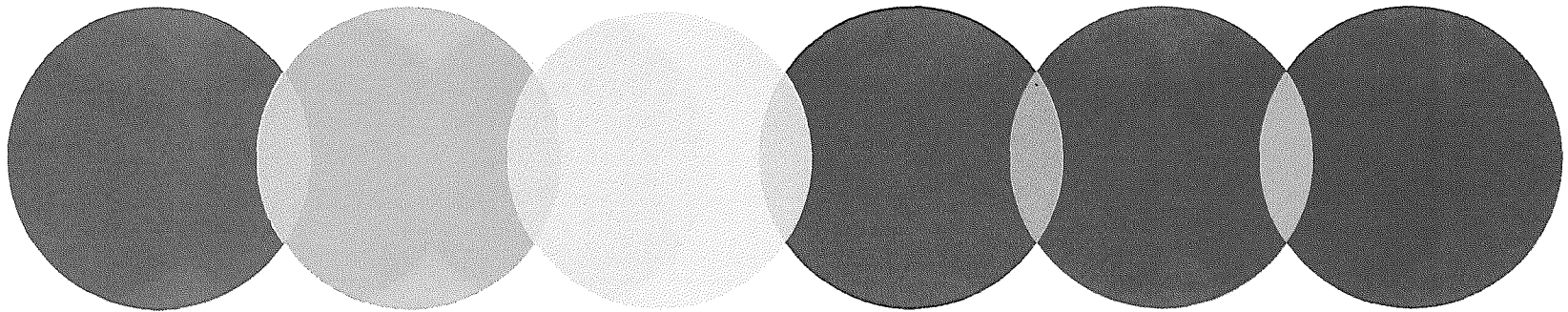
Councillor R. Powers, Chair  
Governance Review Sub-Committee

Christopher Newman  
Legislative Coordinator



Hamilton

**Lesbian, Gay, Bisexual, Transgender, Queer  
Advisory Committee**



**CITY OF HAMILTON**

**BY-LAW NO. 10-053**

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

(PROCEDURAL BY-LAW)

**INDEX**

<b>TITLE</b>	<b>SECTION</b>	<b>PAGE</b>
<b>Definitions</b>	<b>1</b>	<b>1</b>
<b>Application</b>	<b>2</b>	<b>4</b>
<b>Council Meetings</b>	<b>3</b>	<b>4</b>
First Council Meeting	3.1	4
Regular Meeting Times	3.2	4
Location of Meetings	3.3	5
Special Meetings of Council	3.4	5
Meetings of Council for Emergencies	3.5	5
Quorum	3.6	6
Remedy for Lack of Quorum – Municipal Conflict of Interest Act	3.7	6
Delegations	3.8	6
Order of Business	3.9	6
Rules of Debate	3.10	7
Relinquishing the Chair	3.10 (8)	8
Voting Procedures	3.11	8
Notice of Motion	3.11 (10)	9
Dispensing with Notice	3.11 (11)	9
Motion to Withdraw	3.11 (12)	9
Motion to Amend	3.11 (13)	10
Motion to Table	3.11 (14)	10
Motion to Refer	3.11 (15)	10
Motion to Adjourn	3.11 (16)	10
Motion to Call the Question	3.11 (17)	11
Motion to Reconsider	3.11 (18)	11
Motion Beyond Jurisdiction of Council	3.11 (21)	12
Bills and By-laws	3.12	12

**Proposed Amendments  
to the Procedural By-law**

**Office Consolidation**

<b>TITLE</b>	<b>SECTION</b>	<b>PAGE</b>
Editorial and Other Changes	3.13	13
Shareholder and Board of Director Meetings	3.14	14
<b>General Issues Committee</b>	<b>4</b>	14
<b>Standing Committee Meetings</b>	<b>5</b>	14
Standing Committees	5.1	14
Appointment of Standing Committee Chairs and Vice Chairs	5.2	15
Standing Committee Membership	5.3	15
Quorum	5.4	15
Regular Meeting Times of Standing Committees	5.5	15
Committee Reports	5.6	16
Rules of Procedure	5.7	17
Duties of Standing Committees - (See Appendices)	5.8	17
Provisional Governance Committee	5.9	17
Order of Business	5.10	18
Delegations	5.11	18
Public Hearings	5.12	19
General	5.12	19
Procedure	5.12	20
Written Information	5.12	20
<b>Establishment of Advisory Committees or Task Forces</b>	<b>6</b>	20
<b>Conduct of Members – Order and Decorum</b>	<b>7</b>	21
<b>Meetings Closed to the Public</b>	<b>8</b>	22
<b>Role of Clerk</b>	<b>9</b>	23
<b>General</b>	<b>10</b>	24
<b>Appendices</b>		
General Issues Committee	Appendix A	25
Board of Health	Appendix B	27
Public Works Committee	Appendix C	28
Planning Committee	Appendix D	29
Emergency & Community Services Committee	Appendix E	31
Audit, Finance & Administration Committee	Appendix F	32
Roles of Council, Mayor and Committee Chair	Appendix G	34
Code of Conduct for Members of Council	Appendix H	37
Criteria for the Creation of Advisory Committees or Task Forces	Appendix I	49

**CITY OF HAMILTON**

**BY-LAW NO. 10-053**

**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;

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

**SECTION 1 - DEFINITIONS**

**1.1** In this By-law,

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

“**amend**” means to alter or vary the terms of a main motion without materially changing its purpose, and amendment has a corresponding meaning;

“**Bill**” means a proposed form of By-law;

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

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

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

“**challenge**” means to appeal a ruling of the Chair;

“**Clerk**” means the City Clerk, or his or her designate;

“**Closed Meeting**” means a meeting, or part of a meeting, of Council or a Committee, which is closed to the public as permitted by the Act, also referred to as an “in-camera meeting”;

“**Committee**” means a Standing Committee, Licensing Tribunal, Selection Committee or an Advisory Committee or Task Force established by Council from time to time;



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

“**Council**” means the City Council;

“**defer/table**” means to delay consideration of a matter by Council or a Committee until a specified time or event;

Comment [41]: Add “/table”

“**Deputy Mayor**” means a Member of Council who is appointed from amongst Council on a scheduled basis: <sup>(10-230)</sup>

- (a) to assist the Mayor; and
- (b) to act from time to time in the place of the Mayor, exercising:
  - (i) all the rights, powers and authority of the Mayor when the Mayor is absent from the City or the office of Mayor is vacant; and
  - (ii) subject to paragraph (i), those rights, powers and authority of the Mayor that:
    - 1. the Mayor is unable to exercise for the time being due to illness, incapacity or other reason, including acting in the place of the Mayor at any Council or Committee meeting when the Mayor is absent; or,
    - 2. the Mayor refuses to exercise;

“**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 Section 5.4 of this By-law;

“**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 regular or special meeting of Council or Committee;

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

“**motion**” means a proposal by a member for the consideration of Council or a Committee that is moved by a member and seconded by another member;

“**notice of motion**” means a notice of motion received by the Clerk in writing, moved by a member for inclusion on a future agenda of a meeting of Council or Committee;

“**point of order**” means a question by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business;

“**point of privilege**” means a question by a member with respect to the rights of a member individually or Council or a Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely;

“**quorum**” means the number of members required to be present at a meeting to validate the transactions of its business;

“**recess**” means a short intermission in a meeting’s proceedings which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was stopped;

“**refer**” means to defer a matter seeking its consideration by any individual or body, including a Committee;

Comment [42]: Delete the word “defer” and replace with “refer”

“**recorded vote**” means a written record of the name and vote of each member of Council or a Committee who votes on a question and of each member present who does not vote;

“**rules of procedure**” means the rules and procedures set out in this By-law, for the calling, place and proceedings of the meetings of Council and its Committees;

“**Senior Management Team**” means the City Manager and General Managers appointed by Council and the Medical Officer of Health appointed by the Board of Health;

“**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;

“**table**” means to introduce an item for discussion at a meeting

Comment [43]: Delete section

“**website**” means the official City internet website.

## **SECTION 2 - APPLICATION**

- 2.1** The rules of procedure shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.
- 2.2** All matters relating to the proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot's Rules of Order*.

## **SECTION 3 – COUNCIL MEETINGS**

### **3.1 First Council Meeting**

The First Meeting of Council shall be held on the first Wednesday of December in an election year at 7:00 p.m.

Comment [44]: Amend to read: 5:00 p.m.

The Proceedings of the First Meeting of Council shall include:

- (a) Ceremonial - special address by guests;
- (b) Filing of Declarations of Office in accordance with the provisions of the Act;
- (c) Council appointments to Standing Committees, Boards and Agencies; and
- (d) Confirming By-law.

### **3.2 Regular Meeting Times**

- (1) Unless otherwise decided by Council, regular meetings of Council shall be held:
  - (a) every second and fourth Wednesday of each month, commencing at 7:00 p.m., unless such day is a public or civic holiday, in which case Council shall set an alternate day and time; or
  - (b) in accordance with the schedule approved by Council.
- (2) Advance notice of meetings for the public's information may be found by accessing the City's website at [www.hamilton.ca](http://www.hamilton.ca) (Select Public Meetings and Consultations.)

Comment [45]: Amend to read: 5:00 p.m.

### 3.3 Location of Meetings

Meetings of Council shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

### 3.4 Special Meetings of Council

- (1) In addition to regular 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 also 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 his or her designated staff, notice of a special meeting of Council at least 48 hours before the time appointed for such meeting by:
  - (a) delivering a written notice personally;
  - (b) delivering such notice at his or her 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) shall state the nature of the business to be considered at the special meeting of Council and no other business other than that which is stated in the notice shall be considered at such meeting except with at least two-thirds of the Members of Council present and voting in the affirmative.

### 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.

**3.6 Quorum**

- (1) As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the meeting to order.
- (2) A majority of Members of Council is necessary to constitute a quorum of Council.
- (3) In case the Mayor does not attend within 15 minutes of the time a quorum is to be present for a meeting of the Council, the Clerk shall call the Members of Council to order and an acting Chair shall be appointed from amongst the Members of Council present and he or she 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 regular meeting or other meeting called in accordance with the provisions of this By-law.
- (5) If Quorum cannot be maintained during a meeting, the Clerk will advise the Chair that quorum is lost and the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.

**Comment [46]:** Amend section to read: If the Mayor does not attend within 15 minutes of the time a quorum is to be present for a meeting of the Council, the Deputy Mayor shall call the Members of Council to order and he/she will preside until the arrival of the Mayor.

**Comment [47]:** Section 3.6 (5) is a new section

**3.7 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.

**3.8 Delegations**

Delegations are not permitted at meetings of Council.

**3.9 Order of Business**

The Order of Business for the regular meetings of Council, unless changed by Council in the course of the meeting, shall be as follows: <sup>(10-230)</sup>

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Ceremonial Activities

- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Committee Reports
- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)
- (j) Private and Confidential
- (k) By-laws and Confirming By-law
- (l) Adjournment

**3.10 Rules of Debate**

- (1) No Member of Council shall be deemed to have precedence or seniority over any other Member of Council.
- (2) Before speaking to a question or motion, a Member of Council shall be recognized by the Mayor and be placed on the speakers' list.
- (3) When a Member of Council is speaking, no other Member of Council shall pass between that Member of Council and the Mayor or interrupt that Member of Council except to raise a point of order or privilege.
- (4) If a Member of Council disagrees with the announcement of the Mayor that a question is Carried or Lost, he or she may immediately after the declaration by the Mayor, object to the Mayor's declaration and require that a recorded vote be taken.
- (5) 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.
- (6) 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.

- (7) The following motions may be introduced without notice and without leave, but shall be in writing and signed by the Mover and Seconded:
- (a) to amend
  - (b) to suspend the rules of procedure
  - (c) to refer (see section 3.11(14))
  - (d) to defer/table
  - (e) to go into a closed meeting.

Comment [48]: Insert "/table

(8) **Relinquishing the Chair**

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

### 3.11 Voting Procedures

- (1) Every Member of Council present at a meeting of Council or Committee when a question is put shall vote unless prohibited by statute, in which case, the Clerk shall record the name of the Member of Council and the reason that he or she is prohibited from voting.
- (2) When a vote is taken and a tie results, a question is deemed to be lost.
- (3) If any Member of Council at a meeting of Council does not vote when a question is put and a recorded vote is taken, he or she shall be deemed to have voted in the negative except where prohibited from voting by statute.
- (4) When a recorded vote is requested by a Member of Council immediately before or after a question is put, the Clerk shall record the name and vote of every Member of Council on the question.
- (5) When the Mayor calls for a vote on a question, each Member of Council shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Mayor, and during such time no Member of Council shall walk across the room or speak to any other Member of Council or make any noise or disturbance.
- (6) After a question is put by the Mayor, no Member of Council shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- (7) 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.

- (8) Despite subsection (7), a meeting may be closed to the public during a vote if:
  - (a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 8 (Closed Meetings) 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.
- (9) The Mayor shall, upon request of a Member of Council, divide a question and the vote upon each proposal shall be taken separately.

(10) **Notice of Motion**

- (a) Notice of all new motions, except motions listed in subsections 3.10(6) and 3.10(7), shall be given in writing:
  - (i) at a meeting of Council, but shall not be debated until the next regular meeting of Council; or
  - (ii) delivered to the Clerk at any time prior to noon of 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 notice of motion has been called by the Mayor at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.
- (c) Where Council has determined not to drop a notice of motion from the agenda, and at the second meeting such notice of motion is called by the Mayor and not proceeded with, it shall be deemed to have been withdrawn.

(11) **Dispensing with Notice**

A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of the majority of the Members of Council present and voting.

(12) **Motion to Withdraw**

After a motion is read or stated by the Mayor it shall be deemed to be in possession of Council, but may, by the majority vote of Council, be withdrawn at any time before decision or amendment.

**Comment [49]:** Amend to read: After a motion is moved and seconded it shall be deemed to be in possession of Council, but may, by the majority vote of Council, be withdrawn at any time before decision or amendment.



**(13) Motion to Amend**

A motion to amend:

- (a) shall be presented in writing, duly moved and seconded;
- (b) shall be made only to a previous question or to amend an amendment to the question;
- (c) shall be relevant to the question to be decided;
- (d) shall not be received if in essence it constitutes a rejection of the main question;
- (e) shall be put in the reverse order to that which it is moved.

**(14) Motion to Defer/Table**

Comment [410]: Section 3.11 (14) is a new section

A motion to defer/table a question:

- (a) shall be duly moved and seconded
- (b) is debatable
- (c) when discussion of the item is to resume, requires a motion to lift from the table

**(15) Motion to Refer**

- (a) A motion to refer the question:
  - (i) shall include the name of the individual or body to whom the question is to be referred.
  - (ii) may include instructions respecting the terms upon which the question is to be referred.
- (b) A motion to refer a question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A motion to refer a question may be amended in accordance with subsection 3.11(13).
- (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. <sup>(10-230)</sup>

**(16) Motion to Adjourn**

A motion to adjourn a Council meeting shall always be in order except:

- (a) when a Member of Council is speaking or during the taking of a vote;

- (b) immediately following the affirmative resolution of a motion that a vote on the question now be taken;
- (c) when a Member of Council has already indicated to the Mayor, that he or she desires to speak on the question;
- (d) when resolved in the negative, cannot be made again until Council has conducted further proceedings.

(17) **Motion to Call the Question**

A motion to call the question shall be in order except when a Member of Council is speaking or before the first-time speakers' list is exhausted.

(18) **Motion to Reconsider** <sup>(10-230)</sup>

- (a) At any regular Council Meeting, after a matter has been decided by Council, 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 he or she voted with the majority on the issue in question. Such Notice of Motion shall be referred to the next available 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) Actions of Council that cannot be reversed or suspended cannot be reconsidered.
- (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) Sub-sections (a) to (f) do not apply when a motion pertains to a decision of a previous Council.

(19) 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/table (to introduce an item for discussion at a meeting)
- (f) to refer

Comment [411]: Delete the wording in parenthesis

(g) to amend

(20) The following motions are not debatable:

(a) a motion to adjourn

(b) a motion to refer (except on the advisability or appropriateness of referring the question), close, limit or extend debate

(c) a motion to lay on the table (except on the appropriateness of laying the question on the table)

(d) a motion to suspend the rules

(e) a point of privilege

(f) a motion to lift from the table

Comment [412]: Delete section and renumber remaining sections

(21) **Motions Beyond Jurisdiction of Council**

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

### 3.12 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 the following changes to By-laws or resolutions to:
- (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
  - (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
  - (c) Replace a description of a date or time with the actual date or time.
  - (d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.
  - (e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.
  - (f) Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.
  - (g) If a provision of a transitional nature is contained in a By-law, make any changes that are required as a result.
  - (h) Make a correction, if it is patent both that an error has been made and what the correction should be.
- (2)
- (a) The Clerk may provide notice of the changes made under paragraphs (1)(a) to (c) inclusive in the manner that he or she considers appropriate.
  - (b) The Clerk shall provide notice of the changes made under paragraphs (1)(d) to (h) inclusive in the manner that he or she considers appropriate.
  - (c) In determining whether to provide notice under subsection 2(a), the Clerk 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.

Comment [413]: Added wording

- (d) In providing notice under subsection 2(a) or 2(b), the Clerk 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.

**SECTION 4 - GENERAL ISSUES COMMITTEE**

4.1 Council may, by resolution:

- (a) move into General Issues Committee to consider, including debate, Committee reports on the Council meeting agenda; and
- (b) move out of General Issues to report to Council.

**Comment [m14]:** This section amended to read "Committee of the Whole" rather than General Issues Committee. GIC is one of our Standing Committees. Council moves into Committee of the Whole to debate reports.

**SECTION 5 – STANDING COMMITTEES MEETINGS**

**5.1 Standing Committees**

The Standing Committees reporting to Council shall be as follows:

- (a) General Issue Committee <sup>(10-230)</sup>
- (b) Board of Health
- (c) Public Works Committee
- (d) Planning Committee <sup>(10-230)</sup>
- (e) Emergency & Community Services Committee
- (f) Audit, Finance & Administration Committee <sup>(10-230)</sup>

**5.2 Appointment of Standing Committee Chairs and Vice Chairs**

- (1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice-Chair and, where applicable, 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.
  - (c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors. <sup>(10-230)</sup>
- (2) Despite paragraphs (1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the following Committees:
  - (a) Board of Health

**5.3 Standing Committee Membership**

- (1) General Issues Committee and Board of Health shall be comprised of all Members of Council. <sup>(10-230)</sup>
- (2) The Public Works Committee and Planning Committee shall be comprised of a minimum of 8 Members of Council. <sup>(10-230)</sup>
- (3) The Emergency & Community Services Committee shall be comprised of a minimum of 5 and a maximum of 8 members of Council and the Audit, Finance & Administration Committee shall be comprised of a minimum of 5 and maximum of 7 members of Council. <sup>(11-074)</sup>
- (4) Each Member of Council shall sit on a minimum of 2 Standing Committees.
- (5) Membership on Standing Committees shall be for the duration of the term of Council.

**Comment [m15]:** Add the words "in addition to the Board of Health and General Issues Committee" to read as follows: "Each member of Council shall sit on a minimum of 2 Standing Committees in addition to the Board of Health and General Issues Committee"

**5.4 Quorum**

The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number. <sup>(10-230)</sup>

**5.5 Regular Meeting Times of Standing Committees<sup>(11-287)</sup>**

(1) Unless otherwise decided by Council, regular meetings of the Standing Committees shall be as follows:

(a)(i) General Issues Committee shall meet on the second Monday of every month commencing at 9:30 a.m.;

**Comment [416]:** Changed to first and third Wednesday

(ii) Board of Health shall meet on the fourth Monday of every month commencing at 9:30 a.m.;

**Comment [417]:** Changed to Third Monday at 1:30 p.m.

(iii) Public Works Committee shall meet on the first and third Monday of every month commencing at 9:30 a.m.;

(iv) Planning Committee shall meet on the first and third Tuesday of every month commencing at 9:30 a.m.;

(v) Emergency & Community Services Committee shall meet on the first and third Wednesday of every month commencing at 1:30 p.m.;

**Comment [418]:** Change to first and third Monday, and add next to third Monday "if required" to read: Emergency & Community Services Committee shall meet on the first Monday and third Monday (if required) at 1:30 p.m.

(vi) Audit, Finance & Administration Committee shall meet on the first and third Wednesday of every month commencing at 9:30 a.m.;

unless such a day is a public or civic holiday, in which case an alternate date and time will be selected; or

**Comment [419]:** Change to first and third Monday, and add next to third Monday "if required" to read: Audit, Finance & Administration Committee shall meet on the first Monday and third Monday (if required) at 9:30 a.m.

(b) in accordance with the schedule approved by Council.

(2) In addition to regular meetings, a special meeting of a Standing Committee may be scheduled, when required, at locations and times to permit convenient access for members of the public most affected by such a matter.  
(10-230)

(3) Advance notice of meetings for the public's information may be found by accessing the City's website at [www.hamilton.ca](http://www.hamilton.ca) (Select Public Meetings and Consultations.)

**5.6 Committee Reports**

(1) Each Standing Committee shall make recommendations to Council.

(2) A minimum of 48 hours shall pass before a Standing Committee Report is presented to Council.

At the request of the Ward Councillor, every effort will be made for reports to be released at an earlier date to provide adequate opportunity for review.  
(10-230)

- (3) Despite subsection (2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

### 5.7 Rules of Procedure

- (1) The rules governing the procedure of the Council and conduct of Members of Council at Council meetings shall be observed in Standing Committees, so far as they are applicable.
- (2) No member of Council shall speak more than once, until every member of a Standing Committee, followed by every Member of Council who is not a member of the Standing Committee, has spoken, and then only to provide information or seek clarification from the Chair, other Members of Council or staff. A Member of Council who is not a member of a Standing Committee may speak before members of the Standing Committee when the subject matter directly affects is or her Ward. <sup>(10-230)</sup>
- (3) A Member of Council may place an item on a future agenda of a Standing Committee meeting by delivering a Notice of Motion (see Section 3.11(10)) to the Chair of the Standing Committee and to the Committee Legislative Assistant. <sup>(10-230)</sup>
- (4) A member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate, 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. <sup>(10-230)</sup>

### 5.8 Duties of Standing Committees

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

### 5.9 Provisional Governance Committee

- (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 his or her 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. <sup>(10-230)</sup>
- (3) The Provisional Governance Committee shall have all the powers and duties that may legally be delegated to the Committee pursuant to the Act, or any



other applicable Provincial or Federal legislation, subject to the following conditions and restrictions:

- (a) the delegation shall be effective only during the times specified; and
- (b) the Committee shall conduct its meetings in accordance with this By-law, providing that the quorum for the constitution of a valid meeting of the Committee shall be 5 Members of Council.

**5.10 Order of Business**

The general Order of Business for the regular meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows: <sup>(10-230)</sup>

- (a) Changes to the Agenda
- (b) Declarations of Interest
- (c) Approval of Minutes of Previous Meeting
- (d) Delegation Requests
- (e) Consent Items
- (f) Public Hearings/Delegations
- (g) Staff Presentations
- (h) Discussion Items
- (i) Motions
- (j) Notice of Motions
- (k) General Information/Other Business
- (l) Private and Confidential
- (m) Adjournment

**5.11 Delegations**

- (1) Persons who wish to attend as a delegation to address a Standing Committee on a matter that:
  - (a) is not listed on a Standing Committee agenda, may make a request in writing to be listed as a delegation, such request to be received by the Clerk, no later than 12 noon on the day before the Standing Committee meeting. If the Standing Committee is meeting on a Monday, the deadline will be 12 noon on Friday.
  - (b) is listed on the agenda for a Standing Committee meeting, may make a request in writing to be listed as a delegation, such request to be received by the Clerk no later than 4:30 p.m. the day before the Standing Committee meeting. **If the Standing Committee is meeting on a Monday, the deadline will be 12 noon on Friday.**

Comment [420]: Amend 4:30 p.m. to read 12:00 Noon

Comment [421]: Added sentence

- (c) provided that a person may attend as a delegation in the absence of a request under paragraphs (a) or (b) where prescribed by applicable legislation or allowed by the Standing Committee. <sup>(10-230)</sup>

The request forms are available at [www.hamilton.ca](http://www.hamilton.ca) (*Select Request to Speak to a Committee*)

- (2) A request to attend as a delegation shall include the person's name, address, telephone number, reasons for the delegation, and if applicable the name, address and telephone number of any person, corporations or organizations which he or she represents.
- (3) Upon receipt of a request to attend as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Standing Committee and the decision whether or not to entertain the delegation will be made by the Standing Committee.
- (4) A delegation granted permission to appear before the Standing Committee is encouraged to provide the Clerk with a brief of his or her presentation, which in turn will be provided by the Clerk to the Members of the Standing Committee in advance of the meeting.
- (5) When a person is listed as a delegation on a Standing Committee agenda and such person, without notification to the Clerk, does not attend said meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections (1) and (2).
- (6) A delegation shall be limited to a presentation of not more than five minutes, except as otherwise prescribed for a public meeting by applicable legislation.  
\*\*Delegations can be two or more people; however, the presentation is still limited to five minutes. <sup>(10-230)</sup>
- (7) A delegation making a request to address a Standing Committee in accordance with applicable legislation shall be heard without the request being received in writing and in advance, if not required by such legislation.

## 5.12 Public Hearings

### General

- (1) Public Hearings shall be held at Standing Committee meetings, as required by applicable legislation, or by Council, or when considered desirable by staff.
- (2) Appropriate advertising shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.

Comment [422]: Delete the words "or when considered desirable by staff"

**Procedure**

- (3) A delegation shall be in accordance with section 5.11.
- (4) Public Hearings shall commence with:<sup>(10-230)</sup>
  - (a) an introduction of the subject matter by the Chair or by staff;
  - (b) the staff presentation, if any and if not waived by the members of the Standing Committee;
  - (c) the signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).

**Written information**

- (5) A delegation may provide additional written material regarding the subject matter, for the public record. Where a delegation wishes copies of the information to be provided to all members of a Standing Committee, either 1 copy of the material shall be provided to the Clerk at least 2 weeks ahead of the meeting date, for inclusion in the agenda or 25 copies shall be provided to the Clerk for distribution at the meeting.

**SECTION 6 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES**

- 6.1 Council may from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters requiring immediate or long term attention.
- 6.2 When Council or a Standing Committee approves of the formation of the Advisory Committee or Task Force the following procedures, if applicable, will be followed:
  - (a) 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;
  - (b) applications received for membership shall be forwarded by the Clerk to the Selection Committee;
  - (c) the Selection Committee shall consider balanced geographical representation in selecting the members;
  - (d) the rules of procedure shall be observed so far as they are applicable;
  - (e) all minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and
  - (f) staff may act as resource persons in a non-voting capacity.

- 6.3 When an Advisory Committee or Task Force has completed its mandate, the Standing Committee to which the Advisory Committee or Task Force reports shall dissolve it by motion.

### **SECTION 7 - CONDUCT OF MEMBERS - ORDER AND DECORUM**

- 7.1 No member of Council or a Committee shall:
- (a) speak disrespectfully of any vote of Council or a Committee;
  - (b) use offensive words or unparliamentary language in or against Council or a Committee or against any member, or any officer or employee of the City;
  - (c) disobey the rules of Council or a Committee or a decision of the Mayor or a Chair of a Committee on questions of order or practice or upon the interpretation of the rules and should a member persist in such disobedience after having been called to order by the Mayor or a Chair of a Committee, the Mayor or a Chair may forthwith order him or her to vacate the place the meeting is being held. If the member apologizes, he or she may, by vote of a majority of the members, be permitted to take his or her seat;
  - (d) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
  - (e) in the case of Council only, bring food or beverages, water excepted, into the place the meeting is being held;
  - (f) speak on any matter other than the matter being debated; or
  - (g) speak on a matter longer than a 5 minute period, without leave of Council or a Committee, except as otherwise prescribed by applicable legislation.
- 7.2 No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk:
- (a) shall be allowed on the floor of the place a meeting is being held while Council or a Committee is sitting;
  - (b) shall, before or during a meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.

- 7.3 No person shall display signs or placards, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council or a Committee.
- 7.4 Electronic devices at Meetings:
- (a) Every person shall have cellular telephones, pagers, blackberries, portable computers and any similar electronic devices switched to a non-audible function during Council and Committee meetings.
  - (b) Staff from the Office of the City Clerk are exempted from subsection (a) when using electronic devices for record-keeping purposes.

### **SECTION 8 – MEETINGS CLOSED TO THE PUBLIC**

For the purposes of this section, “Committee” means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.

- 8.1 No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:
- (a) the security of the property of the City;
  - (b) personal matters about an identifiable individual, including City employees;
  - (c) a proposed or pending acquisition or disposition of land for City purposes;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;
  - (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
  - (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.
- 8.2 A meeting of Council shall be closed to the public if the subject matter relates to the consideration of 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;
- 8.3 A meeting of Council or a Committee may be closed to the public if:
- (a) it is held for the purposes of educating or training members; and
  - (b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

- 8.4 Before holding a meeting or part of a meeting that is to be closed to the public, a Council or Committee shall 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.

#### **SECTION 9 - ROLE OF CLERK**

- 9.1 The Clerk shall distribute the regular agendas of Council and Standing Committee meetings to members of Council and Senior Management Team at least 5 days prior to the scheduled meetings.
- 9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following the distribution set out in subsection 9.1.
- 9.3 The Clerk may make the regular agendas of Council and Standing Committee meetings available on the City website.
- 9.4 The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.
- 9.5 The Clerk shall submit for confirmation the minutes of the previous regular Council or Standing Committee meeting. Upon approval of the majority of the members of Council or Standing Committee, the Mayor or Chair and Clerk shall sign the minutes as confirmed or as amended.
- 9.6 The Clerk shall advise the Mayor or Chair, if in his or her opinion, a matter or portion of a matter being discussed in a meeting that is closed to the public is not procedurally appropriate in accordance with section 239 of the Act and section 8 of this By-law.
- 9.7 All matters not covered by this By-law shall be decided by the Mayor or Chair. 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 his or her ruling.
- 9.8 The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Standing Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council on a decision. The Clerk shall take a vote of the challenge for Members of Council in favour or opposed to the ruling. The ruling fails when there is a majority vote in favour to the challenge.

**SECTION 10 – GENERAL**

- 10.1 This By-law shall not be amended or repealed except by a majority vote of all Members of Council.
- 10.2 No amendments or repeal of this By-law shall be considered at any meeting of Council unless notice of Council's intention to amend or repeal is provided to the public.
- 10.3 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.
- 10.4 A Code of Conduct, setting out general standards for acceptable conduct by Members of Council in the performance of their public duties, is set out in Appendix H to this By-law.
- 10.5 This By-law comes into force on \_\_\_\_\_, 2013.
- 10.6 The short title of this By-law is the Procedural By-law or the Council Procedural By-law.
- 10.7 By-law No. 03-301, governing the rules and procedures of Council of the City of Hamilton is repealed.

**PASSED** this day of 2013.

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Bob Bratina  
Mayor

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Rose Caterini  
City Clerk

Appendix A

GENERAL ISSUES COMMITTEE <sup>(10-230)</sup>

Composition: General Issues Committee shall be comprised of all 16 members of Council:

- Mayor
- Chair of General Issues Committee to be rotated amongst the Deputy Mayors
- All Members of Council

Mandate:

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

- Council Strategic Plan
- Corporate Strategic Plan
- MPMP, OMBI
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- G.R.I.D.S.
- Vision 20/20
- Department Work Programs: Planning and Economic Development
- Legal Services – litigation matters
- Human Resources – labour negotiations
- Boards and Agencies
- Hamilton Utilities Corporation
- Culture and Tourism Division - One Year Trial Period
- Arts Advisory Committee <sup>(12-072)</sup>
- any and all other matters which Council chooses to refer to the General Issues Committee for consideration

Comment [423]: Delete HUC as they meet as the Shareholders not as GIC

Comment [424]: Delete the one year trial period

*Specific duties shall include:*

- To review and monitor the City's and Council's Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies



- To consider and recommend to Council on matters relating to Business Development, the Small Business Enterprise Centre, Incentive Loans/Grants programs and approvals, BIA initiatives, the Hamilton Incubator of Technology and Tourism
- To consider and recommend to Council on matters relating to G.R.I.D.S.
- To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters
- To receive information on labour negotiations and provide direction to the Director of Labour Relations
- To consider and make recommendations to Council on matters regarding Boards and Agencies
- To meet as Shareholders and/or Board of Directors of a corporation when required
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Comment [425]: Delete section – Shareholders do not report as General Issues Committee

## Appendix D

### PLANNING COMMITTEE <sup>(10-230)</sup>

**Composition:** The Planning Committee shall be comprised of a minimum of 9 Members of Council.

**Mandate:**

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

- Long Range Planning, land use management, development planning and engineering, and downtown planning and implementation
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues
- Culture and Tourism, museums and heritage preservation matters' <sup>(12-072)</sup>
- Hamilton Historical Board. <sup>(12-072)</sup>

**Comment [426]:** Delete words "Culture and Tourism" as they report to GIC

*Specific duties shall include:*

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

- To consider recommendations of any Sub-Committees and/or Task Forces established by Committee and Council 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

**PLEASE NOTE AS THERE ARE NO AMENDMENTS TO THE FOLLOWING APPENDICES THEY HAVE NOT BEEN INCLUDED WITH THIS OFFICE CONSOLIDATION AT THIS TIME:**

Board of Health	Appendix B	27
Public Works Committee	Appendix C	28
Emergency & Community Services Committee	Appendix E	31
Audit, Finance & Administration Committee	Appendix F	32
Roles of Council, Mayor and Committee Chair	Appendix G	34
Code of Conduct for Members of Council	Appendix H	37
Criteria for the Creation of Advisory Committees or Task Forces	Appendix I	49