



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

TO:	Governance Review Sub Committee
COMMITTEE DATE:	June 26, 2018
SUBJECT/REPORT NO:	Review of the City's Procedural By-law Amendments CL18007/LS18039 (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon Ext. 4304
SUBMITTED BY:	Janet Pilon Acting City Clerk Office of the City Clerk Nicole Auty, City Solicitor Legal Services
SIGNATURES:	

RECOMMENDATION

- (a) That a new By-law to Govern the Proceedings of Council and Committees of Council substantially in the form attached as Appendix 'A' to Report CL18007/LS18039, be enacted by Council; and
- (b) That Council repeal the By-law to Govern the Proceedings of Council and Committees of Council, being By-law 14-300, as amended.

EXECUTIVE SUMMARY

The Legislative Team and Legal Services staff throughout the 2014 – 2018 term of Council have been noting occurrences where the Procedural By-law was lacking in clarity; was silent; conflicted with other sections of the by-law; required revisions, etc., and revisions to the procedural by-law have been prepared to address those issues and changes to the Municipal Act since By-law 140299 was drafted.

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

Financial: There are no financial implications.

Staffing: There are no staffing implications.

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

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

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

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

HISTORICAL BACKGROUND (Chronology of events)

The current Procedural By-law, being By-law No. 14-300, as amended, was passed on September 24, 2014 and amended by By-law 16-289 on October 26, 2016.

The Procedural By-law is reviewed by staff prior to the end of each Council term and proposed amendments are presented to the Governance Review Sub-Committee for consideration.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Some of the revisions that have been proposed are a result of the amendments made to various Acts, including the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act, 1990*, during the 2014 – 2018 Term of Council.

RELEVANT CONSULTATION

Clerks and Legal Services staff worked together in preparing the proposed amendments to the Procedural By-law. Staff also considered the suggestions made by Mr. Cameron Kroetsch in accordance with the direction of the Governance Review Sub-Committee.

ANALYSIS AND RATIONALE FOR RECOMMENDATION (Include Performance Measurement/Benchmarking Data if applicable)

The City's current Procedural By-law, as approved by Council in 2014, required revisions in order to incorporating the changes to various Acts and to address areas that needed clarity and updating.

A summary of the changes proposed has been included as Appendix 'B' to Report CL18007/LS18039.

The proposed changes include Council's direction with respect to time limits during debate and the amendments required as per Bill 68 with respect to Conflict of Interest Declarations in effect March 1, 2019; the revisions to closed meetings and Electronic participation at Council and/or Committee meetings.

Changes are also proposed to provide for procedures for the cancellation of a Council or Committee meeting, the reconsideration of a matter decided within a Standing Committee meeting and for special Standing Committee meetings; to add Ceremonial Activities and Communication Items to the Standing Committee Order of Business and to stipulate the conditions when dispensing with notice would be acceptable.

The definition and procedures respecting “Friendly Amendments”; the order and decorum of everyone in attendance at a Council/Committee meeting and the instances of when a delegation is to present only ‘new’ information or when a request is received which would not be in order are included for the Committee’s consideration.

ALTERNATIVES FOR CONSIDERATION

(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)

None.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix ‘A’ – Proposed Draft Procedural By-law

Appendix ‘B’ – Summary of the Proposed Revisions