



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

TO:	Governance Review Sub Committee
COMMITTEE DATE:	August 29, 2018
SUBJECT/REPORT NO:	Review of the City's Procedural By-law Amendments CL18007(a)/LS18039(a) (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(a)/LS18039(a), 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 Governance Review Sub Committee at their meeting of June 26, 2018, directed staff to consider the suggestions from the delegations to Report CL18007/LS18039 respecting Review of the City's Procedural By-law Amendments and report back at a future meeting.

In response to a suggestion from one of the delegations respecting electronic voting, staff have included provisions for electronic voting as an option for Committee's consideration.

The current Council Chamber A/V system, is equipped with the ability to vote electronically and the voting controls, when enabled would allow members of Committee and Council to electronically vote on resolutions in real-time directly through their touch panel.

In the event that electronic voting is implemented for Committee and Council meetings held in the Council Chamber, Council will need to determine if electronic voting will be used for all votes taken; specific items; or used only upon a request for a recorded vote. Council will also need to set out the process to be followed, if the electronic voting system is not available.

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

Financial: There are no financial implications.

Staffing: Legislative staff would require several hours of training prior to the implementation of electronic voting at Committee and Council meetings located in the Council Chamber.

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.

HISTORICAL BACKGROUND (Chronology of events)

On June 26, 2018, staff presented proposed amendments to By-law No. 14-300, a By-law to Govern the Proceedings of Council and Committees of Council (the Procedural By-law), which was passed on September 24, 2014 and amended by By-law 16-289 on October 26, 2016.

There were several delegations to the report who made suggestions for additional amendments to the City's Procedural By-law, each of the suggestions were considered by staff and Appendix C details the suggestions, the current provisions within the proposed Procedural By-law and staff's recommendations.

With respect to electronic voting, Council currently votes, by calling out "Carried", based on the response from the members present during the vote at Council and Committee meetings, and the Mayor or Chair announces the result; and upon request, the Clerk conducts a standing recorded vote.

There have been some concerns raised relating to the manner in which Committee and Council vote at meetings by calling out "Carried". Calling out "Carried" or "Defeated" is usually determined following the vote and either "Carried" or "Defeated" is announced by the Mayor or Chair.

Votes are usually determined by either a show of hands or by members voicing their vote by either reciting "in Favour" or "Opposed".

The Procedural By-law is currently silent on the manner in which Council or Committee votes and staff would recommend, that a provision be included in the Procedural By-law

to clarify that all votes that are not conducted electronically, will be made by either a show of hands or by members voicing their vote by reciting "in Favour" or "Opposed".

Currently when a recorded vote is requested at a Council or Committee meeting, the Mayor or the Chair will ask all those in favour to please stand and the names of those who are standing is announced and recorded by the Clerk with the process being repeated for those in opposition, followed by the Mayor or Chair announcing the result of the vote.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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.

RELEVANT CONSULTATION

Clerks and Legal Services staff worked together in reviewing the suggestions, documents and presentations provided at the June 26, 2018 Governance Review Sub Committee meeting respecting the proposed amendments to the Procedural By-law.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

(Include Performance Measurement/Benchmarking Data if applicable)

Staff have reviewed the documents and presentations provided at the June 26, 2018 Governance Review Sub Committee meeting and have prepared a summary of the concerns raised at the meeting and the recommendations, attached to Report CL18007(a)/LS18039(a), as Appendix "C".

The summary of the changes proposed has also been updated and included as Appendix 'B' attached to Report CL18007(a)/LS18039(a).

Council should be aware that if an electronic voting system is used for all votes, the progress of the meeting will be significantly impacted, as time is required for:

- inputting the vote subject;
- defining which members are present for the vote;
- setting up the email options;
- selecting the type of vote (two-thirds or majority);
- the voting by members;
- ending the vote;
- allowing the system to tally the votes; and
- displaying the results.

Staff have therefore, recommended that electronic voting be implemented for all votes with the exception of procedural motions (refer, defer, call the question, withdraw, recess, move into Closed Session and adjourn) and consent items.

ALTERNATIVES FOR CONSIDERATION

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

Council may choose to use electronic voting for a combination of or all of the following items:

- (a) approvals;
- (b) consent items;
- (c) amendments;
- (d) main motions as amended; and
- (e) procedural motions (defer; refer; call the question, adjourn, recess, move into Closed Session and withdraw)

Council may also choose to only use electronic voting when a recorded vote is requested.

Council may also choose to retain their current method of voting and upon request, have the Clerk undertake a standing recorded vote.

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

Appendix 'C' – Summary of Concerns Raised at the June 26, 2018 Governance Review Sub Committee meeting and Recommendations

Appendix 'D' - Voting Controls of the system in the Council Chamber