



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

TO:	Governance Review Sub Committee
COMMITTEE DATE:	October 28, 2019
SUBJECT/REPORT NO:	2019 Review of the City's Procedural By-law 18-270 CL19010/LS19041 (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon Ext. 4304
SUBMITTED BY:	Andrea Holland City Clerk Office of the City Clerk Nicole Auty, City Solicitor Legal Services
SIGNATURES:	

RECOMMENDATION

- (a) That the Summary of the Proposed Revisions, as detailed in Appendix 'B' attached to Report CL19010/LS19041, be approved; and,
- (b) That a by-law to Amend By-law No. 18-270, the Council Procedural By-law substantially in the form attached as Appendix 'A' to Report CL19010/LS19041, be enacted by Council.

EXECUTIVE SUMMARY

The Governance Review Sub Committee at their meeting of March 25, 2019, directed staff to perform a review of the By-law to Govern the Proceedings of Council and Committees of Council on annual basis and to also consider Mr. Kroetsch's suggested amendments presented at that same meeting, during the review.

Mr. Kroetsch's Suggestions:

Staff have considered and **responded** to Mr. Kroetsch's *suggestions* from March 25, 2019, as follows:

- (a) *Easy Access to Public Votes*
 - (i) *Now that we have a process for electronic voting in place we need a corresponding*

process to ensure that it's easy for the public to review and see the results of these votes.

- (ii) The current process buries these votes in reports or minutes, which makes it hard for Councillors and the public (some Councillors have commented on this publicly) to access them easily.*

At this time electronic vote results can be found in the minutes of a meeting held in the Council Chamber. The result of the votes are listed immediately following the item under consideration and states whether the motion was CARRIED or DEFEATED.

(b) Grouping Requests

- (i) There's a way, often, to group requests to save a bit of time during meetings.*
(ii) A good example of this is how delegation requests are dealt with; Council or Committee could put forward 1 motion to approve all delegation requests; if someone did not want to approve a particular request, that request could be taken out from the group for separate discussion (an exception).

At this time most of the City's Committees use this manner of considering a number of items at one time.

(c) Breaks & Adjournments

- (i) It's often the case that breaks and adjournments can improve the flow of meetings and aid in decision-making; long meetings are hard on everyone.*
(ii) Including language around breaks and meeting time maximums (for length/duration) would help everyone to better manage their time and give the proper energy and attention to decisions (long meetings can erode this)

This was considered as part of the 2018 review of the Procedural By-law and it was determined that Councillors take breaks as needed and are mindful of quorum.

(d) Copyediting & Tracking

- (i) There are always a number of small copyediting changes that need to be made during every term; things that may not have been caught.*
(ii) We need time to develop a process for all changes to be tracked; I know Councillor VanderBeek & Partridge, in the last term, expressed some desire for there to be a clearer way to see changes made to the bylaw.

In the case of amendments made to the By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law):

- **amendments enacted during the current term of Council are documented in a Consolidated version of the by-law, located on the web:**

CONSOLIDATED BY-LAW NO. 18-270

Incorporating amendments made by:

By-law Number

Effective Date

19-090

May 9, 2019

Amended Section 5.2 - Appointment of Standing Committee Chairs and Vice Chairs to provide for the appointment of a Vice-Chair for the Board of Health, as follows:

- (1) The Board of Health shall recommend to Council the appointment of a Vice-Chair for the required term.

19-212

September 11, 2019

Deleted and replaced Appendix F1 - Office of the City Auditor Charter.

The amending by-laws are available online for reference purposes.

Staff prior to the beginning of a new Term of Council, prepares a report that repeals and replaces the current by-law, with an Appendix that lists the proposed amendments to current by-law for Council's consideration.

Proposed Amendments:

The Ombudsman of Ontario in the Final Report respecting Closed meetings on February 9 and 23, 2019, recommended that the City's Procedural By-law be updated to include a provision for notice of all Committee meetings, in addition to those of its Standing Committees, staff are therefore, recommending that the following section be included to address the Ombudsman's recommendation:

5.17 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 two business 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 5.17(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.

Staff have also noted occurrences where the Procedural By-law was lacking in clarity; was silent; conflicted with other sections of the by-law; required revisions, etc., and are recommending the amendments to By-law 18-270, which are listed in Appendix 'B' to this report.

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.

HISTORICAL BACKGROUND (Chronology of events)

On September 12, 2018, Council enacted By-law No. 18-270, a By-law to Govern the Proceedings of Council and Committees of Council (the Procedural By-law), which was amended by By-law 19-090 on May 9, 2019 and by By-law 19-212 on September 11, 2019.

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 brought forward by Mr. Kroetsch along with the notes respecting 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 18-270, as amended, was enacted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

(Include Performance Measurement/Benchmarking Data if applicable)

The City's current Procedural By-law (By-law 18-270), as approved by Council in 2018 and amended in 2019, required revisions in order to address areas of the By-law that required clarity and updating.

A summary of the proposed amendments has been included as Appendix 'B' to Report CL19010/LS19041.

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' – Draft By-law To Amend By-law No. 18-270, the Council Procedural By-law

Appendix 'B' – Summary of the Proposed Revisions