



Hamilton

REPORT 19-006
GOVERNANCE REVIEW SUB-COMMITTEE
Tuesday, November 26, 2019
9:30 am
Council Chambers
Hamilton City Hall

Present: Councillors T. Whitehead (Chair), M. Wilson (Vice-Chair), M. Pearson, B. Clark, L. Ferguson, and A. VanderBeek

THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 19-006 AND RESPECTFULLY RECOMMENDS:

1. 2019 Review of the City's Procedural By-law 18-270 (CL19010 / LS19041) (City Wide) (Item 10.1)

- (a) That the Summary of the Proposed Revisions, as detailed in the *amended* Appendix 'A' attached to Governance Review Sub-Committee Report 19-006, 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 the *amended* Appendix 'B' to Governance Review Sub-Committee Report 19-006, be enacted by Council.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised that there were no changes to the agenda.

The November 26, 2019 Agenda of the Governance Review Sub-Committee was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) May 28, 2019 (Item 4.1)

The Minutes of the May 28, 2019 meeting of the Governance Review Sub-Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Cameron Kroetsch, respecting changes to the Procedural By-law (For today's meeting) (Item 6.1)

The delegation request from Cameron Kroetsch, respecting changes to the Procedural By-law, was approved for today's meeting.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Cameron Kroetsch, respecting changes to the Procedural By-law (Added Item 8.1)

Cameron Kroetsch addressed the Committee respecting changes to the Procedural By-law.

The delegation from Cameron Kroetsch, respecting changes to the Procedural By-law, was received.

(f) DISCUSSION ITEMS (Item 10)

(i) 2019 Review of the City's Procedural By-law 18-270 (CL19010 / LS19041) (City Wide) (Item 10.1)

(a) That Appendix 'A' to Report CL19010 / LS19041, respecting the 2019 Review of the City's Procedural By-Law 18-0270 be amended to reflect the following wording for 1(ix) and 1(xix) as follows:

(ix) to amend subsection (3) to section 3.10 – Communication Items, to address communication items received after the agenda has been sent to print;

(xix) to amend subsection (5) to section 5.13 – Communication Items, to address communication items received after the agenda has been sent to print;

(b) That Appendix 'B' to Report CL19010 / LS19041, respecting the 2019 Review of the City's Procedural By-Law 18-0270 be amended to reflect the following wording for Section 3.10(3) and 5.13(4) as follows:

Section 3.10

- (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.***

Section 5.13

- (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.***

For disposition of this matter, refer to Item 1.

(ii) **Civil Marriage Solemnization (CL19012) (City Wide) (Item 10.2)**

- (a) That the City of Hamilton provide Civil Marriage Solemnization services ***as a Pilot Project for 1 year, to a maximum of 150 ceremonies, using current resources***, as of February 1, 2020;
- (b) That the Proposed 2020 User Fees and Charges respecting Civil Marriage Ceremony services attached as Appendix 'C' to Report CL19012, be approved, and included in Schedule 'A' of the By-law to Establish Certain 2020 User Fees and Charges for Services, Activities or the Use of Property;
- (c) That a By-law to Authorize Civil Marriage Solemnization Services and To Delegate the Authority to Solemnize Marriages in the City of Hamilton attached as Appendix 'A' to Report CL19012, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and
- (d) ***That staff report back in Fall of 2020 on the outcome of the Pilot Project.***

Councillor VanderBeek withdrew the motion above.

- (a) ***That Report CL19012 respecting Civil Marriage Solemnization, be referred back to staff for public consultation on a 1 year Pilot Project, to a maximum of 150 ceremonies, using current resources; and,***
- (b) ***That staff report back on the number of officiants in the City of Hamilton.***

(g) ADJOURNMENT (Item 15)

(Ferguson/VanderBeek)

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 12:04 p.m.

CARRIED

Respectfully submitted,

Councillor T. Whitehead, Chair
Governance Review Sub-Committee

Councillor M. Wilson, Vice-Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Summary of the Proposed Revisions

Throughout the by-law:

- Healthy and Safe Communities Committee has been replaced with **Emergency and Community Services Committee**;
- Acronyms have been expanded upon to fully describe their meaning (i.e. OMBI, is now expanded upon when first referred to in the by-law, as follows: Ontario Municipal Benchmarking Initiative (OMBI);
- “48 hours” and “2/two business days” has been replaced with “**2 days**”.

Section 1 – Definitions:

- Added “Time Sensitive”, in order to define the term when it appears in the by-law:

“Time Sensitive” means useful for a specific amount of time only or has to be used or completed by a specific time.

- Added “Public Hearing”, as it applies to a meeting or a portion of a meeting held pursuant to the requirements of a statute, regulation or by-law:

“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.

- The definition of “Motion” has been expanded upon to state that a motion is included in the published agenda:

“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.

- Amended the definition of “Senior Leadership Team”, as follows:

“Senior Leadership Team” means the City Manager and General Managers appointed by Council and **anyone designated by the City Manager**.

- The definition of “Notice of Motion” has been expanded upon to state that it is a motion that may be included in the published agenda or in the addendum:

“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.

Section 3 – Council Meetings

3.10 Communication Items

- *As per the Governance Review Sub-Committee's request the proposed section (4) was removed and the existing sub-section (3) was amended, as follows:*

- (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.

3.12 Rules of Debate

- Added subsection (8)(l) to include “a motion to lift”:
 - (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
 - (j) a motion to go into a closed meeting
 - (k) a motion to suspend the rules of procedure
 - (l) a motion to lift

3.13 Voting Procedures

- amendment to subsection (3) to remove “move into Closed Session” to change the votes to move into Closed Session to be by electronic votes:
 - (3) When an electronic voting system is available every Member of Council or Committee present and participating in a vote on a motion, excluding those motions referred to in (i) and (ii) below, shall vote electronically.

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- (i) procedural (majority vote: refer, defer, withdraw, recess, call the question; ~~move into Closed Session~~ and adjourn); and
 - (ii) Consent Items.
- subsections (6) and (7) have been included to address the procedure to be followed when a member advises the Chair of a point of privilege with respect to the taking of an electronic vote:

(6) When an electronic vote is taken and a member advises the Chair of a point of privilege immediately following and prior to the taking of another vote, with respect to their vote being omitted or in error, 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 Chair of a point of privilege following the taking of another vote, with respect to their vote being omitted or in error, 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.

Section 4 - Committee of the Whole

- 4.2 During the consideration of Standing Committee Reports and Selection Committee 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.
- 4.3 An information item that is lifted from a Standing Committee Report or a Selection Committee Report and amended, will be given an item number and added to the appropriate section of the Standing Committee Report or Selection Committee Report.

Section 5 – Standing Committee Meetings

5.2 - Appointment of Standing Committee Chairs and Vice Chairs

- Addition of subsection (5) to address the possible reappointment of the Chair or Vice-Chair of a Sub-Committee or an Advisory Committee or Task Force for more than one year in a Council term, as they may only meet a few times per term or there may not be sufficient interest from the other members of the Committee:

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- (5) Despite subsection 5.2 (1)(b) the Chair or Vice-Chair of a Sub-Committee or an Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

5.5 - Standing Committee Meeting Times

- Switching the times of the Board of Health and Public Works Committee meetings will provide Councillors with time between meetings:
 - (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.;

5.10 Order of Business

This section has been amended to add a section that would provide the Clerk with the ability to adjust the general Order of Business for the regular meetings of Standing Committees, if it was deemed necessary (i.e. Planning Committee – separating Public Hearings and Delegations, and putting Delegations first):

- (i) 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:
 - (a) Ceremonial Activities
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Delegation Requests

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- (g) Consent Items
- (h) Public Hearings/Delegations
- (i) Staff Presentations
- (j) Discussion Items
- (k) Motions
- (l) Notice of Motions
- (m) General Information/Other Business
- (n) Private and Confidential
- (o) Adjournment

(ii) The Clerk may prepare the Order of Business for the regular meetings of Standing Committees with slight adjustments to the general Order of Business when deemed necessary.

5.11 Delegations

This section has been amended to remove any requirements pursuant to legislation as it applies to the holding of Public Hearings:

- (1) Persons who wish to appear as a delegation to address a Standing Committee on a matter that:
 - (a) is not listed on a Standing Committee agenda, shall make a request in writing to the Clerk, the Clerk will list the delegation request on the respective Standing 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 Standing Committee's Report.
 - (b) is listed on the agenda for a Standing Committee meeting, shall make a request in writing to be listed as a delegation, such request to be received by the Clerk no later than 12:00 noon the business day before the meeting. If the Standing Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday.
 - ~~(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.~~

The "Request to Speak to a Committee of Council" form is available on the City's website at www.hamilton.ca.

- (2) A request to attend 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.

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- (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 their 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 5.11(1) and 5.11(2).
- (6) A delegation, which can be made by two or more individuals, shall be limited to an oral presentation of not more than five minutes, ~~except as otherwise prescribed for at a public meeting by applicable legislation.~~
- (7) Notwithstanding subsection 5.11(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 Committee present.
- (8) 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 Standing Committee and become part of the public record.
- ~~(9) Notwithstanding subsection 5.11(6),~~ A 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) A delegation making a request to address a Standing Committee pursuant to their rights under applicable legislation shall be heard without a written request being received in accordance with subsections 5.11(1) and 5.11(2), if advanced notice is not required by such applicable legislation.~~
- (10) Except as required by by-law, any 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.
- (11) Notwithstanding subsection 5.11(10), a Committee member may add the delegation on a Committee Agenda.

5.12 Public Hearings

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The entire section has been amended to address the City's requirements for holding Public Hearings pursuant to legislation:

- (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;
 - (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).
- (4) Persons who wish to appear as a delegation to address Standing Committee on a matter that is the subject of a Public Hearing may make a delegation in accordance with section 5.11.
- (5) Notwithstanding subsection (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.
- (6) There is no limitation to the length of oral representations made at a Public Hearing, except that the Chair may encourage the delegation to conclude where the representations are irrelevant or repetitive.
- (7) Where a delegation wishes to provide written material to the members of the Standing Committee at a Public Hearing, which will become public record, the delegation shall:
 - (a) comply with subsection 5.11(9); or
 - (b) provide 25 copies of the written material to the Clerk at the meeting for distribution at the meeting, with the exception of the General Issues Committee, which requires 45 copies.

5.13 Communication Items

- *As per the Governance Review Sub-Committee's request the proposed section (5) was removed and the existing sub-section (4) was amended, as follows:*

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- (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.

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 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 5.17(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.

Appendices

Appendix A - GENERAL ISSUES COMMITTEE

- Added "Climate Change" to the MANDATE of the General Issues Committee;
- The reference to MPMP (Municipal Performance Measurement Program) has been removed as it was discontinued effective the 2014 reporting year;
- The reference to OMBI, has been expanded upon: Ontario Municipal Benchmarking Initiative (OMBI); and

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- The reference to G.R.I.D.S. was expanded upon and changed to the manner in which it is currently being referred to as GRIDS:

MANDATE

General:

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

- MPMP, Ontario Municipal Benchmarking Initiative (OMBI)
- Growth Related Integrated Development Strategy (GRIDS)
- Climate Change

Specific duties shall include:

- To consider and recommend to Council on matters relating to GRIDS

Appendix D - PLANNING COMMITTEE

- Local Planning Appeal Tribunal (LPAT) has replaced Ontario Municipal Board:

Specific duties shall include:

- 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 Local Planning Appeal Tribunal (LPAT) Hearings to consider the appeal of Committee of Adjustment decisions

Revision:

Appendix F – AUDIT, FINANCE & ADMINISTRATION COMMITTEE

Council at their meeting of October 23, 2019, delegated its authority to hold any further hearings; pursuant to any other complaints made pursuant to Section 20 of the *Development Charges Act, 1997*; to the Audit, Finance & Administration Committee:

- Added “to hold hearings on complaints made pursuant to Section 20 of the *Development Charges Act, 1997*” to the MANDATE of the Audit, Finance & Administration Committee;

Authority: Item __, Audit, Finance &
Administration Committee
TBD
CM: TBD
Ward: City Wide

Bill No. ____

CITY OF HAMILTON

BY-LAW NO. 19-____

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

WHEREAS Council enacted a Council Procedural By-law being City of Hamilton By-law No. 18-270;

AND WHEREAS it is necessary to amend By-law 18-270.

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

1. That By-law No. 18-270, be amended:
 - (i) to replace Healthy and Safe Communities Committee with Emergency and Community Services Committee;
 - (ii) to amend the instances where acronyms have been used, in order to fully describe the meaning of acronyms being referred to throughout the by-law;
 - (iii) to replace the term “48 hours” and “2/two business days” with “2 days”;
 - (iv) to add the definition of “Time Sensitive”;
 - (v) to add the definition of “Public Hearing”;
 - (vi) to expand upon the definition of “Motion”;
 - (vii) to expand upon the definition of “Notice of Motion”;
 - (viii) to amend the definition of “Senior Leadership Team”;
 - (ix) to amend subsection (3) to section 3.10 – Communication Items, to address communication items received after the agenda has been sent to print;**
 - (x) to add subsection (8)(l) to section 3.12 – Rules of Debate, to include “a motion to lift”;
 - (xi) to amend subsection (3) of section 3.13 – Voting Procedures to remove “move into Closed Session” to change the votes to move into Closed Session to be by electronic vote;
 - (xii) to add subsections (6) and (7) to section 3.13 – Voting Procedures to address the procedure to be followed when a member advises the Chair of a point of privilege with respect to the taking of an electronic vote;
 - (xiii) to add subsections 4.2 and 4.3 to include a procedure for lifting an information item from a Committee Report;
 - (xiv) to add subsection (5) to section 5.2 - Appointment of Standing Committee Chairs and Vice Chairs to address the possible reappointment of the Chair or Vice-Chair of a Sub-Committee or an

- Advisory Committee or Task Force for more than one year in a Council term;
- (xv) to amend the times of the Board of Health and Public Works Committee meetings to: Board of Health at 9:30 a.m. and Public Works Committee at 1:30 p.m.;
 - (xvi) to add section 5.10 (ii) to provide the Clerk with the ability to adjust the general Order of Business for regular Standing Committee meetings when it is deemed necessary;
 - (xvii) to amend section 5.11 - Delegations to remove any requirements pursuant to legislation as it applies to the holding of Public Hearings;
 - (xviii) to delete and replace section 5.12 - Public Hearings to address the City's requirements for holding Public Hearings pursuant to legislation;
 - (xix) to amend subsection (5) to section 5.13 – Communication Items, to address communication items received after the agenda has been sent to print;**
 - (xx) to add section 5.17 - Change to a Scheduled Committee Meeting, to address the Ombudsman of Ontario recommendation to include a provision for notice of all Committee meetings;
 - (xxi) to add "Climate Change" to the MANDATE of the General Issues Committee;
 - (xxii) to delete the reference to MPMP (Municipal Performance Measurement Program);
 - (xxiii) to expand upon the reference to OMBI, to: Ontario Municipal Benchmarking Initiative (OMBI); to expand upon the reference to GRIDS;
 - (xxiv) to replace the reference to the Ontario Municipal Board to the Local Planning Appeal Tribunal (LPAT); and
 - (xxv) to add "to hold hearings on complaints made pursuant to Section 20 of the Development Charges Act, 1997" to the MANDATE of the Audit, Finance & Administration Committee.

2 This By-law comes into force on the day it is passed.

PASSED this _____ day of _____, 2019.

F. Eisenberger
Mayor

A. Holland
City Clerk