

CITY OF HAMILTON MOTION

Council: April 8, 2020

MOVED BY COUNCILLOR MERULLA.....

SECONDED BY COUNCILLOR FARR.....

To Amend the Procedural By-Law

WHEREAS Council on March 20, 2020 amended the Procedural By-law to permit Electronic Participation at Council and/or Committee Meetings during an emergency when attending in-person is not possible;

WHEREAS Council on March 20, 2020 directed that the Clerk be delegated the authority to establish procedures and take all necessary steps necessary to facilitate electronic participation by members of Council in Council and/or Committee meetings held in the Council Chamber; and

WHERE AS the Province of Ontario on March 19, 2020 amended the *Municipal Act, 2001* and the *City of Toronto Act, 2006* to provide that, during emergencies, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

THEREFORE BE IT RESOLVED:

That the By-law to Amend By-law No. 18-270, the By-Law to Govern the Proceedings of Council and Committees of Council in the form attached as Appendix 'A', be enacted by Council.

Authority: Item _____
CM: _____
Ward: City Wide

Bill No. _____

CITY OF HAMILTON
BY-LAW NO. 20-_____

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;

WHEREAS Council enacted an amendment to By-law 18-270, as amended, to allow for electronic participation pursuant to s. 238(3.1) of the *Municipal Act, 2001* on March 20, 2020;

AND WHEREAS it is necessary to amend By-law 18-270, as amended, further to provide for updated sections of the By-law 18-270, as amended, when members of Council are participating at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible.

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

1. That By-law No. 18-270, as amended, be further amended:
 - (i) To include Appendix J, Conducting an Electronic Meeting, attached hereto.

PASSED this 8th day of April, 2020

F. Eisenberger
Mayor

A.Holland
City Clerk

CONDUCTING AN ELECTRONIC MEETING

The following UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED applies to Electronic participation by members of Council at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible:

2.1 The rules of procedure shall be observed in all ELECTRONIC 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 ELECTRONIC 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*, Geoffrey H. Stanford, Fourth Edition.

3.2 Regular Council Meeting Times

(1) Unless otherwise decided by Council, ELECTRONIC Council meetings shall be held:

(a) in January:

on the fourth Wednesday of the month, commencing at 9:30 a.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(b) in February, April, May, June, September, October and November:

every second and fourth Wednesday of each month, commencing at 9:30 a.m., unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(c) in March:

on the fourth Wednesday of the month, commencing at 9:30 a.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(d) in July and August:

on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (e) in December:
 - on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or
- (f) in accordance with the schedule approved by Council.

3.7 Quorum

- (5) If Quorum cannot be maintained during an ELECTRONIC meeting, DUE TO A LOSS OF ELECTRONIC CONNECTION, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE CONTINUATION OF A COUNCIL MEETING TO THE FOLLOWING DAY OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.

3.11 Order of Business

The Order of Business for ELECTRONIC meetings of Council, unless changed by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Committee of the Whole
 - (i) Consent Items
 - (ii) Public Hearings / Written Delegations
 - (iii) Staff Presentations
 - (iv) Discussion Items
- (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

3.13 Voting Procedures (electronic voting is effective January 2019)

- (3)
 - (i) When an electronic voting system is available AT AN ELECTRONIC MEETING 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:
 - (a) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
 - (b) Consent Items.
 - (ii) IF A MEMBER OF COUNCIL DOES NOT VOTE ELECTRONICALLY WHEN A VOTE IS CALLED BY THE MAYOR/CHAIR AT AN ELECTRONIC MEETING, THE MAYOR/CHAIR WILL CALL ON THE MEMBER TO VOTE 3 (THREE) TIMES, IF THE MEMBER DOESN'T RESPOND THE MEMBER WILL BE NOTED AS BEING 'NOT PRESENT' DURING THE VOTE.

4.1 Council may, by resolution:

- (a) move into Committee of the Whole AT AN ELECTRONIC MEETING to consider, including debate, CONSENT ITEMS, PUBLIC HEARINGS/WRITTEN DELEGATIONS, STAFF PRESENTATIONS AND DISCUSSION ITEMS on the Council meeting agenda; and
- (b) move out of Committee of the Whole to report to Council.

4.2 During the consideration of CONSENT ITEMS AT AN ELECTRONIC MEETING, a member may lift an item from the LIST with the approval of a majority of the members present, for the matter:

- (a) to be voted upon SEPARATELY; or
- (b) to be debated and/or amended.

5.4 Quorum

- (5) If Quorum cannot be maintained during an ELECTRONIC meeting, DUE TO A LOSS OF ELECTRONIC CONNECTION, the Clerk will advise the Chair that quorum is lost and the MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE CONTINUATION OF A COMMITTEE MEETING TO THE FOLLOWING OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.

5.10 Order of Business

- (i) The general Order of Business for the ELECTRONIC meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:
 - (a) Approval of Agenda
 - (b) Declarations of Interest
 - (c) Approval of Minutes of Previous Meeting
 - (d) Communications
 - (e) Consent Items
 - (f) Public Hearings/Written 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 WRITTEN Delegations

- (1) Persons who wish to delegate to COUNCIL OR COMMITTEE on a matter that:
 - (b) is listed OR NOT LISTED on the agenda for a COMMITTEE OF THE WHOLE OR COMMITTEE, shall SUBMIT THEIR DELEGATION in writing TO THE CLERK, the Clerk will list the DELEGATION on the COMMITTEE OF THE WHOLE'S OR THE COMMITTEE'S upcoming agenda. Such WRITTEN DELEGATIONS MUST be received by the Clerk no later than 12:00 noon the business day before the meeting.

10.1 The Clerk shall MAKE the agendas of ELECTRONIC Council and Committee meetings AVAILABLE to members of Council and Senior Leadership Team at least 5 days prior to the scheduled meetings ON THE CITY'S WEBSITE.

10.2 The Clerk shall make the agendas of ELECTRONIC Council and Committee meetings, available to the media and general public, simultaneously with the distribution set out in subsection 10.1.