

CITY OF HAMILTON MOTION

Council: July 17, 2020

MOVED BY COUNCILLOR J. P. DANKO.....

SECONDED BY COUNCILLOR.....

To Amend the Procedural By-Law to Permit Virtual Delegations at the General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee, Board of Health and Emergency and Community Services Committee Meetings

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 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 the public are participating at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible with respect to appearing as a delegation at the General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee, Board of Health and Emergency and Community Services Committee meetings in a manner that is consistent with the obligation to hold public meetings in accordance with applicable legislation.

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 6.4 - Motion
CM: July 17, 2020
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 the public are participating at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible with respect to appearing as a delegation at the General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee Board of Health and Emergency and Community Services Committee meetings in a manner that is consistent with the obligation to hold public meetings in accordance with applicable legislation.

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

1. That By-law No. 18-270, be amended:
 - (i) By **amending** Section 9.2 (3), as follows:

9.2 Electronic Participation During an Emergency

- (3) Electronic participation, that is consistent with the obligation to hold public meetings in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, **or at a Standing Committee of Council** is permitted by members of public at the Planning Committee, Hamilton Municipal Heritage Committee, Cross-Melville District Heritage Committee, Heritage Permit Review Committee, **General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee Board of Health and Emergency and Community Services Committee.** (Refer to **Revised** Appendix 'K' for UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED as they would apply 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. That By-law No. 18-270, as amended, be further amended:

- (i) To include the further Revised Appendix K, Conducting an Electronic Meeting – Public for the Mayor’s Task Force on Economic Recovery, Planning Committee, Hamilton Municipal Heritage Committee and associated Working Groups (Education and Communications Working Group, Policy and Design Working Group, Inventory and Research Working Group), Cross-Melville District Heritage Committee, Heritage Permit Review Committee, **General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee Board of Health and Emergency and Community Services Committee**, attached hereto.

PASSED this 17th day of July, 2020

F. Eisenberger
Mayor

A. Holland
City Clerk

Revised Appendix K

CONDUCTING AN ELECTRONIC MEETING – PUBLIC

MAYOR'S TASK FORCE ON ECONOMIC RECOVERY, PLANNING COMMITTEE, HAMILTON MUNICIPAL HERITAGE COMMITTEE AND ASSOCIATED WORKING GROUPS (EDUCATION AND COMMUNICATIONS WORKING GROUP, POLICY AND DESIGN WORKING GROUP, INVENTORY AND RESEARCH WORKING GROUP), CROSS-MELVILLE DISTRICT HERITAGE COMMITTEE, HERITAGE PERMIT REVIEW COMMITTEE, *GENERAL ISSUES COMMITTEE, PUBLIC WORKS COMMITTEE, AUDIT, FINANCE AND ADMINISTRATION COMMITTEE BOARD OF HEALTH AND EMERGENCY AND COMMUNITY SERVICES COMMITTEE*

The following UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED applies to Electronic participation by citizen Committee members and members of the public at ELECTRONIC Committee meetings during an emergency when attending in-person is not possible with respect to the Mayor's Task Force on Economic Recovery, Planning Committee, Hamilton Municipal Heritage Committee and associated Working Groups (Education and Communications Working Group, Policy and Design Working Group, Inventory and Research Working Group), Cross-Melville District Heritage Committee, Heritage Permit Review Committee, ***General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee Board of Health and Emergency and Community Services Committee*** only:

- 21** 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.
- 22** 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.

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/*Virtual 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/VIRTUAL Delegations

- (1) Persons who wish to APPEAR VIRTUALLY as a delegation **at a Standing Committee of Council** or at a public meeting held in accordance with applicable legislation, in a manner that is consistent with the obligation to hold public meetings at electronic Committee meetings during an emergency when attending in- person is not possible with respect to the Planning Committee, Hamilton Municipal Heritage Committee, Cross-Melville District Heritage Committee, Heritage Permit Review Committee, **General Issues Committee, Public Works Committee, Audit, Finance and Administration Committee Board of Health and Emergency and Community Services Committee**, 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 Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday.

The "Request to Speak to a Committee of Council - VIRTUALLY" form is available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>

- (2) Persons who wish to delegate to Committee on matters that don't require the holding of a public meeting in accordance with applicable legislation, **may** submit their delegation in WRITING to the Clerk, the Clerk will list the delegation on 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.
- (3) A request to APPEAR VIRTUALLY as a delegation **at a Standing Committee of Council** or at a public meeting held in accordance with applicable legislation, 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. Requests to appear virtually will only be accepted for items listed on the agenda.
- (4) Upon receipt of a request to APPEAR VIRTUALLY as a delegation **or at a Standing Committee of Council** or at a public meeting held in accordance with applicable legislation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Committee.
- (5) A VIRTUAL delegation of one or more persons, being made at a public meeting held in accordance with applicable legislation, will be limited to five (5) minutes.
- (6) Notwithstanding subsection 5.11(5), 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.
- (7) Delegates appearing Virtually will adhere to Section 7 – Order and Decorum of the Procedural By-law 18-270 as amended.
- (8) A VIRTUAL 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) Except as required by by-law, any VIRTUAL 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.

5.12 Public Hearings

- (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 follow the following order:
 - (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; and
 - (c) presentations by delegations who have registered to APPEAR VIRTUALLY, will be heard.
 - (4) Persons who wish to appear as a delegation VIRTUALLY to address Committee on a matter that is the subject of a Public Hearing may make a delegation in accordance with section 5.11 of Appendix K.
 - (5) VIRTUAL delegations made at a Public Hearing will be limited to 5 minutes.
 - (6) 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(8) of Appendix K.
- 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.