

Suggested changes to consolidated Procedural By-law 18-270

January 25, 2021

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Preamble

The comments shared in this document are the result of work I have been doing since late 2017 with both City of Hamilton staff and the Governance Review Sub-Committee. Some of these comments were shared with then Acting City Clerk Janet Pilon in advance of the Council term changes made in 2018 (before City Council approved my suggestion to go to yearly reviews of the bylaw).

This is the first opportunity I have had to participate in the yearly review process since that decision was ratified.

This document is being sent, in advance, to staff in the Office of the City Clerk and members of the Governance Review Sub-Committee (GRS) so that they might have a chance to read it before the meeting on January 25, 2021 so that there is ample time to review it before the meeting. I am also asking that this document be placed on the GRS's agenda as correspondence.

At the meeting on January 25, 2021, there will be a presentation of the highlights from this document. The presentation will likely take more than the permitted 5 minutes and I will ask for additional time at the beginning of my delegation.

General comments

- The bylaw should be reorganized with an emphasis on grouping things together by priority. What terms are universal? What is necessary? Many of the subtitles are confusing (i.e. "General", "Application"). It would be useful, for instance, to have universal sections on "Motions", one on "Points of Order", etc. This would help to streamline the bylaw and likely reduce the total number of pages.
- The bylaw should spell out basic procedures very clearly and directly from *Bourinot's Rules of Order* (BRO) rather than suggesting that the absence of any of those rules should cause the reader to have to consult BRO. The bylaw should be a complete document.
- An orientation and training outline should be made part of the bylaw to ensure that there is mandatory compliance with training and that any training is sufficient enough for councillors to properly execute their duties.

- More direct references to BRO (where something has been paraphrased) and the *Municipal Act* (MA), when it is being relied on, should be made throughout the bylaw so that it's easier for councillors to find the relevant legislation when they need to.
- In general, and where legally permissible, this bylaw should be written in more accessible language and with the acknowledgement that it is going to be used by non-experts including the general public. Those non-experts need a document that is impeccably clear, using agreed upon Clear Writing Standards.
- A process for reporting mechanisms and report tracking should be included here. It should be obvious to anyone who reads this document how the City's processes work with respect to reports, deadlines, and follow up.
- A completely revised schedule of meetings for Council should be considered such that everyone, including Councillors, has more time to review documents. This would be a considerable overhaul of the current system that could be accomplished most easily either in December or during the summer months of any calendar year (see comments in section 3.2).
- Strict deadlines for staff submissions to Council should be included with a provision for "emergency only" items and a defined set of parameters for what an emergency is. If staff do not meet those deadlines then the item should be forced onto the next agenda, giving everyone more time. If staff needs more time then everyone needs more time.
- It would be good to set a time for delegations and for specific time slots for delegates during all meetings. It is far too often the case that delegates wait around for hours to delegate. If they are assigned a time slot at the beginning of a meeting, along with allotted times for other initial activities, this will aid in encouraging more participation from the public.

1.1 Definitions

While these may be definitions and not technically in the "body of the bylaw" it would be useful to include as many references to legislation as possible in the definitions section. This document may be used by the public in any number of ways and may not be used sequentially. More references are usually better than fewer and this is no exception.

- In general, the definitions are missing the kind of detail that exists in the [City of Ottawa's 2007 Bill 130](#), which helps to classify the different types of "committees". After reviewing the City's website, it appears that these are the categories of "committee" that exist in the City of Hamilton. They should be defined in this bylaw and are as follows.
 - Advisory Committee (e.g. Seniors Advisory Committee)

- Advocacy Group (e.g. Federation of Canadian Municipalities)
 - Authority (e.g. Niagara Peninsula Conservation Authority)
 - Board (e.g. Alectra Board of Directors)
 - Council (e.g. City Council)
 - Commission (e.g. Niagara Escarpment Commission)
 - Liaison Group (e.g. Development Industry Liaison Group)
 - Shareholder (e.g. Hamilton Renewable Power Inc. Shareholder)
 - Sole Voting Member (e.g. Hamilton Farmers' Market, Sole Voting Member)
 - Standing Committee (e.g. Audit, Finance and Administration Committee)
 - Sub-Committee (e.g. Governance Review Sub-Committee)
 - Tribunal (e.g. Hamilton Licensing Tribunal)
 - Trust (e.g. Knowles Bequest Trust)
- "Approve" - This seems problematic. There are only decisions in BRO, not "approvals". A report can be "accepted" but to vote in favour or against is not the same as "approve". To approve something is an action, but the only thing that these bodies do with actions is make decisions.
 - "Bill" - It would be useful to make the exact reference to the legislation here (i.e. where it says that a proposed bylaw is called a bill).
 - "Closed Meeting" - Be specific about what Act is being referred to and what section of the Act is implied here so that it can be quickly referenced.
 - "Consent Items" - This is very tricky and should be removed. There is no such thing in BRO as a "consent item". There is a "consent agenda", in some general use, but even that is not used very widely. This idea supposes that there are items that will be met with the automatic approval of Council. In general, if staff are already empowered to do something then it doesn't need to go on the agenda at all (except perhaps as an item of Correspondence or as a staff Information Report). If, however, there is some Council approval required, that approval should be outlined clearly and it should be treated like any other motion (i.e. not a Consent Item). Attempting to classify motions this way, and only in the positive, is confusing to Councillors and the public and establishes "consent" as an awkward democratic practice.
 - "Committee of the Whole" - It would be best to remove this practice entirely. It does not appear to have a mandatory legal use and is here primarily out of "tradition". This may have made more sense when there was a different structure, especially when there were other bodies like a Board of Control for instance. While it is understood that Council considers reports from Standing Committees in this manner, it is not technically necessary for them to do so. Council can consider them without doing this. It no longer makes sense to consider that City Council must be at a certain legislative distance from Committees or that it has to do some parts of its work as the "Committee of the Whole"

away from its role as a municipal Council. It is clear to all concerned, and the public, that Council ratifies certain things. Comments in section 3.2 suggest a way to get around this.

- "Deputy Mayor" - If the Mayor has or derives certain powers the source of those powers should be outlined here.

(a) What does it mean to "assist" the Mayor? If it means, as is stated, "that if the Mayor requires the Deputy Mayor's assistance they would call on them to attend a meeting in their absence when appointments conflict and the rest of the definition speaks to their responsibilities" then it should be stated more clearly. At this point, it's not clear that the Deputy Mayor would assist the Mayor at their request.

(b)

(i) It is not clear what powers the Deputy Mayor can exercise and while "all" is useful it's not instructive. What are the terms for "absent" from the city? Does this mean the city limits or does this mean a period of time? Is there notification that must be given? In what form? How does the Deputy Mayor know this?

(ii)

(2) What does this mean and when does it apply?

- "Designate" - This definition could use more detail around how an office holder (like the City Clerk, or the Mayor) "designates" someone with their authority. Is this done in writing? Where is this recorded? How is it known to those who are accepting the authority of the designate?
- "Emergency" - It is clear, because of the use of the word "emergency" throughout parts of the bylaw, that the City should define this, generally speaking. What constitutes an emergency? Be specific. At this point, especially in relation to section 3.5, it appears to be at the whim of the Mayor. It would make more sense for a quorum of members of Council to decide on whether an emergency meeting is called since all of them must be in attendance. This seems achievable through email.
- "Ex-officio" - Wording is not succinct enough and the first sentence is very confusing. This definition is trying to do too many things. This is not where the reference to the Mayor being ex officio should be made, that should be made in a section about the Mayor which should stand alone and could include information about the Mayor's powers, etc. Also, the Latin term "ex officio" does not require a hyphen. Finally, to have

someone be both "ex officio" and have full voting privileges creates a general sense of confusion. If this applies just to the Mayor then say so in a separate section, if all ex officio roles have voting privileges then they are no different than any other member of a committee and this should be made clearer. Also, all of the Standing Committees should be properly listed under that definition.

- "Motion" - This has become confusing. Is there a definition in BRO that is slightly more straightforward? Is it a "proposal" or is it related to a "decision"? Motions are usually just decisions. Does it make sense to decide that a motion is only something on a formal agenda? Council can put forward motions that are not on the agenda. More clarity would help with this and it is important to define it properly as it is foundational to the way that all meetings work.
- "Notice of Motion" - It is very important to specify under what circumstances a Notice of Motion is required. If all decisions of Council technically happen as a "motion", of some sort or other, then this is not clear enough. It would presume that every decision, unless the rules were suspended, must have notice provided at least 1 meeting in advance. If this is merely optional or applies to specific motions, that should be made clear (cf. 3.12 [8]).
- "Point of Order" - Where does the phrase "practised conduct" come from and what does it mean? Make a reference to this so it is clear to the reader. If it does not have an origin, consider rewording this.
- "Point of Privilege" - Please provide clear and specific examples that would relate to this body. There are few, and this may help some Councillors better understand this issue. What does the phrase "that ensure Council's or a Committee's ability to function freely" mean? Does the word "freely" apply physically, in a purely political manner, or both?
- "Receive" - A suggestion for this which would be more straightforward - "means to accept information presented as part of the agenda in the official record" (or something similar to this). The word "receipt" makes this confusing as it is closely associated with the word "receive" (i.e. they have the same root meaning).
- "Recess" - Members are now taking breaks for meals. This should be changed to include more specific language around breaks at meetings, when they normally take place, time limits, etc.
- "Recorded Vote" - Make a reference to the section of the bylaw where this is otherwise mentioned.
- "Question" - It doesn't appear that this is correct. It would appear that the word "question" is rightly the vote "in favour" or "opposed" to a motion only in the context of

"putting the question" (see BRO sections 13 and 42), and nothing else. This would mean reviewing the bylaw to correct this error. Strictly speaking, City Council does not follow the "Parliamentary Rules" section of Stanford 1995 ("Motions" under paragraph 8 versus "Motions" under paragraph 36) entirely. It would be useful to make this clearer and more understandable. In the end, and for the purposes of City Council, "putting the question" is not the same as a "question" (it seems that Stanford may have misused this word). See also section 17 on "Questions", which further complicates the matter. The matter may be most easily resolved by looking at the origins of municipal rules, set out separately from rules for Canada's Parliament, as outlined in the *Procedure of Public Meetings* by J. G. Bourinot (1894) or his *Rules of Order* (1918). While it is understandable to use the Stanford edition from 1995, it doesn't likely go into great enough detail. It would likely be better to rely on the manner in which the word "question" is used in the section in Stanford that talks about "general assemblies" (rather than the section on Canada's Parliament).

- "Quorum" - If there is one standard rule that applies to all City of Hamilton meetings then this would be a good place to enshrine that rule. If it's 50% + 1, for instance, then explaining that here would be helpful. What happens in the case of an odd number, like 7 where the majority is 50%? A common understanding that staff has invoked at some meetings is $3.5 = 3; +1 = 4$ is quorum. But, there have also been staff who have suggested that $3.5 = 4; +1 = 5$ is quorum (in the same situation). It would be good if this was written down. Also, it would be better to cite sections 3.7 and 5.4 on Quorum and/or define all of the major points here. The sections on Quorum are confusing throughout this document and could easily have one set of standards applied and outlined here so as not to confuse things. If another section is needed it should be universal and not repeated separately for individual kinds of bodies (i.e. Council, Standing Committee, etc.).
- "Selection Committee" - In this definition "agencies" are listed but they are not included in other definitions like, for instance, "Meeting" (but there are others). Is this intentional?
- "Time Sensitive" - This phrase is only used once in the bylaw. The definition is ambiguous. It would be better to be specific and just outline what is meant in this one instance rather than have it listed as a definition (i.e. if a matter is affected by an impending deadline date or pertains to a specific time period).

2.2

- "as far as is reasonably practicable" - Deputy Clerk Pilon's comment from the previous review was, "There may be instances when the use of the BRO conflicts with another section of the bylaw, therefore it would not be reasonably practicable to follow the BRO in all respects when the PBL is silent on a matter". This phrase should be stated more clearly. It is too vague. Is there a reference in legislation? In general, it would be better if

the bylaw was a complete document and did not require readers to access other documents for where it may be "silent on a matter".

3.1 First Council Meeting

- (2) (b) Specify the Act every time it is mentioned. Those who use this document may not be reading the entire document and might only be looking at a specific clause.
- (2) (c) It seems to me that this should not be done at the first meeting of Council. Council should have the opportunity to discuss this when it is formally a sitting Council. At the time this is discussed it is a "Council elect" and there are not appropriate ways for brand new Councillors to be able to enact themselves at that moment. It would be more appropriate to do this at the first meeting of the new year. It is a serious and important task that should be administered by staff and not left for an unbalanced field of power of "more senior" and "more junior" Councillors-elect to make decisions about. This can wait until they are sworn in. A good practice would actually be for all Councillors to sit in on all meetings during their first month in office and then, from there, to make decisions about their placement in the new calendar year.

3.2 Regular Council Meeting Times

- "Regular Meeting Times" should include customary times for meetings to end. It may also be customary to approve a meeting be extended, but a norm should be set here.
- In general, there is not enough time between regular meetings of Standing Committees and City Council sufficient for all concerned to adequately review the materials. It is often the case, at least once but sometimes more than once, that meeting agendas are sparse or a meeting is cancelled. This points to a system of inefficiencies that could be corrected. There are several ways to solve this problem using a variety of scheduling arrangements. The suggestion below would seem to require the least amount of disruption to the current methods and naming conventions. The goal of any system of changes would be to increase the amount of time that staff have to prepare and submit reports and that Council has to read and receive reports.

There are presently 6 Standing Committees, including the General Issues Committee (GIC) and the Board of Health. Since GIC consists of all members of Council it seems more appropriate to simply ensure that all Councillors attend all Standing Committee meetings (see analysis of this below the charts).

Caveat - this is one possible solution and not meant to be perfect. It's meant to demonstrate that, with a few tweaks, an alternative system exists that would allow both Councillors and the general public more time to absorb, read about, and participate in decision making.

In order to illustrate one possible solution, though there are many, let's use the month of October 2020 as an example.

Apart from any special budget GIC meetings, Council and GIC met a combined number of 4 times in October 2020, or about once a week. If GIC was eliminated in favour of **all members of Council attending all Standing Committee meetings** and Council meeting once every 2 weeks, this would help to streamline things.

Issues that have normally fallen outside of the 4 traditional Standing Committees or the Board of Health would be referred to the **Administration** portion of the Audit, Finance, and Administration Committee.

Once this system was up and running for a while, it would essentially work to provide everyone involved, including the public, **at least 1 full week** to read and receive materials in advance. It would take some practice and would change the flow of everyone's duties but because of the break periods that currently exist in the summer months and in December, this could be implemented without complete disruption (as long as ample training was provided in advance).

All reports and other City materials for Council meetings would be due 12 days in advance.

An example of how this would work in a sample month -

- The month starts on Monday the 1st and has only 30 days
- Wednesday the 10th is the first Council meeting (Council 1) and Wednesday the 24th is the second Council meeting (Council 2) and carries on in a biweekly cycle
- Audit, Finance and Administration and Emergency and Community Services would report to Council 1; reports and other City materials would be due on a Friday 12 days prior (only 2 Standing Committees report to Council 1 because of the extra material for Audit, Finance and Administration that would be absorbed by the former now dissolved General Issues Committee)
- All of the Standing Committees that report to Council 1 would have to meet a minimum of 14 days before Council 1 meets.
- Board of Health; Planning; and Public Works would report to Council 2; reports and other City materials would be due on a Friday 12 days prior
- All of the Standing Committees that report to Council 2 would have to meet a minimum of 14 days before Council 2 meets

Below is an example of how this could work over a 2 month period.

MONTH 1

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 PL C2	2	3 PW C2	4	5	6	7
8 BOH C2	9	10 C1	11	12 C2 due	13	14
15 AFA C1	16	17 ECS C1	18	19	20	21
22	23	24 C2	25	26 C1 due	27	28
29 PL C2	30					

MONTH 2

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 PW C2	2	3	4	5
6 BOH C2	7	8 C1	9	10 C2 due	11	12
13 AFA C1	14	15 ECS C1	16	17	18	19
20	21	22 C2	23	24 C1 due	25	26
27 PL C2	28	29 PW C2	30	31		

Having materials due on a Friday means that if there is more time needed for an exceptional situation, the weekend is there as a buffer; as long as the Office of the City Clerk has the materials in before Monday they would have the entire next 2 days to prepare the agenda to be distributed before Wednesday morning.

This is the current impact on City Council (meetings = Standing Committees, Board of Health, City Council) -

3 meetings	6.25%	1 member*
4 meetings	0.00%	0 members
5 meetings	81.25%	13 members
6 meetings	18.75%	3 members**

*Mayor Fred Eisenberger is only a member of City Council, GIC, and Board of Health

**Councillors Chad Collins, Lloyd Ferguson, and Maria Pearson

This would be the future impact on City Council with the changes suggested -

6 meetings	100.00%	16 members
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3.3 Location of Meetings

- After this section, as a new section 3.4, there should be detailed instructions for the procedures associated with online meetings.

3.6 Meetings of Council for Emergencies

- (5) There is an extra leading space at the beginning of this clause.

3.8 Remedy for Lack of Quorum

- Cite the exact place in the *MCIA* where this originates (i.e. include a citation at the beginning or the end of the clause).

3.9 Delegations

- This statement does not appear to be correct. It should be modified to reflect the practices of Council or to mention that the rules must be suspended by a 2/3 majority in order to allow it (i.e. 3.14 [12]).

3.10 Communication Items

- (1) There are a few issues here. The first is with the word "presented". Who is presenting them? It's not clear that this makes sense. There's also no clear relationship established between the person sending it in and the body receiving it. A paragraph explaining what a "Communication Item" is, with it also being added to the definitions, would be helpful here. If "Correspondence" is the same as a "Communication Item" then this is likely where the confusion lies. Also, when it says "consideration" here it's not clear if this kind of consideration is the subject of a "decision/motion" or some other action.
- (2) The word "of" is likely missing in "Wednesday **of** the week prior".
- (5) It is not clear what is being "debated" specifically here. The practice is understood, but it could be made much clearer. It also seems repetitive. It appears that the phrase "recommended disposition" is not defined and that, in the absence of understanding the process, it is not clear what is happening here. It is also not clear who makes these recommendations. Also, it says "Council communications" here. Does it mean "Communication Items"? Something including these points would be better, "The Office of the City Clerk will make recommendations with respect to motions for Council to consider for each individual Communication Item and they will be listed with that item. Communication Items can either be moved to be received individually or as a group or not at all (i.e. moved not to be received). If a member wishes to move the receipt of a Communication Item individually, they may do so by referring to where it is listed and they may speak to the reasons why they have moved to do so. A motion to refer a Communication Item to another body is also in order. Debate on any motion with respect to a Communication Item must be limited either to reasons to receive or not receive a Communication Item or to reasons with respect to the whether or not an item should be referred to another body".
- (6) It is not clear that this is necessary as the rights around Communication Items do not change based on who submits them.
- (8) This appears to be inappropriate. City Council should make these decisions. Many Councillors have stated this preference over the years and it should be considered.
- (9) This appears to be inappropriate. The notion that any conduct of a member of City Council must rise to the level of a complaint accompanied by a \$100 fee would literally act as a filter to keep criticism away from City Council and would set an unnatural precedent or standard for criticism.
- (10) This clause refers to itself but is likely meant to refer to clauses (8) and (9).

3.11 Order of Business

- "unless changes by Council in the course of the meeting" - this should be removed. It seems inappropriate and inconsiderate of those in the public who, for many reasons, are relying on the order of the agenda in order to tune in to something or in order to appear as a delegate. It is not reasonable for Council to change the order without advance notice.
- (i) This practice should be eliminated.

3.12 Rules of Debate

- There is nothing in this section, though there should be, that addresses personal attacks, insults, or raising unsubstantiated claims. It would be a good idea to include something that states that a procedure will be followed to ensure equity and freedom from discrimination or prejudice on specific grounds (i.e. the *Ontario Human Rights Code*).
- (6) This is good but it should also include a statement that says that it is only the member's own time that is being tracked, not the length of time of the response from a delegate. This has been interpreted broadly in different ways and it can serve to interrupt the flow if a delegate takes too much time in answering a question. In essence, the member's time clock should be based on their own comments and questions and nothing else.
- (8) It has never been clear that "leave" is required as part of this bylaw. This word should be removed unless it has an important legal precedence (which should be cited). Of the items on this list, this might be a better way to separate them for accuracy.

"Procedural Motions" (or motions that direct the course of the meeting but do not themselves bear on a decision about a specific matter) are -

- a motion to amend or make an amendment to a motion
- (c) a motion to adjourn
- (d) a motion to call the question
- (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

"Motions" (decisions that are real or have a material impact on a matter before Council and are not merely procedural in effect); all of these motions should appear on the agenda and should be submitted on the agenda either in advance or at the start of the meeting when the agenda is being approved (though this should only be in the case of an emergency)

- all motions other than those listed above including motions to "ratify" the decisions of other bodies (which are not outlined in the bylaw except at 5.11 and in the definition for "Confirming By-law")
- (l) a motion to lift - A motion to lift something does not procedurally change the fact that a decision is being made with respect to the matter "being lifted" - for instance, if Council is approving a report of the Planning Committee, it tends to do so based on individual items in the report; there is no need, then, to lift an item out, just to make a specific decision to ratify
- (8) (e) The Committee of the Whole is unnecessary as is this motion (see comments under section 1.1).
- (8) (j) Cite the MA.
- (8) (l) The idea of a motion to lift should be eliminated from the bylaw unless it is going to be defined and contextualized. While it may be useful in creating expediency, it is not necessary to have a motion to lift something. Motions can be made about individual things without the need to lift them from larger things. Another way of dividing these things so that it's clear is to group motions about decisions separate from "procedural motions" (though all motions are related to decisions).

3.13 Voting Procedures

- (1) This is not accurate in terms of proper procedure. The person who moves the motion has the ultimate right to withdraw that motion if they wish. Council cannot prevent that without reintroducing the motion by having another one of its members else move and then second that motion once it has been withdrawn.

- (2) This appears to be related to a Declaration of Interest or, perhaps, a section that should be rightly called Statutory Conflicts. An example should be provided.
- (5) This does not clarify where the vote will be recorded in these instances (though the previous section clarifies this).
- (7) It should be made clear under "Point of Privilege" that this is relevant to that category. It is not clear if this is accurate. If it is, this would be a prudent and useful example. It would be best to list all acceptable points of privilege so that there is no confusion about what this term means. It is also not clear that a Point of Privilege can be voted on in this manner. If someone declares a legitimate Point of Privilege then the Chair would rule on that subject to a Challenge of the Chair that would be voted upon by a simple majority.
- (9) This should be reworded entirely. It is not clear that the only interest that should be declared is "pecuniary", this is also worded in a way that makes it illegible. If this refers to the MA, please refer to the specific section. What happens when someone is simply not present? How is this a "recusal"? These things are not clear.
- (10) Are recorded votes otherwise not tabulated? Do we have no record of who voted on something in the absence of an electronic system? If so, that should be stated clearly.
- (14) This seems undemocratic. While the discussion on such a matter can happen in a closed meeting under certain circumstances (cite the MA here), it does not make sense for the vote on that matter to happen in private. It is reasonable to simply come out of a closed meeting and vote on matters in public without revealing those matters in their entirety. Clear titles about those matters are sufficient in such instances.

3.14 Motions Procedures (should this be "Motion Procedures"?)

- (1) (a) It is still not clear what the required process is. It seems to be that someone can put a motion on the agenda by announcing it in the previous meeting or simply by sending it in the day before. If there is no requirement for (i) then it should be stated. It's unclear, for instance, when a Notice of Motion should be happening. There should also be an emergency provision here to make it clear that motions for a particular meeting have to be submitted well in advance unless it's an emergency. Again, the public and other members of Council deserve to have time to consider these items well in advance.
- (b) Does this mean, "withdrawn" by the mover and seconder? What does "not proceeded with" mean? This does not appear to be an official action.

- (c) Similar to (b), there is new language here about something being "dropped". This does not appear to be an official action.
- (2) Define "emergency", if it is the case that Council decides on what is or is not an emergency, please make this point clearly.
- (3) See earlier comments about this. The motion does not come under the carriage of Council until it is carried (or if the motion fails to be carried by Council). Once it is carried it then becomes a decision of that body. Until that time, it is the mover and the seconder who have placed the item "on the table" and the mover and seconder who can withdraw it from the table. If this rule came from BRO, please specify where.
- (4) The wording in this section appears to be incorrect. There are amendments referring to questions. They are not questions, they are motions. Look at the definition of the word "Question" in section 1.1, as follows, for more information about this -

"Question" means an issue before a meeting on which a decision has to be made. **A question cannot be debated, amended** or voted on until it has been proposed as a motion" (for more clarification see my comments on "Questions" in the definitions section).

- (5) This is not consistent with the definition. Here it says that a "date" must be specified but in the definitions section it says that it can be "after an event". Choose one definition and repeat it in both places.
- (6) This seems arbitrary and seems to limit the privileges of speakers, which is not permissible. So called "Dilatory Motions" (see Stanford section 11, which is under the parliamentary section), seem to provide some guidance but do not go as far as the bylaw does. It might be useful to look at Stanford sections 11, 42 (d), and 42 (e) for more clarity and to dial back what has been suggested in (6) (d) and (6) (e). A motion to refer should be debatable and a motion to refer should be subject to an amendment. Motions to refer should also be seen as benign and not limiting the privileges of any member.
- (6) (f) This is not possible under the current circumstances as, on occasion, "first time speakers" come forward after some people have spoken more than once. If rules are going to be generated around the completion of a list of first time speakers then it is up to Council to announce when the list has been fulfilled so that anyone wishing to conduct business on this motion or another motion related to a first time speakers' list will know that they can do so. Otherwise, it is confusing and potentially always out of order.

- (7) (d) What is a "proceeding" in this case? When can it be deemed that Council has conducted "further proceedings"?
- (8) See my comments on (6) (f) about the first time speakers' list.
- (9) (a) This seems undemocratic. While the idea makes sense, it doesn't appear that this is prescribed anywhere in BRO. Since the motion to reconsider depends upon a 2/3 majority, why should it also be dependent on someone voting in the majority to put it forward? This institutes 2 kinds of limits on a motion to reconsider, when only 1 is prescribed in BRO.
- (10) The motion under (d) from this list does not appear above in 3.12. This motion is not in order and not permissible under BRO. It is a main and major difference between Robert's Rules of Order and BRO and should likely just be removed. There is no mechanism for members to "move to ask a question" of another member. While questions may be asked of staff, those are in the context of other motions and do not stand on their own.
- (12) This is dangerous if left in this condition. It is important to be clearer about what is meant here. Suspending which Rules of Procedure? A motion to do this should specify exactly which rules are being suspended. To suspend them, generally, suggests that nothing in this bylaw would apply and that cannot be the case.

3.16 Editorial and Other Changes

- (1) "resolution" - This word appears about a dozen times in the bylaw but does not have a definition. It appears at 3.10 (6), 3.10 (7), 3.14 (7) (b), 3.16 (1), 3.17 (a), 3.17 (b), 4.1, 8.4 (a), Appendix G (b), Appendix G (g). It is important to define this term as it actually seems to mean something with respect to Parliamentary procedure. It would be better to use either "decision" or "motion" as needed/applicable or to reword things to avoid the use of the phrase "resolution".
- (1) (h) This is not the current practice. In the recent past, when an error was made with respect to a Citizen Committee Report of the LGBTQ Advisory Committee, an entire paragraph was redacted rather than having the erroneous word corrected. If this will be the practice going forward, it should be stated clearly here.

SECTION 4 - COMMITTEE OF THE WHOLE

- See comments in section 1.1. This is mostly meant for the purposes of Parliament, not a City Council. While the rules here are meant to be "less strict" they don't seem to apply at all to City Council since the outcomes of all decisions as part of a Committee of the Whole have the same force and effect of all other decisions. The only "slackening" of

the rules is with respect to "lifting items". Also see the definitions in Stanford to see how this relates more specifically to Parliament.

5.1 Standing Committees

- (a) Should be spelled General **Issues** Committee.
- (e) Should be spelled Emergency **and** Community Services Committee for consistency with <https://www.hamilton.ca/council-committee/council-committee-meetings/emergency-and-community-services-committee>.
- (f) Should be spelled Audit, Finance **and** Administration Committee for consistency with <https://www.hamilton.ca/council-committee/council-committee-meetings/audit-finance-and-administration-committee>.

5.2 Appointment of Standing Committee Chairs and Vice Chairs

- "Vice Chair" as in the title should be the preference over "Vice-Chair" as is used throughout this section. It's clearer and easier to read.
- (1) and (1) (a) change "2nd" to appear the same way as it does in (1) (b). All of these ordinal superscripts should be the same size as the regular text (to make it clearer to those who may be using a screen reader or other assistive device to view text).

5.3 Standing Committee Membership

- (8) As previously mentioned, there should be a section on the Mayor that clearly outlines his powers separate from these individual mentions. It is confusing when only found in specific sections. It can be reiterated here but the prevailing new paragraph on the Mayor should also be cited for a full list of their powers. Some of this is currently in an Appendix but it should be moved into the body of the document so that it is not overlooked. Roles and responsibilities seem to be important enough to be included in the bylaw itself.

5.4 Quorum

- See comments under "Quorum" in section 1.1.

5.5 Standing Committee Meeting Times

- See comments on 3.2.

5.7 Standing & Selection Committee Reports

- This is not sufficient time. See comments on section 3.2.

5.8 Rules of Procedure

- There should be no need for separate Rules of Procedure for Standing Committees if other changes that have been recommended are taken into account. In general, no matter where they are taken into account or not, there could easily be a general section on Rules of Procedure and then exceptions or a short list of those that apply to different bodies.

5.10 Order of Business

- See comments on 3.11.

5.11 Delegations

- (1) (a) This does not make sense. It is deferring the power of accepting a delegation request to Council, rather than to the Standing Committee by waiting for the matter to come before Council in the form of a Standing Committee report. This is an unnecessary delay and one that prejudices the rights of individuals to address Standing Committees. Also, the Standing Committee should be empowered to make a decision about whether or not it wants to hear a delegation immediately or have it postponed. This should not be the purview of the Office of the City Clerk.
- (1) (b) The hyperlink to www.hamilton.ca is not active.
- (3) The word "entertain" seems inappropriate here.
- (11) Should be "add a delegation".

5.13 Communication Items

- See comments on 3.10 and comments about not including repetitive sections for City Council and Standing Committees (cf. comments on 5.8, for instance).

5.14 Reconsideration of a Matter Decided Within a Standing Committee Meeting

- Same as 5.13.

5.15 Conflict of Interest Declarations

- Same as 5.13.

5.16 Special Meetings of a Standing Committee

- Same as 5.13 except there should be no additional powers granted to the Mayor with respect to Standing Committees of which he is an ex officio member. It should be the Chair (and at the purview of a majority of members).

5.17 Change to a Scheduled Committee Meeting

- Same as 5.13.

7.7

- Probably useful to have a title for all such numbered sections throughout the document (e.g. 2.1, 2.2, 7.1 - 7.7, 8.1 - 8.4, 9.1).
- (b) "Closed Meetings" has capitals at the beginning of each word. This is not consistent throughout.

8.1

- City the *MA* and list from it in quotation marks. Cite the specific section.

8.2 and 8.3

- Both of these sections could be worked together and made part of 8.1 with a proper title.

8.4

- (a) This should also include a brief description of the matter and specifically what part of the *MA* is being invoked, not just to the general sentiments of a "closed meeting". As much detail as possible should be used so as not to give away any confidential or private information but to allow the public to know what is being spoken about (i.e. Red Hill Valley Parkway road conditions report, Sewage spill into Cootes Paradise, Integrity Commissioner complaint against a member of an Advisory Committee). None of the titles given as examples would reveal any confidential information and are all factual representations of the matters at hand.

10.1 and 10.2

- This is not enough time. See my comments on 3.2.

SECTION 11 - GENERAL

- The public copy should be dated and signed and the section for City Clerk should be updated to read A. Holland.

Appendix G - Roles of Council, Mayor and Committee Chair

- This should be incorporated into the body of the bylaw in the places it makes the most sense so that it's not an afterthought. Some of the information here is crucial to the understanding of the document and procedures as a whole and having it in an Appendix is confusing.