



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

TO:	Governance Review Sub Committee
COMMITTEE DATE:	January 25, 2021
SUBJECT/REPORT NO:	2020 Review of the City's Procedural By-law FCS21004/LS21001 (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon Ext. 4304 Stacey Applebee Ext. 4660
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 FSC21004/LS21001, be approved;
- (b) That By-law 18-270, the Council Procedural By-law, and it's amending By-laws 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184, be repealed; and,
- (c) That the Council Procedural By-law attached as Appendix 'A' to Report FSC21004/LS21001, 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 an annual basis.

Proposed Amendments:

The terms IN-PERSON / VIRTUAL / HYBRID have been added to refer to the various ways the City of Hamilton could be conducting their meetings.

The contents of Appendices J, K and L attached to By-law 18-270, as amended, which were appendices that addressed the holding of Electronic meetings, have been incorporated into the proposed Procedural By-law, in order to keep the reference in the by-law to one area, rather than 4 (four) in some cases (i.e. sub-section 2.1 could be found in the by-law, Appendices J, K and L).

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 enactment of the Council Procedural By-law attached as Appendix 'A' to Report FSC21004/LS21001. A full list of the proposed amendments to the Council Procedural By-law can be found in Appendix 'B' to this report.

Staff provided training to 2020 Chairs/Vice-Chairs/Deputy Mayors on October 26, 2020 based on the feedback received during the training, staff made a few proposed amendments to the Procedural By-law.

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, By-law 19-212 on September 11, 2019 and By-law 19-308 on December 11, 2019.

In 2020, Council approved numerous amendments to By-law No. 18-270, a By-law to Govern the Proceedings of Council and Committees of Council (the Procedural By-law), which has made it necessary to repeal and replace the by-law.

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 proposed revisions to the procedural by-law.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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 and 2020, will be repealed and a new by-law with the revisions listed in Appendix 'B' will be enacted.

ALTERNATIVES FOR CONSIDERATION

(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)

As per Bill 197, *COVID-19 Economic Recovery Act, 2020*, Council may provide for proxy votes in the City's Procedural By-law, staff's advice is that this would not be recommended at this time.

Bill 197, also allows for electronic meetings following COVID-19 and Committee may decide if they wish to recommend this to be permanently added to the procedural by-law now or at a later date.

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, the Council Procedural By-law

Appendix 'B' – Summary of the Proposed Revisions

Appendix 'C' – Example of the Councillor Communication Updates package