

## **Summary of the Proposed Revisions**

### **Throughout the by-law:**

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 term 'regularly scheduled meetings' has been amended to 'scheduled 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) areas in some cases (i.e. sub-section 2.1 could be found in the by-law as well as Appendices J, K and L.

### **SECTION 1 - DEFINITIONS**

- *Added the following definitions, in order to define the new terms when they appear in the by-law:*

**"ELE"** means Electronic meeting procedures and applies to Virtual and Hybrid meetings during an emergency and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

**"Hybrid"** means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings during an emergency.

**"INP"** means In-Person meeting procedures and applies only when the procedures for In-Person meetings differs from Electronic (ELE) meeting procedures.

**"In-Person"** means a proceeding where members participate In-Person at Council and Committee meetings.

**"Virtual"** means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings during an emergency.

- *Revised the following definitions to enhance their meanings for better understanding:*

**"Point of Order"** means a question raised by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business.

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“**Point of Privilege**” means a matter that affects the credibility, reputation, and dignity of a Member individually or that Council or Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely; a need for assistance, to be excused for illness or a personal emergency.

**SECTION 3 – COUNCIL MEETINGS**

**3.5 Meetings of Council for Emergencies**

- *Added Section 3.5(5), to ensure that Council, has the ability to meet in an adjacent municipality, when necessary during an emergency:*

(5) In the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality, and such meetings may be held as IN-PERSON / VIRTUAL / HYBRID meetings, with the details posted on the City’s website.

**3.7 Quorum**

- *Section 3.7(5), has been divided into 2 sections, to address quorum for in IN-PERSON and VIRTUAL / HYBRID meetings:*

(5) **INP** If Quorum cannot be maintained during an IN-PERSON Council meeting, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the decision to continue the meeting will rest with the Mayor or Deputy Mayor. During the absence of quorum, no decisions may be approved.

**ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Council meeting, due to a loss of members’ electronic connection, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the meeting will be recessed for up to 15 minutes or until the members’ 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.

**3.10 Communication Items**

- *Sections 3.10(1), 3.10(2) and 3.10(4) have been amended to reflect ‘Communication Items.....’.*
- *Added Section 3.10(5) to apprise those who send in communication items for inclusion on Council agendas that reference another person or staff member will be redacted as per the relevant legislation:*

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- (5) Communication Items shall not contain the names of individuals (staff or public) with the exception of the author's name. Any names found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- *Section 3.10(10) has been amended to include 'or any member of a body subject to review by the Integrity Commissioner':*

(10) Communications respecting the conduct of a member(s) of Council or any member of a body subject to review by the Integrity Commissioner will not be placed on a Council Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.

**3.11 Order of Business**

- *Added a note on Item (c), Ceremonial Activities, to address the format of Ceremonial Activities at electronic meetings; and 'Council Communication Updates' as per the addition of Section 3.17 (below):*

The Order of Business for scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless amended by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Ceremonial Activities (**ELE** – During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Committee Reports
- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)
- (j) Council Communication Updates
- (k) Private and Confidential
- (l) By-laws and Confirming By-law
- (m) Adjournment

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**3.17 Council Communication Updates**

- *Added Section 3.17, Council Communication Updates, to initiate the preparation and distribution of a package that contains the Communication Updates forwarded to Council in a two-week time period, as follows:*
  - (1) All staff Communication Update documents sent to Council and posted on the website will be published by the Clerk on the Council agenda for receipt into the public record.
  - (2) A member may refer any of the items listed within the Council Communication Updates to a Standing Committee by contacting the Clerk and any item so referred shall be placed on the next available agenda of the respective Standing Committee.
- *Sections 3.12 (Rules of Debate); 3.13 (Voting Procedures) and 3.14 (Motion Procedures) have been moved to their own section (Section 6), as they apply to both Council and Committees.*

**3.15 Conflict of Interest Declarations**

- *Section 3.15(1) has been amended to remove the reference to the Conflict of Interest Act, 1990:*
  - (1) Where a member has disclosed a conflict of interest at a meeting, the member, shall file a written statement with the Clerk.

**SECTION 4 - COMMITTEE OF THE WHOLE**

- *Added 'and the Reports of Committees who report directly to Council', as we have and have had several Committees who report directly to Council:*

**4.1 Council may, by resolution:**

- (a) move into Committee of the Whole to consider, including debate, Standing Committee Reports; Selection Committee Reports and the Reports of Committees who report directly to Council on the Council meeting agenda; and

**4.2 During the consideration of Reports a member may lift an item from the Information Section with the approval of a majority of the members present, for the matter:**

**4.3 An information item that is lifted from a Report and amended, will be given an item number and added to the appropriate section of the Standing Committee Report Selection Committee Report or the Report of Committee who reports directly to Council.**

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**SECTION 5 – COMMITTEE MEETINGS**

- *The title of Section 5, as well as any references to ‘Standing’ Committee throughout the section has been removed as this section applies to all Committees, unless the sub-section is specific to only ‘Standing’ Committees:*

**5.2 Appointment of Committee Chairs and Vice Chairs**

- *Section 5.2(4) has been amended to reflect that each Sub-Committee, Advisory Committee and Task Force recommends to Council the appointment of a Chair and Vice-Chair:*

- (4) Each Sub-Committee, Advisory Committee and Task Force shall recommend to Council the appointment of a Chair and Vice Chair. The Chair or Vice-Chair of a Sub-Committee, Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

**5.4 Quorum**

- *Section 5.4(4) has been amended to reflect the loss of quorum with the exception of sections 5.4(6) and 5.4(7):*

- (4) If a quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next scheduled Committee meeting or another meeting may be called in accordance with the provisions of this By-law, except as provided for in 5.4(6) and 5.4(7).

- *Section 5.4(5) has been divided into 2 sections, to address quorum for in IN-PERSON and VIRTUAL / HYBRID meetings:*

- (5) **INP** If Quorum cannot be maintained during an IN-PERSON Committee meeting, the Clerk will advise the Chair that quorum is lost and the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.

- ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Standing Committee meeting, due to a loss of members’ electronic connection, the Clerk will advise the Chair that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member’s electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Standing Committee meeting is on the City’s website. Where Quorum during a VIRTUAL/HYBRID

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Standing Committee meeting is lost for any other reason the INP procedure shall apply.

- *Section 5.4(6), reflects the continuation of a meeting without quorum to address when the Committee has an outside consultant; organization, etc., who is in attendance at meeting where quorum isn't achieved, it permits the Chair to decide to proceed with hearing the scheduled presentation without making any decisions:*

(6) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Chair may decide to proceed informally to hear scheduled presentations. Ratification of any decisions will be postponed to a future meeting.

- *Section 5.4(7), reflects the continuation of a meeting without quorum to address when the Committee members who are in attendance at a meeting where quorum isn't achieved, want to talk informally on a matter of interest without making any decisions:*

(7) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of a Committee, the Chair may allow the Committee to discuss items of interest. Ratification of any decisions will be postponed to a future meeting.

- *Section 5.5 was added to include a section on the location of Committee meetings:*

## **5.5 Location of Meetings**

- (1) IN-PERSON / VIRTUAL / HYBRID Standing Committee Meetings shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

## **5.8 Committee Reports**

- *Added 'and other Committees that report directly to Council', as we have and have had several Committees who report directly to Council:*

(1) Each Standing Committee, the Selection Committee, and other Committees that report directly to Council shall make recommendations to Council.

(2) A minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review. Every effort will be made for Standing Committee and/or Selection Committee Reports to be released at an earlier date.

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**5.9 Rules of Procedure**

- *The original Section 5.9(1) has been removed as Section 2.1 (below) addresses the rules of procedure for all Committees:*

~~(1) The rules governing the procedure of the Council at Council meetings shall be observed at Committee meetings, so far as they are applicable.~~

**2.1** The rules of procedure shall be observed in all 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.

- *5.9 (3) was amended at Governance Review Sub-Committee to remove “when a subject matter directly affects their Ward” to permit a member to attend a Standing Committee meeting on any matter of interest:*

(3) A Member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate, provided that the Member of Council shall:

- (a) not be counted for quorum purposes, and;
- (b) not move any motion or vote on any matter.

**5.10 Order of Business**

- *Section 5.10 has been amended, so that the Committees hear the staff presentations prior to hearing from delegations; and*
- *Added a note on Item (c), Ceremonial Activities, to address the format of Ceremonial Activities at electronic meetings:*

(1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:

- (a) Ceremonial Activities (**ELE-** During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
- (b) Approval of Agenda
- (c) Declarations of Interest
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Delegation Requests
- (g) Consent Items

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

**5.12 Delegations**

- *Section 5.12(1) has been divided into 2 sections, to address delegation for in IN-PERSON and VIRTUAL / HYBRID meetings:*
  - (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee
  - ELE** Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee
- *Sections 5.12(11) and 5.12(12) have been included based on the feedback received from the Committee Chairs:*
  - (11) Delegates appearing IN-PERSON or VIRTUALLY will adhere to Section 8, Order and Decorum of this by-law.
  - (12) Members of Committees can ask questions of the delegations for clarification purposes only and not for debate.
- *The title of Section 5.13, has been amended to reflect 'at Standing Committees':*

**5.13 Public Hearings at Standing Committees**

- *Section 5.13(3)(c) has been divided into 2 sections, to address public hearing delegations for in IN-PERSON and VIRTUAL / HYBRID meetings:*
  - (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; and
    - (c) **INP** 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).



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**ELE** Presentations by delegations who have registered to attend VIRTUALLY, will be heard.

- *Section 5.13(5) has been divided into 2 sections, to address public hearing delegations for in IN-PERSON and VIRTUAL / HYBRID meetings:*

(5) **INP** Notwithstanding subsection 5.13(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.

**ELE** Notwithstanding subsection 5.13(4), Standing Committee shall only hear oral representations from persons who have registered to attend VIRTUALLY.

- *Section 5.13(6) has been amended to state a 5 minute limit, as there is nothing within the legislation that provides a delegation with unlimited time to speak at a public hearing:*

(6) IN-PERSON or VIRTUAL delegations made at a Public Hearing shall be limited to an oral presentation of not more than five minutes.

- *Section 5.13(7) has been amended to reflect a concern raised by the Governance Review Sub-Committee respecting the number of copies a delegation is to bring to a meeting:*

(7) Where a delegation wishes to provide written material to become part of the public record to the members of the Standing Committee at a Public Hearing, the delegation shall:

(a) comply with subsection 5.12(8); or

(b) if after the deadline, provide a copy of the written material to the Clerk at the IN-PERSON meeting for distribution after the meeting; or

(c) if after the deadline, provide a copy of the written material to the Clerk via email at a VIRTUAL / HYBRID meeting for distribution after the meeting.

#### **5.14 Communication Items**

- *Sections 5.14(1), 5.14(2) and 5.14(5) have been amended to reflect 'Communication Items.....'.*

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- *Added Section 5.14(6) to apprise those who send in communication items for inclusion on Council agendas that reference another person or staff member will be redacted as per the relevant legislation or procedure:*
  - (5) Communication Items shall not contain the names of individuals (staff or public) with the exception of the author's name. Any names found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, this Procedural By-law and other relevant legislation or procedure.
- *Section 5.14(10) has been amended to include 'or any member of a body subject to review by the Integrity Commissioner':*
  - (10) Communications respecting the conduct of a member(s) of Council or any member of a body subject to review by the Integrity Commissioner will not be placed on a Standing Committee Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.

**5.15 Reconsideration of a Matter Decided Within a Standing Committee Meeting**

- The original Section 5.15(2) (in italics), has been incorporated into Section 5.15(1):
  - (1) At any Standing Committee Meeting, after a matter has been decided by the Standing Committee, including both successful or failed motions, a Member of the Standing Committee who voted in the majority, may present a Motion to reconsider the matter prior to the adjournment of the meeting. *The Chair may ask the Member of the Standing Committee to confirm that they voted with the majority on the issue in question.*

**5.16 Conflict of Interest Declarations**

- *Section 5.16(1) has been amended to remove the reference to the Conflict of Interest Act, 1990:*
  - (1) Where a member has disclosed a conflict of interest at a meeting, the member, shall file a written statement with the Clerk.

**SECTION 6- RULES OF DEBATE, VOTING PROCEDURES  
AND MOTION PROCEDURES**

- *Sections 6.1 formerly 3.12 (Rules of Debate); 6.2 formerly 3.13 (Voting Procedures) and 6.3 formerly 3.14 (Motion Procedures) have been moved from Section 3 and have formed a new section, as they apply to Council and all Committees.*
- *Throughout Sections 6.1, 6.2 and 6.3, the wording has been amended to include 'the Mayor and/or the Chair' and 'Council and/or Committee' where it was omitted.*

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**6.2 Voting Procedures**

- *Sections 6.2(3) and 6.2(9) have been divided into 2 sections, to address voting procedures for in IN-PERSON and VIRTUAL / HYBRID meetings:*

(3) **INP** When an electronic voting system is available at an IN-PERSON meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically excluding those motions referred to in (i) and (ii) below which shall be by show of hands:

- (i) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
- (ii) Consent Items.

**ELE** When an electronic voting system is available at a VIRTUAL / HYBRID meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically.

(9) **INP** When a Member of Council at an IN-PERSON meeting of Council or Committee does not disclose a pecuniary interest, and does not vote on a Motion, the member will be deemed as having voted in the negative and when an electronic voting system is in use the recusal will be displayed and noted in the proceedings.

**ELE** When a Member of Council at a VIRTUAL / HYBRID meeting of Council or Committee does not disclose a pecuniary interest, and does not vote electronically on a Motion, 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.

- *Sections 6.2(6) and 6.2(7), have been amended for better understanding:*

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

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- (ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.
- *Section 6.2(17) has been included to address the voting rights of members of Council who are representatives on an Advisory Committee, when attending an Advisory Committee meeting, as members of Council have their opportunity to vote on these matters at Standing Committee and Council:*
  - (17) Members of Council who are appointed as representatives of an Advisory Committee, do not have voting rights while attending an Advisory Committee meeting.

**SECTION 9 – MEETINGS CLOSED TO THE PUBLIC**

- *Section 9.1 has been amended to reflect the content of Section 239(2) 'or a local board' where it was omitted:*

**9.1** No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:

- (a) the security of the property of the City or a local board;
- (b) personal matters about an identifiable individual, including City or a local board employees;
- (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which Council or a Committee may hold a closed meeting under an Act other than the *Municipal Act, 2001*;
- (h) information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value; or

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- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.

**SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL  
AND/OR COMMITTEE MEETINGS**

- *Section 10, has been amended to reflect ‘virtual’ participation at Council and/or Committee meetings rather than ‘electronic’ participation.*
- *Added Section 11, to provide for virtual meetings during an emergency:*

**SECTION 11 – VIRTUAL MEETINGS DURING AN EMERGENCY**

- 11.1** All VIRTUAL / HYBRID Council and Committee meetings shall be streamed live.
- 11.2** Upon being apprised that a virtual meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.
- 11.3** If the live feed of a Virtual meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned. The Council/ Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.
- 11.4** If the Virtual meeting is interrupted and its live feed cannot be resumed, the names of the Council/Committee members present and any decisions of Council/ Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting.

**SECTION 12 - ROLE OF CLERK**

- *Sections 12.1 and 12.2 have been amended to provide for the electronic distribution of agendas:*
- 12.1** The Clerk shall make the agendas of Council and Committee meetings available to members of Council and Senior Leadership Team electronically at least 5 days prior to the scheduled meetings.
- 12.2** The Clerk shall make the agendas of Council and Committee meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 12.1 on the City’s website.

**Appendices**

**Appendix A - GENERAL ISSUES COMMITTEE**

- *Added “Upper Levels of Government Funding Matters” to the Mandate; and*

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- *Added “all matters having definite litigation” to Legal Services to the Mandate.*

**Appendix B, C, D, E and F – OTHER STANDING COMMITTEES**

- *Added “Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee”, under Specific duties shall include:*

**Appendix J - HEARING PROCEDURES FOR DEVELOPMENT CHARGE COMPLAINTS  
– SECTION 20**

- *Appendix J has been added to address the Hearing Procedures for Development Charge Complaints – Section 20*