

Authority: Item 2, Audit, Finance & Administration
Committee 21-012
CM: August 13, 2021
Ward: City Wide

Bill No. 148

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend By-law No. 21-021, the Council Procedural By-law

WHEREAS Council enacted a Council Procedural By-law being City of Hamilton By-law No. 21-021;

AND WHEREAS it is necessary to amend By-law 21-021.

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

1. That By-law No. 21-021, be amended to reflect the following amendments:

1.1 In this 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~~.

“**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~~.

3.4 Special Meetings of Council

- (7) *Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.***

3.7 Quorum

- (2) A majority of Members of Council is necessary to constitute a quorum of Council.

(2.1) A Member of Council participating in-person or virtually shall be counted in determining whether or not a quorum of Members is present at any point in time.

3.11 Order of Business

- (1) 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
- (2) ***All Ceremonial Activities at Council meetings will take place virtually, during an Emergency.***

5.4 Quorum

- (1) The quorum for all Committees shall be a half of the membership rounded up to the nearest whole number.

(1.1) A Member of a Committee participating in-person or virtually shall be counted in determining whether or not a quorum of members is present at any point in time.

5.11 Order of Business

- (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
 - (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

- (3) ***All Ceremonial Activities at Committee meetings will take place virtually, during an Emergency.***

5.12 Delegations

- (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person ***or virtually*** 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

- (c) ***Persons wishing to delegate with a pre-recorded video on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as delegate to the Clerk no later than 12:00 noon two business days before the meeting. If the Committee is meeting on Monday, the deadline will be 12:00 noon on the Thursday before.***

- (d) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).

- (5) An IN-PERSON or VIRTUAL delegation ***or a delegate with a pre-recorded video*** of one or more persons, shall be limited to an oral presentation of not more than five minutes.

8.5 No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk, shall:

- (a) be allowed on the floor while an IN-PERSON / ***HYBRID*** meeting is being held, namely where members of Council or Committee, the Clerk, and officials authorized by the Clerk are seated

and from which they speak;

- (b) before or during an IN-PERSON / **HYBRID** meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.

9.5 A member of Council, of a Local Board or of a Committee of either of them can participate virtually in a meeting that is closed to the public.

~~**10.1 Virtual participation is prohibited at Council and/or Committee meetings, except where permitted during an Emergency as set out in subsection 10.2.**~~

10.1 Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings ~~during an emergency~~ when attending in-person is not possible.

10.2 Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings ~~during an emergency~~ when attending in-person is not possible.

10.3 Virtual 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 the public at Committee meetings.

10.4 Members of Council and Citizen Committee members who intend on participating at a meeting virtually should advise the Clerk at least 2 days prior to the meeting.

10.5 The Mayor, Deputy Mayor, Chair or Vice Chair presiding at a Council or Committee meeting shall attend in-person at a HYBRID meeting.

**SECTION 11 – IN-PERSON / VIRTUAL / HYBRID
MEETINGS DURING AN EMERGENCY**

11.1 All VIRTUAL ~~/HYBRID~~ Council and Committee meetings shall be streamed live.

11.2 All IN-PERSON / HYBRID Council and Committee meetings may be streamed live.

11.3 Upon being apprised that an IN-PERSON / HYBRID meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will continue as long as quorum is maintained and the connection will be resumed as soon as possible.

11.4 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.

11.5 If the live feed of a VIRTUAL meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned with 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. The Council/Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.

2 This By-law comes into force on the day it is passed.

PASSED this 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk