

**Authority:** Item 5, Audit, Finance and  
Administration Committee Report  
22-016 (Governance Review Sub-  
Committee Report 22-004)  
CM: September 28, 2022  
Ward: City Wide  
**Bill No. 254**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council**

**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:

- (i) **1.1** In this By-law,

**“Advisory Committee”** means a group of appointed residents established by Council for the purpose of providing advice on matters that are related to the specific mandate of the committee.

**“Hearing”** means a Meeting or hearing in a proceeding to which the *Statutory Powers and Procedure Act* applies.

**“Main Motion”** means a proposal by a member that begins the process of making any decision for consideration of Council or a Committee, that is moved by a member and seconded by another member.

**“Motion”** means a proposal by a member for the consideration of Council or a Committee included in the published agenda, that is moved by a member and seconded by another member. A Motion may be Procedural or Substantive in nature.

**“Procedural Motion”** means any motion concerning the manner or time of consideration of any matter before the Council or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the question; to go into committee of the whole; to recess; to refer; to defer; to go into a closed meeting; to suspend the rules of procedure and to lift.

**“Selection Committee”** means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and five (5) Council representatives with full voting privileges.

**“Sub-Committee”** means a Committee established by Council, comprised of some Members of Council and in certain circumstances also citizen members. Sub-Committees report up to an assigned Standing Committee with members of Sub-Committees being appointed by Council.

**“Task Force”** means a temporary ad hoc group of appointed citizens established by Council for the purpose of providing advice on matters related to a specific mandate of the task force.

- (ii) **2.3** Notwithstanding any other provisions of this By-Law, where Council or a Committee convenes for the purpose of holding a Hearing, the provisions of the relevant statute, the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, as amended or re-enacted from time to time, together with any procedures and practices established by the Council or Committee, shall govern the Hearing, as applicable.
- (iii) **3.1 First Council Meeting**
  - (1) The First Meeting of Council shall be held at a time and place to be fixed by the Clerk provided that it shall not be held later than 31 days after the term of Council commences.
  - (2) The IN-PERSON Proceedings of the First Meeting of Council shall include:
  - (3) Despite subsection 3.1(2), and provided all requirements of the Act relating to the First Meeting of Council can be satisfied, the First Meeting of Council may be held as a VIRTUAL or HYBRID proceeding in the event of an Emergency.
- (iv) **4.2** During the consideration of Standing Committee Reports and Selection Committee Reports a member may:
  - (a) request that a matter contained within the Committee Report be voted on separately at Council;
  - (b) amend a matter contained within the Committee Report;

- (i) in the event, an amendment is considered to be contrary to the main motion within the Committee Report, Council will follow the following process:
  - 1. The main motion within the Committee Report shall be voted upon;
    - (a) if the vote result is deemed to be Carried, the matter is considered closed; and
    - (b) if the vote result is deemed to be lost, the amendment considered to be contrary to the main motion within the Committee Report, may be introduced if duly moved and seconded.

(v) **5.2 Appointment of Committee Chairs and Vice Chairs**

- (6) Despite subsection 5.2(1)(c) the role of Chair of the General Issues Committee Budget meetings may be chaired by the Mayor or a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.
- (7) The role of Vice-Chair of the General Issues Committee Budget meetings may be vice-chaired by a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Vice-Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.

(vi) **5.3 Standing Committee Membership**

- (4) Emergency & Community Services Committee shall be comprised of a minimum of **7** Members of Council.

(vii) **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
  - (b) Approval of Agenda
  - (c) Declarations of Interest
  - (d) Approval of Minutes of Previous Meeting
  - (e) Communications
  - (f) Delegation Requests
  - (g) Delegations

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

(viii) **5.12 Delegations**

- (10) Delegations respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on a Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
  - (11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
  - (12) Notwithstanding subsections 5.12(9), 5.12(10) and 5.12(11), a Standing Committee member may add the delegation request on a Standing Committee Agenda.
- (ix) **9.1** Except as provided in this Section 9, all Committee and Council meetings shall be open to the public.
- (x) **9.2** For the purpose of Sections 9.3, 9.5, 9.6 and 9.7, “Committee” shall mean any committee of which at least 50% of the members are also members of Council.

- (xi) **9.3** A meeting of Council or a Committee or part thereof may be closed to the public if the subject matter being considered is:
- (xii) **9.8** A vote may be taken during a meeting that is closed to the public pursuant to Sections 9.3, 9.4 and 9.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board is permitted.
- (xiii) **13.6** In the event of a conflict between the provisions of this By-Law and the Act, or any other legislation, the provisions of the Act and legislation shall prevail, to the extent of the conflict.
- (xiv) **13.7** In the event of a conflict between the provisions of this By-Law and the Terms of Reference for any Sub-Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

(xv) **Appendix A – General Issues Committee**

*Specific duties shall include:*

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the General Issues Committee
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the General Issues Committee

(xvi) **Appendix B – Board of Health**

*Specific duties shall include:*

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Board of Health
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Board of Health

(xvii) **Appendix C – Public Works Committee**

*Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Public Works Committee

(xviii) **Appendix D – Planning Committee**

*Specific duties shall include:*

- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Ontario Land Tribunal (OLT) Hearings to consider the appeal of Committee of Adjustment decisions
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Planning Committee

(xvix) **Appendix E – Emergency & Community Services Committee**

**COMPOSITION**

The Emergency & Community Services Committee shall be comprised of a minimum of **7** members of Council, plus the Mayor as ex-officio.

*General:*

To report and make recommendations to Council on matters relating to:

- ~~Advisory Committees that report to the Emergency & Community Services Committee~~

*Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Emergency & Community Services Committee

(xx) **Appendix F - Audit, Finance & Administration Committee**

*Delegated Authority:*

- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997* and Section 257.85 of the *Education Act*.

*Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Audit, Finance and Administration Committee
- To consider recommendations from the City Auditor as per the Office of the City Auditor Charter (Schedule F1 to Appendix F).

(xxi) **Appendix J - HEARING PROCEDURES FOR SECTION 20 DEVELOPMENT CHARGES ACT, 1997 COMPLAINTS AND SECTION 257.85 EDUCATION ACT COMPLAINTS**, deleted in its entirety.

2. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
3. This By-law come into force on the day it is passed.

**PASSED** this 28th day of September, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk