



Hamilton

## **REPORT 07-001**

### **Community Councils Task Force**

**Tuesday, December 18, 2007  
12:00 noon.  
Room 250A  
Hamilton City Centre, Suite 250  
77 James Street North, Hamilton**

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**Present:** Mayor F. Eisenberger, Ex-Officio  
A. Samson (Chair), and M Stark (Vice-Chair)  
P. Bruckler, and M. Shurvin

**Absent with regrets:** B. Wade, other commitment

**Also Present:** I. Bedioui, City Clerk's Office

#### **THE COMMUNITY COUNCILS TASK FORCE PRESENTS REPORT 07-001 TO COMMITTEE OF THE WHOLE AND RESPECTFULLY RECOMMENDS:**

##### **1. Establishing Community Councils**

That Hamilton City Council take advantage of the new powers granted pursuant to the recent amendments to the Municipal Act, and direct staff to prepare a by-law to create Community Councils in 2008 in keeping with the terms of reference as outlined in the Appendix A, attached hereto.

#### **FOR THE INFORMATION OF COMMITTEE**

The Community Councils Task Force held its last meeting on December 18, 2007 and approved the Report hereto attached as Appendix A.

**Committee of the Whole – May 12, 2008**

The Task Force requested that the report be placed on a Committee of the Whole meeting, perhaps a special meeting, once the budget process has been completed.

**Respectfully submitted,**

**Art Samson, Chair  
Community Councils Task Force**

**Ida Bedioui  
Legislative Assistant  
Community Councils Task Force  
December 18, 2007**

## **Community Councils Task Force Report**

### **BACKGROUND**

This Task Force was established by motion of Council on March 28, 2007, to evaluate some issues relating to the creation of community councils in the City of Hamilton.

The Municipal Statute Law Amendment Act, 2006, was proclaimed in force on January 1, 2007. One of the amendments concerns the ability of a municipality to delegate powers and duties. Under the new legislation, municipalities now have expanded authority to delegate their powers and duties to a person or body subject to certain restrictions. Some specific powers and duties cannot be delegated, such as planning matters, imposing taxes, and personnel issues (hiring and firing). (Section 23.3 (1) of the Municipal Act, 2001)

This Task Force was asked to act in an advisory capacity and report back to Committee of the Whole. We have reviewed the changes to the legislation and have explored the issue of delegation as it relates to the creation of community councils across the City of Hamilton.

The Task Force members have met with the Minister of Municipal Affairs, as well as Dr. Andrew Sancton, a professor of political science from Western University. Public meetings have been held at four locations across the City. Both written and verbal submissions from members of the community have been received with respect to this issue. The Task Force attended Community Council meetings, as they now exist, in Dundas and Ancaster and has met with various neighbourhood community groups.

### **RECOMMENDATION**

The Task Force hereby recommends that Hamilton City Council take advantage of the new powers granted pursuant to the recent amendments to the Municipal Act, and direct staff to prepare a by-law to create Community Councils in 2008 in keeping with the terms of reference as outlined below:

**Committee of the Whole – May 12, 2008**

### **A HARMONIZED MANDATE**

Every Community Council will have the same mandate and the same delegated powers, as per Section 23.1 of the Municipal Act.

Community Councils will be self-directed and will act in an advisory capacity and will also have legislated powers and duties. They will provide an open forum for communication between the constituents, the Ward Councillor and City Council. The Community Councils shall be composed of a broad range of selected representatives from the community and will carry out the delegated powers and duties, as well as advise City Council on issues of importance to the community.

This mandate will satisfy two objectives. The Community Councils will strengthen their own local communities. They will also strengthen the City of Hamilton as a whole by assisting City Council in evaluating the health of each individual community.

### **GOVERNANCE STRUCTURE**

The Task Force gave careful consideration on how communities should be defined and was ultimately satisfied that a ward-based system would be most practical to implement and that wards, or grouping of wards of the City of Hamilton are sufficiently reflective of the communities within them.

#### **Definition of a “Community”**

The communities will be divided by ward or grouping of wards, with each ward, or grouping of wards having their own Community Council (with the exception of Ward 11, which will be divided, and will have two Community Councils, one above and one below the escarpment).

#### **Composition of Community Council**

Each Community Council should have a minimum of 7 members and a maximum of 11 members. The Ward Councillor will be an ex-officio member. The Councillor will not be the Chair. The Chair and Vice Chair will be elected from within.

### Selection of Members

As the Municipal Act provides for the appointment of Community Council members, a Community Council Selection Committee should be formed, and should operate in a similar fashion to the Selection Committee that exists to select members for Sub-Committees of Council. The Community Council Selection Committee will formulate a number of criteria by which they will choose the members for each Community Council. The Selection Committee will be responsible for advertising, interviewing and selecting the members, based on the standard criteria, which will allow for diverse representation of the community, both geographically and socially.

The Selection Committee will be encouraged to draw the representation for each Community Council from various groups that make up that particular community, such as: seniors, youth, business, labour, churches, heritage groups, cultural groups, persons with disability, neighbourhood associations, etc.

### Term

With the exception of the first term, the term of the Community Councils will run with the term of Hamilton City Council (4 years).

### Meetings

Community Councils will have regularly scheduled meetings, to be held in the evenings, which will be open and transparent, and very accessible to the public of that particular community.

The Rules of Order are to be followed as per the City of Hamilton's Procedural By-law.

A recording secretary will be chosen by the group and Minutes will be recorded and forwarded to the appropriate Standing Committee.

### **AUTONOMY OF COMMUNITY COUNCILS**

Community Councils will operate independently from Hamilton City Council and will be self directed with regard to how they operate in an administrative capacity i.e.) how their meetings are organized and governed.

While the Municipality may delegate powers and duties, a delegation may be revoked at any time (in accordance with the legislation). The Task Force is unwilling to recommend that the by-law specifically limit the Municipality's power to revoke any delegation of powers as set out in Section 23.1 subsection 2, article 1.

However, the decisions of the Community Councils that arise out of the delegated powers should be given deference by Council, and should not be overturned, except in exceptional circumstances.

### **PERMISSIVE POWERS**

The following permissive powers and duties should be delegated to the Community Councils:

1. To provide advice to the Ward Councillor(s) and Mayor on local issues. To take the information from the Ward Councillor(s) and/or Mayor, and make it available to the public in that community;
2. When requested to do so, to provide advice to Hamilton City Council on area specific issues that have been referred to that particular Community Council for comment;
3. Delegated powers and duties could include:
  - To comment formally on all planning applications within the area;
  - To make recommendations to staff on recreation issues in the area;
  - To comment formally on the issuance and renewal of business licences in the area that are normally issued and/ or reviewed by council;

- To comment formally on street naming in the area, in accordance with the City of Hamilton's guidelines;
- To comment formally on street lighting within the area;
- To make recommendations concerning services, such as sidewalk snow removal in that particular area;
- To comment formally on parking/traffic issues on local roads within the area;
- To comment formally on all heritage permit applications within the area.

**CONCLUSION**

The aforementioned recommendations reflect the majority of the comments received from the public and the purpose is to engage the community without creating a costly government structure.

**Respectfully submitted,**

**Art Samson, Chair  
On behalf of the Community Councils Task Force  
December 18, 2007**