

Authority: Item 22, Committee of the Whole
Report 10-022
CM: August 12, 2010
Item 10, Audit and Administration
Committee Report 10-009
CM: September 15, 2010

Bill No. 230

CITY OF HAMILTON

BY-LAW NO. 10-230

TO AMEND BY-LAW NO. 10-053 GOVERNING THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

WHEREAS the Council of the City of Hamilton enacted by-law 10-053 being a By-law to Govern the Proceedings of Council and Committees of Council, on March 10, 2010, pursuant to section 238, of the Municipal Act, 2001;

AND WHEREAS the Council of the City of Hamilton, in adopting item 22 of Report 10-022 of the Committee of the Whole at its meeting held on the 12th day of August, 2010, and in adopting item 10 of Report 10-009 of the Audit and Administration Committee, at its meetings held on the 15th day of September, 2010, recommended that Procedural By-law 10-053 be amended as hereinafter provided;

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

1. That Section 1 to procedural By-law 10-053, entitled Definitions, be amended as follows:

The definition of **Deputy Mayor** be deleted and replaced as follows:

- 1.1 “**Deputy Mayor**” means a Member of Council who is appointed from amongst Council on a scheduled basis:
 - (a) to assist the Mayor; and
 - (b) to act from time to time in the place of the Mayor, exercising:

- (i) all the rights, powers and authority of the Mayor when the Mayor is absent from the City or the office of Mayor is vacant; and
 - (ii) subject to paragraph (i), those rights, powers and authority of the Mayor that:
 - 1. the Mayor is unable to exercise for the time being due to illness, incapacity or other reason, including acting in the place of the Mayor at any Council or Committee meeting when the Mayor is absent; or,
 - 2. the Mayor refuses to exercise.
- 2. That sub-section 3.9, regarding Order of Business, be amended by deleting the phrase 'The Order of Business for the regular meetings of Council shall be as follows:' and replacing it with the phrase 'The general Order of Business for the regular meetings of Council, unless changed by Council in the course of the meeting, shall be as follows:'.
- 3. That sub-section 3.11(14), regarding Motion to Refer, be amended by adding the following item (d):

"(d) When a motion to refer a question to Council is defeated by a Standing Committee, the Chair of the Standing Committee shall call the question on the matter."
- 4. That item (17) of sub-section 3.11, regarding Motion to Reconsider, be deleted and replaced with the following:

(17) Motion to Reconsider

 - (a) At any regular Council Meeting, after a matter has been decided by Council, a Member of Council who voted in the majority, may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of Council to confirm that he or she voted with the majority on the issue in question. Such Notice of Motion shall be referred to the next available meeting of Council and shall be included on the agenda under "Motions".
 - (b) No decided matter shall be reconsidered more than once during the term of Council.
 - (c) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.
 - (d) Actions of Council that cannot be reversed or suspended cannot be reconsidered.
 - (e) No motion to reconsider may, itself, be the subject of a motion to reconsider.

- (f) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.
- (g) Sub-sections (a) to (f) do not apply when a motion pertains to a decision of a previous Council.

5. That sub-section 5.4, regarding Quorum, be deleted and replaced with the following:

5.4 Quorum

The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number.

6. That item 2 of sub-section 5.5(2), regarding Regular Meeting Times of Standing Committees, be deleted and replaced with the following:

- (2) In addition to regular meetings, a special meeting of a Standing Committee may be scheduled, when required, at locations and times to permit convenient access for members of the public most affected by such a matter.

7. That item (2) of sub-section 5.6, regarding Committee Reports, be amended by adding the following sentence to item (2):

At the request of the Ward Councillor, every effort will be made for reports to be released at an earlier date to provide adequate opportunity for review.

8. That items (2), (3), (4) and (5) of sub-section 5.7, regarding Rules of Procedure, be deleted and replaced with the following:

- (2) No member of Council shall speak more than once, until every member of a Standing Committee, followed by every Member of Council who is not a member of the Standing Committee, has spoken, and then only to provide information or seek clarification from the Chair, other Members of Council or staff. A Member of Council who is not a member of a Standing Committee may speak before members of the Standing Committee when the subject matter directly affects is or her Ward.
- (3) A Member of Council may place an item on a future agenda of a Standing Committee meeting by delivering a Notice of Motion (see Section 3.11(10)) to the Chair of the Standing Committee and to the Committee Legislative Assistant.
- (4) 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.

9. That item (2) of sub-section 5.9, regarding Provisional Governance Committee, be deleted and replaced with the following:
 - (2) The Provisional Governance Committee shall be comprised of eight Members of Council, and shall elect its own Chair from amongst the attending Members.
10. That sub-section 5.10, regarding Order of Business, be amended by deleting the phrase 'The general Order of Business for the regular meetings of Standing Committees shall be as follows:' and replacing it with the phrase 'The general Order of Business for the regular meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:'.
11. That sub-section 5.11(1), regarding Delegations, be amended by adding item (c) as follows:
 - (c) provided that a person may attend as a delegation in the absence of a request under paragraphs (a) or (b) where prescribed by applicable legislation or allowed by the Standing Committee.
12. That item (6) of sub-section 5.11, regarding Delegations, be deleted and replaced as follows:
 - (6) A delegation shall be limited to a presentation of not more than five minutes, except as otherwise prescribed for a public meeting by applicable legislation.

**Delegations can be two or more people; however, the presentation is still limited to five minutes.
13. That item (4) of sub-section 5.12, regarding Public Hearings – Procedure, be deleted and replaced as follows:
 - (4) 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;
 - (c) 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).
14. That Section 4, entitled Committee of the Whole be deleted and replaced as follows:

SECTION 4 – GENERAL ISSUES COMMITTEE

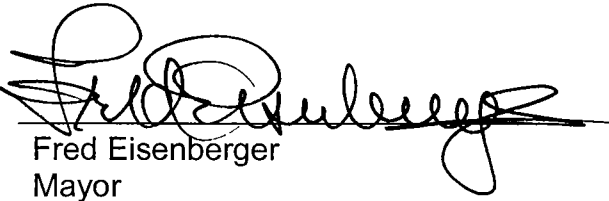
 - 4.1 Council may, by resolution:
 - (a) move into General Issues Committee to consider, including debate, Committee reports on the Council meeting agenda; and
 - (b) move out of General Issues Committee to report to Council.

15. That items (a), (d) and (f) of sub-section 5.1, regarding Standing Committees, be deleted and replaced with the following:
 - (b) General Issues Committee;
 - (d) Planning Committee
 - (e) Audit, Finance and Administration Committee
16. That sub-section 5.2, regarding Appointment of Standing Committee Chairs and Vice Chairs, be amended by adding the following item (c):
 - (c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors.
17. That items (1), (2) and (3) of sub-section 5.3, regarding Standing Committee Membership, be deleted and replaced with the following:
 - (1) General Issues Committee and Board of Health shall be comprised of all Members of Council.
 - (2) The Public Works Committee and Planning Committee shall be comprised of a minimum of 8 Members of Council.
 - (3) The Emergency & Community Services Committee and Audit, Finance & Administration Committee shall be comprised of a minimum of 5 and maximum of 7 members of Council.
18. That items (a), (d) and (f) of sub-section 5.5 (1), regarding Regular Meeting times of Standing Committees be deleted and replaced with the following:
 - (a) General Issues Committee shall meet on the second Monday of every month commencing at 9:30 a.m.;
 - (d) Planning Committee shall meet on the first and third Tuesday of every month commencing at 9:30 a.m.;
 - (f) Audit, Finance & Administration Committee shall meet on the first and third Wednesday of every month commencing at 9:30 a.m.;
19. That Appendix A – Committee of the Whole and Appendix D – Economic Development & Planning Committee, to procedural By-law 10-053, be hereby deleted.
20. That Schedule 1, attached hereto, being Appendix A – General Issues Committee, and Appendix D – Planning Committee, be adopted as Appendix A, and D to Procedural By-law 10-053.

21. That Appendix F – Audit & Administration Committee, be renamed Appendix F – Audit, Finance & Administration Committee.
22. In all other respects By-law 10-053 remains unchanged.
23. (1) Subject to subsection (2), this By-law comes into force on the day it is passed.

(2) Sections 14, 15, 16, 17, 18, 19, 20 and 21 to this by-law, come into force on December 1st, 2010, the Inaugural Meeting of Council.

PASSED this 15th day of September, 2010.



Fred Eisenberger
Mayor



Rose Caterini
City Clerk

Schedule 1

Appendix A

GENERAL ISSUES COMMITTEE

Composition: General Issues Committee shall be comprised of all 16 members of Council:

- Mayor
- Chair of General Issues Committee to be rotated amongst the Deputy Mayors
- All Members of Council

Mandate:

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

- Council Strategic Plan
- Corporate Strategic Plan
- MPMP, OMBI
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- G.R.I.D.S.
- Vision 20/20
- Department Work Programs: Planning and Economic Development
- Legal Services – litigation matters
- Human Resources – labour negotiations
- Boards and Agencies
- Hamilton Utilities Corporation
- any and all other matters which Council chooses to refer to the General Issues Committee for consideration

Specific duties shall include:

- To review and monitor the City's and Council's Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies
- To consider and recommend to Council on matters relating to Business Development, the Small Business Enterprise Centre, Incentive loans/grants programs and approvals, BIA initiatives, the Hamilton Incubator of Technology and Tourism
- To consider and recommend to Council on matters relating to G.R.I.D.S.
- To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters

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- To receive information on labour negotiations and provide direction to the Director of Labour Relations
- To consider and make recommendations to Council on matters regarding Boards and Agencies
- To meet as Shareholders and/or Board of Directors of a corporation when required
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix D

PLANNING COMMITTEE

Composition: The Planning Committee shall be comprised of a minimum of 9 Members of Council.

Mandate:

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

- Long Range Planning, land use management, development planning and engineering, and downtown planning and implementation
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues.

Specific duties shall include:

- To consider and recommend to Council on:
 - the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws
 - all matters related to the Planning Act, the Ontario Heritage Act, the Municipal Act, 2001, the Niagara Escarpment Act and other applicable legislation regarding planning, development engineering, by-law enforcement and licensing and downtown planning issues
 - the City's Official Plan and Zoning By-laws and amendments thereto, pursuant to the Planning Act, and to conduct such related public meetings as may be required
 - applications for subdivision and condominium approval pursuant to the Planning Act and Condominium Act, as applicable
 - matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
 - matters relating to Parking Operations and Enforcement
- 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 Municipal Board Hearings to consider the appeal of Committee of Adjustment decisions
- To consider recommendations of any Sub-Committees and/or Task Forces established by Committee and Council which report directly to the Planning Committee
- To receive delegations for the public and conduct public hearings as required by statute and Council, specific to the mandate of this committee on matters under the Standing Committee