THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 10-003 AND RESPECTFULLY RECOMMENDS:

1. Amendments to City of Hamilton Procedural By-law 10-053 (Item 3)

   (a) That the following amendments to City of Hamilton Procedural By-law 10-053, be approved:

   (i) That the name of the Audit and Administration Committee be changed to the “Audit, Finance and Administration Committee”;

   (ii) That the name of the Committee of the Whole be changed to the “General Issues Committee”;

   (iii) That the Economic Development and Planning Committee be changed to the “Planning Committee”;

   

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(iv) That issues relative to economic development be appropriately shifted to the General Issues Committee;

(v) That the role of the Chair of the General Issues Committee be rotated amongst the Deputy Mayors;

(vi) That the definition of Deputy Mayor be amended to read as follows:

“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.”

(vii) That Section 3.9 – Order of Business for Council, be amended to read as follows:

“3.9 Order of Business

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:

(a) Approval of Agenda
(b) Declarations of Interest
(c) Ceremonial Activities
(d) Approval of Minutes of Previous Meeting
(e) Communications
(f) Committee Reports
(g) Motions
(h) Notice of Motions
(i) Statements by Members (non-debatable)
(j) Private and Confidential
(k) By-laws and Confirming By-law
(l) Adjournment

(viii) That Section 3.11(14) – Motion to Refer, be amended by adding the following as sub-section (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.”

(ix) That Section 3.11(17) – Motion to Reconsider, be amended to read as follows:

“(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.”

(x) That Section 5.4 – Quorum, be deleted and replaced with the following in lieu thereof:
The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number."

(xii) That Section 5.5(2) – Regular Meeting Times of Standing Committees, be deleted and replaced with the following in lieu thereof:

“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.”

(xii) That Section 5.6(2) – Committee Reports, be amended by adding the following:

“That 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.”

(xiii) That Section 5.7 – Rules of Procedure, be amended to read as follows:

“5.7(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.”

“5.7(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.”

5.7(4) and (5) be merged as follows:

“5.7(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.”
(xiv) That Section 5.9(2) – Provisional Governance Committee, be amended to read as follows:

“5.9(2) The Provisional Governance Committee shall be comprised of eight Members of Council, and shall elect its own Chair from amongst the attending Members.”

(xv) That Section 5.10 – Order of Business for Standing Committees, be amended to read as follows:

“5.10 Order of Business

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:

(a) Changes to the Agenda
(b) Declarations of Interest
(c) Approval of Minutes of Previous Meeting
(d) Delegation Requests
(e) Consent Items
(f) Public Hearings/Delegations
(g) Staff Presentations
(h) Discussion Items
(i) Motions
(j) Notice of Motions
(k) General Information/Other Business
(l) Private and Confidential
(m) Adjournment”

(xvi) That Section 5.11 – Delegations, be amended as follows:

(a) by adding the following as sub-section (c) to 5.11(1):

“(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.”

(b) by deleting Section 5.11(6) and replacing it with the following in lieu thereof:

“(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.”
** Delegation can be two or more people; however, the presentation is still limited to five minutes.

(xvii) That Section 5.12 – Public Hearings, be amended as follows:

by deleting Section 5.12(4) and replacing it with the following in lieu thereof:

“5.12(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).”

(b) That the Appendices attached to By-law 10-053 be amended, where applicable, to reflect the amendments as noted in Section 1(a)(i) to (iv), and come into effect with the 2010-2014 term of Council;

(c) That the appropriate amending By-law to City of Hamilton Procedural By-law 10-053 be passed.

FOR THE INFORMATION OF THE COMMITTEE:

(a) CALL TO ORDER/DECLARATIONS OF INTEREST (Item 1)

Chair Powers called the meeting to order and asked if there were any declarations of which there were none.

(b) MINUTES OF PREVIOUS MEETINGS (Item 2)

On a motion ( Pearson/Pasuta) the April 22, 2010 Minutes of the Governance Review Sub-Committee were approved, as presented.

(c) DISCUSSION OF ITEMS UNDER CONSIDERATION (Item 3)

The following is the discussion with respect to the list of items under consideration:
(i) Name Change of Audit and Administration Committee

Rob Rossini spoke to this issue and indicated that a number of municipalities included the word, “audit” within the Committee name.

The Committee agreed that the name of the Committee be changed to “Audit, Finance and Administration Committee”.

(ii) Meeting Frequency of Audit and Administration and Emergency and Community Services

Rose Caterini spoke to this issue and outlined an alternate option, should these two standing committees meet on a once per month basis. Meetings could be scheduled on alternating Wednesdays, or on the same Wednesday, with one in the morning and the other in the afternoon. Rose also advised that she has spoken with Rob Rossini, Joe-Anne Priel and Jim Kay, the affected General Managers.

Following discussion, the Committee agreed not to make any changes to the meeting frequencies of the Audit and Administration and Emergency and Community Services Committees at this time.

(iii) Name Change for Committee of the Whole

The Committee agreed that the Committee of the Whole would be changed to “General Issues Committee” in order to avoid confusion with the occasions that Council meets in committee of the whole during Council proceedings.

(iv) Separating Economic Development from the Economic Development and Planning Committee

Councillor Powers indicated that the table included in Item 3 of the agenda was taken from a report prepared by Tim McCabe to the Planning and Economic Development Committee in November, 2008.

The table identifies the major functions and topics related to the Department with recommendations on which the Committee should have the lead role in terms of consideration of reports/providing direction.

The following are the comments provided during the discussion of this matter:

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• Councillor Whitehead stated that many communities have a stand-alone Economic Development Department; economic development is paramount to making Hamilton work; need to have a stand-alone committee to be very focused on business and initiatives; however, there would be no changes to the organizational structure.

• Alexandra Rawlings, Co-ordinator of the Economic Development and Planning Committee, reported that approximately 5% of the reports to the ED&P Committee in 2009 related to economic development; major issues were taken over by the Committee of the Whole.

• Rose indicated that the name of the Committee was changed from Planning and Economic Development to Economic Development and Planning (ED&P) to shift the focus.

• During previous discussions, Tim McCabe had indicated that since the name change, the Committee has been working better, although some strategic issues on the agenda have created long meetings; the General Manager has also commented that there would not be sufficient material for a stand-alone Economic Development Committee.

• Councillor Pearson commented that a number of the items on the Committee’s radar will be coming off over the next couple of years, which will reduce the workload going into the future; some issues should be shifted to the Committee of the Whole, including Cluster Strategies (i.e., Agricultural Action Plan), “Open for Business” Initiatives, real estate acquisitions, secondary plans related to the Airport Employment Growth District.

• Councillor Powers suggested that the issues discussed here be conveyed to SMT, with the request that the strategic issues be transferred to the “General Issues Committee”.

• Rob Rossini responded that some discussion has already taken place at the SMT table around the fact that almost all or most of the economic development-type reports be presented to the General Issues Committee.

See Item 1(a)(iv) for the Committee’s recommendation with respect to the shifting of economic development-related issues to the General Issues Committee.

Staff was directed, over the next year, to research how other municipalities handle the economic development component of their governance, and that this issue be reviewed in a year’s time.
(v) Question Raised: Should the Chair vote only to break a tie, or have two votes in the case of a tie?

Rose Caterini reported that she researched our comparator municipalities, being Burlington, Brampton, Cambridge, Kitchener, London, Windsor, St. Catharines, Mississauga and Toronto. In most cases, the Chair has two votes where there is a tie vote in a tribunal.

The Committee agreed that the current practice will continue i.e., Committee Chair has one vote.

(vi) Mayor as Chair of Board of Health and Committee of the Whole – change to Deputy Mayor?

Councillor Powers advised that the Mayor has declined the suggestion that the Deputy Mayor assume the role of Chair for the Board of Health and Committee of the Whole; therefore, the Mayor will remain the Chair for the Board of Health and Committee of the Whole.

It was suggested that the role of the Deputy Mayor be in place for three-months at a time. This would assist with continuity and knowledge of current issues.

Staff indicated that the current system of rotating the Deputy Mayor on a monthly basis works well and the Committee agreed that the current system will stay in place.

(vii) Authority of Deputy Mayor when “acting” for the Mayor

See Item 1(a)(vi).

(viii) 5.4 – Quorum

See Item 1(a)(x)

(ix) 5.5 Regular meeting times of standing committees

See Item 1(a)(xi)

(x) Time Required to Review Reports

Councillor Whitehead expressed concern that 48 hours does not give sufficient time for Council members to review comprehensive reports. Staff advised that ED&P currently releases reports early on contentious issues with agreement from the Committee.

See 1(a)(xii).
E-mail copy of reports will continue to be circulated to non-members of the Committee.

(xii) Rules of Procedure

See Item 1(a)(xiii).

(xii) Provincial Governance Committee

See Item 1(a)(xiv)

(xiii) Order of Business

Alexandra Rawlings advised that she had consulted with other municipalities and in most cases, business is conducted as set out in their Procedural By-law.

The City’s order of business has “Delegations/Public Hearings”, and then “Presentations”; however, for the Economic Development and Planning Committee, the staff presentation is first, followed by delegations, where a particular issue is on the agenda. If a delegation is present to speak to an issue not on the agenda, then the delegation is entertained and the appropriate action is taken by the Committee.

(xiv) Delegations

See Item 1(a)(xvi)

(xv) Public Hearings

See Item 1(a)(xvii).

(xvi) Other Areas to Review

Councillor Powers advised that the following areas required further review:

(aa) Reconsiderations – permit one reconsideration during a term of Council; Councillor must be on prevailing side (See Item 1(a)(viii);

(bb) Electronic voting will be included in the future

(cc) Referral motions – want to tidy up language in Section 3.11(14) (See Item 1(a)(ix).

Councillor Powers indicated that there will be one more meeting of the Governance Review Sub-Committee before “standing down” for this year as there are some issues to review i.e., flag, Councillors’ base budgets.

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(d) OTHER BUSINESS (Item 4)

4.1 Roles/Functions of Committee Related to Economic Development in the Planning and Economic Development Department (PED08312) (City Wide)

This report was provided to the Committee for information and discussion purposes only.

(e) NEXT MEETING:

To be advised.

(f) ADJOURNMENT (Item 6)

There being no further business, the Sub-Committee adjourned at 10:00 a.m.

Respectfully submitted

Councillor R. Powers, Chair
Governance Review Sub-Committee

Carolyn Biggs
Legislative Assistant
June 22, 2010