



City of Hamilton
GOVERNANCE REVIEW SUB-COMMITTEE

Meeting #: 18-001
Date: January 31, 2018
Time: 3:00 p.m.
Location: Room 192, 1st Floor
71 Main Street West

Angela McRae, Legislative Coordinator (905) 546-2424 ext. 5987

	Pages
1. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
2. DECLARATIONS OF INTEREST	
3. APPROVAL OF MINUTES OF PREVIOUS MEETING	
3.1 November 21, 2017 Minutes	3
4. DELEGATION REQUESTS	
5. CONSENT ITEMS	
6. PUBLIC HEARINGS / DELEGATIONS	
7. STAFF PRESENTATIONS	
8. DISCUSSION ITEMS	
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9. MOTIONS	
9.1 Election of a Speaker and Deputy Speaker to preside over Hamilton City Council and all General Interest Committees	13

10. NOTICES OF MOTION

10.1 Parental Leave for Elected Officials

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11. GENERAL INFORMATION / OTHER BUSINESS

12. PRIVATE AND CONFIDENTIAL

12.1 Hamilton Waterfront Trust Reorganization Proposal (LS18005) (City Wide) (Distributed under separate cover)

Pursuant to Section 8.1, Sub-sections (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to solicitor/client privileges affecting the City.

13. ADJOURNMENT



Hamilton

MINUTES 17- 004
GOVERNANCE REVIEW SUB-COMMITTEE
Tuesday, November 21, 2017
2:00 p.m., Council Chambers
Hamilton City Hall

Present: Councillors M. Pearson (Chair), L. Ferguson, J. Partridge and A. VanderBeek

Absent with Regrets: Councillors M. Green – City Business

Also in Attendance: Councillors J. Farr and T. Whitehead

THE FOLLOWING ITEMS WERE REFERRED TO THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE:

1. Amendments/Improvements to the City of Hamilton’s Procedural By-Law

(Partridge/VanderBeek)

That suggestions respecting amendments/improvements to the City of Hamilton’s Procedural By-law, be forwarded to the City Clerk for consideration during term review of the By-law by the Governance Review Sub-Committee.

CARRIED

2. Civic Rings for Members of City Council (CL17004) (City Wide) (referred by Council on June 14, 2017 to Governance Review Sub-Committee for discussion) (Item 8.1)

(VanderBeek/Partridge)

That members of Council be personally responsible for the purchase of a civic ring(s) at any point during their term of office, either through payroll deductions or payment in full.

CARRIED

**3. Selection Process for the Election Compliance Audit Committee CL17010
(City Wide) (Item 8.3)****(Ferguson/VanderBeek)**

That Report CL17010, respecting the Selection Process for the Election Compliance Audit Committee, be received.

CARRIED**4. Virtual Meetings CL16001(a) (City Wide) (Item 8.4)****(Ferguson/Partridge)**

That Report CL16001(a) respecting Virtual Meetings, be received.

CARRIED**5. Queen's Park Transit Liaison Committee (Item 9.1)****(Partridge/Ferguson)**

That a Council Team, a Queen's Park Transit Liaison Committee, consisting of Councillors Chad Collins, Lloyd Ferguson, Sam Merulla, Terry Whitehead and Maria Pearson, to be a working committee of Council on all related provincial transit matters affecting residents of Hamilton, be approved.

CARRIED**FOR THE INFORMATION OF COMMITTEE:****(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised there were no changes to the agenda.

(Ferguson/Partridge)

That the November 21, 2017 Agenda of the Governance Review Sub-Committee be approved.

CARRIED**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)**(i) October 11, 2017 (Item 3.1)****(Ferguson/Partridge)**

That the Minutes of the October 11, 2017 meeting of the Governance Review Sub-Committee, be approved.

CARRIED

(d) DELEGATIONS (Item 6)

- (i) **Cameron Kroetsch, respecting City of Hamilton By-law 14-300, to Govern the Proceedings of Council and Committees of Council (Item 6.1)**

(Ferguson/VanderBeek)

That the delegation from Cameron Kroetsch, respecting City of Hamilton By-law 14-300, to Govern the Proceedings of Council and Committees of Council, be received.

CARRIED

Mr. Kroetsch's presentation can be found at the following link: https://drive.google.com/file/d/1obSca_Pha4N55TWdyOg0frLsIKNwYW2e/view

For further disposition of this matter, please refer to Item 1.

- (ii) **Craig Burley, respecting Council and Committee meeting procedures (Item 6.2)**

(VanderBeek/Partridge)

That the delegation from Craig Burley, respecting Council and Committee meeting procedures, be received.

CARRIED

(e) DISCUSSION ITEMS

- (i) **Correspondence from W. Plessl, Executive Director, Hamilton Waterfront Trust (HWT), respecting the HWT Board of Trustees' – Motion increasing the number of appointees by the City of Hamilton from 4 (four) to 5 (five) (referred by Council on August 18, 2017 to Governance Review Sub-Committee) (Item 8.2)**

- (a) **Correspondence from Ian Hamilton, President and CEO, Hamilton Port Authority to the Hamilton Waterfront Trust respecting Hamilton Waterfront Trust ("HWT") Board of Trustees Motion. (referred by Council on October 25, 2017 to Governance Review Sub-Committee) (Item 8.2(i))**

(VanderBeek/Ferguson)

That Item 8.2 and 8.2(i) be received and referred to Legal staff to report back to Governance Review Sub-Committee respecting the changes to the Hamilton Waterfront Structure, the proposed changes to the Board's membership, including the removal of the member of the Hamilton Port Authority.

CARRIED

(h) ADJOURNMENT (Item 13)

(Ferguson/VanderBeek)

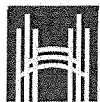
That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 3:39 p.m.

CARRIED

Respectfully submitted,

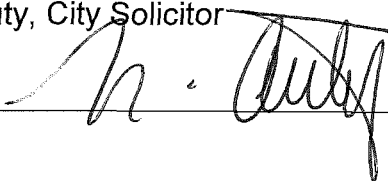
Councillor M. Pearson, Chair
Governance Review Sub-Committee

Janet Pilon
Manager, Legislative Services/
Deputy Clerk



Hamilton

CITY OF HAMILTON
CORPORATE SERVICES
Legal Services Division

TO:	Chair and Members Governance Review Sub-Committee
COMMITTEE DATE:	January 31, 2018
SUBJECT/REPORT NO:	Memorandum of Understanding- City of Hamilton and Royal Botanical Gardens (LS18002)(City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Stacey Wells (905) 546-2424 Ext. 7292
SUBMITTED BY:	Nicole Auty, City Solicitor
SIGNATURE:	

RECOMMENDATION

- (a) That the City of Hamilton appoint a maximum of two members to the board of directors of the Royal Botanical Gardens, to be comprised of elected officials and/or citizens.
- (b) That the Mayor and City Clerk be authorized to execute a Memorandum of Understanding between the City of Hamilton and the Royal Botanical Gardens on terms satisfactory to the City Solicitor to provide for the appointment of a maximum of two members to the board of directors of the Royal Botanical Gardens by the City, subject to The Regional Municipality of Halton entering into a similar agreement with the Royal Botanical Gardens to reduce the number of representatives Halton appoints to the board of directors to a maximum of two members.

EXECUTIVE SUMMARY

The Royal Botanical Gardens ("RBG") has requested that the City of Hamilton (the "City") agree to reduce the number of City appointments to RBG's board of directors (the "Board") to a maximum of two members notwithstanding that the *Royal Botanical Gardens Act, 1989* permits a maximum of six appointees by the City. RBG is also requesting that the Regional Municipality of Halton ("Halton") enter into a similar agreement to reduce the number of appointments made to the Board by Halton to a maximum of two members.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Memorandum of Understanding- City of Hamilton and Royal Botanical Gardens (City Wide) - Page 2 of 5

RBG has made these requests in order to allow it to redefine the structure and composition of the Board in accordance with a recent Governance Review which has recommended a reduction in the Board's complement.

Staff recommend a Memorandum of Understanding ("MOU") between the City and RBG which would contain content similar to an MOU entered into by the parties in 2004 except that the proposed MOU would reduce the number of City appointees to the Board to a maximum of two. The proposed MOU would terminate at the expiry of the term of Council which will commence on December 1, 2018.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: N/A

Staffing: N/A

Legal: The proposed Memorandum of Understanding ("MOU") would document the mutual understanding between the City and RBG with regard to the number of representatives the City would appoint to the Board, however the MOU would not create a binding legal obligation on either party which can be enforced by the courts.

HISTORICAL BACKGROUND (Chronology of events)

The Royal Botanical Gardens was originally incorporated by *The Royal Botanical Gardens Act, 1941*. Subsequently the membership of RBG was increased by *The Royal Botanical Gardens Act, 1954*, being chapter 125, and again by *The Royal Botanical Gardens Act, 1959*, being chapter 130. By virtue of the *Royal Botanical Gardens Act, 1989* (the "Act"), being Chapter Pr22, the Board was continued under the name "Royal Botanical Gardens" and *The Royal Botanical Gardens Act, 1941*, *The Royal Botanical Gardens Act, 1954*, and *The Royal Botanical Gardens Act, 1959* were repealed.

The Act currently provides that the Board of RBG shall be composed of:

1. A maximum of six persons appointed by the Council of The Regional Municipality of Hamilton-Wentworth (now City of Hamilton);
2. A maximum of three persons appointed by the Council of the Regional Municipality of Halton;
3. Two persons appointed by the Lieutenant Governor in Council;
4. Two persons appointed by the Governor in Council;

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SUBJECT: Memorandum of Understanding- City of Hamilton and Royal Botanical Gardens (City Wide) - Page 3 of 5

5. The President of McMaster University;
6. The President of the Royal Botanical Gardens Auxiliary;
7. Nine persons appointed by the board of directors.

Pursuant to the Act, members appointed by the City and by Halton are appointed for a term concurrent with the Council's term and until their successors are appointed.

Notwithstanding its entitlement under the Act, in 2004 the City entered into a MOU with RBG wherein it agreed to appoint a maximum of four members to the Board to be comprised of elected officials and/or citizen appointees. The MOU was to be in effect for the term of Council which commenced on December 1, 2003 and has now expired. It is staff's understanding that in 2003/2004 Halton also entered into a similar MOU with RBG which provided that a maximum of three persons be appointed by Halton.

Since that time, the City has appointed only three members to the Board, consisting of one Councillor and two members of the general public, and Halton has appointed five members.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

There are no implications to any city policies.

The Act would remain in force and effect with the MOU being a mutual understanding as to the number of appointments the City would make to the Board.

RELEVANT CONSULTATION

Staff consulted with RBG during the preparation of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION (Include Performance Measurement/Benchmarking Data if applicable)

The RBG Board complement permitted by the Act totals twenty-four members, however RBG's current Board comprises nineteen members. The reduction in the Board's complement to date has been occasioned by reductions in the number of appointments made by the City and by the RBG Board. The number of appointments by the Lieutenant Governor in Council, Governor in Council, McMaster University and the RBG Auxiliary have remained in accordance with the Act. Halton has increased its appointments to five.

Following a Strategic Review in 2014 and a recent Governance Review in 2016, RBG is seeking to reduce the size of its Board as it transitions from a Management Board to a Governance Board. With a view to achieving this goal RBG approached the City and Halton and has requested that each Municipality consider reducing the total number of

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appointments to the Board to two members, despite current membership and notwithstanding the allowances provided for in the Act.

In 2017 the City provided a total of \$616,095 in funding to RBG and Halton provided funding in the amount of \$759,927. Based on the current monetary contributions provided by the City and Halton, a system of proportionally would dictate that it is appropriate for each of the City and Halton to appoint a maximum of two members to the Board where the total number of appointments between the City and Halton is to be four members.

The creation of a MOU to document the mutual understanding of the parties in relation to the number of appointments to be made by the City is consisted with the approach taken in 2004.

ALTERNATIVES FOR CONSIDERATION

One alternative would be for Council to direct staff to bring a report respecting this matter forward for consideration by the newly elected Council in December 2018.

During its presentation to Council in December 2017, RBG advised that their goal is to obtain Board structural changes by April or May of 2018, in advance of the next major round of Board appointments. As such, delaying a decision in relation to the number of appointments the City will make to the Board would not align with this goal and is not recommended.

As there is no legal requirement for the City to agree to RBG's request to reduce the number of appointments made by the City without an amendment to the Act, and as the 2004 MOU is now expired, a second alternative would be for the City to continue to make appointments to the Board up to the maximum number of appointments permitted under the Act.

It is staff's understanding that funding allocations were used in determining the number of appointees to the Board by RBG's main funding sources, and that when the Act was passed the City provided a greater proportion of RBG's funding then it does currently. Moreover, a Board of up to 24 members is large and a reduction in the Board complement is consistent with governance best practices. For these reasons, this alternative is not recommended.

(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Engagement & Participation

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**SUBJECT: Memorandum of Understanding- City of Hamilton and Royal Botanical
Gardens (City Wide) - Page 5 of 5**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.

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CITY OF HAMILTON

MOTION

Governance Review Sub-Committee Date: January 31, 2018

MOVED BY COUNCILLOR M. GREEN.....

SECONDED BY COUNCILLOR.....

ELECTION OF A SPEAKER AND DEPUTY SPEAKER TO PRESIDE OVER HAMILTON CITY COUNCIL AND ALL GENERAL INTEREST COMMITTEES

WHEREAS, the Speaker of Toronto City Council and Deputy Speaker of Toronto City Council serve as the presiding officers at meetings of Toronto City Council in Toronto, Ontario, Canada, as of December 1, 2006;

WHEREAS, the two positions were recommended by the Council appointed three-member volunteer advisory panel in their report “The City We Want – the Government We Need” in 2005;

WHEREAS, the two positions are chosen by ballot by City Council from among their members. The Mayor retains his or her right to Chair City Council meetings and can take the Chair at any time. In the absence of the Speaker or Deputy Speaker, the Deputy Mayor can also preside over a meeting of City Council; and

WHEREAS, the Speaker and Deputy Speaker are elected for a four-year term and can only be removed by a two-thirds vote of City Council.

THEREFORE BE IT RESOLVED:

That the Clerk be directed to report back by Q4 of 2017 with the feasibility of the City of Hamilton under the *Ontario Municipal Act* to enact the role of a Speaker and Deputy Speaker, including but not limited to, the governance model used by the City of Toronto under its “The City We Want – the Government We Need” in order to be implemented in the 2018 - 2022 term of Council.

CITY OF HAMILTON

NOTICE OF MOTION

Governance Review Sub-Committee Date: January 31, 2018

MOVED BY COUNCILLOR M. GREEN.....

PARENTAL LEAVE FOR ELECTED OFFICIALS

WHEREAS, the Hamilton Municipal Election is scheduled for October 22, 2018;

WHEREAS, systemic and structural barriers and current Council bylaws deter a diverse range of Council candidates to seek elected office;

WHEREAS, the Council chambers have been used three times in the past 12 months to build civic leadership and discuss participation of under-represented people including first nation, racialized people, women, non-binary individuals and youth in policy development, implementation and Council decision making;

WHEREAS, the absence of a full paid leave for pregnancy, childbirth and adoption for elected officials being in place poses a specific barrier for women, non-binary individuals, and young people from pursuing elected office;

WHEREAS, Bill 68 has been given Royal Assent by the Government of Ontario and has amended the *Municipal Act* to ~~mandate municipalities~~ provide up to 20 weeks leave for municipal Councillors for pregnancy, child birth, and adoption;

WHEREAS, Bill 68 also stipulates that municipalities are required to adopt and maintain a policy with respect to Pregnancy Leave and Parental Leave for Members of Council by March 1, 2019;

WHEREAS, a paid parental leave bylaw for Councillors will help ensure a diverse range of Council candidates participate in our democratic process.

THEREFORE BE IT RESOLVED:

That City staff report back to City Council before the 2018 Municipal Election with a draft parental leave bylaw which establishes the following: 20 weeks leave for pregnancy, child birth and adoption for elected officials with full salary, benefits, and compensation and a procedure for representation during leave wherein the Councillor on leave will determine the best approach for providing interim coverage.

