



**City of Hamilton**  
**GOVERNANCE REVIEW SUB-COMMITTEE**

**Meeting #:** 18-002  
**Date:** April 5, 2018  
**Time:** 2:00 p.m.  
**Location:** Room 264, 2nd Floor, City Hall  
71 Main Street West

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

---

|   | <b>Pages</b> |
|---|--------------|
| <b>1. APPROVAL OF AGENDA</b>  |              |
| (Added Items, if applicable, will be noted with *)  |              |
| <b>2. DECLARATIONS OF INTEREST</b>  |              |
| <b>3. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>   |              |
| 3.1 January 31, 2018 - Minutes  | 3            |
| <b>4. DELEGATION REQUESTS</b>   |              |
| 4.1 Mark Runciman, Chief Executive Officer, and Ruth Lee, Chair, Royal Botanical Gardens, respecting proposed changes to RBG Governance Model, follow up to RBG's presentation to GIC (for today's meeting) | 7            |
| <b>5. CONSENT ITEMS</b>   |              |
| <b>6. PUBLIC HEARINGS / DELEGATIONS</b>   |              |
| <b>7. STAFF PRESENTATIONS</b>   |              |
| <b>8. DISCUSSION ITEMS</b>  |              |
| 8.1 Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens (LS18002(b)) (City Wide)   | 9            |

|            |  |    |
|------------|--|----|
| 8.1.a      | Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens (LS18002) ( City Wide)  | 13 |
| 8.2        | Correspondence from George Rust-D'Eye, Integrity Commissioner and Lobbyist Registrar to the City of Hamilton, respecting the Code of Conduct for Members of Council - Proposed Amendment | 25 |
|            | George Rust-D'eye, Integrity Commissioner and Lobbyist Registrar to the City of Hamilton will be present to provide further details.   |    |
| 8.3        | 2019 Committee / Council Calendar  | 27 |
| 8.4        | Electronic Participation at Council and/or Committee Meetings (CL18002) (City Wide)  | 41 |
| <b>9.</b>  | <b>MOTIONS</b>   |    |
| 9.1        | Parental Leave for Elected Officials   | 47 |
| 9.2        | City of Hamilton's Indemnification Policy  | 49 |
| <b>10.</b> | <b>NOTICES OF MOTION</b>   |    |
| <b>11.</b> | <b>GENERAL INFORMATION / OTHER BUSINESS</b>  |    |
| <b>12.</b> | <b>PRIVATE AND CONFIDENTIAL</b>  |    |
| 12.1       | January 31, 2018 - Closed Minutes  |    |
| <b>13.</b> | <b>ADJOURNMENT</b>   |    |



## Hamilton

**MINUTES 18-001**  
**GOVERNANCE REVIEW SUB-COMMITTEE**  
**Wednesday, January 31, 2018**  
**3:00 p.m., Room 192**  
**Hamilton City Hall**

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

**Also in Attendance:** Mayor F. Eisenberger

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

**1. Hamilton Waterfront Trust Board Reorganization Proposal LS18005 (City Wide)(Item 12.1)**

**(Partridge/Vanderbeek)**

- (a) That the City Manager or his delegate be authorized and directed to advise the Hamilton Waterfront Trust (HWT) and the Hamilton Port Authority (HPA) that the City of Hamilton consents to the removal of the HPA board member as outlined in the HWT's January 10, 2017 resolution, with the exception of the HPA Board member remaining as a member of the HWT Board until the review of the HWT's governance model is completed by Council.
- (b) That Report LS18005 remain confidential.

**CARRIED**

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following change to the agenda:

**1. NOTICES OF MOTION**

10.1 Parental Leave for Elected Officials

**(Partridge/VanderBeek)**

That Item 12.1 be moved up on the agenda to follow the approval of the previous minutes.

**CARRIED****(VanderBeek/Green)**

That the January 31, 2018 Agenda of the Governance Review Sub-Committee be approved, as amended.

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

There were no declarations of interest.

**(c) APPROVAL OF MINUTES (Item 3)****November 21, 2017 (Item 3.1)****(Partridge/VanderBeek)**

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

**CARRIED****(d) DELEGATIONS (Item 6)**

There were no delegations.

**(e) DISCUSSION ITEMS (Item 8)****Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens (LS18002)(City Wide)(Item 8.1)****(Ferguson/Green)**

That Item 8.1 respecting the Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens Committee be TABLED in order for staff to report back with further clarification on current Royal Botanical Gardens membership versus proposed membership, and to provide further details on federal and provincial funding.

**CARRIED****(f) MOTIONS (Item 9)**

**Election of a Speaker and Deputy Speaker to preside over Hamilton City Council and all General Interest Committees (Item 9.1)**

Councillor Green introduced his motion respecting the Election of a Speaker and Deputy Speak to preside over Hamilton City Council and all General Interest Committees, and it was not seconded.

**(g) NOTICES OF MOTION (Item 10)**

**(i) Parental Leave for Elected Officials (Added Item 10.1)**

Councillor Green introduced the following Notice of Motion regarding 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.

**(ii) City of Hamilton's Indemnification Policy (Added Item 10.2)**

Councillor Green introduced the following Notice of Motion regarding the City of Hamilton's Indemnification Policy.

That staff be directed to report back to Governance Review Sub-Committee with the City of Hamilton's Indemnification Policy complete with all instances it has been used and by whom, along with the associated total legal fees for the past 10 years inclusive of all associated boards and agencies.

**(h) PRIVATE AND CONFIDENTIAL (Item 12)****(Partridge/VanderBeek)**

That Committee move into Closed Session respecting Item 12.1, pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor/client privileges, including communications necessary for that purpose, affecting the City.

**CARRIED****Hamilton Waterfront Trust Board Reorganization Proposal LS18005 (City Wide)(Item 12.1)**

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

**(i) ADJOURNMENT (Item 13)****(Ferguson/VanderBeek)**

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 4:12 p.m.

**CARRIED**

Respectfully submitted,

Councillor M. Pearson, Chair  
Governance Review Sub-Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

**Form: Request to Speak to Committee of Council**

Submitted on Monday, February 26, 2018 - 12:51 pm

==Committee Requested==

**Committee:** Advisory/Sub-Committee

**Name of Sub-Committee:** Governance Review Sub-Committee

==Requestor Information==

**Name of Individual:** Mark Runciman, Chief Executive Officer & Ruth Lee, Chair, RBG Board of Directors

**Name of Organization:** Royal Botanical Gardens

**Contact Number:** 905-527-1158 x221

**Email Address:** [mrunciman@rbg.ca](mailto:mrunciman@rbg.ca)

**Mailing Address:**

P.O Box 399

Hamilton, Ontario

L8N 3H8

**Reason(s) for delegation request:** Follow up to RBG's presentation to GIC re: proposed changes to RBG Governance model

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes







# INFORMATION REPORT

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Governance Review Sub-Committee   |
| <b>COMMITTEE DATE:</b>    | April 5, 2018  |
| <b>SUBJECT/REPORT NO:</b> | Memorandum of Understanding- City of Hamilton and Royal Botanical Gardens (LS18002b) (City Wide) |
| <b>WARD(S) AFFECTED:</b>  | City Wide  |
| <b>PREPARED BY:</b>       | Stacey Wells (905) 546-2424 ext. 7292  |
| <b>SUBMITTED BY:</b>      | Nicole Auty, City Solicitor  |
| <b>SIGNATURE:</b>         |  |

## Council Direction:

At its meeting of January 31, 2018 the Governance Review Sub-Committee considered Report LS18002 regarding a proposed Memorandum of Understanding between the City of Hamilton and Royal Botanical Gardens (“RBG”), relating to RBG’s board complement. Report LS18002 was TABLED in order for staff to report back with further clarification on current Royal Botanical Gardens membership versus proposed membership, and to provide further details on federal and provincial funding.

## Information:

As requested, staff have obtained a further breakdown of the funding received by RBG and have prepared a chart which compares the number of board members (i) permitted by the Act, (ii) currently appointed to the board and (iii) proposed by RBG, together with funding amounts provided to RBG. This chart is attached as Appendix “A” to Report LS18002b.

## Appendices and Schedules Attached

- 1) Appendix “A” to Report LS18002b- Comparison Chart

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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.*



Appendix "A" to Report LS18002b  
Page 1 of 2

| <b>ENTITY</b>        | <b>OPERATING FUNDING provided in 2016- based on audited financial statements</b>  | <b>CAPITAL FUNDING provided in 2016</b> | <b>AUTHORIZED number of board members as permitted under the Act</b> | <b>CURRENT number of board members appointed to the board</b> | <b>PROPOSED number of board members</b> |
|----------------------|---|---|--|---|---|
| City of Hamilton     | \$605,200   | n/a                                     | 6 - Appointed by City Council  | 3   | 2                                       |
| Region of Halton     | \$747,963   | n/a                                     | 3 - Appointed by Regional Council                                    | 5   | 2                                       |
| Province of Ontario  | \$4,036,000<br><br>\$638,444 (program specific grants)<br><br>*Additional revenue from amortization of deferred capital costs stemming from capital funding provided by the OMTCS | \$2,180,000                             | 2 - Appointed by Lieutenant Governor in Council                      | 2   | 2                                       |
| Government of Canada | \$376,696 (program specific grants)   | n/a                                     | 2- Appointed by Governor in Council                                  | 2   | 2                                       |
| McMaster University  | n/a   | n/a                                     | 1- President of the University                                       | 1   | 1                                       |

Appendix "A" to Report LS18002b  
Page 2 of 2

| ENTITY                 | OPERATING FUNDING provided in 2016-based on audited financial statements  | CAPITAL FUNDING provided in 2016 | AUTHORIZED number of board members as permitted under the Act | CURRENT number of board members appointed to the board | PROPOSED number of board members |
|------------------------|---|----------------------------------|---|--|----------------------------------|
| RBG                    | \$6,913,988 (not including revenue from amortization of deferred capital contribution or of investment in capital assets) | n/a                              |   |  |                                  |
| RBG Auxiliary          | n/a   | n/a                              | 1 - President of RBG Auxiliary                                | 1  | 1                                |
| RBG Board of Directors | n/a   | n/a                              | 9 - Appointed by the RBG board of directors                   | 5  | 1                                |



**CITY OF HAMILTON**  
**CORPORATE SERVICES**  
*Legal Services Division*

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

### 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.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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;

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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 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 an 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

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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 4 of 5**

---

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 consistent 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 than 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**

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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 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.

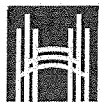
---

*OUR Vision: To be the best place to raise a child and age successfully.*

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

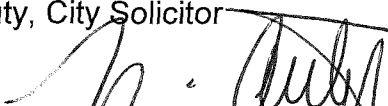
*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*





Hamilton

**CITY OF HAMILTON**  
**CORPORATE SERVICES**  
*Legal Services Division*

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

### 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.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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;

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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 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

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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 4 of 5**

---

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**

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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 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.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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.*





## 8.2

Sent By Email February 14, 2017

TO: The Council of the City of Hamilton,

c.c. Ms. Janice Atwood-Petkovski, City Solicitor

FROM: George Rust-D'Eye, Integrity Commissioner and Lobbyist Registrar

Dear Mr. Mayor and Members of Council,

Re: Code of Conduct for Members of Council – Proposed Amendment

Recently, in reviewing the provisions of the Code of Conduct for Members of Council, ( **By-law No. 16-290**), I directed my attention to sections **8(2)**, **8(3)(a)**, **(b)**, and **(c)** and **8(4)**, which provide as follows:

**8(2) Under its Accountability and Transparency Policy, the City supports ensuring accountability and transparency in all its actions. Accordingly, in addition to disclosing a pecuniary interest under the *Municipal Conflict of Interest Act*, members of Council shall disclose non-pecuniary interests they have in a matter, either on their own behalf or while acting for, by, with or through another, prior to consideration of that matter at Council or a Committee of Council.**

**8(3) Examples of types of non-pecuniary interests in a matter to be disclosed under subsection 8(2) include but are not limited to:**

- (a) a member of Council being a director or senior officer of an entity, whether or not appointed by Council;**
- (b) a member of Council's family member being a director or senior officer of an entity;**
- (c) a member of Council or their family member holding a licence or other permission issued by the City.**

**8(4) Subsection 8(2) does not apply to a non-pecuniary interest which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member of Council.**

In view of the absence of grounds to support the need for these provisions in serving the public interest, and the undesirable possible result of their presence in the By-law being to discourage Members of Council from accepting appointments to membership in agencies, boards, commissions and other bodies,

**5.1**

IT IS RECOMMENDED:

(1) that the Council amend its By-law No. 16-290, to delete sections 8(2), 8(3)(a), (b), and (c) and 8(4), therefrom, and

(2) that the appropriate form of draft By-law Amendment be introduced in Council to give effect thereto.

All of which is respectfully submitted.

George Rust-D'Eye, Integrity Commissioner and Lobbyist Registrar to The City of Hamilton



**Hamilton**

Corporate Services

## Memorandum

**Date:** April 5, 2018

**To:** Chair and Members of the  
Governance Review Sub-Committee

**From:** Janet Pilon, Manager, Legislative Services / Deputy Clerk  
Office of the City Clerk

**Subject:** **2019 Committee / Council Calendar – Notes**

---

The 2019 Committee / Council Calendar is attached for your consideration, Clerk's has made the following modifications:

We are suggesting that the Audit, Finance & Administration Committee and Healthy & Safe Communities Committee meetings which are normally scheduled for Mondays of Council weeks, be moved to Thursday of the Committee week to provide staff with adequate time to meet deadlines.

### **February**

Due to the Family Day holiday on February 18<sup>th</sup>, we have moved the PW and BOH meetings to Friday February 22<sup>nd</sup>.

### **March**

Due to March Break, Standing Committees and Council will only meet once during March.

### **April & May**

Due to the Victoria Day holiday on May 20<sup>th</sup>, we have moved the first week of Committee meetings in May to begin on April 29<sup>th</sup>.

### **September**

Due to the Labour Day holiday on September 2<sup>nd</sup> we have moved the PW meeting to Friday September 6<sup>th</sup>.

### **October**

Due to the Thanksgiving Day holiday on October 14<sup>th</sup>, we have moved the PW and BOH meetings to Friday October 18<sup>th</sup>.

**December**

Due to the Christmas Holiday Break, Standing Committees and Council will only meet once during December.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JP', with a horizontal line through the middle of the letters.

Janet Pilon  
Manager, Legislative Services/Deputy Clerk

Attachment.

## January 2019

| Sunday | Monday                                  | Tuesday                       | Wednesday                  | Thursday                                   | Friday | Saturday |
|--------|---|-------------------------------|----------------------------|--|--------|----------|
|        |   | 1<br>NEW YEAR'S<br>DAY        | 2                          | 3  | 4      | 5        |
| 6      | 7                                       | 8                             | 9                          | 10   | 11     | 12       |
| 13     | 14<br>PW – 9:30 a.m.<br>BoH – 1:30 p.m. | 15<br>Planning<br>– 9:30 a.m. | 16<br>GIC – 9:30 a.m.      | 17<br>AF&A – 9:30 a.m.<br>H&SC – 1:30 p.m. | 18     | 19       |
| 20     | 21                                      | 22                            | 23<br>5:00 p.m.<br>COUNCIL | 24   | 25     | 26       |
| 27     | 28                                      | 29                            | 30                         | 31   |        |          |

GIC = General Issues Committee

PW = Public Works Committee

PLANNING = Planning Committee

AF&A = Audit, Finance & Administration Committee

H&SC - Healthy & Safe Communities Committee

BOH = Board of Health

All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

## February 2019

| Sunday | Monday              | Tuesday                    | Wednesday                  | Thursday   | Friday                                      | Saturday |
|--------|---------------------|----------------------------|----------------------------|--|---|----------|
|        |                     |                            |                            |  | 1   | 2        |
| 3      | 4<br>PW – 9:30 a.m. | 5<br>Planning – 9:30 a.m.  | 6<br>GIC – 9:30 a.m.       | 7<br>AF&A – 9:30 a.m.<br><br>H&SC – 1:30 p.m.                                      | 8   | 9        |
| 10     | 11                  | 12                         | 13<br>5:00 p.m.<br>COUNCIL | 14   | 15  | 16       |
| 17     | 18<br>FAMILY DAY    | 19<br>Planning – 9:30 a.m. | 20<br>GIC – 9:30 a.m.      | 21<br>** AF&A – 9:30 a.m.<br>If required<br><br>** H&SC – 1:30 p.m.<br>If required | 22<br>PW – 9:30 a.m.<br><br>BoH – 1:30 p.m. | 23       |
| 24     | 25                  | 26                         | 27<br>5:00 p.m.<br>COUNCIL | 28   |   |          |

GIC = General Issues Committee  
 PW = Public Works Committee  
 PLANNING = Planning Committee  
 AF&A = Audit, Finance & Administration Committee  
 H&SC - Healthy & Safe Communities Committee  
 BOH = Board of Health  
 All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

March 2019

| Sunday  | Monday                                  | Tuesday                       | Wednesday                  | Thursday                                   | Friday | Saturday |
|---|---|-------------------------------|----------------------------|--|--------|----------|
|   |   |                               |                            |  | 1      | 2        |
| 3   | 4                                       | 5                             | 6                          | 7  | 8      | 9        |
| <b>THIS WEEK TO BE USED FOR BUDGET MEETINGS – PLEASE DO NOT USE</b> |   |                               |                            |  |        |          |
| 10  | 11                                      | 12                            | 13                         | 14   | 15     | 16       |
| <b>MARCH BREAK MARCH BREAK MARCH BREAK MARCH BREAK</b>              |   |                               |                            |  |        |          |
| 17  | 18<br>PW – 9:30 a.m.<br>BoH – 1:30 p.m. | 19<br>Planning<br>– 9:30 a.m. | 20<br>GIC – 9:30 a.m.      | 21<br>AF&A – 9:30 a.m.<br>H&SC – 1:30 p.m. | 22     | 23       |
| 24  | 25                                      | 26                            | 27<br>5:00 p.m.<br>COUNCIL | 28   | 29     | 30       |
| 31  |   |                               |                            |  |        |          |

GIC = General Issues Committee  
 PW = Public Works Committee  
 PLANNING = Planning Committee  
 AF&A = Audit, Finance & Administration Committee  
 H&SC - Healthy & Safe Communities Committee  
 BOH = Board of Health  
 All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

## April 2019

| Sunday | Monday                                      | Tuesday                       | Wednesday                  | Thursday   | Friday            | Saturday |
|--------|---|-------------------------------|----------------------------|--|-------------------|----------|
|        | 1<br>PW – 9:30 a.m.                         | 2<br>Planning<br>– 9:30 a.m.  | 3<br>GIC – 9:30 a.m.       | 4<br>AF&A – 9:30 a.m.<br><br>H&SC – 1:30 p.m.                                      | 5                 | 6        |
| 7      | 8   | 9                             | 10<br>5:00 p.m.<br>COUNCIL | 11   | 12                | 13       |
| 14     | 15<br>PW – 9:30 a.m.<br><br>BoH – 1:30 p.m. | 16<br>Planning<br>– 9:30 a.m. | 17<br>GIC – 9:30 a.m.      | 18<br>** AF&A – 9:30 a.m.<br>If required<br><br>** H&SC – 1:30 p.m.<br>If required | 19<br>GOOD FRIDAY | 20       |
| 21     | 22<br>EASTER<br>MONDAY                      | 23                            | 24<br>5:00 p.m.<br>COUNCIL | 25   | 26                | 27       |
| 28     | 29<br>PW – 9:30 a.m.                        | 30<br>Planning<br>– 9:30 a.m. |                            |  |                   |          |

GIC = General Issues Committee

PW = Public Works Committee

PLANNING = Planning Committee

AF&A = Audit, Finance & Administration Committee

H&SC - Healthy & Safe Communities Committee

BOH = Board of Health

All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change



### May 2019

| Sunday | Monday                                  | Tuesday                       | Wednesday                  | Thursday   | Friday | Saturday |
|--------|---|-------------------------------|----------------------------|--|--------|----------|
|        |   |                               | 1<br>GIC – 9:30 a.m.       | 2<br>AF&A – 9:30 a.m.<br>H&SC – 1:30 p.m.  | 3      | 4        |
| 5      | 6                                       | 7                             | 8<br>5:00 p.m.<br>COUNCIL  | 9  | 10     | 11       |
| 12     | 13<br>PW – 9:30 a.m.<br>BoH – 1:30 p.m. | 14<br>Planning<br>– 9:30 a.m. | 15<br>GIC – 9:30 a.m.      | 16<br>** AF&A – 9:30 a.m.<br>If required<br><br>** H&SC – 1:30 p.m.<br>If required | 17     | 18       |
| 19     | 20<br>VICTORIA<br>DAY                   | 21                            | 22<br>5:00 p.m.<br>COUNCIL | 23   | 24     | 25       |
| 26     | 27                                      | 28                            | 29                         | 30   | 31     |          |

GIC = General Issues Committee  
 PW = Public Works Committee  
 PLANNING = Planning Committee  
 AF&A = Audit, Finance & Administration Committee  
 H&SC - Healthy & Safe Communities Committee  
 BOH = Board of Health  
 All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

June 2019

| Sunday | Monday                                  | Tuesday                    | Wednesday                  | Thursday   | Friday | Saturday |
|--------|---|----------------------------|----------------------------|--|--------|----------|
|        |   |                            |                            |  |        | 1        |
| 2      | 3<br>PW – 9:30 a.m.                     | 4<br>Planning – 9:30 a.m.  | 5<br>GIC – 9:30 a.m.       | 6<br>AF&A – 9:30 a.m.<br>H&SC – 1:30 p.m.                                      | 7      | 8        |
| 9      | 10                                      | 11                         | 12<br>5:00 p.m.<br>COUNCIL | 13   | 14     | 15       |
| 16     | 17<br>PW – 9:30 a.m.<br>BoH – 1:30 p.m. | 18<br>Planning – 9:30 a.m. | 19<br>GIC – 9:30 a.m.      | 20<br>** AF&A – 9:30 a.m.<br>If required<br>** H&SC – 1:30 p.m.<br>If required | 21     | 22       |
| 23     | 24                                      | 25                         | 26<br>5:00 p.m.<br>COUNCIL | 27   | 28     | 29       |
| 30     |   |                            |                            |  |        |          |

GIC = General Issues Committee  
 PW = Public Works Committee  
 PLANNING = Planning Committee  
 AF&A = Audit, Finance & Administration Committee  
 H&SC - Healthy & Safe Communities Committee  
 BOH = Board of Health  
 All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

### July 2019

| Sunday | Monday                 | Tuesday                   | Wednesday                              | Thursday                                  | Friday                    | Saturday |
|--------|------------------------|---------------------------|--|---|---------------------------|----------|
|        | 1<br><b>CANADA DAY</b> | 2                         | 3                                      | 4   | 5                         | 6        |
| 7      | 8<br>GIC – 9:30 a.m.   | 4<br>Planning – 9:30 a.m. | 5<br>PW – 9:30 a.m.<br>BoH – 1:30 p.m. | 6<br>AF&A – 9:30 a.m.<br>H&SC – 1:30 p.m. | 7<br>9:30 a.m.<br>COUNCIL | 13       |
| 14     | 15                     | 16                        | 17                                     | 18  | 19                        | 20       |
| 21     | 22                     | 23                        | 24                                     | 25  | 26                        | 27       |
| 28     | 29                     | 30                        | 31                                     |   |                           |          |

GIC = General Issues Committee

PW = Public Works Committee

PLANNING = Planning Committee

AF&A = Audit, Finance & Administration Committee

H&SC - Healthy & Safe Communities Committee

BOH = Board of Health

All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

August 2019

| Sunday | Monday                | Tuesday                       | Wednesday                                   | Thursday                                       | Friday                     | Saturday |
|--------|-----------------------|-------------------------------|---|--|----------------------------|----------|
|        |                       |                               |   | 1  | 2                          | 3        |
| 4      | 5<br>CIVIC HOLIDAY    | 6                             | 7   | 8  | 9                          | 10       |
| 11     | 12<br>GIC – 9:30 a.m. | 13<br>Planning<br>– 9:30 a.m. | 14<br>PW – 9:30 a.m.<br><br>BoH – 1:30 p.m. | 15<br>AF&A – 9:30 a.m.<br><br>H&SC – 1:30 p.m. | 16<br>9:30 a.m.<br>COUNCIL | 17       |
| 18     | 19                    | 20                            | 21  | 22   | 23                         | 24       |
| 25     | 26                    | 27                            | 28  | 29   | 30                         | 31       |

GIC = General Issues Committee  
 PW = Public Works Committee  
 PLANNING = Planning Committee  
 AF&A = Audit, Finance & Administration Committee  
 H&SC - Healthy & Safe Communities Committee  
 BOH = Board of Health  
 All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

### September 2019

| Sunday | Monday                                      | Tuesday                       | Wednesday                  | Thursday   | Friday              | Saturday |
|--------|---|-------------------------------|----------------------------|--|---------------------|----------|
| 1      | 2<br>LABOUR DAY                             | 3<br>Planning<br>– 9:30 a.m.  | 4<br>GIC – 9:30 a.m.       | 5<br>AF&A – 9:30 a.m.<br><br>H&SC – 1:30 p.m.                                      | 6<br>PW – 9:30 a.m. | 7        |
| 8      | 9   | 10                            | 11<br>5:00 p.m.<br>COUNCIL | 12   | 13                  | 14       |
| 15     | 16<br>PW – 9:30 a.m.<br><br>BoH – 1:30 p.m. | 17<br>Planning<br>– 9:30 a.m. | 18<br>GIC – 9:30 a.m.      | 19<br>** AF&A – 9:30 a.m.<br>If required<br><br>** H&SC – 1:30 p.m.<br>If required | 20                  | 21       |
| 22     | 23  | 24                            | 25<br>5:00 p.m.<br>COUNCIL | 26   | 27                  | 28       |
| 29     | 30<br>PW – 9:30 a.m.                        |                               |                            |  |                     |          |

GIC = General Issues Committee  
 PW = Public Works Committee  
 PLANNING = Planning Committee  
 AF&A = Audit, Finance & Administration Committee  
 H&SC - Healthy & Safe Communities Committee  
 BOH = Board of Health  
 All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

October 2019

| Sunday | Monday                    | Tuesday                       | Wednesday                  | Thursday   | Friday   | Saturday |
|--------|---------------------------|-------------------------------|----------------------------|--|--|----------|
|        |                           | 1<br>Planning<br>– 9:30 a.m.  | 2<br>GIC – 9:30 a.m.       | 3<br>AF&A – 9:30 a.m.<br><br>H&SC – 1:30 p.m.                                      | 4  | 5        |
| 6      | 7                         | 8                             | 9<br>5:00 p.m.<br>COUNCIL  | 10   | 11   | 12       |
| 13     | 14<br>THANKSGIVING<br>DAY | 15<br>Planning<br>– 9:30 a.m. | 16<br>GIC – 9:30 a.m.      | 17<br>** AF&A – 9:30 a.m.<br>If required<br><br>** H&SC – 1:30 p.m.<br>If required | 18<br>PW – 9:30 a.m.<br><br>BoH – 1:30<br>p.m. | 19       |
| 20     | 21                        | 22                            | 23<br>5:00 p.m.<br>COUNCIL | 24   | 25   | 26       |
| 27     | 28                        | 29                            | 30                         | 31   |  |          |

GIC = General Issues Committee  
 PW = Public Works Committee  
 PLANNING = Planning Committee  
 AF&A = Audit, Finance & Administration Committee  
 H&SC = Healthy & Safe Communities Committee  
 BOH = Board of Health  
 All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

## November 2019

| Sunday | Monday                                      | Tuesday                       | Wednesday                  | Thursday   | Friday | Saturday |
|--------|---|-------------------------------|----------------------------|--|--------|----------|
|        |   |                               |                            |  | 1      | 2        |
| 3      | 4<br>PW – 9:30 a.m.                         | 5<br>Planning<br>– 9:30 a.m.  | 6<br>GIC – 9:30 a.m.       | 7<br>AF&A – 9:30 a.m.<br><br>H&SC – 1:30 p.m.                                      | 8      | 9        |
| 10     | 11  | 12                            | 13<br>5:00 p.m.<br>COUNCIL | 14   | 15     | 16       |
| 17     | 18<br>PW – 9:30 a.m.<br><br>BoH – 1:30 p.m. | 19<br>Planning<br>– 9:30 a.m. | 20<br>GIC – 9:30 a.m.      | 21<br>** AF&A – 9:30 a.m.<br>If required<br><br>** H&SC – 1:30 p.m.<br>If required | 22     | 23       |
| 24     | 25  | 26                            | 27<br>5:00 p.m.<br>COUNCIL | 28   | 29     | 30       |

GIC = General Issues Committee

PW = Public Works Committee

PLANNING = Planning Committee

AF&A = Audit, Finance & Administration Committee

H&SC - Healthy & Safe Communities Committee

BOH = Board of Health

All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change

## December 2019

| Sunday | Monday              | Tuesday                      | Wednesday                  | Thursday                                      | Friday         | Saturday |
|--------|---------------------|------------------------------|----------------------------|---|----------------|----------|
| 1      | 2<br>PW – 9:30 a.m. | 3<br>Planning<br>– 9:30 a.m. | 4<br>GIC – 9:30 a.m.       | 5<br>AF&A – 9:30 a.m.<br><br>H&SC – 1:30 p.m. | 6              | 7        |
| 8      | 9                   | 10                           | 11<br>5:00 p.m.<br>COUNCIL | 12  | 13             | 14       |
| 15     | 16                  | 17                           | 18                         | 19  | 20             | 21       |
| 22     | 23                  | 24                           | 25<br>CHRISTMAS<br>DAY     | 26<br>BOXING DAY                              | 27<br>SHUTDOWN | 28       |
| 29     | 30<br>SHUTDOWN      | 31<br>SHUTDOWN               |                            |   |                |          |

GIC = General Issues Committee

PW = Public Works Committee

PLANNING = Planning Committee

AF&A = Audit, Finance & Administration Committee

H&SC - Healthy & Safe Communities Committee

BOH = Board of Health

All meetings will be in the COUNCIL Chambers, Hamilton City Hall

\*\* Denotes meeting is subject to change





# CITY OF HAMILTON

**Corporate Services Department  
Clerk's Office**

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Governance Review Sub Committee                                |
| <b>COMMITTEE DATE:</b>    | April 5, 2018   |
| <b>SUBJECT/REPORT NO:</b> | Electronic Participation at Council and/or Committee Meetings (CL18002) (City Wide) |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Janet Pilon, Manager, Legislative Services/Deputy Clerk                             |
| <b>SUBMITTED BY:</b>      | Rose Caterini<br>City Clerk<br>Corporate Services Department                        |
| <b>SIGNATURE:</b>         |   |

## RECOMMENDATIONS

That staff be directed to prepare the necessary provisions in the Procedural By-law to provide for electronic participation at Council and/or Committee meetings.

## EXECUTIVE SUMMARY

This report has been prepared to obtain Council's direction with respect to electronic participation at Council and/or Committee meetings.

## ITEMS TO BE TAKEN UNDER CONSIDERATION:

In implementing the legislative changes within Bill 68 in our Procedural By-law the following item requires Council's consideration as it will impact the review and updating of the current Procedural By-Law:

### **Electronic participation at Council and/or Committee Meetings**

New changes to the *Municipal Act* provide for the following:

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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: Electronic Participation at Council and/ or Committee Meetings  
(CL18002) (City Wide)**

**Page 2 of 5**

*Section 238*

*Electronic participation*

(3.1) *The applicable procedure by-law **may** provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time.*

(3.2) *The applicable procedure by-law shall not provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is closed to the public.*

If Council wishes to pursue electronic participation, the following questions are listed for Council's consideration, taking into consideration that members who are participating electronically are not counted in determining quorum and cannot participate in meetings closed to the public.

Will Electronic Participation be permitted?

When will Electronic Participation be permitted?

- Regular Meetings?
- Special Meetings?
- Council Meetings?
- Standing Committee Meetings?
- Sub-Committee Meetings?
- Advisory Committee (Volunteer) Meetings?
- Should the Mayor and Deputy Mayor/Committee Chairs and Vice Chairs be permitted to be physically absent from the meeting simultaneously and participate electronically?
- Will members be required to notify the Clerk or Legislative Coordinator or Recording Secretary of a meeting they wish to attend electronically, in order for Staff to prepare for the members' electronic participation?

What does "electronic" participation mean and how will this affect meetings?

- Tele-conference? (audio only) ie. Telephone audio-conferencing.
- Video-conference? (video / audio) ie. WebEx; GoToMeeting; Google Meet, etc.
- If video-conference is used, will this be projected to ensure that everyone (members; public and staff) in attendance can see the member?

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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: Electronic Participation at Council and/ or Committee Meetings  
(CL18002) (City Wide)**

**Page 3 of 5**

- The technology is manageable if there are multiple members participating electronically, should there be a limit to the number of members who can participate electronically?
- Will meetings be delayed if there are technological problems that cannot be easily resolved?
- Will members participating electronically be permitted to vote?
- Will a verbal "roll call" be required and duly recorded to ensure members are recognized as in attendance?

In consideration of the public, who have the "right" to observe a meeting and the democratic process, should advance notice be provided to the public that certain members will be participating electronically at the meeting?

- Does it uphold the principles of openness and transparency of meetings?

Will there be a limit on the number of meetings that a member will be permitted to participate in absentia?

- For example, a member of Council shall be permitted to attend up to two (2) per calendar Council / Committee Meetings electronically, unless otherwise authorized by a resolution of Council.

The foregoing is a **discretionary** provision under the new amendments to the *Municipal Act, 2001*, therefore, Council direction is required whether they wish to provide for electronic participation at meetings or if they wish to not provide for electronic participation at meetings.

In principle, municipally appointed boards and committees are to follow the Procedural By-Law; therefore the aforementioned changes to the Procedural By-Law may impact these boards and committees as well.

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Should Council direct to provide for electronic participation at meetings, there will be technological costs and upgrades required, estimated costs range from \$0 – 8,000, for the Committee Rooms (Room 171; 192; 193; 222; 816 and 830) in City Hall other than Room 264 and Council Chamber, as staff have a number of options that could be utilized based on the size of the room, the number of members participating electronically.

The costs to integrate web video-conferencing in Council Chamber is estimated at \$5,000 to \$7,500;

The costs to integrate telephone audio-conferencing in Council Chambers is estimated at \$0;

The costs to integrate telephone audio-conferencing in Room 264 is

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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: Electronic Participation at Council and/ or Committee Meetings  
(CL18002) (City Wide)**

**Page 4 of 5**

estimated at \$5,000 plus microphone enhancements, if desired.  
The costs to integrate web video-conferencing in Room 264 is yet to be determined.

Staffing: Support will be required from the Clerk's Office, as well as, the AV Specialist.

Legal: None.

### **HISTORICAL BACKGROUND**

Currently, the Procedural By-Law does not have a provision for electronic participation at Council and/or Committee meetings.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

In order to be compliant with Bill 68's changes to the *Municipal Act*, 2001, Council is required to consider the inclusion of a provision within the City's Procedural By-law for electronic participation at Council and/or Committee meetings.

### **RELEVANT CONSULTATION**

Legal Services; Facilities and Information Technology.

### **ANALYSIS AND RATIONAL FOR RECOMMENDATION**

As the provision for electronic participation at Council and/or Committee meetings is a **discretionary** provision under the new amendments to the *Municipal Act*, 2001, Council's direction is required to provide for electronic participation at meetings or that does not permit electronic participation or that electronic participation be provided as an option for select Committees.

### **ALTERNATIVES FOR CONSIDERATION**

(a) That the Procedural By-law include a provision that does not permit for electronic participation at Council and/or Committee meetings.

or

(b) That the Procedural By-law include a provision that permits electronic participation at Advisory Committee meetings with prescribed guidelines.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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.*

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Strategic Priority:**

**Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

**APPENDICES AND SCHEDULES ATTACHED**

None

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*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.*



# CITY OF HAMILTON

## MOTION

Governance Review Sub-Committee Date: April 5, 2018

**MOVED BY COUNCILLOR M. GREEN.....**

**SECONDED BY COUNCILLOR.....**

### **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.





# **CITY OF HAMILTON**

## **MOTION**

**Governance Review Sub-Committee Date: April 5, 2018**

**MOVED BY COUNCILLOR M. GREEN.....**

**SECONDED BY.....**

### **CITY OF HAMILTON'S INDEMNIFICATION POLICY**

That staff be directed to report back to Governance Review Sub-Committee with the City of Hamilton's Indemnification Policy complete with all instances it has been used and by whom, along with the associated total legal fees for the past 10 years inclusive of all associated boards and agencies.