



City of Hamilton
GOVERNANCE REVIEW SUB-COMMITTEE

Meeting #: 19-004
Date: May 28, 2019
Time: 1:00 p.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

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

1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETING
 - 4.1 April 25, 2019
5. COMMUNICATIONS
6. DELEGATION REQUESTS
7. CONSENT ITEMS
8. PUBLIC HEARINGS / DELEGATIONS
9. STAFF PRESENTATIONS
10. DISCUSSION ITEMS
 - 10.1 Pregnancy and Parental Leave for Members of Council Policy (CL19007) (City Wide)

11. MOTIONS

11.1 Additional Administrative Support for Councillors' Offices

Item 35 of GIC Report 19-002 (Operating Budget) was referred to the Governance Review Sub-Committee at the March 27, 2019 Council Meeting.

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



Hamilton

MINUTES 19-003
GOVERNANCE REVIEW SUB-COMMITTEE
Thursday, April 25, 2019
11:00 am, Council Chambers
Hamilton City Hall

Present: Councillors M. Wilson (Vice-Chair), A. VanderBeek, M. Pearson, B. Clark, and L. Ferguson

Absent with Regrets: Councillor T. Whitehead (Chair) - Personal

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

1. 2020 and 2021 Council and Committee Calendars (Item 10.1)

(Ferguson/Pearson)

That the 2020 and 2021 Council and Committee Calendars be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Vice-Chair Maureen Wilson
 ABSENT - Chair Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

2. Best Practices in Other Municipalities – Council Meeting Times; Breaks and Adjournments (CL19001) (City Wide) (Outstanding Business List Item) (Item 10.2)

(Pearson/Ferguson)

That Report CL19001, respecting the Best Practices in Other Municipalities – Council Meeting Times: Breaks and Adjournments, be received.

CARRIED

3. **Changing the Time of Council Meetings (Referred from Council at it's meeting of February 27, 2019) (Item 11.1)**

(Ferguson/Pearson)

WHEREAS, Council does feel at present that the Council meetings held at 5:00 p.m., should be moved to an earlier time;

WHEREAS, an amendment to the time of Council meetings would constitute an amendment to the By-law to Govern the Proceedings of Council and Committees of Council;

WHEREAS, an amendment to the By-law to Govern the Proceedings of Council and Committees of Council requires that public notice be placed in the newspaper a minimum of 14 days prior to the Committee meeting; and

WHEREAS, Council has mandated the Governance Review Sub-Committee the task of making recommendations on matters pertaining to governance structure and the governing proceedings of Council and its' committees.

THEREFORE, BE IT RESOLVED:

That the following motion be referred to the Governance Review Sub-Committee for consideration:

- (a) That Section 3.2 of the By-law to Govern the Proceedings of Council and Committees of Council **be amended** to reflect a **9:30 a.m.** start time as follows:

3.2 Regular Council Meeting Times

- (1) Unless otherwise decided by Council, Regular Council meetings shall be held:

- (a) in January:

on the fourth Wednesday of the month, commencing at **9:30 a.m.** unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (b) in February, April, May, June, September, October and November:

every second and fourth Wednesday of each month, commencing at **9:30 a.m.**, unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (c) in March:

on the fourth Wednesday of the month, commencing at **9:30 a.m.** unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(d) in July and August:

on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;

(e) in December:

on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or

(f) in accordance with the schedule approved by Council.

- (b) That the regular meetings of the City Council for the remainder of 2019, be held at 9:30 a.m.;
- (c) That, from time to time, there may be a need for Special Council Meeting at 5:00 p.m. to accommodate a Ceremonial Activity where the individuals being recognized are unable to attend a meeting during the day; and
- (d) That the required notice be placed in the newspaper a minimum of 14 days prior to the Audit, Finance & Administration Committee meeting when the amendment is to be considered.

Result: Motion CARRIED by a vote of 4 to 1, as follows:

NO - Vice-Chair Maureen Wilson
ABSENT - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

(Clark/VanderBeek)

That the April 25, 2019 Agenda of the Governance Review Sub-Committee be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Vice-Chair Maureen Wilson
ABSENT - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) March 25, 2019 (Item 4.1)

(Ferguson/Pearson)

That the Minutes of the March 25, 2019 meeting of the Governance Review Sub-Committee be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Vice-Chair Maureen Wilson
ABSENT - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(i) Comments and Correspondence respecting the Change in Council Meeting Time:

(VanderBeek/Ferguson)

That the following Comments and Correspondence, respecting the Change in Council Meeting time, be received and referred to Item 11.1 for consideration:

5.1.a William Custers, Cable 14
5.1.b Matt Trabucco
5.1.c Kris Button
5.1.d Kendra Cheeseman
5.1.e Rob Wagner

5.1.f Pamela Llewellyn
5.1.g Janet OSullivan
5.1.h Andrew Kelly
5.1.i Anna Carter
5.1.j Jason Nason
5.1.k Carly Mary McLeod
5.1.l Kelly Fremlin
5.1.m Louise MacDonald
5.1.n Jacqueline Bennett
5.1.o Jess Plant-Weir
5.1.p Graeme Weir
5.1.q Bren Buckley
5.1.r Jason Morse
5.1.s Loretta Ray
5.1.t Dr. Patrick Carter
5.1.u Joey Pottinger
5.1.v Don McLean
5.1.w Mark Prier
5.1.x Simon Carroll
5.1.y Rich Gelder
5.1.z Teresa LaFave
5.1.aa Kris Button
5.1.ab Sue White
5.1.ac Jeremy Freiburger
5.1.ad Alex Bishop
5.1.ae Angela Di Nello
5.1.af Frances Murray
5.1.ag Cathy Swenson
5.1.ah Laurie Nielsen
5.1.ai Patti Randazzo Beckett
5.1.aj Leanne Palmerston
5.1.ak Chris Parkinson
5.1.al Mark Gresch
5.1.am Brian Martinson
5.1.an Erin Shacklette
5.1.ao Robin Williamson
5.1.ap Ian Fox
5.1.aq Bob Berberick
5.1.ar Maggie Martineau
5.1.as Paul Copcutt
5.1.at AJ Bullivant
5.1.au Gail Langdon
5.1.av Natalie Seniuk
5.1.aw Sandra Manners
5.1.ax Lyla Miklos
5.1.ay Cameron Kroetsch
5.1.az Matt Jelly

CARRIED

(e) DELEGATION REQUESTS (Item 6)

(VanderBeek/Ferguson)

That the following delegation requests, respecting Item 11.1, being a Motion to change the Council meeting time, be approved for today's meeting:

- (i) Karl Andrus, respecting Item 11.1, being a Motion to change the Council meeting time (For today's meeting) (Item 6.1)
- (ii) Craig Burley, respecting Item 11.1, being a Motion to change the Council meeting time (For today's meeting) (Item 6.2)
- (iii) Deanna Allain, respecting Item 11.1, being a Motion to change the Council meeting time (For today's meeting) (Item 6.3)
- (iv) Cameron Kroetsch, respecting Item 11.1, being a Motion to change the Council meeting time (For today's meeting) (Item 6.4)

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Vice-Chair Maureen Wilson
ABSENT - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(f) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i) Karl Andrus, respecting Item 11.1, being a Motion to change the Council meeting time (Added Item 8.1)**

Karl Andrus was not present when called upon.

(Pearson/Ferguson)

That the following delegations, respecting Item 11.1, being a Motion to change the Council meeting time, be received:

- (ii) Craig Burley, respecting Item 11.1, being a Motion to change the Council meeting time (Added Item 8.2)
- (iii) Deanna Allain, respecting Item 11.1, being a Motion to change the Council meeting time (Added Item 8.3)
- (iv) Cameron Kroetsch, respecting Item 11.1, being a Motion to change the Council meeting time (Added Item 8.4)

CARRIED

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Changes to the Outstanding Business List (Item 13.1):

(Clark/Pearson)

- (a) That Item B-2019, respecting staff be directed to report back on best practices in other municipalities and in consultation with senior leadership and Human Resources, with respect to Breaks and Adjournments, remain on the Outstanding Business List; and,
- (b) That staff be directed to report back to the Audit, Finance & Administration Committee on May 2nd, 2019, with a broader list of larger urban municipalities (York/Peel/Kitchener-Waterloo) and their start times for Council meetings, with respect to Breaks and Adjournments.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Vice-Chair Maureen Wilson
ABSENT - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Pearson/VanderBeek)

That the following change to the Outstanding Business List be approved:

(a) Items to be Removed:

Item: B

That staff be directed to report back to Governance Review Sub-Committee following a thorough review to determine accurate populations in each Ward for the 2018-2022 term.
Completed: February 28, 2019 at General Issues Committee
(Item 6.5 - FCS18093(b))

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES – Vice-Chair Maureen Wilson
ABSENT - Chair Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(h) ADJOURNMENT (Item 15)

(Pearson/Ferguson)

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 12:58 p.m.

CARRIED

Respectfully submitted,

Councillor M. Wilson, Vice-Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
 City Clerk's Office

TO:	Chair and Members of Governance Review Sub-Committee
COMMITTEE DATE:	May 28, 2019
SUBJECT/REPORT NO:	Pregnancy and Parental Leave for Members of Council Policy (CL19007) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon (905) 546-2424 Ext. 4304
SUBMITTED BY:	Janet Pilon Acting City Clerk Office of the City Clerk
SIGNATURE:	

RECOMMENDATION(S)

That Council approve the “Pregnancy and Parental Leave for Members of Council Policy” attached as Appendix ‘A’ to Report CL19007.

EXECUTIVE SUMMARY

On November 1, 2017, Council received Report LS17028, which provided a summary of the provisions introduced in Bill 68, the *Modernizing Ontario’s Municipal Legislation Act, 2017*, and the associated amendments to various Provincial Acts.

Bill 68 included an amendment to the *Municipal Act, 2001* whereby a member of Council no longer required a resolution of Council to grant an extended leave of absence (i.e. more than three months) if the absence is related to pregnancy or parental leave for twenty (20) consecutive weeks or less.

The purpose of this report is to provide Council with staff’s recommended “Pregnancy and Parental Leave for Members of Council Policy” in order to implement the provisions of Bill 68.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: 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.

**SUBJECT: Pregnancy and Parental Leave for Members of Council Policy
(CL19007) (City Wide) - Page 2 of 3**

Staffing: None

Legal: None

HISTORICAL BACKGROUND

Section 259 of the Municipal Act, 2001, as amended, provides that a Council Member's seat becomes vacant if the Member is absent from Council meetings for three successive months without being authorized to do so by Council resolution. Prior to Bill 68, a Member was required to obtain a resolution of Council for an extended leave of absence due to pregnancy, the birth of a child or the adoption of a child. Bill 68 amends Section 259 of the Municipal Act, 2001, to provide an exemption to that requirement such that no resolution of Council would be required to grant an extended leave of absence for a Member if the absence was related to pregnancy or parental leave for twenty (20) consecutive weeks or less.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 270 (1) of the *Municipal Act, 2001* requires municipalities to adopt and maintain policies with respect to a number of matters. Bill 68 added a new paragraph 8, requiring the City to adopt and maintain a policy on pregnancy and parental leave for members of Council. This amendment was effective as part of Phase 2 Proclamation on March 1, 2019 by the Lieutenant Governor.

RELEVANT CONSULTATION

Legal Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

In order to comply with the provisions set out in Section 270 (1) paragraph 8 of the Municipal Act, the City is required to adopt and maintain a policy on pregnancy and parental leave for members of Council.

ALTERNATIVES FOR CONSIDERATION

None

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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: Pregnancy and Parental Leave for Members of Council Policy
(CL19007) (City Wide) - Page 3 of 3**

APPENDICES AND SCHEDULES ATTACHED

Appendix A – Pregnancy and Parental Leave for Members of Council Policy

Appendix 'A' to Report CL19007**Policy Number:** CL01-2019**Effective Date:** June 12, 2019**Review Date:** As required due to Legislative Changes**Status:** Current**Council Approval:** June 12, 2019**CITY OF HAMILTON**

**PREGNANCY AND PARENTAL LEAVE
FOR MEMBERS OF COUNCIL
POLICY**

1.0	PURPOSE
1.1	To provide a clear and transparent process for Members of Council requesting and taking a pregnancy or parental leave in a manner that respects the Members' statutory role or appointment.
2.0	SCOPE
2.1	This policy applies to Members of Council
3.0	POLICY STATEMENT
3.1	The City of Hamilton recognizes the right of a Member of Council to take leave related to the Member's pregnancy, the birth of a Member's child or the adoption of a child by a Member in accordance with the provisions of the Municipal Act, 2001, as amended. The City is committed to providing a clear and transparent process for Members on pregnancy and parental leave.
	Pregnancy or Parental Leave
3.2	Each Member of Council shall be entitled to a leave of absence from Council and Committee meetings for 20 consecutive weeks or less if the absence is the result of a Member's pregnancy, the birth of a Member's child, or the adoption of a child by the Member.
3.3	A resolution of Council is not required to authorize a pregnancy or parental leave of absence.
3.4	The Member requesting the leave shall complete Form 1 attached hereto and submit the completed form to the City Clerk at least eight (8) weeks prior to commencing their leave.

Pregnancy and Parental Leave for Members of Council Policy

3.5	Where there are emergent circumstances beyond the Member's reasonable control, the Member shall submit Form 1 to the City Clerk as much in advance as possible prior to commencing their leave or as soon as possible after commencing their leave.
3.6	For greater certainty, nothing herein shall prevent a Member from exercising their leave of absence for failing to submit Form 1 prior to the commencement of their leave on account of emergent circumstances beyond the Member's reasonable control.
	Office does not become Vacant
3.7	The office of a Member shall not become vacant if a Member is absent for 20 consecutive weeks or less if the absence is the result of the Member's pregnancy, the birth of a Member's child, or the adoption of a child by the Member.
	Member Exempt from Attending Meetings
3.8	A Member on Pregnancy or parental leave shall be exempt from attending Council, Committee Agency or Board meetings, which the Member has been appointed.
	Receipt of Correspondence, Agendas, Minutes while on Leave
3.9	If agreed to by the Member on Form 1, the Member shall continue to receive copies of all Council, Committee, Agency and Board communications and correspondence, including notices of regular and special meetings, all meeting agendas and related material (public and confidential), and minutes of meetings.
	Member may Attend Meeting while on Leave
3.10	A Member on pregnancy or parental leave may attend Council, Committee, Agency and Board meetings or constituent meetings and/or events at their discretion, and may cast a vote on any matter before Council, a Committee, Agency or Board to which the Member has been appointed at any meeting they attend.
3.11	The Member on pregnancy or parental leave shall advise the City Clerk if they will be attending a Council, Committee, Agency or Board meeting during their leave.
	Responding to Communications
3.12	A Member on pregnancy or parental leave may respond to communications at a level that the Member determines and shall utilize an automatic reply e-mail feature to identify that they are on leave.
	Meeting Attendance does not Extend or Terminate the Leave
3.13	If a Member decides to attend meetings intermittently during their leave, this shall not extend the leave for any additional weeks nor shall it be construed as terminating the Member's leave.

Pregnancy and Parental Leave for Members of Council Policy

	Council May Make Temporary Appointments
3.14	If deemed appropriate, Council may make temporary appointments to fill any vacancies of the Member to Council Committees, Agencies or Boards to which the Member has been appointed.
	Remuneration
3.15	A Member on pregnancy or parental leave shall continue to receive all remuneration and benefits afforded to Members of Council.
	Return from Leave
3.16	Upon a Member's return from a pregnancy or parental leave they shall resume all appointments to Council, Committees, Agencies and Boards that were held prior to the leave.
	Failure to Return from Leave
3.17	In the event, that the Member fails to attend Council, Committee, Agency or Board meetings after the expiry of their leave, the Member's seat may be declared vacant by Council in accordance with the terms and conditions of the City's Pregnancy and Parental Leave for Members of Council Policy and the provisions of the <i>Municipal Act, 2001</i> .
4.0	RESPONSIBILITIES
4.1	City Council is responsible for approving and maintain this Policy.
4.2	Individual Members of Council are responsible for completing and submitting the required notice (Form 1) of pregnancy and parental leave to the City Clerk in accordance with this Policy.
4.3	The City Manager is responsible for advising Council and the Senior Leadership Team of the Member's pregnancy or parental leave and the expected duration thereof.
	APPENDICES
Form 1	Notice of Pregnancy or Parental Leave for Members of Council



CITY OF HAMILTON

NOTICE OF PREGNANCY OR PARENTAL LEAVE FOR MEMBERS OF COUNCIL

To: City Clerk

From: _____

(Council Member's Name)

Re: Notice of Pregnancy or Parental Leave

I hereby give notice that I will be taking leave from Council for the following reason (check one):

- Pregnancy
- Birth of a Child
- Adoption of a Child

Dates of Leave

Anticipated Date of Commencement: _____

Anticipated Return Date: _____

Committees and Boards

I wish to continue to attend all meetings of the Committees and Boards to which I have been appointed during the period of my leave:

- Yes
- No

Communications While on Leave

I agree to continue to receive all communications, agendas and associated materials generally sent to Members of Council during the period of my leave:

- Yes
- No

Form 1

Announcement of Leave

I understand that the City Manager will announce my leave and the dates thereof to the Members of Council and Senior Leadership Team for their information.

Failure to Return from Leave

I understand that if I fail to attend Council and Committee meetings after the expiry of my leave, that my seat may be declared vacant by Council in accordance with the terms and conditions of the City's Pregnancy Leave and Parental Leave for Members of Council Policy and the provisions of the *Municipal Act, 2001*.

Print Name: _____

Signature: _____ Date: _____

(Referred by Council at it's meeting of March 27, 2019)

11.1

CITY OF HAMILTON

MOTION

Governance Review Sub-Committee: May 28, 2019

MOVED BY COUNCILLOR T. WHITEHEAD.....

SECONDED BY COUNCILLOR.....

Additional Administrative Support for Councillors' Offices

WHEREAS, the current allotment for vacation and sick leave is insufficient for Councillor administrative staff whose accumulated vacation entitlement exceeds the amount of coverage currently provided in the ward office budgets (2 weeks);

WHEREAS, our social media and engagement policies and practices at the city have been successful in engaging more residents than ever before with their ward Councillors' offices subsequently requiring closer monitoring by staff and Councillor's to these outlets to efficiently respond to constituent concerns;

WHEREAS, a 0.5 FTE administrative support person would provide greater continuity in the office by facilitating coverage of the FTE person resulting in a more seamless exchange between the constituent and the ward office staff on a given issue or concern;

WHEREAS, a single staff person often deals with complex issues or projects to support their Councillor's initiatives requiring them to exercise greater responsibilities beyond basic constituency matters;

WHEREAS, the amount of work in each ward office is substantial and can be clearly demonstrated through activity levels there is a need to ensure we have the resources to protect the health and wellbeing of our admins who may incur negative impacts due to increased stress or burnout;

THEREFORE, BE IT RESOLVED:

- (a) That an additional 0.5 FTE for administrative support at gross cost of \$339,000 (or \$22,600 per ward) starting on July 1st, 2019 and an annualized gross cost of \$678,000 (or \$45,200 per ward), be approved; and,
- (b) That the administrative support previously allocated to old wards 7 & 8 of \$177,000 be equally allocated across all new wards (or \$11,800 per ward), be approved.