



City of Hamilton
ARTS ADVISORY COMMISSION
AGENDA

Meeting #: 21-005
Date: November 23, 2021
Time: 4:00 p.m.
Location: Due to the COVID-19 and the Closure of City Hall
All electronic meetings can be viewed at:
City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton>

Ken Coit, Program Manager Public Art and Projects (905) 546-2424 ext. 6281
Lauren Anastasi, Administrative Secretary (905) 546-2424 ext. 6210

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1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
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- 7. CONSENT ITEMS**
- 8. PUBLIC HEARINGS / DELEGATIONS**
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 - 8.2. Canadian Artists Representation Le Front Des Artistes Canadiens
- 9. STAFF PRESENTATIONS**
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 - 10.4. All Advisory Committee Meeting
- 11. MOTIONS**
- 12. NOTICES OF MOTION**
- 13. GENERAL INFORMATION / OTHER BUSINESS**
- 14. PRIVATE AND CONFIDENTIAL**
- 15. ADJOURNMENT**



Hamilton

MINUTES
21-004
ARTS ADVISORY COMMISSION

July 27, 2021

4:00 p.m.

Due to COVID-19 and the Closure of City Buildings, this meeting virtually.

Present: Annette Paiement (Chair), Monika Ciolek, Janna Malseed, Monolina Bhattacharyya-Ray, Lisa LaRocca, Councillor Farr, Ranil Sonnadara

Absent: Elizabeth Jayne Cardno, Councillor Danko

The Chair called the meeting to order and recognized that the Committee is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

(LaRocca/Malseed)

That the Agenda for the July 27, 2021 Arts Advisory Commission, be approved as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) **May 25, 2021 (Item 4.1)**

(Bhattacharyya-Ray/Ciolek)

That the Minutes of the May 25, 2021 Arts Advisory Commission, be approved as presented.

CARRIED

(d) **COMMUNICATIONS (Item 5)**

(Bhattacharyya-Ray/Ciolek)

That the following Communication Items, be received:

- (i) Livestream meeting continues with addition of recording (Item 5.1)
- (ii) Quorum requirements (Item 5.2)

CARRIED

(e) **DELEGATION REQUESTS (Items 6)**

There were no delegation requests.

(f) **PUBLIC HEARINGS/DELEGATIONS (Item 8)**

There were no public hearings or delegations.

(g) **STAFF PRESENTATIONS (Item 9)**

(i) **Hamilton Arts Awards Update (Item 9.1)**

Ken Coit, Program Manager Public Art and Projects, provided an update regarding the Hamilton Arts Awards, advising that the Awards were audio podcast that are still online. Request For Proposal for new Arts Awards provider for 2022-2025 will be posed on the procurement website.

(Farr/Malseed)

That the presentation, respecting the Hamilton Arts Awards, be received.

CARRIED

(ii) Public Art Update (Item 9.2)

Ken Coit, Program manager Public Art and Projects, provided an update regarding the Public Art update, advising of the following:

- (1) Installation of 2 works by TH&B Collective at Cops Pier 8 Promenade by end of August.
- (2) Century Street Parkette Public Consultation online; and,
- (3) Call for Artists for Locke St. Marker Public Art Project.

(Farr/Malseed)

That the presentation respecting the Public Art Update, be received.

CARRIED**(h) DISCUSSION ITEMS (Item 10)****(i) Celebrating Resilience in the Arts Proposal (Item 10.1)**

The following points were made during the discussion of the Celebrating Resilience in the Arts Proposal Sub-committee Notes:

- This Sub-committee to the Arts Advisory Commission and met several times to program the Celebrating Resilience in the Arts Project.
- Secured assistance from the Hamilton Arts Council. They created a webpage on their site where the call for submissions are being collected.
- After today, the call will be announced publicly.

(Ciolek/Malseed)

- (a) That the Celebration of Resilience of the Arts program as presented on the webpage be received; and,
- (b) That the website for Celebration of Resilience of the Arts be published and the project move forward as presented.

CARRIED**(i) MOTIONS (Item 11)****(i) All Advisory Committee Meeting Event Date and Selection of a Presenter (Item 11.1)**

This was passed at the previous meeting; May 25th, 2021.

(j) NOTICES OF MOTION (Item 12)

There were no notices of motion.

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

Monika Ciolek, provided an information regarding Artist Legal Advice Services (ALAS) & Canadian Artists Representation Le Front des Artistes Canadiens (CARFAC), advising of the following:

- (1) Monika is volunteering as outreach for ALAS. Artists are largely unaware of these services.
- (2) ALAS is interested in speaking to AAC; and,
- (3) CARFAC is interested in communicating with Hamilton Arts Council and AAC to provide education and support to artists; and,
- (4) Would like to have someone from each organization come to speak to AAC.

(Malseed/Farr)

That ALAS be invited to delegate at the next AAC meeting September 28, 2021.

CARRIED

(l) ADJOURNMENT (Item 14)**(LaRocca/ Bhattacharyya-Ray)**

That, there being no further business, the Arts Advisory Commission meeting be adjourned at 4:33 p.m.

CARRIED

Respectfully submitted,

Annette Paiement, Chair
Arts Advisory Commission

Lauren Anastasi
Recorder



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-012

9:30 a.m.
August 12, 2021
Council Chambers
Hamilton City Hall

Present: Councillors L. Ferguson (Chair), C. Collins, B. Johnson, M. Pearson, A. VanderBeek, and M. Wilson

Absent: Councillor B. Clark - Personal

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 21-012 AND RESPECTFULLY RECOMMENDS:

1. CONSENT ITEMS (Item 7)

That the following Consent Items, be received:

- (a) **2019 Audited Financial Statements for City of Hamilton Business Improvement Areas (BIAs) (FCS21038) (City Wide) (Item 7.1)**
- (b) **Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide) (Item 7.3)**

2. Governance Review Sub-Committee Report 21-004 - June 25, 2021 (Item 10.1)

- (a) **Poll Results – Recording of Advisory Committee Meetings (FCS21054) (City Wide) (Outstanding Business List Item) (Item 7.1)**

That Report FCS21054, respecting Poll Results – Recording of Advisory Committee Meetings, be received.

- (b) **Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide) (Outstanding Business List Item) (Item 10.1)**

- (i) That Council approve the request for two (2) additional FTEs to support the provision of ongoing virtual participation of Members of Council and virtual delegations at Standing Committee and Sub-Committee meetings supported by the Office of the City Clerk, be referred to the 2022 budget deliberations for consideration;

- (ii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure the Council Chamber in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000;
- (iii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure Room 264 in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000; and,
- (iv) That Council approve the amendments to the Procedural By-Law 21-021 outlined in **REVISED** Appendix "A" to Audit, Finance & Administration Report 21-012 to permanently allow Virtual Participation for Members of Council, Standing Committees, Sub-Committees, Citizen Advisory Committees, and delegations.

3. Governance Review Sub-Committee Report 21-005 - July 14, 2021 (Item 10.2)

(a) 2022 Municipal Election: Voting Methods and Tabulating By-law (FCS21073) (City Wide) (Outstanding Business List Item) (Item 10.1)

- (i) That the draft By-law attached as Appendix "A" to Governance Review Sub-Committee Report 21-005, to permit the continued use of optical scanning vote tabulators for the purpose of counting votes in municipal elections, and to permit the use of a special vote by mail as an alternative voting method that does not require electors to attend at a voting place in order to vote, which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (ii) That a one-time increase of \$125,000 to the Election Expense Reserve (112206) be funded through the Tax Stabilization Reserve, to support a special vote-by-mail initiative for the 2022 municipal election; and,
- (iii) That the annual contribution to the Election Expense Reserve (112206) be increased by \$31,250 to cover the increased costs to deliver a special vote-by-mail for future municipal elections, be referred to the 2022 Operating Budget deliberations for consideration.

4. Review: Ward 3 Capital Reserve Administrative Oversight (AUD21008) (City Wide) (Item 10.3)

- (a) That Report AUD21008, respecting the Review: Ward 3 Capital Reserve Administrative Oversight Report, be received;

- (b) That the Management Responses as detailed in Appendix “B” to Audit, Finance & Administration Report 21-012, be approved; and,
- (c) That the General Manager of Finance and Corporate Services be directed to implement the Management Responses (attached as Appendix “B” to Audit, Finance & Administration Report 21-012) and report back to the Audit, Finance and Administration Committee by May 2022 on the nature and status of actions taken in response to the review report.

5. 2020 Reserve Report (FCS21063) (City Wide) (Item 10.4)

- (a) That the 2020 Reserve Report and the 2020 Reserves Detail Report, with 2019 Comparative figures and 2021-2023 Projections, attached as Appendix “A” to Report FCS21063, be received;
- (b) That a Neonatal Interfacility Reserve Policy, attached as Appendix “C” to Audit, Finance & Administration Report 21-012, be approved and that the reserve be established subject to the terms outlined in the Policy; and,
- (c) That a Community Paramedicine LTC Reserve Policy, attached as Appendix “D” to Audit, Finance & Administration Report 21-012, be approved and that the reserve be established subject to the terms outlined in the Policy.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.2 Gabriel Nicholson, respecting Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

Recommendation: Be received and referred to consideration of Item 7.3, Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

The agenda for the August 12, 2021 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) July 8, 2021 (Item 4.1)

The Minutes of the July 8, 2021 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

Communications 5.1 to 5.2, were approved, as follows:

(i) Correspondence from David Broom, respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (Item 5.1)

Recommendation: Be received and referred to consideration of Item 10.1, Governance Review Sub-Committee Report 21-004.

(ii) Gabriel Nicholson, respecting Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide) - Item 7.3. (Added Item 5.2)

Recommendation: Be received and referred to consideration of Item 7.3, Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

(e) CONSENT ITEMS (Item 7)

The following Consent Items (Item 7), were received:

(i) Various Advisory Committee Minutes (Item 7.2):

- (1) Immigrant and Refugee Advisory Committee - June 10, 2021 (Item 7.2(a))
- (2) Committee Against Racism - April 27, 2021 (Item 7.2(b))
- (3) Hamilton Mundialization Advisory Committee - May 19, 2021 (Item 7.2(c))

(f) DISCUSSION ITEMS (Item 10)

(i) Governance Review Sub-Committee Report 21-004 – June 25, 2021 (Item 10.1)

The Chair advised that public notice was given for the amendments to the City of Hamilton Procedural By-law 21-021 to permanently allow virtual participation for members of Council, Standing Committees, Sub-

Committees, Citizen Advisory Committees and delegations, Item 2 of the Governance Review Sub-Committee Report 21-004, inviting interested parties to make virtual representations at today's meeting. There were no registered speakers.

(a) Poll Results – Recording of Advisory Committee Meetings (FCS21054) (City Wide) (Outstanding Business List Item) (Item 7.1)

That Report FCS21054, respecting Poll Results – Recording of Advisory Committee Meetings, be received.

(b) Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide) (Outstanding Business List Item) (Item 10.1)

- (i) That Council approve the request for two (2) additional FTEs to support the provision of ongoing virtual participation of Members of Council and virtual delegations at Standing Committee and Sub-Committee meetings supported by the Office of the City Clerk, be referred to the 2022 budget deliberations for consideration;
- (ii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure the Council Chamber in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000;
- (iii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure Room 264 in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000; and,
- (iv) That Council approve the amendments to the Procedural By-Law 21-021 outlined in **REVISED** Appendix "A" to permanently allow Virtual Participation for Members of Council, Standing Committees, Sub-Committees, Citizen Advisory Committees, and delegations.

Amendment to Item 2 of Governance Review Sub-Committee Report 21-004 respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide)

WHEREAS, the Municipal Act 2001, as amended, section 240 Subject to the procedure by-law passed permits “the head of council may at any time call a special meeting; and (b) upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition”;

WHEREAS, the current Procedural By-law 21-021 is silent on section 240 and the Mayor may require the holding of a special meeting of the Council without notice, in order to consider and deal with urgent and extraordinary matters; and

WHEREAS, the deadline for a Request to Speak with a pre-recorded video was inadvertently omitted from the Procedural By-Law 21-021 and from the proposed amendments considered by Governance Review Sub-Committee on June 25, 2021.

THEREFORE BE IT RESOLVED:

That Appendix “A” to Item 2 attached to Governance Review Sub-Committee Report 21-004 respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide), be revised to include the following additional **amendments** to the Procedural By-Law 21-021:

(i) **SECTION 3 – COUNCIL MEETINGS**

3.4 Special Meetings of Council

- (1) In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.
- (3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 2 days before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.

- (4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 3.4(4), other business may be considered at a special meeting with at least two-thirds of the Members of Council present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.
- (7) ***Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.***

(ii) **SECTION 5 – COMMITTEE MEETINGS**

5.12 Delegations

(1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee

ELE Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee

(a) Persons wishing to delegate on a matter that is not listed on a Committee agenda, shall make a request in writing to the Clerk and the Clerk shall list the delegation request on the respective Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Committee's Report.

(b) Persons wishing to delegate on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as a delegation to the Clerk no later than 12:00 noon the business day before the meeting. If the Committee is

meeting on a Monday, the deadline will be 12:00 noon on the Friday before.

(c) Persons wishing to delegate with a pre-recorded video on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as delegate to the Clerk no later than 12:00 noon two business days before the meeting. If the Committee is meeting on Monday, the deadline will be 12:00 noon on the Thursday before.

(d) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).

(5) An IN-PERSON or VIRTUAL delegation **or a delegate with a pre-recorded video** of one or more persons, shall be limited to an oral presentation of not more than five minutes.

The following Motion was DEFEATED:

That the amendment be **amended** to remove the words "to consider and deal with such urgent and extraordinary matters" from the end of subsection (7), as follows:

(7) Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice. ~~to consider and deal with such urgent and extraordinary matters.~~

For further disposition of this matter, please refer to Item 2.

(g) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee adjourned at 10:49 a.m.

Respectfully submitted,

Councillor Ferguson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

REVISED Appendix "A" to Item 2 of AF&A Report 21-012

PROPOSED AMENDMENTS TO THE PROCEDURAL BY-LAW 21-021

1. The proposed **amendments** to the Council Procedural By-law 21-021; that would be required to permit the virtual participation of a member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee meetings outside of an emergency where the Council member cannot attend in person:

SECTION 1 - DEFINITIONS

- 1.1 In this By-law,

"ELE" means Electronic meeting procedures and applies to Virtual and Hybrid meetings ***during an emergency*** and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

"Hybrid" means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings ***during an emergency***.

"Virtual" means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings ***during an emergency***.

SECTION 3 – COUNCIL MEETINGS**3.4 Special Meetings of Council**

- (1) In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.
- (3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 2 days before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.

REVISED Appendix "A" to Item 2 of AF&A Report 21-012

- (4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 3.4(4), other business may be considered at a special meeting with at least two-thirds of the Members of Council present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.
- (7) ***Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.***

3.7 Quorum

- (2) A majority of Members of Council is necessary to constitute a quorum of Council.
 - (2.1) ***A Member of Council participating in-person or virtually shall be counted in determining whether or not a quorum of Members is present at any point in time.***

3.11 Order of Business

- (1) The Order of Business for scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless amended by Council in the course of the meeting, shall be as follows:
 - (a) Approval of Agenda
 - (b) Declarations of Interest
 - (c) Ceremonial Activities ~~***(ELE - During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)***~~
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Committee Reports

REVISED Appendix "A" to Item 2 of AF&A Report 21-012

- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)
- (j) Council Communication Updates
- (k) Private and Confidential
- (l) By-laws and Confirming By-law
- (m) Adjournment

- (2) ***All Ceremonial Activities at Council meetings will take place virtually, during an Emergency.***

SECTION 5 – COMMITTEE MEETINGS

5.4 Quorum

- (1) The quorum for all Committees shall be a half of the membership rounded up to the nearest whole number.

- (1.1) A Member of a Committee participating in-person or virtually shall be counted in determining whether or not a quorum of members is present at any point in time.***

5.11 Order of Business

- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
- (a) Ceremonial Activities ~~***(ELE – During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)***~~
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Delegation Requests
 - (g) Consent Items
 - (h) Staff Presentations
 - (i) Public Hearings/ Delegations

REVISED Appendix "A" to Item 2 of AF&A Report 21-012

- (j) Discussion Items
- (k) Motions
- (l) Notice of Motions
- (m) General Information/Other Business
- (n) Private and Confidential
- (o) Adjournment

(3) *All Ceremonial Activities at Committee meetings will take place virtually, during an Emergency.*

5.12 Delegations

(1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee

ELE Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee

(a) Persons wishing to delegate on a matter that is not listed on a Committee agenda, shall make a request in writing to the Clerk and the Clerk shall list the delegation request on the respective Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Committee's Report.

(b) Persons wishing to delegate on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as a delegation to the Clerk no later than 12:00 noon the business day before the meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday before.

(c) *Persons wishing to delegate with a pre-recorded video on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as delegate to the Clerk no later than 12:00 noon two business days before the meeting. If the Committee is meeting on Monday, the deadline will be 12:00 noon on the Thursday before.*

(d) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).

REVISED Appendix "A" to Item 2 of AF&A Report 21-012

- (5) An IN-PERSON or VIRTUAL delegation **or a delegate with a pre-recorded video** of one or more persons, shall be limited to an oral presentation of not more than five minutes.

SECTION 8 – ORDER AND DECORUM

- 8.5** No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk, shall:
- (a) be allowed on the floor while an IN-PERSON / **HYBRID** meeting is being held, namely where members of Council or Committee, the Clerk, and officials authorized by the Clerk are seated and from which they speak;
 - (b) before or during an IN-PERSON / **HYBRID** meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.

SECTION 9 – MEETINGS CLOSED TO THE PUBLIC

For the purposes of this section, "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.

- 9.5** ***A member of Council, of a Local Board or of a Committee of either of them can participate virtually in a meeting that is closed to the public.***

SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

~~**10.1** ***Virtual participation is prohibited at Council and/or Committee meetings, except where permitted during an Emergency as set out in subsection 10.2.***~~

10.1 Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings ~~during an emergency~~ when attending in-person is not possible.

10.2 Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings ~~during an emergency~~ when attending in-person is not possible.

10.3 Virtual participation, that is consistent with the obligation to hold public meetings in accordance with the *Municipal Act, 2001* and/or

REVISED Appendix "A" to Item 2 of AF&A Report 21-012

any other applicable legislation, or at a Standing Committee of Council is permitted by members of the public at Committee meetings.

- 10.4** *Members of Council and Citizen Committee members who intend on participating at a meeting virtually should advise the Clerk at least 2 days prior to the meeting.*
- 10.5** *The Mayor, Deputy Mayor, Chair or Vice Chair presiding at a Council or Committee meeting shall attend in-person at a HYBRID meeting.*

SECTION 11 – IN-PERSON / VIRTUAL / HYBRID MEETINGS DURING AN EMERGENCY

- 11.1** All VIRTUAL ~~/HYBRID~~ Council and Committee meetings shall be streamed live.
- 11.2** *All IN-PERSON / HYBRID Council and Committee meetings may be streamed live.*
- 11.3** *Upon being apprised that an IN-PERSON / HYBRID meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will continue as long as quorum is maintained and the connection will be resumed as soon as possible.*
- 11.4** Upon being apprised that a VIRTUAL meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.
- 11.5** If the live feed of a VIRTUAL meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned with the names of the Council/Committee members present and any decisions of Council/Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting. The Council/Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.

- 2.** The proposed **amendments** to the Council Procedural By-law 21-021, that would be required to permit the virtual participation of Advisory Committee and Sub-Committee members (public) at Advisory Committee and Sub-Committee meetings outside of an emergency where the Advisory Committee or Sub-Committee member cannot attend in person:

SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

REVISED Appendix "A" to Item 2 of AF&A Report 21-012

- 10.2** Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings ~~during an emergency~~ when attending in-person is not possible.
- 10.4** *Members of Council and Citizen Committee members who intend on participating at a meeting virtually should advise the Clerk at least 2 days prior to the meeting.*
- 10.5** *The Mayor, Deputy Mayor, Chair or Vice Chair presiding at a Council or Committee meeting shall attend in-person at a HYBRID meeting.*

- 3.** The proposed **amendments** to the Council Procedural By-law 21-021, that would be required to continue to permit delegations to appear virtually:

Sections 5.12 and 5.13 of the Council Procedural By-law 21-021, currently permits delegations to appear virtually without any references to 'during an emergency', therefore, only one proposed **amendment** to Section 5.12 (1) INP would be required to permit virtual delegations at an IN-PERSON meeting whether during or outside of an emergency.

5.12 Delegations

- (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person **or virtually** to address a Committee

AUD21008
Review: Ward 3 Capital Reserve Administrative Oversight

RECOMMENDATIONS
AND
MANAGEMENT RESPONSES

Recommendations

The following 5 recommendations will strengthen controls and increase process efficiencies related to reserve administration to reduce the risk and impact of errors:

1. That the Corporate Services Department implement a process to ensure that the Financial Planning, Administration and Policy Division is provided with all confidential Committee and Council reports and minutes so that they can be reviewed to ensure that City financial records are updated with the relevant financial implications from these reports.

It is important that City financial records are complete and accurate, while ensuring the confidentiality of the reports is maintained.

Management Response

Agreed. Finance staff will work with Clerk's office to ensure a process that balances the need for financial accuracy with the need to maintain appropriate confidentiality of records.

Expected completion date: Q3 2021

2. That a process be developed to reconcile actual reserve spending and future reserve commitments in the PeopleSoft Financial system and Reserve spreadsheets.

Management Response

Agreed. An update of the current Reserve Forecast SOP will begin in the summer with the introduction of the new budget software (Questica).

Expected completion date: Q3 2021

3. That the reconciliation process developed for Recommendation #2 continue for at least six months after going live with the Questica system to ensure reserve information within the PeopleSoft Financial and Questica systems produce accurate and complete reports.

Management Response

Agreed. The intention is that, in the new budgeting platform, the reserve information will be kept up-to-date (live), which will require regular reconciliations by associated staff to ensure the reports are pulling information accurately.

Expected completion date: Q1 2022

4. That this new reconciliation process and related expectations be incorporated into the Supervisor's job description and performance appraisal, as well as the Section's written operating procedures or work instructions.

Management Response

Partially Agree. We agree that the development of Standard Operating Procedures for updating the Council Action Items Worksheet is necessary. We believe that the existing job description captures the requirement to establish and document procedures and would therefore be captured in the annual performance appraisal process.

Expected completion date: Q3 2021

5. That a standard operating procedure be developed, approved and implemented for the communication of financial errors that exceed a pre-determined threshold, any related corrections/adjustments to Council and to inform other impacted stakeholders.

Management Response

Partially Agree. A standard operating procedure will be established to inform impacted stakeholders of financial errors that exceed a pre-determined threshold. The reporting or informing of financial errors will be conducted as per the Capital Projects' Monitoring Policy and the Budget Control Policy.

Expected completion date: Q1 2022

Reserve Policy – Neonatal Interfacility Transfers		Corporate Services Department
Policy No:	Hamilton	
Page 1 of 2		Approval:

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balance in the Neonatal Interfacility Transfers Reserve.
PURPOSE	To fund the life-cycle replacement, conversion and fit-up of a Paramedic Service ambulance and related equipment which is dedicated to supporting the Ministry of Health's Neonatal Interfacility Transfers program.
SCOPE	This Policy applies to all City employees who manage financial resources.
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> The General Manager of Finance and Corporate Services has the authority to recommend the use of the Neonatal Interfacility Transfers Reserve in accordance with the Provincial funding agreement terms and conditions. <p>The source of funds that are to be transferred to this Reserve include:</p> <ul style="list-style-type: none"> Funds received from the Province specified for the life-cycle replacement, conversion and fit-up of a Paramedic Service ambulance and related equipment which is dedicated to supporting the Ministry of Health's Neonatal Interfacility Transfers programreplacement of a paramedic Annual Council approved operating budget transfer to reserve. Year-end operating budget surplus, subject to final approval of the Tax and Rate Operating Budget Variance Report by Council. Repayment of principal plus interest for any internal borrowings from the reserve as per policies and procedures. Remaining balances in reserves approved for closure. Investment income earned on the reserve's balance as per policies and procedures. One-time unexpected sources of operating revenues. <p>The use of funds from this Reserve is not permitted for any other use in accordance with the Provincial funding agreement.</p>
RESERVE BALANCE TARGET LEVEL	<p>The balance in the reserve has a target level and ceiling as follows:</p> <p>Target Level: \$250,000</p>

Reserve Policy – Neonatal Interfacility Transfers	 Hamilton	Corporate Services Department
Policy No:		
Page 2 of 2		Approval:

	Target Ceiling: \$300,000 (adjusted for the future cost of the life-cycle replacement, conversion and fit-up of a Paramedic Service ambulance and related equipment)
GOVERNING LEGISLATION	This reserve is governed by an agreement between the City of Hamilton Paramedic Services with the Ministry of Health for the Province of Ontario to deliver land inter-facility ambulance transports for critically-ill neonatal and pediatric patients facilitated by the specialized transport team that operates out of the McMaster Children's Hospital (MCH).
RESPONSIBILITY FOR THE POLICY	Corporate Services Department Director of Financial Planning, Administration and Policy
POLICY HISTORY	N/A

Appendix "D" to Item 5 AF&A Report 21-012 Page 1 of 2

Reserve Policy – Community Paramedicine Long-Term Care		Corporate Services Department
Policy No:	Hamilton	
Page 1 of 2		Approval:

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balance in the Community Paramedicine Long-Term Care Reserve.
PURPOSE	To fund the life-cycle replacement, conversion and fit-up of Paramedic Service vehicles and related equipment which is dedicated to supporting the Ministry of Long-Term Care's Community Paramedicine Long-Term Care program.
SCOPE	This Policy applies to all City employees who manage financial resources.
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> The General Manager of Finance and Corporate Services has the authority to recommend the use of the Community Paramedicine Long-Term Care Reserve in accordance with the Provincial funding agreement terms and conditions. <p>The source of funds that are to be transferred to this Reserve include:</p> <ul style="list-style-type: none"> Funds received from the Province specified for life-cycle replacement, conversion and fit-up of Paramedic Service vehicles and related equipment which is dedicated to supporting the Ministry of Long-Term Care's Community Paramedicine Long-Term Care program Annual Council approved operating budget transfer to reserve. Year-end operating budget surplus, subject to final approval of the Tax and Rate Operating Budget Variance Report by Council. Repayment of principal plus interest for any internal borrowings from the reserve as per policies and procedures. Remaining balances in reserves approved for closure. Investment income earned on the reserve's balance as per policies and procedures. One-time unexpected sources of operating revenues. <p>The use of funds from this Reserve is not permitted for any other use in accordance with the Provincial funding agreement.</p>
RESERVE BALANCE TARGET LEVEL	<p>The balance in the reserve has a target level and ceiling as follows:</p> <p>Target Level: \$250,000</p>

Reserve Policy – Community Paramedicine Long-Term Care		Corporate Services Department
Policy No:	Hamilton	
Page 2 of 2		Approval:

	Target Ceiling: \$300,000 (adjusted for the future cost of the life-cycle replacement, conversion and fit-up of Paramedic Service vehicles and related equipment)
GOVERNING LEGISLATION	This reserve is governed by an agreement between the City of Hamilton Paramedic Services with the Ministry of Long-Term Care for the Province of Ontario to support seniors on the provincial long-term care waitlist, or soon to be eligible for long-term care, by providing them with community paramedicine services in their own homes.
RESPONSIBILITY FOR THE POLICY	Corporate Services Department Director of Financial Planning, Administration and Policy
POLICY HISTORY	N/A

Authority: Item 4, Audit, Finance &
Administration Committee Report
21-002 (Governance Review Sub-
Committee Report 21-001)
Date: February 4, 2021

Bill No. 021

CITY OF HAMILTON

BY-LAW NO. 21-021

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

CONSOLIDATION

This By-law is a consolidated version and includes amendments made by those amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

CITY OF HAMILTON
CONSOLIDATED BY-LAW NO. 21-021

Incorporating amendments made by:

By-law Number

21-148

Effective Date

August 13, 2021

CITY OF HAMILTON

BY-LAW NO. 21-021

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

WHEREAS Section 238 of the *Municipal Act, 2001* requires that Council of the City of Hamilton adopt, by By-law, procedures governing the calling, place, and proceedings of meetings; and

WHEREAS, the Council of the City of Hamilton, in adopting Item 4 of Audit, Finance & Administration Committee Report 21-021 on February 24, 2021 recommended that By-laws 18-270, 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184 be repealed and replaced;

NOW THEREFORE, BE IT RESOLVED, the Council of the City of Hamilton enacts as follows:

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SECTION 1 - DEFINITIONS

1.1 In this By-law,

“**Act**” means the *Municipal Act, 2001*.

“**Amend**” means to alter or vary the terms of a main motion without materially changing its purpose, and amendment has a corresponding meaning.

“**Approve**” means to support or endorse the action, report or document.

“**Bill**” means a proposed form of By-law.

“**By-law**” means a Bill, in a form approved by Council, passed for the purpose of giving general effect to a previous decision or proceedings of Council.

“**Chair**” means the member presiding at any meeting of Council or Committee.

“**Challenge**” means to appeal a ruling of the Chair.

“**City**” means the geographical area of the City of Hamilton or the municipal corporation as the context requires.

“**Clerk**” means the City Clerk, or their designate.

“**Closed Meeting**” means a meeting, or part of a meeting, which is closed to the public as permitted by the Act, also referred to as an “in-camera meeting”.

“**Committee**” means a Standing Committee, Sub-Committee, Selection Committee or an Advisory Committee or Task Force established by Council from time to time.

“**Committee of the Whole**” means a Committee comprised of all Members of Council that directly reports to Council.

“**Confirming By-law**” means a by-law to confirm and ratify the actions of Council.

“Consent Items” means those items on an agenda of a Standing Committee; Sub-Committee or Advisory Committee that may be approved by Committee without debate.

“Council” means the City Council.

“Defer” means to delay consideration of a matter by Council or a Committee until a specified time or event.

“Deputy Mayor” means a Member of Council who is appointed for a one month period from amongst members of Council on a rotation basis determined by the Clerk at the beginning of the term of Council:

- (a) to assist the Mayor; and
- (b) to act from time to time in the place of the Mayor, with:
 - (i) all the rights, powers and authority of the Mayor when the Mayor is absent from the City or the office of Mayor is vacant; and
 - (ii) subject to paragraph (i), those rights, powers and authority of the Mayor that:
 1. the Mayor is unable to act for the time being due to illness, incapacity or other reason, including acting in the place of the Mayor at any Council or Committee meeting when the Mayor is absent; or,
 2. the Mayor refuses to act;

“ELE” means Electronic meeting procedures and applies to Virtual and Hybrid meetings and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

“Emergency” means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not.

“Ex-officio” means by virtue of the office or position and the Mayor is an ex officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purposes of the Standing Committee’s quorum as such quorum is set out in subsection 5.4 of this By-law.

“Friendly Amendment” means an amendment made to the motion under debate with the consent of the mover and seconder, and without the requirement for an amending motion to be made.

“Hybrid” means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings.

“INP” means In-Person meeting procedures and applies only when the procedures for In-Person meetings differs from Electronic (ELE) meeting procedures.

“In-Person” means a proceeding where members participate In-Person at Council and Committee meetings.

“Majority” for the purposes of voting, means more than half the total of members of Council or Committee present and not prohibited by statute from voting.

“Mayor” means the Head of the Council and in this By-law means the Deputy Mayor when the Deputy Mayor is acting in place and stead of the Mayor.

“Meeting” means any scheduled, special or other meeting of a Council, local board or of a committee of either of them, where, a quorum of members is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

“Member of Council” is a person who has been elected to City Council.

“Motion” means a proposal by a member for the consideration of Council or a Committee included in the published agenda, that is moved by a member and seconded by another member.

“Notice of Motion” means advanced, written notice, given by a member and received by the Clerk, advising Council or Committee that a Motion will be brought forward at a future Meeting of Council or Committee that may be included in the published agenda or in the addendum.

“Point of Order” means a question raised by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business.

“Point of Privilege” means a matter that affects the credibility, reputation, and dignity of a Member individually or that Council or Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely; a need for assistance, to be excused for illness or a personal emergency.

“Public Hearing” means a Meeting or portion of a Meeting held pursuant to the requirements of a statute, regulation or by-law to hold a public meeting to hear representations on a matter from any person who attends the public meeting.

“Question” means an issue before a meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.

“Quorum” means the number of members required to be present at a meeting to validate the transactions of its business.

“Receive” means to acknowledge the receipt of information and to include it in the official record.

“Recess” means a short intermission in a meeting’s proceedings, which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was stopped.

“Recorded Vote” means a written record of the name and vote of each member of Council or a Committee who votes on a question and of each member present who does not vote.

“Refer” means to send a matter currently under consideration to an individual; a department; a Committee or Council for their consideration.

“Rules of Procedure” means the rules and procedures set out in this By-law, for the calling, place and proceedings of the meetings of Council and its Committees.

“Selection Committee” means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council.

“Senior Leadership Team” means the City Manager and General Managers appointed by Council and anyone designated by the City Manager.

“Standing Committee” means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council, and that reports directly to Council.

“Time Sensitive” means useful for a specific amount of time only or has to be used or completed by a specific time.

“Virtual” means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings.

“Website” means the official City website.

SECTION 2 - APPLICATION

- 2.1** The rules of procedure shall be observed in all IN-PERSON / VIRTUAL / HYBRID proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.
- 2.2** All matters relating to the IN-PERSON / VIRTUAL / HYBRID proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot’s Rules of Order*, Geoffrey H. Stanford, Fourth Edition.

SECTION 3 – COUNCIL MEETINGS

3.1 First Council Meeting

- (1) The First Meeting of Council shall be held on the first Monday of December in an election year at 5:00 p.m.
- (2) The IN-PERSON / VIRTUAL / HYBRID Proceedings of the First Meeting of Council shall include:
 - (a) Ceremonial - special address by guests;
 - (b) Filing of Declarations of Office in accordance with the provisions of the Act;
 - (c) Council appointments to Committees, boards and agencies; and
 - (d) Confirming By-law.

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.
- (2) 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
- (3) Advance notice of meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca .

3.3 Location of Meetings

- (1) IN-PERSON / VIRTUAL / HYBRID Meetings of Council shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

3.4 Special Meetings of Council

- (1) In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.
- (3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 2 days before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 3.4(4), other business may be considered at a special meeting with at least two-thirds of the Members of Council present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.

3.5 Meetings of Council for Emergencies

- (1) Despite any other provisions of this By-law, a meeting of Council for an emergency may be called by the Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members of Council about the meeting as soon as possible and in the most expedient manner available.
- (2) The only business to be dealt with at a meeting of Council for an emergency shall be business dealing directly with the emergency.
- (3) The lack of receipt of a notice of, or an agenda for, a meeting of Council for an emergency by any Member of Council shall not affect the validity of the meeting or any action taken at such meeting.

- (4) The Clerk shall prepare the Order of Business for an emergency meeting of Council with the appropriate selection of agenda categories from subsection 3.11.
- (5) In the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality, and such meetings may be held as IN-PERSON / VIRTUAL / HYBRID meetings, with the details posted on the City's website.

3.6 Cancellation of a Council Meeting

- (1) The Clerk may cancel a Council meeting in consultation with the Mayor or the Deputy Mayor in the Mayor's absence.
- (2) The Clerk shall give each Member of Council, or their designated staff, notice of a cancellation of a meeting of Council at least 2 days prior to the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 3.6(2) shall state the reason for the cancellation of the meeting.
- (4) The Clerk shall ensure that the meeting cancellation information is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

3.7 Quorum

- (1) As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the meeting to order.
- (2) A majority of Members of Council is necessary to constitute a quorum of Council.
 - (2.1) A Member of Council participating in-person or virtually shall be counted in determining whether or not a quorum of Members is present at any point in time.
- (3) If the Mayor does not attend within 15 minutes of the time appointed for a Council meeting and a quorum of Council is present, the Deputy Mayor shall take the chair and call the meeting to order and will preside until the arrival of the Mayor.
- (4) If a quorum is not achieved within 30 minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the

next scheduled Council meeting or other meeting called in accordance with the provisions of this By-law.

- (5) **INP** If Quorum cannot be maintained during an IN-PERSON Council meeting, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained, the decision to continue the meeting will rest with the Mayor or Deputy Mayor. During the absence of quorum, no decisions may be approved.

ELE If Quorum cannot be maintained during a VIRTUAL / HYBRID Council meeting, due to a loss of members' electronic connection, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Council meeting is on the City's website. Where Quorum during a VIRTUAL/HYBRID Council meeting is lost for any other reason the INP procedure shall apply.

3.8 Remedy for Lack of Quorum

Municipal Conflict of Interest Act

Where the number of Members of Council who, by reason of provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that at that meeting the remaining Members of Council are not of sufficient number to constitute a quorum, then, the remaining number of Members of Council shall be deemed to constitute a quorum, provided such number is not less than 2.

3.9 Delegations

Delegations are not permitted at meetings of Council.

3.10 Communication Items

- (1) Communication Items shall be addressed to the Mayor and Members of Council or the City Clerk and shall be presented to Council for consideration.
- (2) Communication Items shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Wednesday of the week prior to the City Council meeting for inclusion in the printed Council Agenda.
- (3) Communication Items not received for inclusion in the Agenda package, shall be introduced under Changes to the Council Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Council meeting.
- (4) Communication Items shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.

- (5) Communication Items shall not contain the Personal Information without their express consent, with the exception of the author's name. Any Personal Information found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- (6) Debate on Council communications shall be limited to the recommended disposition, or limited to reason for or against the referral of the matter to an appropriate Standing Committee.
- (7) Resolutions from other municipalities requesting support will be included on the Council Agenda to be received, unless otherwise directed by a Member of Council.
- (8) Receipt of resolutions from other municipalities by City Council shall not be construed as endorsement by the City of any recommendations or actions contained therein.
- (9) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Council Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
- (10) Communications which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Council agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
- (11) Notwithstanding subsections 3.10(9) and 3.10(10) Council may add any communication item to a Council Agenda.

3.11 Order of Business

- (1) The Order of Business for scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless amended by Council in the course of the meeting, shall be as follows:
 - (a) Approval of Agenda
 - (b) Declarations of Interest
 - (c) Ceremonial Activities
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Committee Reports
 - (g) Motions
 - (h) Notice of Motions

- (i) Statement by Members (non-debatable)
 - (j) Council Communication Updates
 - (k) Private and Confidential
 - (l) By-laws and Confirming By-law
 - (m) Adjournment
- (2) All Ceremonial Activities at Council meetings will take place virtually, during an Emergency.

3.12 Bills and By-laws

- (1) All Bills coming before Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any statute or regulation and shall be complete with the exception of the number and date.
- (2) All Bills coming before Council shall receive one reading, unless otherwise requiring more than one reading, pursuant to a Provincial or Federal statute or regulation.
- (3) Every Bill shall be introduced upon motion by a Member of Council, and any number of Bills may be introduced together in one motion, but Council may at the request of a Member of Council, deal separately with any Bill. If Council deals separately with a Bill:
- (a) all amendments or debate on the content of the Bill shall be held in committee of the whole;
 - (b) Council will move into committee of the whole for discussion on any Bill following a successful verbal motion to go into committee of the whole;
 - (c) all amendments made in committee of the whole shall be reported by the Mayor to Council, which shall receive the same forthwith, and after the report has been received, a vote on the motion to pass the Bill shall be taken;
 - (d) every By-law passed by Council shall be numbered and dated and shall be sealed with the seal of the municipality and signed by the Mayor and Clerk.
- (4) No Bill or By-law may be defeated on the floor of Council without reconsideration of the original motion which gave rise to the consideration of the Bill or By-law.

3.13 Editorial and Other Changes

- (1) The Clerk may make changes to By-laws or resolutions to:
 - (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
 - (c) Replace a description of a date or time with the actual date or time.
 - (d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.
 - (e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.
 - (f) Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.
 - (g) If a provision of a transitional nature is contained in a By-law, make any changes that are required as a result.
 - (h) Make a correction, if it is patent both that an error has been made and what the correction should be.
- (2) The Clerk:
 - (a) may provide notice of the changes made under subsections 3.13(1)(a) to 3.13(1)(c) inclusive in the manner that they consider appropriate.
 - (b) shall provide notice of the changes made under subsections 3.13(1)(d) to 3.13(1)(h) inclusive in the manner that they consider appropriate.
 - (c) in determining whether to provide notice under subsection 3.13(2)(a), shall consider:
 - (i) the nature of the change; and
 - (ii) the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
 - (d) in providing notice under subsection 3.13(2)(a) or 3.13(2)(b), shall state the change or the nature of the change.
- (3) No legal significance shall be inferred from the timing of the exercise of a power under this section.
- (4) Regardless of when a change is made to a By-law under this section, the change may be read into the By-law as of the date it was enacted if it is appropriate to do so.

3.14 Shareholder and Board of Director Meetings

Where Council acts as the Shareholder or the Board of Directors, or both, of a corporation:

- (a) Council shall meet as the Shareholder or the Board of Directors as necessary to complete such business as would normally be completed by the Shareholder or Board of Directors and as required by the corporation's by-laws and resolutions and any laws that govern the corporation; and
- (b) the Mayor and Clerk are authorized, upon approval by Council, to sign any necessary resolutions.

3.15 Conflict of Interest Declarations

- (1) Where a member has disclosed a conflict of interest at a meeting, the member, shall file a written statement with the Clerk.
- (2) Where a member, has disclosed an interest and filed a written statement with the Clerk, as required by subsection 3.15(1), the Clerk, shall:
 - (a) file the written statement by the member in the Conflict of Interest Registry;
 - (b) record the interest in the minutes of the meeting;
 - (c) file a record of the interest recorded in the minutes of the meeting in the Conflict of Interest Registry; and
 - (d) make the Conflict of Interest Registry available for public inspection.

3.16 Provisional Governance Committee During a Declared Emergency

- (1) The Provisional Governance Committee may carry out the duties and responsibilities of the Council only at such times when, to the satisfaction of at least 5 Members of Council attending a properly scheduled meeting of Council, at least 8 Members of Council are not able to attend such meeting due to death, illness or circumstances attributable to an emergency which has been declared by the Mayor or their designate in accordance with the City's Emergency Plan.
- (2) The Provisional Governance Committee shall be comprised of eight Members of Council and shall elect its own Chair from amongst the attending Members.
- (3) The Provisional Governance Committee shall have all the powers and duties that may legally be delegated to the Provisional Governance Committee pursuant to the Act, or any other applicable Provincial or Federal legislation, subject to the following conditions and restrictions:
 - (a) the delegation shall be effective only during the times specified; and
 - (b) the Provisional Governance Committee shall conduct its meetings in accordance with this By-law, providing that the quorum for the constitution of a valid meeting of the Provisional Governance Committee shall be 5 Members of Council.

3.17 Council Communication Updates

- (1) All staff Communication Update documents sent to Council and posted on the website will be published by the Clerk on the Council agenda for receipt into the public record.
- (2) A member may refer any of the items listed within the Council Communication Updates to a Standing Committee by contacting the Clerk and any item so referred shall be placed on the next available agenda of the respective Standing Committee.

SECTION 4 - COMMITTEE OF THE WHOLE

- 4.1** Council may, by resolution:
- (a) move into Committee of the Whole to consider, including debate, Standing Committee Reports; Selection Committee Reports and the Reports of Committees who report directly to Council on the Council meeting agenda; and
 - (b) move out of Committee of the Whole to report to Council.
- 4.2** During the consideration of Reports a member may lift an item from the Information Section with the approval of a majority of the members present, for the matter:
- (a) to be voted upon by Council; or
 - (b) to be debated and/or amended by Council.
- 4.3** An information item that is lifted from a Report and amended, will be given an item number and added to the appropriate section of the Standing Committee Report, Selection Committee Report, or the Report of Committee who reports directly to Council.

SECTION 5 – COMMITTEE MEETINGS

5.1 Standing Committees

The Standing Committees that report directly to Council shall be as follows:

- (a) General Issues Committee
- (b) Board of Health
- (c) Public Works Committee
- (d) Planning Committee
- (e) Emergency & Community Services Committee
- (f) Audit, Finance & Administration Committee

5.2 Appointment of Committee Chairs and Vice Chairs

- (1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice Chair and, where applicable, 2nd Vice Chair for the required term.
 - (a) The term of the Chair, Vice Chair and 2nd Vice Chair shall be for a calendar year, or part of a calendar year in an election year.

- (b) No Member of Council may serve as Chair, Vice Chair or 2nd Vice Chair of the same Standing Committee for more than one year in a Council term.
- (c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors.
- (2) Despite subsection 5.2(1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the Board of Health.
- (3) The Board of Health shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the Board of Health.
- (4) Each Sub-Committee, Advisory Committee and Task Force shall recommend to Council the appointment of a Chair and Vice Chair. The Chair or Vice Chair of a Sub-Committee, Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

5.3 Standing Committee Membership

- (1) General Issues Committee and Board of Health shall be comprised of all Members of Council.
- (2) Public Works Committee shall be comprised of a minimum of 8 Members of Council.
- (3) Planning Committee shall be comprised of a minimum of 7 Members of Council.
- (4) Emergency & Community Services Committee shall be comprised of a minimum of 5 Members of Council.
- (5) Audit, Finance & Administration Committee shall be comprised of a minimum of 7 members of Council.
- (6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the Board of Health and General Issues Committee.
- (7) Membership on Standing Committees shall be for the duration of the term of Council.
- (8) The Mayor is an ex-officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purpose of the Standing Committee's quorum as set out in subsection 5.4.

5.4 Quorum

- (1) The quorum for all Committees shall be a half of the membership rounded up to the nearest whole number.
 - (1.1) A Member of a Committee participating in-person or virtually shall be counted in determining whether or not a quorum of members is present at any point in time.

- (2) As soon as there is a quorum after the time set for the meeting, the Chair shall take the chair and call the meeting to order.
- (3) If the Chair does not attend within 15 minutes of the time appointed for a Committee meeting and a quorum of Committee is present, the Vice Chair shall take the chair and call the meeting to order and will preside until the arrival of the Chair.
- (4) If a quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next scheduled Committee meeting or another meeting may be called in accordance with the provisions of this By-law, except as provided for in 5.4(6) and 5.4(7).
- (5) **INP** If Quorum cannot be maintained during an IN-PERSON Committee meeting, the Clerk will advise the Chair that quorum is lost the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained, the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.

ELE If Quorum cannot be maintained during a VIRTUAL / HYBRID Standing Committee meeting, due to a loss of members' electronic connection, the Clerk will advise the Chair that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Standing Committee meeting is on the City's website. Where Quorum during a VIRTUAL/HYBRID Standing Committee meeting is lost for any other reason the INP procedure shall apply.
- (6) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Chair may decide to proceed informally to hear scheduled presentations. Ratification of any decisions will be postponed to a future meeting.
- (7) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of a Committee, the Chair may allow the Committee to discuss items of interest. Ratification of any decisions will be postponed to a future meeting.

5.5 Location of Meetings

- (1) IN-PERSON / VIRTUAL / HYBRID Standing Committee Meetings shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

5.6 Standing Committee Meeting Times

- (1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:
 - (a)
 - (i) General Issues Committee shall meet at least once per month on a Wednesday commencing at 9:30 a.m.;
 - (ii) Board of Health shall meet at least once per month commencing at 9:30 a.m.;
 - (iii) Public Works Committee shall meet at least once per month commencing at 1:30 p.m.;
 - (iv) Planning Committee shall meet at least once per month on a Tuesday commencing at 9:30 a.m.;
 - (v) Audit, Finance & Administration Committee shall meet at least once per month on a Thursday commencing at 9:30 a.m.;
 - (vi) Emergency & Community Services Committee shall meet at least once per month on a Thursday commencing at 1:30 p.m.;
 - (b) In the event a meeting date, as shown in subsections 5.6(1)(a)(i) to 5.6(1)(a)(vi) falls on a day which is a public or civic holiday, an alternate date and time will be selected;
 - (c) In accordance with the schedule approved by Council.
- (2) In addition to scheduled Standing Committee meetings, a special meeting of a Standing Committee may be scheduled when required, at the call of the Chair, at locations and times to permit convenient access for members of the public most affected by such a matter with at least 2 days notice, delivering notice in accordance with subsections 5.17(3) and 5.17(4).
- (3) Advance notice of Committee meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

5.7 Cancellation of a Committee Meeting

- (1) The Clerk may cancel a Committee meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The Clerk shall give each Member of the Committee, or their designated staff, notice of a cancellation of a Committee meeting at least 2 days prior to the time appointed for such meeting by:
 - (a) delivering a written notice personally;

- (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.7(2) shall state the reason for the cancellation of the meeting.
- (4) The Clerk shall ensure that the meeting cancellation information is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

5.8 Committee Reports

- (1) Each Standing Committee, the Selection Committee, and other Committees that report directly to Council shall make recommendations to Council.
- (2) A minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review. Every effort will be made for Standing Committee and/or Selection Committee Reports to be released at an earlier date.
- (3) Despite subsection 5.8(2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

5.9 Rules of Procedure

- (1) No member of Council shall speak more than once, until every member of a Standing Committee, followed by every Member of Council who is not a member of the Standing Committee, has spoken, and then only to provide information or seek clarification from the Chair, other Members of Council or staff.
- (2) A Member of Council may place an item on a future agenda of a Standing Committee meeting by delivering a Notice of Motion as set out in subsection 6.3(1) to the Chair of the Standing Committee and to the Committee Legislative Coordinator.
- (3) A Member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate, provided that the Member of Council shall:
- (a) not be counted for quorum purposes, and;
 - (b) not move any motion or vote on any matter.

5.10 Duties of Standing Committees

The duties of the Standing Committees shall be as set out in Appendices A to F inclusive.

5.11 Order of Business

- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
 - (a) Ceremonial Activities
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Delegation Requests
 - (g) Consent Items
 - (h) Staff Presentations
 - (i) Public Hearings/ Delegations
 - (j) Discussion Items
 - (k) Motions
 - (l) Notice of Motions
 - (m) General Information/Other Business
 - (n) Private and Confidential
 - (o) Adjournment
- (2) The Clerk may prepare the Order of Business for the scheduled meetings of Committees with slight adjustments to the general Order of Business when deemed necessary.
- (3) All Ceremonial Activities at Committee meetings will take place virtually, during an Emergency.

5.12 Delegations

- (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person or virtually to address a Committee
- ELE** Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee
 - (a) Persons wishing to delegate on a matter that is not listed on a Committee agenda, shall make a request in writing to the Clerk and the Clerk shall list the delegation request on the respective Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Committee's Report.
 - (b) Persons wishing to delegate on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as a delegation to the

Clerk no later than 12:00 noon the business day before the meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday before.

- (c) Persons wishing to delegate with a pre-recorded video on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as delegate to the Clerk no later than 12:00 noon two business days before the meeting. If the Committee is meeting on Monday, the deadline will be 12:00 noon on the Thursday before.
 - (d) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).
- (2) A request to attend IN-PERSON or VIRTUALLY as a delegation shall include the person's name, reason(s) for the delegation, and if applicable the name, address and telephone number of any person, corporations or organizations which they represent.
 - (3) Upon receipt of a request to attend IN-PERSON or VIRTUALLY as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Committee and the decision whether or not to entertain the delegation will be made by the Committee.
 - (4) When a person is listed as a delegation on a Committee agenda and such person, without notification to the Clerk, does not attend said meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections 5.12(1) and 5.12(2).
 - (5) An IN-PERSON or VIRTUAL delegation or a delegate with a pre-recorded video of one or more persons, shall be limited to an oral presentation of not more than five minutes.
 - (6) Notwithstanding subsection 5.12(5), an extension of a specific allotment of time to the five-minute restriction may be granted with the approval of a majority of the members of the Committee present.
 - (7) Delegations are encouraged to provide a written brief of their presentation to the Clerk, at least 5 days in advance, which will be provided to the members of the Committee and become part of the public record.
 - (8) An IN-PERSON or VIRTUAL delegation may provide additional written material regarding the subject matter, for the public record, by providing a copy of such written material to the Clerk at least 5 days in advance of the meeting.
 - (9) Except as required by by-law, any IN-PERSON or VIRTUAL delegations who have previously appeared before a particular Committee on a subject matter shall be limited to providing only new information in their second and subsequent appearances at that Committee.

- (10) Notwithstanding subsection 5.12(9), a Committee member may add the delegation on a Committee Agenda.
- (11) Delegates appearing IN-PERSON or VIRTUALLY will adhere to Section 8, Order and Decorum of this by-law.
- (12) Members of Committees can ask questions of the delegations for clarification purposes only and not for debate.

5.13 Public Hearings at Standing Committees

- (1) Public Hearings shall be held at Standing Committee meetings.
- (2) Advertising or notice of a Public Hearing shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.
- (3) Public Hearings shall commence with:
 - (a) an introduction of the subject matter by the Chair or by staff;
 - (b) the staff presentation, if any and if not waived by the members of the Standing Committee; and
 - (c) **INP** The signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).
 - ELE** Presentations by delegations who have registered to attend VIRTUALLY, will be heard.
- (4) Persons who wish to appear as a delegation IN-PERSON or VIRTUALLY to address Standing Committee on a matter that is the subject of a Public Hearing may make a delegation in accordance with section 5.12.
- (5) **INP** Notwithstanding subsection 5.13(4), Standing Committee shall hear oral representations from any person in attendance at a Public Hearing, whether or not a request was made in advance.
 - ELE** Notwithstanding subsection 5.13(4), Standing Committee shall only hear oral representations from persons who have registered to attend VIRTUALLY.
- (6) IN-PERSON or VIRTUAL delegations made at a Public Hearing shall be limited to an oral presentation of not more than five minutes.
- (7) Where a delegation wishes to provide written material to become part of the public record to the members of the Standing Committee at a Public Hearing, the delegation shall:
 - (a) comply with subsection 5.12(8); or

- (b) if after the deadline, provide a copy of the written material to the Clerk at the IN-PERSON meeting for distribution after the meeting; or
- (c) if after the deadline, provide a copy of the written material to the Clerk via email at a VIRTUAL / HYBRID meeting for distribution after the meeting.

5.14 Communication Items

- (1) Communication Items shall be addressed to the Chair and Members of Committee or the City Clerk and shall be presented to the Standing Committee for consideration if the matter is being considered at the Standing Committee meeting.
- (2) Communication Items shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Monday two weeks prior to the Standing Committee meeting for inclusion in the printed Standing Committee Agenda.
- (3) When the date described in subsection 5.14(2) is a public or civic holiday, the communication item shall be forwarded to the Office of the City Clerk no later than 12 Noon on the last business day prior to the date as set out in subsection 5.14(2), for inclusion in the printed Standing Committee Agenda.
- (4) Communication Items not received for inclusion in the Standing Committee Agenda package, shall be introduced under Changes to the Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Standing Committee meeting.
- (5) Communication Items shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.
- (6) Communication Items shall not contain the Personal Information without their express consent, with the exception of the author's name. Any Personal Information found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- (7) Communication Items that are relevant to a matter that appears on the Standing Committee Agenda, will be received and referred to the consideration of that matter.
- (8) Communication Items received after the prescribed deadline as set out in subsection 5.14(4) will be included on the Council Agenda, to be received and referred to the consideration of that matter within the Standing Committee Report.
- (9) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Standing Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.

- (10) Communications which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
- (11) Notwithstanding subsections 5.14(9) and 5.14(10) a Standing Committee member may add any communication item to a Standing Committee Agenda.

5.15 Reconsideration of a Matter Decided Within a Standing Committee Meeting

- (1) At any Standing Committee Meeting, after a matter has been decided by the Standing Committee, including both successful or failed motions, a Member of the Standing Committee who voted in the majority, may present a Motion to reconsider the matter prior to the adjournment of the meeting. The Chair may ask the Member of the Standing Committee to confirm that they voted with the majority on the issue in question.
- (2) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Standing Committee members present.
- (3) No motion to reconsider may, itself, be the subject of a motion to reconsider.
- (4) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.
- (5) The following motions cannot be reconsidered:
 - (a) to adjourn;
 - (b) to recess; and
 - (c) to suspend the rules of procedure.

5.16 Conflict of Interest Declarations

- (1) Where a member has disclosed a conflict of interest at a meeting, the member shall file a written statement with the Clerk.
- (2) The Clerk shall establish and maintain a registry in which shall be kept,
 - (a) a copy of each statement filed under section 5.16(1); and
 - (b) a copy of each declaration recorded in the minutes of the meeting.
- (3) The Clerk shall make the Conflict of Interest Registry available for public inspection.

5.17 Special Meetings of a Standing Committee

- (1) In addition to scheduled Standing Committee meetings, the Mayor or the Standing Committee Chair may, at any time, summon a special meeting of a Standing Committee by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.

- (2) The Clerk shall summon a special meeting of a Standing Committee when requested to do so in writing by a majority of Members of the Standing Committee.
- (3) The Clerk shall give each Member of the Standing Committee or their designated staff, notice of a special meeting of a Standing Committee at least 2 days before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (4) The written notice to be given under subsection 5.17(3) shall state the nature of the business to be considered at the special meeting of a Standing Committee and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 5.17(4), other business may be considered at a special meeting with at least two-thirds of the Standing Committee members present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of a Standing Committee with the appropriate selection of agenda categories from subsection 5.11.

5.18 Change to a Scheduled Committee Meeting

- (1) The Clerk may change the time or location of a Committee meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The Clerk shall give each Member of the Committee, or their designated staff, notice of the change to the Committee meeting at least 2 days prior to the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.18(2) shall state the reason for the change to the meeting.
- (4) The Clerk shall ensure that the change to the Committee meeting is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

AND MOTION PROCEDURES

6.1 Rules of Debate

- (1) No Member of Council shall be deemed to have precedence or seniority over any other Member of Council.
- (2) Before speaking to a question or motion, a Member of Council shall be recognized by the Mayor or the Chair and be placed on the speakers' list.
- (3) When a Member of Council is speaking, no other Member of Council shall pass between that Member of Council and the Mayor or the Chair or interrupt that Member of Council except to raise a point of order or privilege.
- (4) A Member of Council may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member of Council who is speaking.
- (5) A Member of Council may not speak on any matter other than the matter being debated.
- (6) All Members of Council are restricted to a five minute time limit when asking a question and/or making a statement during Council and Committee meetings.
- (7) Notwithstanding subsection 6.1(6), an extension of a specific allotment of time to the five minute speaking restriction may be granted with the approval of a majority of the members of the Council or Committee present.
- (8) The following matters may be introduced orally without written notice and without leave:
 - (a) a point of order
 - (b) a point of privilege
 - (c) a motion to adjourn
 - (d) a motion to call the question
 - (e) a motion to go into committee of the whole
 - (f) a motion to recess
 - (g) a motion to refer
 - (h) a motion to defer
 - (i) a motion to go into a closed meeting
 - (j) a motion to suspend the rules of procedure
 - (k) a motion to lift
- (9) **Relinquishing the Chair**

The Mayor or the Chair may designate another Member as acting Chair during any part of a meeting and while presiding, such Member shall have all the powers of the Mayor or the Chair with respect to chairing the meeting.

6.2 Voting Procedures

- (1) Once a motion is moved and seconded it shall be deemed to be in the possession of Council or Committee.
- (2) Where a Member of Council present at a meeting of Council or Committee is prohibited from voting by statute, the Clerk shall record the name of the Member of Council and the reason that they are prohibited from voting.
- (3) **INP** When an electronic voting system is available at an IN-PERSON meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically excluding those motions referred to in (i) and (ii) below which shall be by show of hands:
 - (i) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
 - (ii) Consent Items.
- ELE** When an electronic voting system is available at a VIRTUAL / HYBRID meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically.
- (4) When an electronic voting system is available for a vote, the results will be displayed and recorded in the proceedings.
- (5) When an electronic voting system is not available every Member of Council or Committee present shall vote by a show of hands.
- (6) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error immediately following and prior to the taking of another vote, the vote will be considered void and a new electronic vote will be retaken immediately.
- (7) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error following the taking of another vote, the member's request will be considered through a vote to reconsider the matter:
 - (i) If a two-thirds majority vote to reconsider is decided in the affirmative, the electronic vote will be retaken immediately;
 - (ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.
- (8) When a vote is taken and a tie results, a question is deemed to be lost.
- (9) **INP** When a Member of Council at an IN-PERSON meeting of Council or Committee does not disclose a pecuniary interest, and does not vote on a Motion, the member will be deemed as having voted in the negative and when an electronic voting system is in use the recusal will be displayed and noted in the proceedings.

- ELE** When a Member of Council at a VIRTUAL / HYBRID meeting of Council or Committee does not disclose a pecuniary interest, and does not vote electronically on a Motion, the Mayor/Chair will call on the member to vote 3 (three) times, if the member doesn't respond the member will be noted as being 'Not Present' during the vote.
- (10) When an electronic voting system is not available and a recorded vote is requested by a Member of Council or Committee immediately before or after a question is put, the Clerk shall record the name and vote of every Member of Council or Committee on the question.
 - (11) When the Mayor or the Chair calls for a vote on a question, each Member of Council or Committee shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Mayor or the Chair, and during such time no Member of Council or Committee shall walk across the room or speak to any other Member of Council or Committee or make any noise or disturbance.
 - (12) After a question is put by the Mayor or the Chair, no Member of Council or Committee shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
 - (13) No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect, except where permitted by statute.
 - (14) Despite subsection 6.2(13), a meeting may be closed to the public during a vote if:
 - (a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 9 (Meetings Closed to the Public) of this By-law; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.
 - (15) The Mayor or the Chair shall, upon request of a Member of Council or Committee, divide a question, if the question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.
 - (16) If a Member of Council or Committee disagrees with the announcement of the Mayor or the Chair that a question is Carried or Lost on a vote by show of hands, they may immediately after the declaration by the Mayor or the Chair, object to the Mayor's or the Chair's declaration and require that a recorded vote be taken.
 - (17) Members of Council who are appointed as representatives of an Advisory Committee, do not have voting rights while attending an Advisory Committee meeting.

6.3 Motion Procedures

(1) **Notice of Motion**

- (a) Notice of all new motions, except motions listed in subsection 6.1(8) shall be given in writing:
- (i) at a meeting of Council or Committee, but shall not be debated until the next meeting of Council or Committee; or
 - (ii) delivered to the Clerk at any time before noon on the last business day preceding the date of the meeting at which the notice of motion is to be introduced.
- (b) Where a Member of Council's or Committee's motion has been called by the Mayor or the Chair at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council or Committee decides otherwise.
- (c) Where Council or Committee has determined not to drop a motion from the agenda, and at the second meeting such motion is called by the Mayor or the Chair and not proceeded with, it shall be deemed to have been withdrawn.

(2) **Dispensing with Notice**

Where a matter is time sensitive or is an emergency, the Motion may be introduced without notice if Council or Committee, without debate, dispenses with notice on the affirmative vote of two-thirds of the Members of Council or Committee present and voting.

(3) **Motion to Withdraw**

After a motion is moved and seconded it shall be deemed to be in possession of Council or Committee and may be withdrawn by the mover at any time before decision or amendment.

(4) **Motion to Amend**

- (a) A motion to amend:
- (i) shall be presented in writing, duly moved and seconded;
 - (ii) shall be made only to a previous question or to amend an amendment to the question;
 - (iii) shall be relevant to the question to be decided; shall not be received if, in essence it constitutes a rejection of the main question;
 - (iv) shall be put to a vote in the reverse order to that which it is moved.
- (b) If the amendment is not considered a "Friendly Amendment", then the motion to amend:

- (i) If more than one, will be put to a vote in the reverse order to that in which they were moved;
- (ii) Will be decided upon or withdrawn before the main motion is put to the vote;
- (iii) Will not be amended more than once, provided that further amendments may be made to the main motion; and,
- (iv) Will not be directly contrary to the main motion.

(5) Motion to Defer

A motion to defer a question:

- (a) is debatable; and
- (b) shall include the date when the question is to be considered.

(6) Motion to Refer

- (a) A motion to refer the question:
 - (i) shall include the name of the individual or body to whom the question is to be referred;
 - (ii) may include instructions respecting the terms upon which the question is to be referred;
- (b) A motion to refer a question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A motion to refer a question may be amended in accordance with subsection 6.3(4).
- (d) When a motion to refer a question to Council is defeated by a Standing Committee, the Chair of the Standing Committee shall call the question on the matter.
- (e) A member who has spoken to the motion under debate shall not be permitted to move a motion to refer a question.
- (f) A motion to refer a question is only in order after all first time speakers have been heard.

(7) Motion to Adjourn

A motion to adjourn a Council or Committee meeting shall always be in order except:

- (a) when a Member of Council or Committee is speaking or during the taking of a vote;
- (b) immediately following the affirmative resolution of a motion that a vote on the question now be taken;
- (c) when a Member of Council or Committee has already indicated to the Mayor or the Chair, that they desire to speak on the question;

- (d) when decided in the negative, cannot be made again until Council or Committee has conducted further proceedings.

(8) Motion to Call the Question

A motion to call the question shall be in order except when a Member of Council or Committee is speaking or before the first-time speakers' list is exhausted.

(9) Motion to Reconsider a Matter Decided by Council

- (a) At any Council Meeting, after a matter has been decided by Council, including both successful or failed motions, a Member of Council who voted in the majority, may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of Council to confirm that they voted with the majority on the issue in question. Such Notice of Motion shall be referred to the next scheduled meeting of Council and shall be included on the agenda under "Motions".
- (b) No decided matter shall be reconsidered more than once during the term of Council.
- (c) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.
- (d) It is not in order to reconsider a decided matter when the motion has been implemented, resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.
- (e) No motion to reconsider may, itself, be the subject of a motion to reconsider.
- (f) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.
- (g) The following motions cannot be reconsidered:
 - (i) to adjourn;
 - (ii) to recess; and
 - (iii) to suspend the rules of procedure.
- (h) Subsections 6.3(9)(a) to (f) do not apply when:
 - (i) a motion pertains to a decision of a previous Council;
 - (ii) a motion that, while pertaining to a previously decided motion, does not alter the core purpose or intent of the previously decided motion;
 - (iii) a motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or
 - (iv) a motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

(10) Order of Procedural Motions

The following motions are procedurally in order in the following sequence:

- (a) to adjourn;
- (b) to recess;
- (c) to request information;
- (d) to call the question;
- (e) to defer;
- (f) to refer;
- (g) to amend.

(11) Non-Debatable Motions

The following motions/actions are not debatable:

- (a) a motion to adjourn;
- (b) a motion to refer (except where instructions are included, in which case, only the instructions shall be debatable);
- (c) a motion to suspend the rules of procedure;
- (d) a point of order; and
- (e) a point of privilege.

(12) Motion to Suspend the Rules of Procedure

The rules governing the procedure of the Council or Committee at Council or Committee meetings may be suspended and shall require the approval of at least two-thirds of members present.

(13) Motions Beyond Jurisdiction of Council

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

SECTION 7 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES

- 7.1** Council may from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters requiring immediate or long term attention.
- 7.2** When Council approves of the formation of the Advisory Committee or Task Force the procedures as outlined in Appendix H shall be followed.
- 7.3** When an Advisory Committee or Task Force has completed its mandate, the Standing Committee to which the Advisory Committee or Task Force reports shall dissolve it by motion.

SECTION 8 - ORDER AND DECORUM

- 8.1** No Person in attendance IN-PERSON or VIRTUALLY at a Council or Committee meeting shall:

- (a) be disrespectful or disrupt the Meeting in any manner;
 - (b) bring food or beverages, water excepted, into the Council Chamber when an IN-PERSON meeting is being held;
 - (c) address remarks to anyone but the Chair;
 - (d) interrupt a person who has the floor;
 - (e) applaud participants in debate.
- 8.2** Should a person persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or a Chair of a Committee, the Mayor or a Chair of a Committee may expel that person and may request the assistance of security and/or Police in doing so.
- 8.3** Notwithstanding subsection 8.2, in the event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the meeting, they shall be removed from the meeting, without warning.
- 8.4** Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held:
- (i) If the Member of Council apologizes, they may, by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question), be permitted to remain at the meeting; and
 - (ii) Any Member of Council other than the member ordered to vacate the place the meeting is being held may appeal the Mayor's or Chair's ruling, and Council or Committee may overturn the Chair's ruling by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question). An appeal is not in order once a vote under section 8.4 (i) has taken place.
 - (iii) exclusions from voting provided for in subsections 8.4(i) and (ii) shall apply notwithstanding any other provisions in the By-law that require a member of Council or Committee to vote.
- 8.5** No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk, shall:
- (a) be allowed on the floor while an IN-PERSON / HYBRID meeting is being held, namely where members of Council or Committee, the Clerk, and officials authorized by the Clerk are seated and from which they speak;
 - (b) before or during an IN-PERSON / HYBRID meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.
- 8.6** Signs or placards are permitted at Council and Committee Meetings, provided:

- (a) they do not contain disrespectful or offensive language;
- (b) they do not disrupt the Meeting;
- (c) they do not disrupt an attendee's ability to view the proceedings; and
- (d) they do not contain solid handles or hard backings.

8.7 Electronic devices at IN-PERSON / VIRTUAL / HYBRID meetings:

- (a) Every person shall have all electronic devices, including but not limited to phone, computers, and similar electronic devices, etc. switched to a non-audible function during Council and Committee meetings.
- (b) The use of electronic devices at IN-PERSON / VIRTUAL / HYBRID Closed Meetings is strictly prohibited.
- (c) Staff from the Office of the City Clerk are exempted from subsection 8.7(b) when using electronic devices for record-keeping purposes.

SECTION 9 – MEETINGS CLOSED TO THE PUBLIC

For the purposes of this section, "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.

9.1 No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:

- (a) the security of the property of the City or a local board;
- (b) personal matters about an identifiable individual, including City or a local board employees;
- (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which Council or a Committee may hold a closed meeting under an Act other than the *Municipal Act, 2001*;
- (h) information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.

- 9.2** A meeting of Council shall be closed to the public if the subject matter relates to the consideration of:
- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council is designated as head of the institution for the purposes of that Act; and
 - (b) an ongoing investigation respecting the City or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.
- 9.3** A meeting of Council or a Committee may be closed to the public if:
- (a) it is held for the purposes of educating or training Council members; and
 - (b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.
- 9.4** Before holding a meeting or part of a meeting that is to be closed to the public, a Council or Committee shall:
- (a) state specifically by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;
 - (b) state specifically that members of the public will be invited to return to hear any further deliberations when Council or Committee reconvenes in Open Session, indicated by the removal of the frosting on the windows and the elimination of the white noise; and
 - (c) Council or Committee will, in the event they are in Closed Session for more than 30 minutes, wait up to 5 minutes upon reconvening in Open Session before proceeding with the meeting, to provide members of the public and the media time to return to the meeting room.
- 9.5** A member of Council, of a Local Board or of a Committee of either of them can participate virtually in a meeting that is closed to the public.

SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

- 10.1** Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings when attending in-person is not possible.
- 10.2** Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings when attending in-person is not possible.
- 10.3** Virtual participation, that is consistent with the obligation to hold public meetings in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, or at a Standing Committee of Council is permitted by members of the public at Committee meetings.
- 10.4** Members of Council and Citizen Committee members who intend on participating at a meeting virtually should advise the Clerk at least 2 days prior to the meeting.

- 10.5** The Mayor, Deputy Mayor, Chair or Vice Chair presiding at a Council or Committee meeting shall attend in-person at a HYBRID meeting.

SECTION 11 – IN-PERSON / VIRTUAL / HYBRID MEETINGS

- 11.1** All VIRTUAL Council and Committee meetings shall be streamed live.
- 11.2** All IN-PERSON / HYBRID Council and Committee meetings may be streamed live.
- 11.3** Upon being apprised that an IN-PERSON / HYBRID meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will continue as long as quorum is maintained and the connection will be resumed as soon as possible.
- 11.4** Upon being apprised that a VIRTUAL meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.
- 11.5** If the live feed of a VIRTUAL meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned with the names of the Council/Committee members present and any decisions of Council/Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting. The Council/Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.

SECTION 12 - ROLE OF CLERK

- 12.1** The Clerk shall make the agendas of Council and Committee meetings available to members of Council and Senior Leadership Team electronically at least 5 days prior to the scheduled meetings.
- 12.2** The Clerk shall make the agendas of Council and Committee meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 12.1 on the City's website.
- 12.3** The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.
- 12.4** The Clerk shall submit for confirmation the minutes of the previous Council or Committee meeting. Upon approval of the majority of the members of Council or Committee, the Mayor or Chair and Clerk shall sign the minutes as confirmed or as amended.
- 12.5** The Clerk shall advise the Mayor or Chair, if in their opinion, a matter or portion of a matter being discussed in a meeting that is closed to the public is not procedurally appropriate in accordance with section 239 of the Act and section 9 of this By-law.
- 12.6** The Mayor or Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Mayor or Chair will announce their ruling.

- 12.7** The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council or Committee. The Clerk shall take a vote of the challenge for Members of Council or Committee in favour or opposed to the ruling. The ruling fails when there is a two-thirds majority vote in favour of the challenge.

SECTION 13 – GENERAL

- 13.1** This By-law shall not be amended or repealed except by a majority vote of all Members of Council.
- 13.2** General guidelines describing the respective roles and responsibilities of Council, the Mayor and the Chair of a Committee are set out in Appendix G to this By-law.
- 13.3** This By-law comes into force on the date on which it is passed.
- 13.4** The short title of this By-law is the Procedural By-law or the Council Procedural By-law.
- 13.5** By-law Nos. 18-270, 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184, governing and amending the rules and procedures of Council of the City of Hamilton are repealed.

PASSED this 24th day of February, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

GENERAL ISSUES COMMITTEE

COMPOSITION

The General Issues Committee shall be comprised of all 16 members of Council.

MANDATE

General:

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

- Council Strategic Plan
- Corporate Strategic Plan
- Municipal Benchmarking Network Canada (MBNC)
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- Growth Related Integrated Development Strategy (GRIDS)
- Vision 20/20
- Upper Levels of Government Funding Matters
- Department Work Programs: Planning and Economic Development
- Legal Services – all matters having definite litigation
- Human Resources – labour negotiations
- Departmental Organizational Structure Changes
- Boards and Agencies
- Hamilton Utilities Corporation
- Climate Change
- any and all other matters which Council chooses to refer to the General Issues Committee for consideration

Specific duties shall include:

- To review and monitor the City's and Council's Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies
- To consider and recommend to Council on matters relating to Business Development, the Small Business Enterprise Centre, Incentive Loans/Grants programs and approvals, BIA initiatives, the Hamilton Incubator of Technology and Tourism
- To consider and recommend to Council on matters relating to GRIDS
- To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters
- To receive information on labour negotiations and provide direction to the Director of Labour Relations

Appendix A

- To consider and make recommendations to Council on matters regarding Boards and Agencies
- To Meet as Shareholders and/or Board of Directors of a corporation when required.
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix B**BOARD OF HEALTH****COMPOSITION**

The Board of Health shall be comprised of all 16 members of Council.

MANDATE*General:*

To ensure the City of Hamilton meets or exceeds its obligations as a Board of Health under the *Health Protection and Promotion Act*, and in all matters relating to Public Health in order to promote well-being and create opportunities to enhance the quality of life in our community.

Specific duties shall include:

- To consider and recommend to Council on policy matters and emerging issues related to Public Health
- To provide advice and guidance to the Public Health Services including input to Strategic Planning initiatives to ensure alignment with Council's Mission, Vision, Values and Goals
- To receive delegations from the public and conduct public hearings as required by statute and Council
- To consider and recommend to Council the overall service levels in relation to the delivery of Public Health programs
- To consider and recommend to Council policies governing service delivery of the Public Health Services
- To consider and monitor program implementation and performance through staff reports
- To consider the public health needs of the community and recommend advocacy by Council to address these needs
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

Appendix C**PUBLIC WORKS COMMITTEE****COMPOSITION**

The Public Works Committee shall be comprised of a minimum of 8 Members of Council, plus the Mayor as ex-officio.

MANDATE*General:*

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

- Water & Wastewater (Collection/Distribution, Treatment, and Compliance)
- Waste Management (Solid Waste Planning, Collection, and Disposal)
- Operations & Maintenance (Roads, Traffic, Forestry & Beautification, Parks & Cemeteries, and Trails)
- Transit (Operations and Transit Fleet, Accessible Transportation Services (ATS))
- Fleet and Facilities (Central Fleet, Corporate Buildings, Energy Office)
- Capital Planning and Implementation (Strategic and Environmental Planning, Asset Management, Design and Construction, Open Space Planning)
- Major road construction projects

Specific duties shall include:

- To consider and recommend to Council, Service Programs and Service Levels for all direct and indirect services provided by the Department (i.e. business plans, management plans, operating plans, and other relevant plans)
- To consider and recommend to Council, Policies, By-laws, and procedures governing service delivery implemented by the Department
- To consider and recommend to Council, Asset Management Plans and Forecasts for all infrastructure managed by the Department
- To consider and monitor program implementation and performance through staff reports and make recommendations to Council respecting program management initiatives (i.e. continuous improvement, budget performance, revenue generation and other relevant issues)
- To consider and recommend to Council, procurement in accordance with corporate policies
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Public Works Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

PLANNING COMMITTEE

COMPOSITION

The Planning Committee shall be comprised of a minimum of 9 Members of Council, plus the Mayor as ex-officio.

MANDATE

General:

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

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

Specific duties shall include:

To consider and recommend to Council on:

- the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws
- all matters related to the *Planning Act*, the *Ontario Heritage Act*, the *Municipal Act, 2001*, the *Niagara Escarpment Act* and other applicable legislation regarding planning, development engineering, by-law enforcement and licensing and downtown planning issues
- the City's Official Plan and Zoning By-laws and amendments thereto, pursuant to the *Planning Act*, and to conduct such related public meetings as may be required
- applications for subdivision and condominium approval pursuant to the *Planning Act* and *Condominium Act*, as applicable
- matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
- matters relating to Parking Operations and Enforcement
- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Local Planning Appeal Tribunal (LPAT) Hearings to consider the appeal of Committee of Adjustment decisions
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Planning Committee
- To receive delegations for the public and conduct public hearings as required by statute and Council, specific to the mandate of this committee on matters under the Standing Committee
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

Appendix E**EMERGENCY & COMMUNITY SERVICES COMMITTEE****COMPOSITION**

The Emergency & Community Services Committee shall be comprised of a minimum of 5 members of Council, plus the Mayor as ex-officio.

MANDATE*General:*

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

- Children's Services
- Ontario Works
- Neighbourhood Development
- Housing Services
- Lodges: Macassa Lodge and Wentworth Lodge
- Recreation
- Fire Services
- Paramedic Services
- Advisory Committees that report to the Emergency & Community Services Committee

Specific duties shall include:

To consider and recommend to Council on:

- service levels for all direct and indirect services provided by the Department
- policies governing service delivery implemented by the Department
- procurement in accordance with corporate policies
- plans for community facility infrastructure
- the delivery of protective services including fire operations, fire prevention, corporate emergency management, and corporate radio communications
- the delivery of emergency medical (paramedic) services
- To consider and monitor program implementation and performance through staff reports
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Emergency & Community Services Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

AUDIT, FINANCE & ADMINISTRATION COMMITTEE

COMPOSITION

The Audit, Finance & Administration Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

MANDATE

General:

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

- Internal/external audits;
- Oversight of internal control, financial reporting;
- Human Resources – programs and services;
- Programs related to Financial Planning and Policy, Treasury Services, Customer Service, Information Technology, Legislative Services, Records Management, Legal Services, Procurement and Risk Management Access & Equity; and
- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997*

Specific duties shall include:

To consider and make recommendations to Council on:

- matters of policy respecting human resources, including health and safety, union/management relations, organizational planning and development and compensation administration
- matters of policy involving communications issues
- matters of policy and oversight involving financial management, investment, reserves, debt, procurement and risk management
- matters of policy involving general policies and procedures and administrative By-laws
- all audit matters, including promoting an appropriate environment for the management of public funds and the economy, efficiency and effectiveness of operations and a high level of accountability. Ensure compliance with laws, regulations, policies and support high standard of ethical conduct
- matters of policy and direction related to Access and Equity, including the annual corporate accessibility plan
- To act as liaison to the Access & Equity volunteer advisory committees (with the exception of the Advisory Committee for Persons with Disabilities reporting to the General Issues Committee)
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Audit, Finance & Administration Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Schedule F1 – Office of the City Auditor Charter
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

Schedule F1 to Appendix F**CITY OF HAMILTON
OFFICE OF THE CITY AUDITOR CHARTER****INTRODUCTION**

The Office of the City Auditor provides independent, objective audit assurance and consulting services designed to add value and improve the City of Hamilton's operations. The Office of the City Auditor (OCA) brings a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.

In the capacity of Auditor General, the City Auditor assists City Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in City operations.

SCOPE

The Office of the City Auditor completes the following types of work:

- Compliance Auditing
- Value for Money Auditing
- Special Investigations (Fraud and Waste, Whistleblower)
- Risk assessments
- Consulting

The first three activities are conducted by the Office in its capacity as Auditor General.

Audit Assurance and Special Investigations

Audit and Assurance work includes the examination and evaluation of the adequacy and effectiveness of the City's governance, risk management process, systems of internal control and the quality of performance in carrying out assigned responsibilities to achieve the organization's goals and objectives. This includes both compliance and value for money audits. The City's processes should function in a manner that ensures:

- Risks are appropriately identified and managed.
- Significant financial, managerial, and operating information is accurate, reliable and timely.
- Actions are in compliance with policies, standards, procedures, and applicable laws and regulations.
- Resources are acquired economically, used efficiently and are adequately protected.
- Programs, plans and objectives are achieved.
- Significant legislative and regulatory issues impacting the City are recognized and addressed properly.

Schedule F1 to Appendix F

- Quality and continuous improvement are fostered in the organization's internal control processes.

In addition to audits, special investigations may be undertaken by the OCA pursuant to Council having given that authority under the Whistleblower By-law (19-181) and the City of Hamilton's Fraud Policy and Protocol. These include reviews or investigations of matters of alleged or suspected wrongdoing, per the Whistleblower By-law or fraud, waste or other similar activities reported by employees or residents through the Fraud and Waste Hotline or other mechanisms.

The City Auditor has been appointed by By-law 19-180 (City Auditor By-law) as an Auditor General under Section 223.19 of the *Municipal Act, 2001*, with the responsibilities, including the powers, duties and protections, under Sections 223.19 to 223.23 of the *Municipal Act, 2001*. These responsibilities apply to the extent authorized by these sections of the *Municipal Act, 2001*. The powers and protections provided to the City Auditor (by appointment as an Auditor General) strengthens the position of independence and institutional authority of the City Auditor while providing information to Council for its oversight role.

Consulting and Risk Assessment

In addition to audit engagements, the Office of the City Auditor provides advisory or other consulting services, as planned, or at the request of Council or senior management. These types of services may include:

- Risk assessments and related workshops;
- Performing research;
- Providing education/training on audit related topics such as risk management, fraud awareness, performance measurement and internal controls;
- Performing Lessons Learned/Opportunities Assessments on project/program implementations that have experienced difficulties or challenges; and
- Providing counsel or advice (e.g. on the adequacy of draft procedures).

AUTHORITY

The Office of the City Auditor is granted full, free and unrestricted access to any and all records, property and personnel relevant to any function under review. Access to personal information is provided for under the *Municipal Freedom of Information and Protection of Privacy Act* (in particular, Subsections 31(c) and 32(d)).

The OCA has the authority to conduct audits and reviews of all City departments, Members of Council, agencies, boards and commissions, as well as other entities the City is related to or has an interest in.

Schedule F1 to Appendix F

All employees will assist the OCA in fulfilling its objectives.

As an Auditor General, the OCA has the responsibilities, including the powers, duties and protections, under Sections 223.19 to 223.23 of the *Municipal Act, 2001* for:

- City Departments;
- Members of Council;
- Local boards (not including the Board of Health, the Hamilton Public Library Board, the Police Services Board or other local boards in accordance with the current definition of “local board” under Section 223.1 of the *Municipal Act, 2001*);
- Municipally-controlled corporations (a corporation that has 50 per cent or more of its issued and outstanding shares vested in the City or that has the appointment of a majority of its board of directors made or approved by the City, not including a corporation established in accordance with Section 203 of the *Municipal Act, 2001*); and
- Grant recipients (as currently defined under Section 223.1 of the *Municipal Act, 2001* as “a person or entity that receives a grant directly or indirectly from the municipality, a local board or a municipally-controlled corporation”);

These responsibilities under Section 223.19 to 223.23 of the *Municipal Act, 2001* include the powers to access information and to examine persons under Section 33 of the *Public Inquiries Act, 2009*; the duty to preserve secrecy with respect to all matters that come to its knowledge in the course of performing its functions; and the protection of not being a competent or compellable witness in a civil proceeding.

The relevant excerpts from the *Municipal Act* (accessed on July 16, 2019 at <https://www.ontario.ca/laws/statute/01m25#BK272>) are included below for reference:

Auditor General

223.19 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Auditor General who reports to council and is responsible for assisting the council in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations. 2006, c. 32, Sched. A, s. 98.

Same

(1.1) The Auditor General shall perform his or her responsibilities under this Part in an independent manner. 2009, c. 33, Sched. 21, s. 6 (11).

Exceptions

(2) Despite subsection (1), the responsibilities of the Auditor General shall not include the matters described in clauses 296 (1) (a) and (b) for which the municipal auditor is responsible. 2006, c. 32, Sched. A, s. 98.

Schedule F1 to Appendix FPowers and duties

(3) Subject to this Part, in carrying out his or her responsibilities, the Auditor General may exercise the powers and shall perform the duties as may be assigned to him or her by the municipality in respect of the municipality, its local boards and such municipally-controlled corporations and grant recipients as the municipality may specify. 2006, c. 32, Sched. A, s. 98.

Grant recipients

(4) The authority of the Auditor General to exercise powers and perform duties under this Part in relation to a grant recipient applies only in respect of grants received by the grant recipient directly or indirectly from the municipality, a local board or a municipally-controlled corporation after the date on which this section comes into force. 2006, c. 32, Sched. A, s. 98.

Delegation

(5) The Auditor General may delegate in writing to any person, other than a member of council, any of the Auditor General's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(6) The Auditor General may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.

Status

(7) The Auditor General is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 98.

Duty to furnish information

223.20 (1) The municipality, its local boards and the municipally-controlled corporations and grant recipients referred to in subsection 223.19 (3) shall give the Auditor General such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

Access to records

(2) The Auditor General is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality, the local board, the municipally-controlled corporation or the grant recipient, as the case may be, that the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

No waiver of privilege

(3) A disclosure to the Auditor General under subsection (1) or (2) does not constitute a waiver of solicitor-client privilege, litigation privilege or settlement privilege. 2006, c. 32, Sched. A, s. 98.

Schedule F1 to Appendix FPowers re examination

223.21 (1) *The Auditor General may examine any person on oath on any matter pertinent to an audit or examination under this Part. 2006, c. 32, Sched. A, s. 98.*

Application of Public Inquiries Act, 2009

(2) *Section 33 of the Public Inquiries Act, 2009 applies to an examination by the Auditor General. 2009, c. 33, Sched. 6, s. 72 (3).*

Duty of confidentiality

223.22 (1) *The Auditor General and every person acting under the instructions of the Auditor General shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.*

Same

(2) *Subject to subsection (3), the persons required to preserve secrecy under subsection (1) shall not communicate information to another person in respect of any matter described in subsection (1) except as may be required,*
(a) *in connection with the administration of this Part, including reports made by the Auditor General, or with any proceedings under this Part; or*
(b) *under the Criminal Code (Canada). 2006, c. 32, Sched. A, s. 98.*

Same

(3) *A person required to preserve secrecy under subsection (1) shall not disclose any information or document disclosed to the Auditor General under section 223.20 that is subject to solicitor-client privilege, litigation privilege or settlement privilege unless the person has the consent of each holder of the privilege. 2006, c. 32, Sched. A, s. 98.*

Section prevails

(4) *This section prevails over the Municipal Freedom of Information and Protection of Privacy Act. 2006, c. 32, Sched. A, s. 98.*

Testimony

223.23 *Neither the Auditor General nor any person acting under the instructions of the Auditor General is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 32, Sched. A, s. 98.*

INDEPENDENCE

Independence is an essential component to maintaining public trust and preserving objectivity and integrity associated with the audit function.

Schedule F1 to Appendix F

To provide for the independence of Office of the City Auditor, its personnel report to the City Auditor, who reports administratively to the City Manager and functionally to the Audit, Finance & Administration Committee of Council. Audit and other reports are sent directly to the Audit, Finance & Administration Committee for discussion and approval and then to Council. These reporting relationships help ensure independence, promote comprehensive audit objectivity and coverage and assure adequate consideration of audit recommendations.

All OCA activities shall remain free of influence by any element in the organization, including matters of audit selection, scope, procedures, frequency, timing or report content to permit maintenance of an independent and objective attitude necessary in rendering reports. The City Auditor has the authority to revise and extend the scope of any audit or investigation in the course of their examination.

The OCA shall have no direct operational responsibility or authority over any of the activities it reviews. Accordingly, it shall not develop nor install systems or procedures, prepare records or engage in any other activity which would normally be audited.

RESPONSIBILITIES

The City Auditor and the staff of the OCA have the responsibility to:

- Review operations within the City at appropriate intervals to determine whether planning, organizing, directing and controlling are in accordance with management instructions, policies and procedures and in a manner that is consistent with both City objectives and high standards of administrative practice.
- Determine the adequacy and effectiveness of the systems of internal accounting, financial and operating controls.
- Review the reliability, utility and integrity of financial information and the means used to identify, measure, classify and report such information.
- Review the established systems to ensure compliance with those policies, plans, procedures, laws and regulations which would have a significant impact on operations and reports and determine whether the organization is in compliance.
- Review the means of safeguarding assets and, as appropriate, verify the existence of such assets.
- Carry out value for money (VFM) / performance audits to determine the efficiency and effectiveness of services and evaluate attainment of corporate objectives and value to residents.
- Report to those members of management who should be informed or who should take corrective action, the results of audit examinations, the audit opinions formed, and the recommendations made.

Schedule F1 to Appendix F

- Evaluate any plans or actions taken to correct reported conditions and provide timely follow-up to ensure satisfactory disposition of audit findings in the manner and timeframe committed to by management in the original audit report. If the corrective action is considered unsatisfactory, hold further discussions to achieve acceptable disposition.
- Develop a flexible multi-year work plan, including any risks or control concerns identified by management or other audits as well as appropriate special tasks or projects requested by management.
- Undertake assessments, investigations, or refer issues to other appropriate parties as a result of disclosures under a Whistleblower By-law or the Fraud and Waste Hotline.
- Maintain a professional audit staff with sufficient knowledge, skills and experience.

AUDIT PLANNING

Each term of Council, the City Auditor shall prepare a multi-year work plan, setting out the proposed work for the term.

For the projects, the following sources are considered:

- Prioritization of the audit universe using a risk-based methodology;
- Requests from Members of Council, senior management and staff;
- Any audits planned for the past term but delayed or not completed;
- Any conditions or concerns discovered or communicated throughout past years; and
- Input from members of the public, via the Fraud and Waste Hotline and resident complaints or suggestions.
- Areas likely to provide significant payback in terms of increased revenues, reduced costs, operational efficiencies and quality of services.

The multi-year work plan will be presented to the Audit, Finance & Administration Committee for approval. Any changes to the work plan requested by Council or individual Members of Council will require a majority of at least two-thirds the total members of Council present and not prohibited by statute from voting for the City Auditor to consider.

Schedule F1 to Appendix F**REPORTING**

A written report is prepared and issued by the City Auditor following the conclusion of each audit assurance project. The report will include management's responses to the report findings and recommendations. Management's response will include a statement of general agreement or disagreement with the stated findings and recommendations as well as a timeframe for anticipated completion of action to be taken and an explanation for any recommendation not addressed.

The OCA is responsible for appropriate follow up on audit findings and recommendations. All significant findings will remain open until the City Auditor has determined management has appropriately taken action to resolve the finding.

By-law 19-181 (Whistleblower By-law), Section 19 – Responsibility of the City Auditor requires a quarterly report for, in the aggregate, on the number, nature and outcome of disclosures of serious wrongdoing made under this By-law. Quarterly reports known as "Whistleblower, Fraud and Waste Information Updates" are submitted to the Audit, Finance & Administration Committee and capture at a high level the special investigations activity undertaken by the OCA.

Consulting and risk assessment project reports are issued at the discretion of the City Auditor. Considerations for reports include project size and type, topic, risk profile and organizational impact.

All reports are generally presented to the Audit, Finance & Administration Committee. Reports may be presented to the General Issues Committee, if appropriate.

PROFESSIONAL STANDARDS

Under the City Auditor's authority granted in this Office of the City Auditor Charter, all OCA activity will be guided by the following professional standards and/or legislative requirements:

- *Municipal Act*, Sections 223.19-223.23 (Auditor General), as applicable.
- City of Hamilton Whistleblower By-law (19-181).
- International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors, for research and general consulting work.
- Certified Fraud Examiners Code of Professional Standards issued by the Association of Certified Fraud Examiners for Fraud, Waste and Whistleblower assessments and investigations.

When working as an Auditor General performing audit assurance engagements, work activities will be guided by professional standards and/or legislative requirements, as applicable.

Audit Services professional staff are also bound by the standards and ethics of their respective professional organizations, which include the Chartered Professional Accountants of Canada (CPA), Institute of Internal Auditors (IIA) and Association of Certified Fraud Examiners (ACFE).

(Approved by Council – September 11, 2019 – Report AUD19005)

Appendix G**ROLES OF COUNCIL, MAYOR AND COMMITTEE CHAIR****PREAMBLE**

The general requirements for holding office for elected officials for the City of Hamilton are contained in the *Municipal Act, 2001*.

GENERAL ROLE/GUIDELINES (COUNCIL)

- (a) Within the authority of enabling legislation, to develop policies for the purpose of guiding the administration of municipal government in the City of Hamilton.
- (b) Subject to legislative restrictions, develop regulations to be adopted in By-laws and resolutions for the overall benefit of the citizens of the community.
- (c) Appoint statutory officers and senior officials to ensure that a functional management system is in place and which will administer the City within the adopted policies of Council.
- (d) To collectively oversee the administrative functions as carried out by appointed officials within the delegated authority and the policies adopted by Council.
- (e) To monitor the administrative process and ensure that the will and direction of the City is placed into effect.
- (f) To be prepared to attend regularly scheduled meetings and special meetings of Council and Committees as required and to participate in the debate for the purpose of developing and adopting policies and directions for the City of Hamilton.
- (g) Absences from the meetings of Council for three successive months results in a member's seat being declared vacant unless authorized by resolution of Council.
- (h) To act as liaison between the citizens they represent and the City, to ensure that the intention of established policies and regulations are applied in a manner that is conducive to the interests of the citizens as a whole.
- (i) To oversee the financial affairs and delivery of City services through the adoption of policies and budget control guidelines and to ensure that appropriate audit procedures and monitoring programmes are in effect.

Appendix G**ROLE OF THE MAYOR**

(including the Deputy Mayor while fulfilling the duties of Mayor)

The Mayor is responsible to act as the Head of Council, as detailed in the *Municipal Act, 2001* providing leadership to other Members of Council.

- (a) To act as the Council's corporate representative when dealing with other government agencies and the private sector consistent with the vision and direction expressed by the Council of the day.
- (b) The Mayor and the City Manager must work in close liaison as the pivotal link between the policy-making body of Council and the administrative organization of the City.
- (c) The role of Mayor is considered as statutory and policy-related, to act as the Head of Council and to co-ordinate political representation on behalf of the City when required at meetings, receptions, functions, and community activities, and to direct administrative functions to the attention of the City Manager.

ROLE OF COMMITTEE CHAIR

- (a) To ensure that the general functions noted in the roles of Council and in the policies and procedures established by the City are maintained.
- (b) To ensure that the rules of procedure with respect to conduct are followed.
- (c) The role of Chair, in co-ordinating the meetings of a Committee, will be considered statutory and policy-related, with administrative functions to be delegated to appointed staff and officials through the appropriate General Manager or Medical Officer of Health, following appropriate reporting procedures of the City.
- (d) It is recognized that the role of Chair, as outlined above, does not provide any administrative authority over staff, and that any administrative requests should be brought to the attention of the City Manager, appropriate General Manager or Medical Officer of Health or appropriate delegated staff.

DUTIES OF COMMITTEE CHAIR

- (a) Open the meetings of the Committee by taking the chair and calling the members to order.
- (b) Announce the business before the Committee and the order in which it is to be acted upon.
- (c) Receive and submit, in the proper manner, all motions presented by the members of the Committee.
- (d) Put to a vote all motions, which are moved, or necessarily arise in the course of the proceedings, and to announce the result.

Appendix G

- (e) Enforce the rules of procedure and rule upon all procedural matters.
- (f) Guide the members when engaged in debate in accordance with the rules of procedure.
- (g) Enforce on all occasions the observance of order and decorum among the members and the attending public.
- (h) Order any member persisting in a breach of the rules of procedure to vacate the meeting room.
- (i) Permit questions to be asked through the Chair of any staff in order to provide information to assist any debate when the Chair deems it proper.
- (j) Rule on any points of order or points of privilege without debate or comment.
- (k) Rule whether a motion or proposed amendment is in order.
- (l) Determine which member has the right to speak.
- (m) Ascertain that all members who wish to speak on a motion have spoken and that the members are ready to vote, and shall then put the vote.
- (n) May call a member to order.
- (o) Where it is not possible to maintain order, the Chair may, without any motion being put, adjourn the meeting to a time to be named by the Chair.
- (p) Adjourn the meeting when the business is concluded.
- (q) The Chair may state relevant facts and the Chair's position on any matter before the Committee without leaving the chair, but it shall not be permissible for the Chair to move a motion or debate a question without first leaving the chair.
- (r) If the Chair desires to leave the chair to move a motion, or to take part in the debate, the Chair shall call on the Vice Chair, or in the absence of the Vice Chair, on another member to preside until the Chair resumes the chair.
- (s) The Committee Chair shall vote on any questions before the Committee and in the event of an equality of votes (tie vote) the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.

Appendix H**CRITERIA FOR THE CREATION OF
ADVISORY COMMITTEES OR TASK FORCES**

- (a) That all requests for the formation of an Advisory Committee or Task Force be presented to a Standing Committee for consideration.
- (b) That all requests, upon approved motion by the Standing Committee, be referred to the applicable General Manager for a report back on the following;
 - (i) inventory of previous and existing activities related to the issue
 - (ii) inclusion of a sunset clause, which outlines the time needed to complete the mandate
 - (iii) reporting structure, membership composition, mandate, objectives, legislative requirements, work plan and timelines for the Special Purpose Body
 - (iv) responsibilities of the members
 - (v) membership expertise requirements for the Special Purpose Body
 - (vi) proposed budget allocation requirement and source of funding
 - (vii) staffing requirements
 - (viii) other necessary resources
- (c) The Clerk may invite citizens to serve as members and such invitations shall include the Advisory Committee or Task Force's mandate including any membership expertise requirements and the time needed to complete the mandate;
- (d) Applications received for membership shall be forwarded by the Clerk to the Selection Committee;
- (e) The Selection Committee may consider balanced geographical representation in selecting the members, where appropriate;
- (f) The rules of procedure shall be observed so far as they are applicable;
- (g) A Code of Conduct, setting out general standards for acceptable conduct by Members of Advisory Committees and Task Forces in the performance of their duties, is set out in Appendix I to this By-law.
- (h) All minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and
- (i) Staff may act as resource persons in a non-voting capacity.

Appendix I**HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT**

Council has adopted this Code of Conduct for the guidance of Appointees to Advisory Committees and Task Forces providing recommendations to Standing Committees and to assist Appointees in performing their duties in a manner which will promote the public's confidence in these Advisory Committees and Task Forces operating with integrity, transparency and courtesy.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Appointees may be called upon to exercise judgement as to the appropriate standard of conduct. When this occurs, Appointees are to ensure that their decisions maintain the Advisory Committee or Task Force's integrity, transparency and courtesy.

This Code of Conduct does not apply to Members of Council who are subject to the Council Code of Conduct.

Failure to comply with this Code of Conduct may result in the Advisory Committee or Task Force:

- (1) requesting an apology from the Appointee; and/or
- (2) removing the Appointee from the Advisory Committee or Task Force for a portion or all of their term.

1. GOOD CONDUCT

Appointees shall act with honesty and integrity including:

- acting in a manner that contributes to the public's confidence in the Advisory Committee or Task Force; and,
- not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointees.

2. MEETINGS

Appointees shall maintain proper control over meetings demonstrating respect for everyone who is involved in a proceeding.

Appointees are expected to attend all meetings of the Advisory Committee or Task Force. If an Appointee misses more than three meetings during their term, the Chair, after hearing and considering any explanation provided by the Appointee, may remove the Appointee from the Advisory Committee or Task Force for the remainder of their term.

3. COLLEGIALITY

Appointees shall respect and co-operate with other Appointees and the Advisory Committee or Task Force staff.

4. GIFTS OR BENEFITS

Appointees shall not accept a gift or benefit that may appear as being offered because they are Appointees.

5. CONFIDENTIAL INFORMATION

Appointees shall not disclose to any member of the public any confidential information acquired by virtue of their position.

Appendix I

6. COMMUNICATION

Appointees should accurately communicate a recommendation or direction.

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee providing it does not relate to In Camera discussions.

Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice Chair.

HEARING PROCEDURES FOR DEVELOPMENT CHARGE COMPLAINTS – SECTION 20

COMMITTEE COMPOSITION

The Audit, Finance & Administration Committee has delegated authority to hold hearings for Section 20 Development Charges complaints. The Audit, Finance & Administration (AF&A) shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

SECTION 20 COMPLAINT

As Per the *Development Charges Act, 1997*, a person may submit a formal complain to Council respecting one of three issues:

- 20** (1) A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,
- (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
 - (c) there was an error in the application of the development charge by-law. 1997, c. 27, s. 20 (1).

The formal complaint must be submitted within 90 days of the charge being payable (*Development Charges Act, 1997*) and must be in accordance with the grounds permitted under the *Development Charges Act*.

- (2) A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable. 1997, c. 27, s. 20 (2).

The formal complaint must be in writing, stating the complainant's name, address where notice can be given, and the reason for the complaint.

DEVELOPMENT CHARGES COMPLAINT HEARING - SECTION 20 COMPLAINT

A hearing (or tribunal) must be held within 60 days of receiving the complaint (Section 22(2)). A Hearing Notice will be mailed to the complainant at least 14 days before the hearing.

The Complaint Hearing is governed by the procedures set out in the Council Procedure By-law and the *Statutory Powers Procedure Act* ("SPPA").

Appendix J

The Audit, Finance & Administration Committee, in conducting the hearing of a Development Charges Complaint, is required to only consider the grounds permitted under subsection 20(1) of the *Development Charges Act*.

The grounds set out in the *Development Charges Act* are very specific and quite focused. They do not include a request to be exempt from a Development Charge otherwise applicable pursuant to a Development Charge By-law nor do they include a request to create a new category of development not found in a Development Charge By-law. A Development Charge Complaint cannot be used to amend the Development Charge By-law to alter the Development Charge rate otherwise validly applicable or to add a credit or exemption not already within the Development Charge By-law.

1. Party Representatives

There are two parties to the hearing of a Development Charge Complaint, the City and the Complainant. The City's Finance Division is responsible for administering the Development Charge By-law and a solicitor from the Legal Division will represent the City at the hearing. The Complainant may represent themselves or have legal representation as well.

In addition, the Committee will have a solicitor from the Legal Division to provide legal advice to the Committee during a hearing and deliberations. This practice is permissible provided that the Solicitor does not take part in making findings of fact or in making the ultimate decision on the matter.

2. Live Stream & Electronic Voting

The Development Charge Hearing is not live-streamed when meeting IN-PERSON, unless specifically requested by someone in attendance and then agreed upon by both parties.

Electronic votes are not taken during a Development Charge Hearing.

Subject to Section 4 of this Appendix J, the Development Charge Hearing is live-streamed when meeting VIRTUALLY, in order to have all proceedings open to the public and the parties.

3. Conflict of Interest

If any Committee member feels that they should not be hearing a particular matter, the member may inform the Committee that they will not participate, giving a general or specific reason why not, e.g. one of the witnesses is a relation.

Appendix J**4. Open and Closed Proceedings / Deliberations**

All proceedings are to be open to the public and the parties unless one of the exceptions under the SPPA or the *Municipal Act, 2001* applies. Section 9(1) of the SPPA provides that a hearing may be closed to the public if:

- (a) a matter involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

If the Committee believes that such matters could be disclosed, it should ask each of the parties if this is the case. If the Committee is convinced that the harm outweighs the desirability of the hearing being open to the public, the hearing may be closed to the public.

When a hearing is closed to the public under the SPPA, only the parties and their representatives remain in attendance.

The Committee may also rely on the authority under section 239 of the *Municipal Act, 2001* in closing proceedings to the public or the public and the parties - for example, if it wishes to receive advice subject to solicitor client privilege.

The Committee may, but is not required to, retire to deliberate in the absence of the public and the parties. Deliberations occur when the Committee considers the evidence and submissions in arriving at a decision. The decision itself is announced in the presence of the public and the parties. The authority for retiring to deliberate is found at common law and is referred to as the “confidentiality principle” or the “rule on deliberative secrecy”.

5. Adjournments

Adjournments may be requested by either party at the start of or during a hearing. The Committee may grant or refuse an adjournment request in light of a number of considerations including: the legitimate inability of the complainant or a witness to attend or, within reason, the counsel of their choice; or, the necessity for time to prepare before a hearing or to respond to new and unexpected issues or allegations arising in the course of a hearing.

6. Agreed Upon Statements of Fact and Joint Submissions

The parties may submit an agreed upon statement of facts which means that they will inform the Committee that some or all of the facts relevant to the hearing are not in dispute. Agreed upon facts need not be proven and should be accepted by the Committee.

Appendix J

The parties may go beyond an agreed upon statement of facts to make a joint submission, asking for a final decision that is acceptable to both. The Committee must give serious consideration to a joint submission and must not reject it without good cause. While the Committee may reject all or part of a joint submission, if this is being considered, both parties must be given the opportunity to make representations before the final decision is made.

7. Witnesses

The parties may call witnesses during the Hearing. (Section 10.1, SPPA)

At the request of a party or on its own initiative, the Committee may require the attendance of a witness to give evidence by issuing a summons.

A witness who is summoned to testify before the Committee cannot refuse to answer a proper and relevant question and Section 13 of the *Canadian Charter of Rights and Freedoms* and Section 14 of the SPPA protect witnesses when providing answers.

The Committee should be hearing only the relevant evidence of the parties' witnesses.

Witnesses should be sworn or affirmed by the Chair of the Committee prior to commencing their testimony.

Lawyers or representatives acting as an advocate for a complainant cannot be a witness.

8. Evidence

Administrative tribunals are given much more latitude than courts with respect to the evidence which they may receive and consider in arriving at a decision. Accordingly, the Committee may receive hearsay evidence and unsworn evidence. (Section 15, SPPA)

The fundamental test with respect to the admissibility of evidence is that it must be relevant to the issues which are involved in the hearing. Relevance for a Development Charge hearing is determined by reference to the permitted grounds set out in subsection 20(1) of the *Development Charges Act* and by the grounds set out in the complaint, but only if those grounds are permitted grounds.

When the Committee is confronted with an objection to the admissibility of a relevant piece of evidence, the evidence should generally be admitted unless it is clearly irrelevant. The Committee should consider the objection with respect to the weight it gives to that particular evidence when arriving at its decision. The general principle is that indirect evidence (hearsay) should be given less weight than direct evidence such as a witness' own observations, unless there is a valid reason to conclude that the direct evidence is not credible.

Appendix J

The Committee may make a finding of credibility in considering the testimony of a witness – giving little or no weight to testimony it does not find credible. An administrative tribunal may find it very difficult to indicate in a decision that a witness was not credible. It is advisable for the administrative tribunal to fully and clearly explain itself, for example, by stating X's testimony was not relied upon because they admitted to a direct financial interest in the outcome of the hearing and because their answers were influenced by this.

Although unaffirmed or unsworn evidence is admissible, testimony to the Committee should be given under affirmation or oath. Each witness should be affirmed or sworn immediately before giving their testimony. A witness should be asked whether they prefer to be sworn or affirmed.

An unrepresented complainant is acting in two capacities, both as their own representative and as a witness. When they are acting as a witness – for example, telling the Committee what did or did not happen – they should be under affirmation.

The parties may examine their own witnesses and cross-examine other witnesses. (Section 10.1, SPPA) The Committee may also question witnesses. Generally, this should be done after the parties have finished questioning the witness.

The Chair or Vice Chair presiding should allow each party to ask any further questions of the witness they may have arising from questions posed by a member of the Committee.

The onus is on the complainant to satisfy the Committee that the Development Charge amount was incorrectly determined, that a credit should have been issued against the Development Charge, that a credit was incorrectly applied, or there was an error in the application of the Development Charge by-law.

9. Note-taking

Notes taken by Committee members during the Hearing should be kept for a reasonable period of time, enough time for whatever appeal right there may be to be exercised. A problem arises when protection of privacy and freedom of information legislation applies. In the case of the *Municipal Freedom of Information and Protection of Privacy Act*, there is no exception made for the notes of members sitting on a municipal tribunal such as a Development Charge Complaint Hearing. As a consequence, if the City, in this case Clerks, has custody or control of the notes, these notes may be subject to disclosure under MFIPPA. In addition, the notes arguably would be subject to the Records Retention By-law and could only be destroyed in accordance with that By-law.

Consequently, to ensure that adjudicative independence can be maintained, it is recommended that if a Committee member chooses to take notes, they:

- (1) Do so for the purposes of helping:
 - (a) to remember and understand what occurred during a hearing; and
 - (b) to make a decision in respect of a hearing;
- (2) Keep their notes confidential, not allowing any other person to see, read or use the notes for any purpose;
- (3) maintain responsibility for the care and safe-keeping of their notes;
- (4) store their notes at their office or home; and
- (5) destroy their notes after some reasonable period of time such as one year.

10. Decisions

In the context of a Development Charge Complaint hearing, the Committee makes two types of decisions:

- (1) procedural decisions such as adjourning the hearing to another date; and,
- (2) final decisions concerning whether:
 - (a) the amount of the development charge was incorrectly determined;
 - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
 - (c) there was an error in the application of the development charge by-law.

The procedural decision or final decision of the majority of the members of the Committee is the procedural decision or final decision of the Hearing, allowing for a vote with dissent. However, it is recommended that the Committee operate on a consensual basis in respect of Development Charge Complaint decisions.

The Committee may retire to deliberate in the absence of the public and the parties. At the conclusion of its deliberations, the Committee gives its procedural decision or final decision on the matter in the presence of the parties and the public.

The Committee is not required to give reasons for a procedural decision that is made with the consent of the parties. The Committee must give oral and/or written reasons for a procedural decision that does not have the consent of both parties.

For a final decision, the Committee must announce it orally in the presence of the parties and the public. Additionally, it must make its decision in writing to the complainant and/or their legal counsel or agent within a reasonable time subsequent to the completion of the hearing.

Subsection 17(1) of the SPPA requires a written decision to include reasons for the decision only if a party to the complaint requests reasons. If reasons are requested the decision should summarize the facts and arguments presented by the parties, the findings of fact made by the Committee. The decision must explain the relationship between the evidence and its conclusions, including why evidence was rejected or given little credibility.

Committee members should refrain from expressing opinions on the merits or strength of a case until after all of the evidence and submissions have been heard and they are giving their decision.

It is important that the Committee provides clear instructions to the Legislative Coordinator about the decisions it makes, however, it is acceptable for the Legislative Coordinator to prepare a draft decision for approval by the Committee.

11. Appeal

The *Development Charges Act* requires notice of the decision of the Hearing to be mailed within 20 days after the day the decision is made.

The decision of the Hearing is subject to appeal by the complainant to the LPAT. An appeal must be made no later 40 days after the day the decision is made. The appeal is an appeal *de novo* which means LPAT is not required to consider the Audit, Finance & Administration Committee's reasons in its decision regarding an appeal.



Artists' Legal Advice Services

Daniel Pink

Sept 28, 2021
City of Hamilton
ARTS ADVISORY COMMISSION

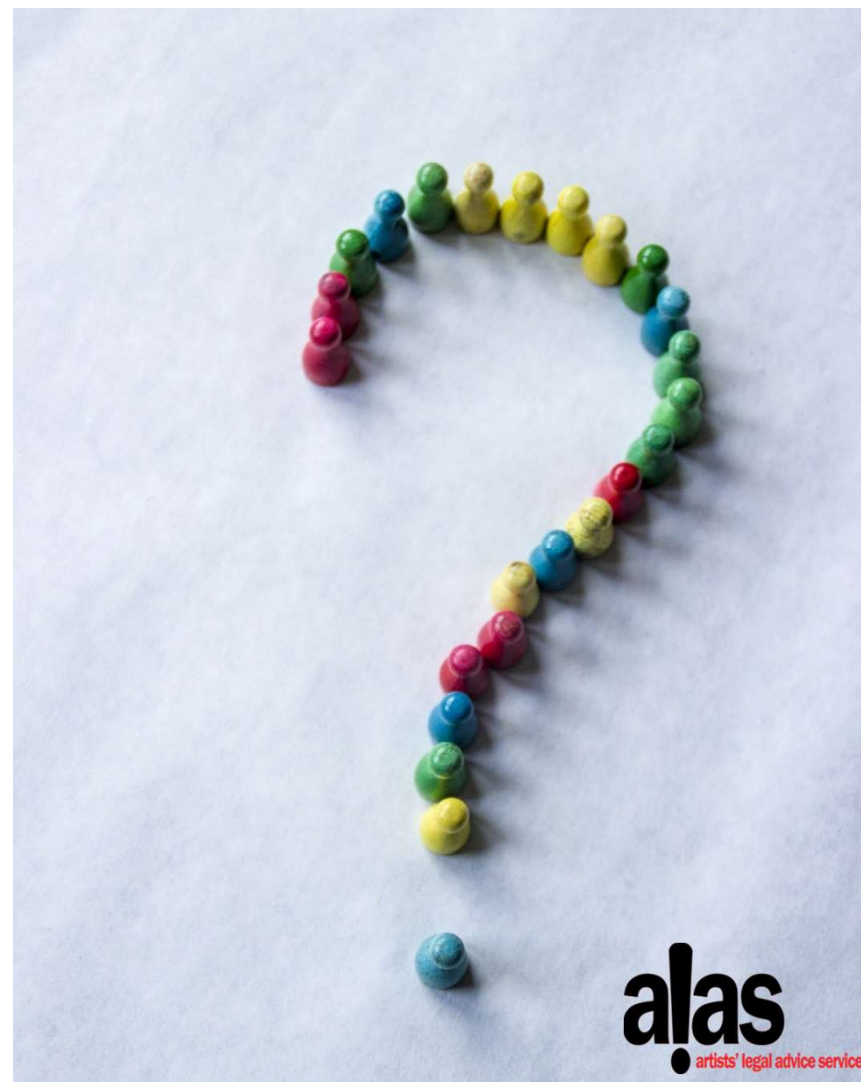


About ALAS

Artists and Lawyers for the Advancement of Creativity (ALAC) is a federally incorporated not-for-profit. ALAC operates Artists' Legal Advice Services (ALAS).

ALAS is 35 years old this year! ALAS provides free legal information to creators living in Ontario.

ALAS is primarily operated by volunteer lawyers, fellow creators, and law students from across Ontario who donate their time to help provide advice to those who may not be able to access more expensive alternatives.



Meet the Team

Staff

Camila Salcedo (Outreach Coordinator) is an interdisciplinary artist, independent curator, community organizer, and arts educator currently based in Toronto. She has worked with artists in various communities, including youth, newcomers and emerging artists, via programming associated with artist-run centres, galleries, festivals and other independent projects.

Tyler Kowalchuk (Project Coordinator) comes to ALAS with a broad background in the visual arts, arts administration, and education. At ALAS, Tyler will be providing project support for the digital transformation project and strategic direction on related initiatives.

Board Members

- Max Rothschild, Chair, Publications Coordinator
- Emmanuel Evdemon, Vice Chair, Head of Legal Clinic
- Tony Duarte, Treasurer and Secretary
- Daniel Pink, Volunteer/Events Committee Coordinator

- Marian Hebb
- Catherine Lovrics
- Paul Sanderson
- Ken Thompson
- David Warren

How we can help

Our legal clinic & support network

is currently operating virtually and offers one-on-one summary legal advice and peer support to artists

Our events

focus on different areas of law and art and seek to provide creators with guidance directly from industry and legal experts.

Our legal database

includes an ever-growing number of articles and resources that provide summary legal information.



ONTARIO ARTISTS' LEGAL ACCESS + SUPPORT NETWORK

The Ontario Artists' Legal Access & Support Network is a collaboration between **CARFAC Ontario** artists and **ALAS (Artists' Legal Advice Services)** lawyers.

Our Support Network consists of:

- One-on-one meetings with volunteer lawyers
- Non-legal peer-support from a CARFAC Ontario practicing artist
- Group workshops or drop-in sessions with volunteer lawyers
- Webinars on specified legal concerns affecting artists

This collaboration has been formed to provide free legal advice and information, non-legal peer support, and resources for artists who lack access to these kinds of supports due to overlapping systemic barriers such as racism, homophobia, transphobia, and/or misogyny. Our intention is to support artists through a holistic lens of care. Our programs will be developed on a needs-based basis, and we are available to connect with individuals so that we can understand the issues artists facing, and how we may be able to provide support.




The Legal Clinic - Overview

- Allows creators in Ontario to receive free one-on-one 30-minute consultations
- We do not do legal work on behalf of clients (draft contracts, C&Ds or assist with litigation matters)
- No financial criteria required to book appointment
- Operates via Zoom on Tuesdays, Thursdays and Fridays
- By appointment only
- Administration for the clinic is currently done by UofT law students
 - Law students are allowed to attend clinic sessions

Events

Presented by:
Artists' Legal Advice
Services (ALAS)



Playing Nice in the Sandbox

LEGAL CONSIDERATIONS FOR COLLABORATIVE CONTENT CREATION

ABOUT
A panel discussion with leading media lawyers.

WHEN
Wednesday 17 September 6.00p to 8.00p

WHERE
Duke of York Pub
29 Prince Arthur Ave.
Toronto

Creating content with others is easier when legal agreements are signed. But which agreements?

Leading lawyers in Film/TV, Music, Book and Periodical Publishing, and Interactive Digital Media/Video Game will discuss the agreements you need, how to get them and how to stay out of trouble.

Not-for-profit Law & Governance in the Creative Industries

FREE WORKSHOP







alas artists' legal advice services

GENERATOR

Join us virtually for: **May 20, 2021**
10AM - 11:30AM

Copyright and Fair Dealing

CAPE BRETON CENTRE FOR CRAFT & DESIGN Cape Breton Partnership

alas artists' legal advice services

A ROUND TABLE DISCUSSION FOR EMERGING WRITERS

alas artists' legal advice services

Panelists:

GLAD DAY BOOKSHOP
499 Church Street, Toronto
February 24, 2020
6:00 p.m.







Moderator: Marian Hebb, Lawyer, ALAS co-founder
Agent: Sam Higate, The Rights Factory
Editor: Liz Johnston, Brick Magazine
Publisher: Greg Ioannou, Colborne Communications, Iguana Books, Publaunch
Author: Nabeen Ruthnum
Writers Organization, Anita Purcell, Executive Director, Canadian Authors Association

LEGAL INTERSECTIONS

Setting up a Professional Practice

A series on navigating legal issues of importance to artists, designers, and cultural workers.

Monday, November 4, 2019
6:00 - 8:00 PM
Centre for Emerging Artists & Designers
Level 3, 115 McCaul Street, OCAD University
Register: <https://legalintersections.eventbrite.ca>

Publications

- Focused primarily on short, blog-post-type informational content

Copyright Intellectual Property

Intellectual property primer

October 12, 2019

Copyright

What is copyright?

October 12, 2019

Contracts

Written vs verbal contracts

October 12, 2019

Copyright

Copyright collectives

October 12, 2019

NATIONAL NETWORK OF LEGAL CLINICS FOR THE ARTS

Regional Legal Hubs for Canadian Artists and Arts Organizations

This national collaboration facilitated by Pacific Legal Education and Outreach.

The National Network of Legal Clinics for the Arts is a connected set of proposed regional legal hubs for Canadian artists and arts organizations

How to reach us

Website: <https://www.alasontario.ca/>

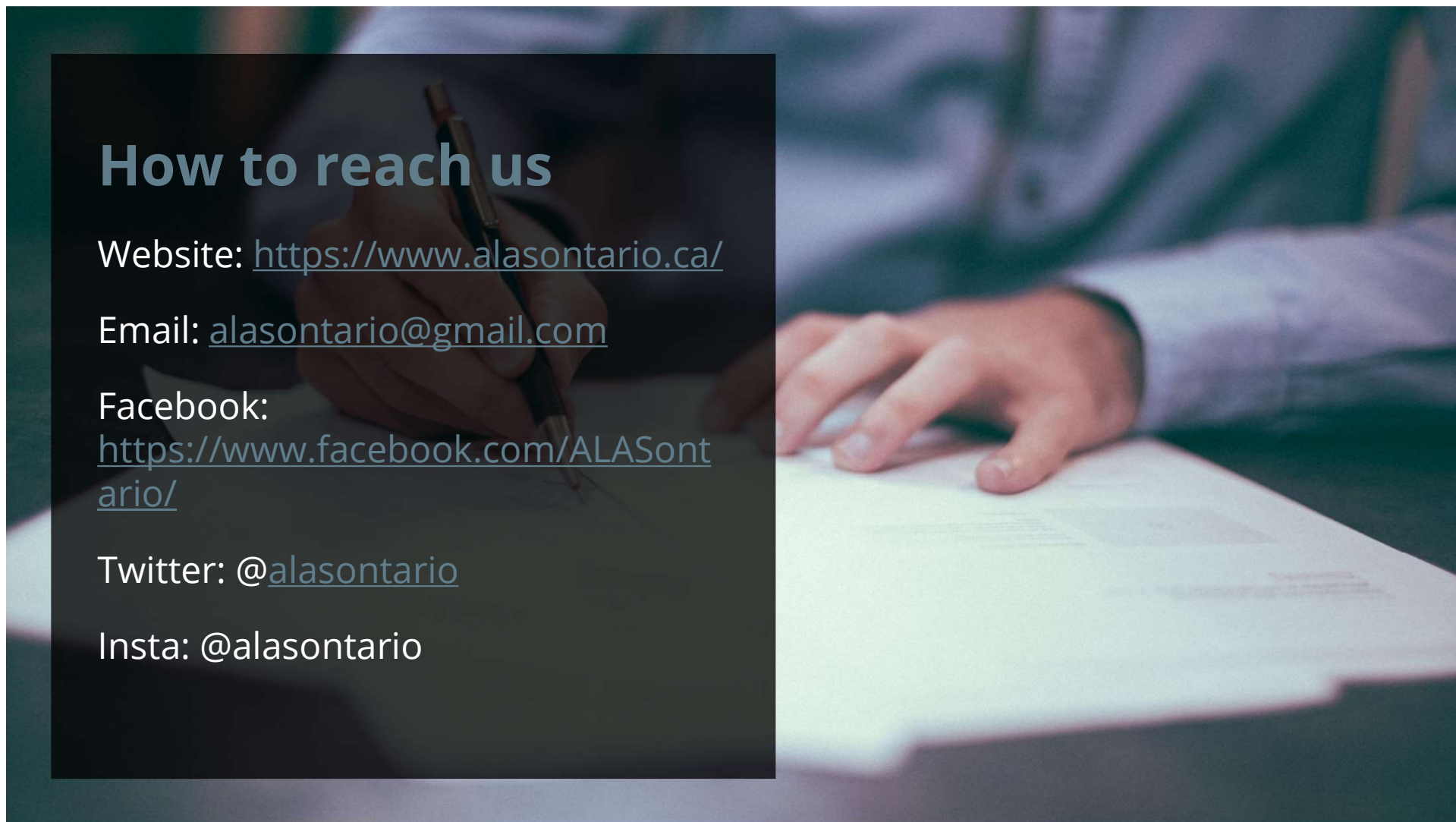
Email: alasontario@gmail.com

Facebook:

<https://www.facebook.com/ALASontario/>

Twitter: [@alasontario](https://twitter.com/alasontario)

Insta: [@alasontario](https://www.instagram.com/alasontario)



HAMILTON ARTS AWARDS MMXXI

2021 Program Evaluation

Prepared by:

Jeremy Freiburger, Cobalt Connects
Kim Selman, Cobalt Connects

For:

The Tourism and Culture Division
Placemaking Public Art and Projects Section

Submitted: August 2021

1.0 Introduction

Cobalt Connects is pleased to have served as the administrative partner for the 2021 City of Hamilton Arts Awards. Working in close collaboration with City of Hamilton Tourism and Culture Division staff, the team is happy to report a successful 2021 program that was delivered on budget and received positive feedback from nominees and program stakeholders.

The 2021 Arts Awards was marked by both challenges and opportunities for growth and innovation. As with most programs and events worldwide, the Arts Awards was faced with adapting to the challenges presented by the ongoing COVID-19 pandemic. 2021 also marked the pilot of a new program format based on the stakeholder consultation that took place in the prior year. This resulted in a program that looked quite different from previous years yet still maintained the core mission of recognizing and promoting Hamilton's incredible creative community.

This report will outline core changes to the 2021 program as well as recommendations and considerations for the 2022 program.

2.0 Program Changes

In recognition of Hamilton's evolving arts community, the Arts Awards program was reviewed in 2020. Based on program evaluations and stakeholder consultation, a new program format was piloted in 2021. The intention of these changes was to make nominations easier for the public, allow for more flexibility in award categories and provide opportunities for the awards to be more inclusive and responsive in celebrating the evolving arts community each year.

Major program changes include:

Streamlined Nomination Process:

- Nominations were solicited from the general public through a simplified online process.
- Rather than submitting a full nomination package (i.e., CV, artist statement, artwork samples, etc.), the nominator now only submits a brief statement outlining the nominee's accomplishments.
- The public nominations were then reviewed and augmented by a large multi-disciplinary panel of artists and arts professionals (Sector Review Panel) to create a short-list of approximately 45 nominations.
- Short-listed nominees were contacted directly to confirm their participation and to provide a complete nomination package.
- Short-listed nominees were then evaluated by a Final Jury comprised of artists and arts professionals representing multiple disciplines to select the award recipients.

New Award Categories:

In addition to the streamlined nomination process, the award categories were simplified. Rather than presenting awards in 11 different discipline-specific categories, there are now 3 broad award categories. The purpose of this change was to:

- allow multi-disciplinary artists to better represent their full body of work;
- address recurrent concerns about certain disciplines being assigned to certain categories;
- recognize the work of arts sector volunteers;
- allow the Final Jury a more curatorial role in award selection

The new categories are:

- **Lifetime Achievement Award (1 Award, \$2,500)**
 The Lifetime Achievement Award recognizes living artists and arts community leaders who have contributed substantially to the artistic vitality of the city over the course of a career, and have inspired others through their leadership, creativity and artistic excellence. These individuals' experience and impact may be local, national or international in scope.
- **Creator Awards (8-10 Awards, \$2500 per award)**
 The Creator Awards recognize living artists or artistic collectives working in any artistic discipline and at any career level. A minimum of eight Creator Awards will be given each year to recognize artistic excellence and/or innovation that contributes to artistic growth in the city, progresses the artform and expresses the cultural vitality and diversity of Hamilton's art scene.
- **Arts Champion Awards (up to 4 Awards, non-monetary award)**
 The Arts Champion Awards recognizes living individuals who are outstanding supporters of the arts in Hamilton as volunteers, advocates, or board members. This is a non-monetary award and recipients will be given a special gift of recognition. This award is open to adults and youth over 14 years old.

Elimination of Separate Emerging Artist Award

In the previous Arts Awards format, the winner of the Established Artist Award selected an emerging artist in their field to receive the Emerging Artist Award. The intention of this was to foster connections and mentorship within the community. This approach was met with mixed feedback, with some participants enjoying the connection between award winners and others finding the process difficult to understand and advocating for emerging artists to be adjudicated on their own merit. In the new program format, emerging artists can be nominated for a Creator Award. The Final Jury was instructed to consider representing different career levels in their selection of award winners.

Inclusion of Bands, Duos and Collectives

In past years the public have expressed a desire to nominate bands and artistic collectives, however the previous Arts Awards format only allowed for the nomination of individual artists and arts managers. In most cases potential nominators have chosen not to proceed as they felt that nominating a single member of a group was not a true representation of the groups' contributions. In the new format, Bands and Collectives can be nominated in each of the three categories and their career and contributions are considered as a single entity.

Shirley Elford Emerging Artist Commission Prize

The Arts Awards has partnered with the Shirley Elford Fund through the Hamilton Community Foundation since 2018 to present cash prizes to emerging artists in a variety of disciplines. For the 2021 program, the prize was reformatted into a commission. Two emerging artists were selected by a community jury to receive a \$2000 artist fee to create and present an artwork that speaks to contemporary themes related to Hamilton that will be showcased at the 2022 Arts Awards event. Additionally, the recipients of the Commission Prize will receive professional support and funding that will assist in the production and presentation of the artwork.

3.0 Budget

The City of Hamilton Arts Awards is largely funded through a Council approved operating budget allocation. In 2021 the operating budget was approved at \$83,050. It is the expectation of Council that the Arts Awards budget not run a deficit. An additional \$12,000 in cash sponsorship was secured, which supported producing a high-quality online event presentation that complied with all COVID-19 restrictions. The Arts Awards is grateful to its community sponsors for their continued support during challenging times. This support is testament to the importance of the Arts Awards and more broadly, the arts community in Hamilton.

Cobalt Connects managed the Event Delivery budget line items and Tourism and Culture Division staff managed the remainder of the budget line items, including the responsibility to realize all sponsorship earned revenues.

Program Budget

CATEGORY	
Awards to Artists	\$33,700
Marketing & Outreach	\$13,050
Third Party Contract fees	\$18,300
Event Delivery	\$22,500
Meeting costs, postage and supplies	\$2500
HST	\$902
Contingency @ 5% (excl. awards and third-party salaries)	\$1948
TOTAL EXPENSES	\$92,900
2021 Annual City operating budget	\$83,050
Sponsorship	\$12,000
Hamilton Community Foundation - Shirley Elford Prize and Administration Fee	\$4,600
Purchase of bronze award medallions	\$6,750
TOTAL REVENUE	\$99,650

Sponsorship Revenue

SPONSOR	SPONSORSHIP	CASH/ IN-KIND	VALUE
The Hamilton Spectator	Media	In-Kind	2 half page ads (value unknown)
The Incite Foundation for the Arts	Arts Champion Award	Cash	\$5000
Investment Planning Council – Next Steps Planning	Lifetime Achievement Award	Cash	\$2500
BLR, Chartered Accountants, LLP	Creator Award	Cash	\$1,500
Marz Homes	Creator Award	Cash	\$1,500
dpai architecture inc.	Creator Award	Cash	\$1,500

4.0 Nominations & Adjudication

Due to the ongoing COVID-19 pandemic, promotion of the nomination period primarily took place online and through direct contact (i.e., phone / email/ social media messaging) with members of the arts community. Although this limited some opportunities to promote the new program format, the simplified process was well received and resulted in a strong number of nominations.

Long List Nominations

In total, 176 individual nominations were received from the general public and Arts Sector Review Panel. Some nominees received multiple nominations from different nominators. As such, total number of unique nominees was 112.

The breakdown of nominations is as follows:

CATEGORY	TOTAL NOMINATIONS	INDIVIDUAL NOMINEES
Arts Champion	17	17
Creator Awards	137	83
Lifetime Achievement	22	12
TOTAL NOMINATIONS	176	112

Arts Sector Review Panel

Once the Long List nominations were verified by staff, the Long List was sent to the Arts Sector Review Panel for review. At this stage, Panel members were invited, based on their specific arts sector knowledge and expertise, to add names to the Long List for consideration. From this process, 17 new names were added to the list (3 of these were later removed due to conflict of interest / eligibility issues). With the full Long List now assembled, nominations were ranked by members of the Panel using a weighted ranking system. The totals were tabulated and averaged to create the Short List. An initial Short List of 45 nominees was developed out of this process. Overall, this process received positive feedback from the Arts Sector Review Panel participants. Two panel members chose not to rank the nominations as they felt that they did not have enough information to make an informed decision given the multidisciplinary nature of the categories. However, the vast majority of the Panel was able to rank the submissions by focusing on their areas of knowledge / expertise. As the Panel represented a wide range of disciplines, this resulted in a well-balanced Short List.

Short List

Staff then reached out to the Short List to confirm their participation and discuss next steps. Through this process, 7 nominees choose not to proceed with their nomination. These nominees all stated that they were honoured to have been nominated but had personal reasons not to proceed, the majority stating either a lack of time or desire to see other nominees receive attention.

Staff provided the final short-listed nominees with an information package outlining submission requirements for the nomination package and provided assistance where required.

Final Jury

The Final Jury was provided with the full nomination packages of all short-listed nominees and a scoring matrix to aid the decision-making process. Two adjudication sessions were held. The first session focussed on the Lifetime Achievement and Arts Champion awards and the second session on the Creator Awards. Both sessions were monitored by a member of the Arts Advisory Commission to ensure that the session was conducted in a fair and transparent manner.

Both jury sessions were productive and resulted in consensus decisions on the award winners. A jury report capturing discussions and decisions in each session were drafted by staff and approved by the Jury; overarching statements describing the Jury's rationale were featured in the online presentation videos and digital magazine. The Jury contributed feedback and suggestions for online presentation programming.

Jury members reported a high level of satisfaction with the process and offered suggestions for future improvements (please refer to Feedback & Recommendations section of this report).

5.0 Marketing and Outreach

As previously noted, the COVID-19 crisis greatly influenced the communications approach for the 2021 program as all communications shifted online. Although online promotion is always a core element of the communications strategy, the Arts Awards also typically relies on face-to-face interactions to spread the word about the program. To compensate for this loss, staff made efforts to do one-on-one outreach to arts community members through phone, email and social media contacts.

Additionally, the following steps were taken to promote the Arts Awards program:

Promotion of Nomination Phase

- City of Hamilton webpages for nominations and Shirley Elford Emerging Artist Commission Prize.
- Distribution of Arts Awards nomination posters at select cultural hubs that were open during the pandemic.
- Social media (Facebook, Twitter, Instagram) promotion via Arts Awards and Cobalt Connects channels. Including “Hot Tips” campaign to encourage nominations.
- Direct messages, emails and Facebook page posts sharing nomination activity with local arts groups and organizations.
- An Akimbo listing (at launch) and an Instagram & Facebook ad in late Dec/January promoting nominations deadline reminder targeted to a local, arts involved audience (\$932; reach: 86,808; link clicks: 1,414).
- Nomination listing on the Hamilton Rising app and website.
- Hamilton Spectator in-kind sponsorship congratulating 2020 Arts Awards recipients and promoting the 2021 nomination deadline in two half page ads.
- Email campaigns to City of Hamilton and Cobalt Connects’ contact lists.
- Promotion through Hamilton Arts Council’s email list.
- Media Release announcing the launch of the nomination phase directing readers to the website and online nomination form.
- Outreach to City of Hamilton partners including Hamilton Immigration Partnership Council, Hamilton Youth Strategy and the Urban Indigenous Strategy.

Promotion of Online Award Presentation

- Online presentation page on City of Hamilton website – with each episode linked to YouTube watch page. Short List webpage with biographies.
- City of Hamilton YouTube playlist.
- Information Update to Council and Senior Leadership; emails to program stakeholders (Nominees, Nominators, Jurors), sponsors, and to the Arts Awards mailing list.
- Two media releases distributed through City of Hamilton media distribution lists: one announcing Short List and referencing basic event details and one outlining event details and sponsors.
- Short List announcement and Facebook album including bios and urls.
- Social media announcements (Facebook, Instagram, Twitter) promoting podcast emcee, spoken word artists and online podcast presentation.
- Facebook & Instagram boosts purchased to promote the online presentation (\$500; reach: 40,424; link clicks: 554). Each individual podcast episode was boosted on Facebook (\$138; reach: 15,362; link clicks: 149). Note: several podcast boosts were paused or rejected due to “social issue” content. Additional boosts were purchased for sponsor and digital magazine posts.

ARTS AWARDS SOCIAL MEDIA STATS	2021 Program (Oct 31, 2020 to July 1, 2021)	
Twitter followers	2,603	(2019: 2,520)
Twitter impressions	140,000	(2019: 217, 258)
Twitter Engagement	1,204	(2019: 4,502)
Facebook followers	2,079	(2019: 1,843)
Facebook Impressions	197,674	(182, 481)
Facebook Engagement	7,099	(2019: 17,031)
Instagram followers	629	(account revived in 2021)
Website Page Views Nov 2020 – June 2021	12,514	(2019: 10,162)
Website <i>Page Views Nov 2020 – June 2021</i>	12,514	(2019: 10,162)

Note: A number of factors may have contributed to more limited reach on social media as compared to 2019 including – no nominee portraits, fewer event elements, a smaller Short List (vs. full list of nominees).

6.0 Awards Presentation

For the second year in a row, COVID-19 restrictions required the Arts Awards to be presented entirely online. The initial plan was to film interviews and performances of the award winners however, restrictions were introduced that prohibited in-person film production. As such, the online event plan had to be reworked to fit within public health guidelines. Although this presented challenges with regards to a limited amount of time for production, it also presented an opportunity to approach the award presentation with a creative and fresh approach.

The online presentation can be accessed following this link:

<https://www.hamilton.ca/city-awards/arts-awards/arts-awards-recipients>

The online presentation contained the following elements:

Podcast Series

The Arts Awards engaged local comedian Gavin Stephens to host a podcast series featuring interviews with the 14 award recipients. A series of 11 podcast episodes were presented in conjunction with Hamilton Arts Week (June 3-12, 2021). In addition to the interviews, the podcasts also featured spoken word by poet Janet Rogers, adjudication statements from the Final Jury and messages of congratulations from program sponsors and members of Council.

Explainer Video

As a compliment to the podcast series, a short explainer video was produced to introduce the audience to the new program format and outline the online award presentation format. The video featured Gavin Stephens, LTtheMonk (a member of the Final Jury) and voiceover work done by Sara Dickinson (a former member of the Arts Awards Steering Committee).

Award Recipient Illustrations

To compliment the podcasts, Hamilton-based illustrators were commissioned to create portraits of all the award winners. The illustrators also created 'comic strips' for the winners of the Creator and Lifetime Achievement Awards. The illustrations were used as a visual accompaniment to the podcasts, online and in print format. The illustrators engaged were: David Collier, Gord Pullar, Joan Krygsman, Maya McKeag, Meredith Park, Michael Byers, Mikaela Rubak-Mazur and Robyn Lightwalker.

Digital Magazine

The information about the Arts Awards program and short-listed nominees and award recipients was compiled into a digital magazine. The magazine also featured: profiles of the award recipients, the illustrations, sponsor recognition and links to the podcasts. Links to the recipients, illustrators and presentation artists' websites and social media accounts were included throughout the magazine content.

Social Media Recognition

The award recipients were announced via the Arts Awards social media channels throughout Hamilton Arts Week and included the recipient portraits and links to the podcasts.

The Hamilton Spectator Fly Sheet

The award recipient portraits and comic strips were formatted into a special insert for The Hamilton Spectator on June 19, 2021. The layout of the insert was created by Hamilton comic artist Joe Ollmann.

Audience Development

Gathering metrics on audience development in an online format is on one hand very simple, and on the other somewhat imprecise.

By distributing the podcasts online through Facebook, the City of Hamilton website and via the Digital Publication we gain a surface count of viewership on each platform that can be compared from year to year. What we can't get is a sense of how many of these viewers are unique from one platform to another. Despite this scenario, we can see that by comparing the same data from 2020 and 2021, both online events, we see significant growth in 2021.

Video	2021		2020	
	Facebook	YouTube	Facebook	YouTube
Explainer Video	429	132	n/a	n/a
E1	236	280	1100	232
E2	558	166	1300	115
E3	875	112	604	83
E4	164	89	509	183
E5	1845	96	275	68
E6	72	139	*	*
E7	1058	83	*	*
E8	69	81	*	*
E9	169	64	*	*
E10	59	78	*	*
E11	1100	132	*	*
TOTAL	6634	1452	3788	681
COMBINED TOTALS		8086		4469
Growth By Platform	75%	113%		

* only 5 episodes were produced in 2020.

In addition to the website and social media data, we also saw over 500 views of the digital magazine and the Hamilton Spectator assigns 50,000 impressions to its print edition – exposure that the program has never seen before.

Aside from viewership, in this format we also seek to gauge the audience’s level of engagement. Over the course of the 11 episodes, the Arts Awards Presentations drew over **200 comments, 96 shares, and more than 1900 ‘likes’**.

These figures show not only a growing audience, but an audience engaged enough in the content to actively assist in amplifying the message. This sense of engagement drives the ‘organic reach’ of a social media campaign, making it more affordable to promote future projects because your own audience is playing a role.

8.0 Feedback & Recommendations

2021 was a difficult year to pilot a new program. In the face of stay-at-home orders and other COVID-19 restrictions, many aspects of the program had to be modified. This was especially true in the nomination outreach and event phases of the program as these areas required substantial modifications to comply with public health orders. As such, it is difficult to fully assess the success of the pilot year of the program. Cobalt Connects recommends that the program format be piloted again in 2022 so that it may be fully tested in a (hopefully) more 'normal' year. This will allow program staff to collect more and better data that can be used to compare against the previous (and pre-COVID) program format.

Post Program Survey

Following the close of the program, an online survey was sent directly to program stakeholders that included: nominees, nominators, award recipients, sponsors, Arts Sector Review Panel and the Final Jury. Further, a link to a general audience survey was posted on the Arts Awards social media channels and distributed via Constant Contact. Unfortunately, the survey did not yield a significant number of responses with 29 responses for the stakeholder survey and 32 for the public survey. Further evaluation of the responses showed some overlap between the two (i.e., likely the same individuals filling out both surveys) and a number of incomplete responses. As such, the survey data is not statistically significant but can be evaluated on an anecdotal level.

There are a number of reasons why the survey responses may have been low, with COVID-19 being the biggest factor. The in-person awards event and feedback relating to the event usually drives the biggest number of survey responses. With this element lost, there was less of a unifying moment to connect with our audience. The short-listing process of the new program format also reduces the number of nominee/ nominators engaged from beginning to end of the program. Finally, members of the Sector Review Panel and Final Jury were provided with multiple opportunities to provide feedback throughout the adjudication process so there may have been less urgency / need in providing additional feedback. Overall, the survey feedback about the program was positive and is included as an appendix for reference.

Recommendations

Although we do not recommend significant changes to the program in 2022, there were still many highlights and lessons learned that can be explored. The section below outlines small changes, items to clarify or consider before the 2022 program.

Award Categories & Criteria

- Consider changing the name of the Creator Award or provide more clarity on eligibility requirements for this category. There was some confusion amongst both the Sector Review Panel and Final Jury regarding the eligibility of arts managers / administrators in this category. Although the category description clearly states that managers / administrators are eligible, this detail was overlooked by some adjudicators. It was felt that the word 'Creator' excluded those who are administrators.
- Explore if emerging artists should be separated or have a designated number of awards within the Creator Award category. The Final Jury noted it was difficult to score emerging artists using the same criteria as more established artists. Suggest providing more instruction up front about having the latitude to make these decisions as well as evaluating nominees "where they are at" in their career rather comparing careers as a whole.

Nomination & Outreach / Communication

- Some nominees received multiple nominations from community members. Discuss how / if multiple nominations should be evaluated by the Sector Review Team & Final Jury and clearly communicate this in the nomination package.
- There was a wide range in the content and quality of the nomination statements submitted by the public. Some were very detailed and included specific career highlights about the nominee whereas others were more vague, offering general support of the nominee. Explore ways to standardize the nomination statement / information submitted by the nominator.
- Each phase of the nomination process (i.e., public nominations, short-listing, assembling short list nomination packages) would have benefitted from more time. In particular, a number of short-listed nominees felt that the timeline to submit their packages was too tight. Consider making the public nomination deadline earlier so that more time can be built into the process.
- Continue with direct outreach to underrepresented artistic mediums including theatre, dance, writing and music.
- Actively promote that bands and artist collectives are now eligible to be nominated. There were low numbers of bands / collectives in the long and short lists.

Make additional efforts to ensure all nominators and shortlisted nominees are informed about program developments, particularly if presentation is online for another year. Feedback indicated that some felt unengaged in the process as a result of some program changes.

Event

- Provide more opportunities to acknowledge and showcase the full short-list
- If the 2022 program returns to an in-person event, consider retaining some elements of the digital production such as the digital magazine or audio/videos that can be shared online. This helps reach audience members who may not attend an in-person event and creates a legacy piece that may be shared in the future. However, this will be largely dependent on budget allocations.

Appendix

A - Public Survey Results

B - Stakeholder Survey Results

Appendix A
2021 City of Hamilton Arts Awards
Public Survey Results

Q1. How did you participate in the 2021 City of Hamilton Arts Awards program? Check all that apply.

Answer Choices	Responses		
I watched the Arts Awards Online Presentation (Podcast Episodes)	34.38%	11	
I was a nominated artist	12.50%	4	
I nominated an artist	9.38%	3	
I was on the Arts Awards Short List	6.25%	2	
I am an Arts Award Recipient	12.50%	4	
I wrote a letter of reference for a nominated artist	9.38%	3	
I sat on the Arts Sector Review Panel	3.13%	1	
I sat on the Final Jury	6.25%	2	
I was a jury member	6.25%	2	
I was a jury monitor	3.13%	1	
I was a sponsor	0.00%	0	
I did not participate in the 2021 program	31.25%	10	
Other	0.00%	0	
Other (please specify)	6.25%	2	
	Answered	32	
	Skipped	0	
Respondents	Response Date	Other (please specify)	Tags
	1 Jun 30 2021 05	I'm an artist.	
	2 Jun 30 2021 03	I was in an Art Collective that was nominated and shortlisted	

Q2. Do you have any suggestions or comments about the new Arts Awards nomination and selection process piloted in 2021?

Answered
Skipped

12
20

Respondents	Response Date	Responses
	1 Jul 06 2021 08:	Initially, it seemed a genuinely daunting process with so many artistic disciplines placed together but the strength, commitment and collegial approach of the jury brought the project to a successful conclusion. I do feel that music was marginalized and needs to be brought forward in some way. We have a vibrant music scene in Hamilton and I felt it was under represented.
	2 Jul 05 2021 09:	seemed to work all around
	3 Jun 30 2021 07	I think the changes are really good.
	4 Jun 30 2021 05	Make it easier
	5 Jun 30 2021 03	It's a bit easy to slip nominations in after the nomination due date. For jurors to be asked to suggest extra nominations defeats the purpose of an earlier due date and unfair for nominated people who complete and
	6 Jun 30 2021 02	No. It was fair.
	7 Jun 15 2021 12	The nominated shouldn't need to provide CV's and letters of recommendation; this isn't a job application. The awarding body and jury should be doing this research on their own with the help of the person nominating the artist.
	8 Jun 14 2021 10	I think it was great! I loved the episodes.
	9 Jun 14 2021 09	I thought it was very good.

10	Jun 14 2021 05	Award categories could be divided into Emerging and established artists streams
11	Jun 14 2021 05	The presentations were conveniently short and super lovely, but challenging to keep up with since they were spread out over a period of time.
12	Jun 14 2021 05	It was an excellent event and I really loved the new format. I was inspired by the multidisciplinary aspect of it all. Please! More!

Q3. If you watched the Arts Awards Online Presentation (podcast series), please rate the following components:

	Poor	Somewhat lacking	Acceptable	Good	Fantastic	Total					
Quality of production	0.00%	0	6.25%	1	0.00%	0	50.00%	8	43.75%	7	16
Format of production (podcast style with visual accompaniment)	0.00%	0	6.25%	1	0.00%	0	50.00%	8	43.75%	7	16
Length of episodes	0.00%	0	0.00%	0	6.25%	1	56.25%	9	37.50%	6	16
Podcast Host	0.00%	0	12.50%	2	0.00%	0	43.75%	7	43.75%	7	16
Spoken word element	0.00%	0	7.14%	1	14.29%	2	42.86%	6	35.71%	5	14
Illustration component	0.00%	0	6.67%	1	0.00%	0	40.00%	6	53.33%	8	15
Local music inclusion	0.00%	0	7.69%	1	7.69%	1	30.77%	4	53.85%	7	13
Digital Magazine (https://www.hamilton.ca/city-awards/arts-awards/about)	0.00%	0	0.00%	0	0.00%	0	64.29%	9	35.71%	5	14
Additional Comments											5
											16
											16

Respondents	Response Date	Additional Comments
1	Jul 06 2021 08:	I'm sorry. I was at a cabin in the hinterlands and not able to watch.
2	Jun 15 2021 09	Well done!
3	Jun 15 2021 12	Categories were integral to these awards, and the removal of these was sad to see. We already have the Hamilton Music Awards and the Hamilton Literary Awards. The Art Awards should be looking to highlight and honour all the other artists thriving here. Visual artists of many mediums, photographers, dancers, playwrights, fashion designers, etc. There needs to be more effort put into this program in order to maintain the award's prestige and cultural significance.
4	Jun 14 2021 09	It was a great way to get to know the each one , the struggles that they faced, the challenges/obstacles that they overcame to become the Artist that they are today.
5	Jun 14 2021 05	I would also add: Format of Production - episodic style/# of episodes - somewhat lacking due to COVID circumstances - hard to keep up with over a period of time.

Q4. Thinking about the 2021 Arts Awards Nominations and/or Online Presentation Promotions: How did you find out about the Arts Awards? Check all that apply

Answer Choices	Responses
City of Hamilton website at www.hamilton.ca/artsawards	24.00%
Facebook	40.00%
Twitter	4.00%
Instagram	24.00%
Email from City of Hamilton's Tourism and Culture Division	32.00%
E-newsletter (AKIMBO, Hamilton Arts Council e-newsletters) PLEASE SPECIFY BELOW	16.00%
Media Release	8.00%
Hamilton Spectator or other print publication PLEASE SPECIFY BELOW	8.00%
Posters in local coffee shops	0.00%
Connection to an Arts Awards program participant (nominee, juror, etc.)	44.00%
Word of Mouth	36.00%

Other (please specify)	8.00%	2	
	Answered	25	
	Skipped	7	
Respondents	Response Date	Other (please specify)	Tags
	1 Jul 06 2021 08:	Previous participation in jurying Hamilton Literary Awards and other civic projects...	
	2 Jun 14 2021 05:	I am a local artist.	

Q5. If we are able to celebrate in person again next year, what suggestions do you have for the 2022 City of Hamilton Arts Awards event?

Answered

13

Skipped

19

Respondents	Response Date	Responses	
	1 Jul 06 2021 08:	Music and dancing in the streets!	
	2 Jul 03 2021 10:	a really cool venue	
	3 Jun 30 2021 07:	Keep all those who nominate artists, and those artists themselves, informed. It was frustrating trying to get information until everything was over. One nominee told me she only knew she didn't win, because she had heard nothing from anyone.	
	4 Jun 30 2021 05:	The awards, like the GG, should be based on work that is unpaid. Working for pay is a reward in itself.	
	5 Jun 30 2021 04:	More categories to cover genres, instruments, and local businesses and organizations that support the arts.	
	6 Jun 30 2021 04:	The last 2 years have presented huge barriers for celebrating both the people and the event. I've been to the event in previous years and enjoyed very much. Move forward with the same passion and the event and the participants will be embraced by the community.	
	7 Jun 30 2021 03:	I think the nomination categories are important to distinguish different types of art. It's tough to compare theatre artists to arts educators to musicians to painters in the same creator category. I missed the categories from previous years :)	
	8 Jun 30 2021 02:	Instead of a typical award show, how about a party after the awards are revealed?	
	9 Jun 15 2021 09:	I really enjoyed the local illustrations component - would suggest keeping that!	
	10 Jun 15 2021 12:	Keep the podcast as part of the winner's package. Bring back categories that actually explore, commemorate and honour the arts in Hamilton.	
	11 Jun 14 2021 10:	I liked learning about the artists and having time to hear them speak.	
	12 Jun 14 2021 05:	Tough to say. Challenging times = challenging circumstances. In person productions are always better of course.	
	13 Jun 14 2021 05:	I think it's time to bring Dave Brennan back! Or someone equally amusing to have things rolling along!	

Q6. Anything else you want to tell us?

Answered

10

Skipped

22

Respondents	Response Date	Responses
1	Jul 06 2021 08:	Sorry this is so late. I'm still in the bush!
2	Jul 03 2021 10:	could the awards be engraved? recipient's name/ year?
3	Jun 30 2021 07:	I think it's fantastic that you do what you do. Thank you.
4	Jun 30 2021 05:	Good job. The arts are essential part of any city's character and growth ... acknowledging that indicates that a city has a future.
5	Jun 30 2021 04:	No thank you.
6	Jun 30 2021 03:	Try to do better recognizing the Art and the Contribution rather than going for the popularity vote. I'm losing interest. Thanks.
7	Jun 30 2021 03:	I love the hamilton arts awards and the in person events!
8	Jun 15 2021 12:	Medals should be engraved with the recipient's name, honour and date.
9	Jun 14 2021 05:	N/A
10	Jun 14 2021 05:	Fantastic! Inspiring and so many thanks!

Appendix B

2021 City of Hamilton Arts Awards

Stakeholder Survey Results

Q1. How did you participate in the 2021 City of Hamilton Arts Awards program? Check the option that best describes your involvement.

Answer Choices	Responses	
I watched the Arts Awards Online Presentation (Podcast Episodes)	0.00%	0
I was a nominated artist	17.24%	5
I nominated an artist	34.48%	10
I was on the Arts Awards Short List	0.00%	0
I am an Arts Award Recipient	10.34%	3
I participated in consultation discussions for the pilot program	6.90%	2
I sat on the Arts Sector Review Panel	31.03%	9
I sat on the Final Jury	10.34%	3
I was a jury member	0.00%	0
I was a jury monitor	3.45%	1
I was a sponsor	6.90%	2
I did not participate in the 2021 program	0.00%	0
Other	0.00%	0
Other (please specify)	3.45%	1
	Answered	29
	Skipped	0

Respondents	Response Date	Other (please specify)	Tags
1	Jun 30 2021 01	I was part of the jury who viewed and selected applicants for nomination	

Q2. What worked well:

Answered 16
Skipped 13

Respondents	Response Date	Responses
1	Jul 06 2021 08:	In a word, everything! Despite having to meet virtually, the jury was so engaged, well-informed and collegial that what seemed like a near impossible job was completed with considerable elan. Kudos to all the organizers!
2	Jul 05 2021 07:	I appreciated the jurying process (multiple juries at different points of assessment, opportunity to nominate additional artists).
3	Jul 04 2021 10:	The online application was well managed and easy to navigate
4	Jul 01 2021 09:	Emails sent out to nominee people was clear and concise
5	Jun 30 2021 10	Really easy to fill out.
6	Jun 30 2021 08	The application process for artists was more streamlined. As a past juror, I also loved how the arts weren't divided by discipline. When I did the theatre jury two years ago, we only had 3 theatre applications (which were all - in my scoring, rather weak). Not having to award applications out of necessity for discipline was great.
7	Jun 30 2021 04	The nomination form was simple and direct.
8	Jun 30 2021 02	Making my 2 nominations was straightforward.
9	Jun 30 2021 02	Easy to fill out digital information page was great.
10	Jun 30 2021 02	I really like the whole process once I understood everything.
11	Jun 30 2021 01	List of nominees provided was well organized and easy to follow.
12	Jun 30 2021 01	I liked how simple it was to nominate someone.
13	Jun 30 2021 12	The submission form was efficient.
14	Jun 30 2021 12	nomination was easy to make
15	Jun 30 2021 12	I appreciated how much simpler the nomination process was.

		Given the pandemic, I think that the 'event' was as successful as it could have been. I liked the format, though I do look forward to being in the same room with people. I think the winners were all very deserving, and am proud to have been nominated alongside them.
16	Jun 15 2021 12	

Q3. What could be improved:

Answered

17

Skipped

12

Respondents	Response Date	Responses	Tags		
1	Jul 06 2021 08:	I'm a paper and pencil person, so would like more physical submission material			
2	Jul 05 2021 11:	The actual posts advertising the podcost could have listed the sponsor or linked to their Social.			
3	Jul 05 2021 07:	I thought the awards went well and indicated thoughtful problem solving in the context of covid. I don't have any suggestions for improvement.			
4	Jul 04 2021 10:	Personally believe some of the nomination criteria/categories can be further clarified to more clearly represent emerging or established artists			
5	Jul 01 2021 09:	The format felt completely different from prior years and the explanation of that format wasn't the clearest.			
6	Jun 30 2021 10:	All good.			
7	Jun 30 2021 08:	I found the staggering out of awards to be tiring and lacking in terms of urgency. I'd prefer one ceremony - even if it was online - rather than spacing it out over 2 weeks.			
8	Jun 30 2021 04:	I never recieved any information at all after I nominated my candidate, no email, nothing. Others who nominated received an email and it makes me wonder about transparency and whether my nomination was even viewed.			
9	Jun 30 2021 02:	Nominators might be made more aware that selection is rigorous. Receiving an art award is significant; it is important. Awardees are part of Hamilton history. Making a nomination is a significant responsibility.			
10	Jun 30 2021 02:	Was tough to keep under the character limit.)			
11	Jun 30 2021 02:	I think in the beginning I would have liked more information provided when I was asked to participate in the jury - there could be more communication however this year with covid probably didn't help			
12	Jun 30 2021 01:	Found it difficult to "judge" a nominee based solely on the nominators brief description. Since I had no other means to judge an artist, I had to rely on the information provided which at times was very sparse.			
13	Jun 30 2021 01:	I don't think the person nominated me who said they would. I also think there needs to be awards for types of art.			
14	Jun 30 2021 12:	Nominated artists should, under any circumstance, have to provide information on par with applying for a salary job. The process requiring the nominated artist and not the nominator to gather reference letters, provide examples of work, and a CV is too much. There should be at least a committee dedicated to this work.			
15	Jun 30 2021 12:	Having artists from different disciplines compete in the same category doesn't make sense. It's comparing apples and oranges			
16	Jun 30 2021 12:	I understand the desire to have the winner's be somewhat of a surprise, but I think the nominees should be notified that they didn't win via Submittable either before, or right after the announcement.			
17	Jun 15 2021 12:	I think the representation of disciplines on the jury could be improved, particularly given the fact that the theatre representation was not by an active theatre artist, but someone who works in administrating a theatre festival.			

Q4. Other comments:

Answered 6
Skipped 23

Respondents	Response Date	Responses			
	1 Jul 05 2021 07:	I loved having artists draw the nominees/ awardees! Showcasing more artists through this awards process was a gesture that gave the awards a sense of collectivity and community.			
	2 Jul 01 2021 09:	I do believe that this change was due to Covid restrictions and hope the process will be refined as things shift to pre-Covid tendencies.			
	3 Jun 30 2021 10:	Nothing to add.			
	4 Jun 30 2021 04:	You need to do better research at the quality of your candidates and the selection process.			
	5 Jun 30 2021 01:	Self nomination should also be available so artist like myself can apply.			
	6 Jun 30 2021 12:	I'm not sure why writers and musicians are eligible when we have the Hamilton Literary Awards and Hamilton Music Awards respectively. The categories are vague and don't reflect the Art community of the city. Bring back specific categories that recognize the visual and dramatic arts in their many formats. The result of widening the categories the way they were this year really decreased the intrinsic value of the award.			

Q5. What worked well:

Answered 8
Skipped 21

	1 Jul 05 2021 07:	Previously answered			
	2 Jul 01 2021 09:	The nominees were presented in an orderly, easily sorted manner, making the selection process more a matter of time needed for proper review than anything else.			
	3 Jun 30 2021 10:	As a nominator I would have liked notice of the progress through the process.			
	4 Jun 30 2021 05:	Interesting array of submissions			
	5 Jun 30 2021 04:	NA			
	6 Jun 30 2021 03:	Fairly reasonable time constraints			
	7 Jun 30 2021 02:	I liked the way the process worked - it seemed fair and was very interesting to get such a broad range of nominees - nominating someone was also much easier			
	8 Jun 30 2021 01:	I don't know how the selection process was done			

Q6. What could be improved:

Answered 8
Skipped 21

Respondents	Response Date	Responses	Tags		
	1 Jul 01 2021 09:	I was unsure of how the final jury process would be administered or who would be doing it. I was also unsure of how many awards were available, ie in the Arts Champion category.			
	2 Jun 30 2021 10:	All good.			
	3 Jun 30 2021 05:	Get experts on different fields to assess individuals in their field.			
	4 Jun 30 2021 04:	NA			
	5 Jun 30 2021 03:	There was a lot to take in Are spreadsheets and scoring unavoidable? Maybe, but this is art. We didn't get to see the support letters, and often those kinds of narratives tell the story.			

	6	Jun 30 2021 02	Maybe separate the bullet points from the text for the main nomination form. It's hard to add a personal touch and 1st hand experiences when simply writing out a list...
	7	Jun 30 2021 02	nominators need to be provided with more direction - I felt some of the people were nominated for the wrong category based on the descriptions that were provided
	8	Jun 30 2021 01	Transparency or perhaps public voting too

Q7. Other comments:

Answered
Skipped

2
27

Respondents	Response Date	Responses	Tags
	1	Jun 30 2021 10	Nothing to add.
	2	Jun 30 2021 04	NA

Q8. What worked well:

Answered
Skipped

4
25

Respondents	Response Date	Responses	Tags
	1	Jul 06 2021 08:	As stated before, I felt everything worked amazingly well, given the pandemic.
	2	Jul 01 2021 09:	I felt it was unclear who would be on the final juries or how they were to be
	3	Jun 30 2021 10	Was not part of this process.
	4	Jun 30 2021 04	NA

Q9. What could be improved:

Answered
Skipped

4
25

Respondents	Response Date	Responses	Tags
	1	Jul 06 2021 08:	As discussed in the meetings themselves perhaps more nominations in the area of music and literature. I know these areas are covered by other awards initiatives but it would give the overall Hamilton Arts Awards a little more balance.
	2	Jul 01 2021 09:	I'd like a more clarified process as to who does what. I understand the need for changes due to Covid, but the new process was confusing to understand.
	3	Jun 30 2021 10	N/A
	4	Jun 30 2021 04	Na

Q10. Other comments:

Answered
Skipped

3
26

Respondents	Response Date	Responses	Tags
	1	Jul 06 2021 08:	Kudos to all!
	2	Jun 30 2021 10	N/A
	3	Jun 30 2021 04	NA

Q11. What worked well:

Answered
Skipped

8
21

Respondents	Response Date	Responses	Tags
	1	Jul 06 2021 08:	I was not able to watch as I was at our cabin in the hinterlands.

		The release of all the awardees over 12 episodes was great. It felt like you had an opportunity to get to know each of the artists. The format of the podcasts were good and having Gavin as the host and Janet Rogers featured gave the award series continuity .
	2 Jul 05 2021 08:	
	3 Jul 01 2021 09:	N/A, see below:
	4 Jun 30 2021 10:	The artwork/illustrations. Love that you incorporated more art into the awards
	5 Jun 30 2021 04:	NA
	6 Jun 30 2021 02:	this was a great idea under the circumstances - very accessible if you had access to a computer so people could view them any time.
	7 Jun 30 2021 12:	Podcasts should definitely be an ongoing feature for recipients, even if there is a return to a stage production. There really isn't enough spotlight on the artists and what they do, where they're active, etc. Having the podcasts this year really improved that.
	8 Jun 30 2021 12:	General organisation and communication

Q12. What could be improved:

Answered

7

Skipped

22

Respondents	Response Date	Responses			
	1 Jul 05 2021 08:	Perhaps including some of the awardees' images of their work in the podcast would help people place work with the artist.			
	2 Jul 01 2021 09:	I didn't watch any of the arts awards this year. I found the way the scheduling was done to be confusing and spreading it over several nights made it feel like a chore rather than an anticipated event.			
	3 Jun 30 2021 10:	Interviews were too long and kinda boring.I admit I scrolled to find out who won.			
	4 Jun 30 2021 04:	NA			
	5 Jun 30 2021 03:	Janet Rogers - difficult to find. What digital magazine? Where? Podcast - no genuine exposure to the work of the artists. Maybe that was in the magazine.....			
	6 Jun 30 2021 12:	A review of the artwork would've been nice. Most of my feature did not reflect me or my practice, and even featured a former employer responsible for great harm in my career. As much as I loved the two illustrations where I was represented physically, I felt that there could've been reasonable changed and suggestions.			
	7 Jun 30 2021 12:	I thought things went well given the circumstances.			

Q13. Should we retain a digital aspect of the event?

Answer Choices	Responses	
Yes	80.00%	8
No	20.00%	2
	Answered	10
	Skipped	19

Q14. Other comments:

Answered

9

Skipped

20

Respondents	Response Date	Responses	Tags		
	1 Jul 05 2021 08:	Having a digital aspect would make the awards accessible to people living with disabilities, older adults, people who cannot attend in person etc. I think it is helpful to artists to have a digital presence with other artists in the community.			

	2	Jul 01 2021 09:	I understand the need for Covid changes, but the multi-night format took away from the excitement and impact of the arts awards.
	3	Jun 30 2021 10:	I say yes to the above but in-person events are always more of a celebration.
	4	Jun 30 2021 04:	NA
	5	Jun 30 2021 03:	13. above - yes there should be a digital aspect; this is a digital age. But needs to be great.
	6	Jun 30 2021 02:	not sure if the digital aspect should be retained - it would be great for anyone not able to attend a physical event but I wouldn't want it to overshadow a public event when we can have one
	7	Jun 30 2021 02:	Don't believe I received any correspondence regarding the online event and missed the entire thing.
	8	Jun 30 2021 12:	It would've also been nice to have the physical award engraved with our achievements and the year...
	9	Jun 30 2021 12:	Was there a good number of people who participated digitally?

Q15. We are all missing live events where we can connect with our community. Provided it is safe to gather again, what should be our priorities for an in-person 2022 Arts Awards event? What do you miss? What new elements would you like to see?

Answered
Skipped

9
20

Respondents	Response Date	Responses	Tags			
	1	Jul 06 2021 08:	Music and dancing in the streets!			
	2	Jul 05 2021 08:	Yes- miss the live performances. I think out reach to under represented communities such as seniors should be prioritized. Covid was devastating for older adults in long term care. Even though we may be back in person for 2022, many people may not be able to access in person activities. It would be good if the digital programming this year continues. Are there ways to integrate all members of our community in the awards/celebration?			
	3	Jul 01 2021 09:	I'd like to see the work of the winners presented in a video format. If it's a musician, a clip of a song, if it's visual arts like a filmmaker, a clip of a film or documentary, etc. Something that highlights their work and makes them more than a name and picture in a program.			
	4	Jun 30 2021 10:	I miss toasting the winner and applauding the nominees. Keep the illustrations for next year.			
	5	Jun 30 2021 04:	Representation and respect for all nominees and shortlisted candidates and winners.			
	6	Jun 30 2021 03:	Connecting to community is terrific. Going to an event to find out you didn't win (succeed / get recognized) is difficult/sad/disheartening; is that the only way to attract audience? The Academy Awards model is a harsh one. YES, recognizing Hamilton artists should be recognized, but let us rethink the nature of "prize culture" as we celebrate the arts. Ensure rigorous selection while supporting community.			
	7	Jun 30 2021 02:	not sure - i have to think about this.			
	8	Jun 30 2021 12:	Bigger venue. I do not want to be at Aquarius with that many people!!			

		To have the event in a big space where we can have some distancing. In past years the foyer at the Theatre Aquarius was packed with people and the music so loud you could not have a conversation with anyone.
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Q16. How successful were we in meeting the following priorities:

		Not at all	Not very	Neutral	Somewhat	Very	Total
Simplify the public nomination process to reduce barriers to nominating.	0.00%	0	0.00%	0	13.33%	2	15
Adjust eligibility and categories in order to celebrate the full breadth of the s	0.00%	0	18.75%	3	18.75%	3	16
Commitment to Inclusion and Representation throughout the program re: r	0.00%	0	0.00%	0	26.67%	4	15
Additional Comments							3
							Answered 16
							Skipped 13

Respondents	Response Date	Additional Comments	Tags
1	Jul 06 2021 08:	What I learned as a jury member is that representation and inclusion are so much	
2	Jul 01 2021 01:	The inclusion of a message by a known white supremacist City Council Member nullifies any purported "commitment".	
3	Jun 30 2021 01:	As an adjudicator, I felt some categories were too vast and thus difficult to assess (especially in that the applicants covered artistic fields with which I was both very acquainted and completely unacquainted). Beyond a short description, I felt each applicant should include a work sample. Otherwise, the risk is we adjudicate the bio, rather than the work - which to me should be the most important part. For applicants that get nominated, I feel the second part of the application process is still too cumbersome (too many letters of reference, for example).	

CITY OF HAMILTON

2022

ADVISORY COMMITTEES

BUDGET SUBMISSION

ARTS ADVISORY COMMISSION

PART A: General Information

ADVISORY COMMITTEE MEMBERS:

Annette Paiement-Chair	(Resigned - Steve Parton – Vice-Chair)
Elizabeth Jayne Cardno	Janna Malseed
Monika Ciolek	(Resigned - Eileen Reilly – Co Chair)
Lisa La Rocca	Ranil Sonnadara
Monolina Bhattacharyya-Ray	Councillor Jason Farr
Councillor John-Paul Danko	

MANDATE:

To recommend activities for the stabilization and strengthening of the arts community; to inform Council of issues and achievements in the Hamilton arts community; to liaise with and act as a point of contact for members of the arts community regarding issues affecting the arts community; to monitor and assist with the implementation of the Public Art Program; to monitor and assist with the implementation of the Arts Awards Program.

PART B: Strategic Planning

STRATEGIC OBJECTIVES:

In 2022, based on the Celebrating Resilience in the Arts project the Arts Advisory Commission (AAC) will be undertaking consultation and outreach events with the arts community to share ideas and support the community in its recovery from the COVID pandemic. These events will be focussed on a symposium planned for early 2022.

The AAC continues its work monitoring and assisting with the implementation of the Public Art Program and the City of Hamilton Arts Awards Program.

ALIGNMENT WITH CORPORATE GOALS:

Please check off which Council approved Strategic Commitments your Advisory Committee supports			
1) Community Engagement and Participation	X	2) Economic Prosperity & growth	X
3) Healthy and Safe Communities		4) Clean & Green	X
5) Built Environment & Infrastructure	X	6) Culture and Diversity	X
7) Our People & Performance			

PART C: Budget Request**INCIDENTAL COSTS:**

Refreshments for Committee Meetings (6 regular AAC meetings and Sub Committee meetings)	\$ 500
Off-site Meetings	\$ 500
Refreshments for Training Sessions and Sub-Committees	\$ 800
Binders, office supplies, printing, etc.	\$ 500
Printing costs for reports, etc.	\$ 1000
SUB TOTAL	\$3300

SPECIAL EVENT/PROJECT COSTS:

Arts community consultation and outreach events including a symposium.	\$16,000
SUB TOTAL	\$16,000

TOTAL COSTS	\$19300
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Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)	\$10,300
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TOTAL 2021 BUDGET REQUEST (net of reserve funding)	\$9,000
PREVIOUS YEAR (2021) APPROVED BUDGET (2021 Request \$9,000)	\$9,000

CERTIFICATION:

Please note that this document is a request for a Budget from the City of Hamilton Operating budget. The submission of this document does not guarantee the requested budget amount. Please have a representative sign and date the document below.

Representative's Name: Annette Paiement-Chair

Signature:

Date:

Telephone #:



INFORMATION REPORT

TO:	Mayor and Members Board of Health
COMMITTEE DATE:	October 19, 2020
SUBJECT/REPORT NO:	Social Determinants of Health in COVID-19 (BOH20015) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Hilary Wren-Atiola (905) 546-2424 Ext. 3724 Sue Connell (905) 546-2424 Ext. 3798
SUBMITTED BY:	Dr. Elizabeth Richardson, MD, MHSc, FRCPC Medical Officer of Health Public Health Services
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

Purpose

This report (BOH20015) and the accompanying presentation provide the Board of Health (BOH) with an overview of the profile of the social determinants of health (SDOH) among Hamilton's COVID-19 cases, and outlines actions staff are taking to address health inequities among vulnerable populations.

Background

The SDOH are the conditions in which people are born, grow, work, live and age. The Ontario Human Rights Commission (OHRC) emphasizes that collecting and analyzing data that identifies individuals by their race, ethnicity, or similar factors can assist institutions to promote human rights and to improve equitable service delivery¹.

¹ Ontario Human Rights Commission. (2009). Count Me In, Collecting Human Rights Based Data. Toronto, from: <http://www.ohrc.on.ca/en/count-me-collecting-humanrights-based-data>

**SUBJECT: Social Determinants of Health in COVID-19 (BOH20015) (City Wide) -
Page 2 of 3**

On May 26, 2020 Hamilton Public Health Services (PHS) began collecting SDOH data on COVID-19 cases using a tool adapted from Middlesex London, Toronto and Peel Health Units. On June 26, 2020 the Ministry of Health made changes to Regulation 568 under the Health Protection and Promotion Act to include the collection of data on race, income, household size, and language from individuals whom test positive for COVID-19.

Between March 1, 2020 and August 31, 2020 just under 1,000 residents in Hamilton were infected with COVID-19. PHS collected the required SDOH data, along with data on employment status and Indigenous status, from 630 of those individuals. The findings should be interpreted with caution due to the level of response achieved.

Findings

Our data suggests that racialized populations, health care workers and people living with low-income are disproportionately affected by COVID-19 in Hamilton. We also found that males and seniors are more likely to be hospitalized and die from COVID-19.

These findings are not unique to Hamilton. Toronto Public Health also found that people in the lowest income group have the highest rate of COVID-19 and that there is a higher case and hospitalization rate for racialized communities². Similar trends have been shown in Waterloo Region³ and in the City of Ottawa⁴.

The COVID-19 pandemic is magnifying the impact of the SDOH and the inequities that have long existed in communities. For example, we know that people living with low incomes have difficulty affording basic resources (e.g. food, paying bills). During a pandemic, difficult choices between needed supplies (e.g. hand sanitizer, masks) and basic resources is exacerbated.

Actions Taken

The Hamilton EOC, PHS and the health system partnership of the Hamilton COVID Response Table (HCRT) continue to work in close alignment to support vulnerable populations throughout the pandemic. Actions taken include:

- Collect and analyze data on social determinants;
- Support shelters to follow public health measures;
- Delivery of essential supplies (e.g. medicine to people without social supports);

² Toronto Public Health. (2020). COVID-19 and the Social Determinants of Health: What do we know? Updated May 14th, 2020 from: https://www.toronto.ca/wp-content/uploads/2020/05/96e0-SDOHandCOVID19_Summary_2020May14.pdf

³ CBC Kitchener-Waterloo. (2020). New immigrants, low-income earners in Waterloo region seeing higher rates of COVID-19. Updated July 15th, 2020 from: <https://www.cbc.ca/news/canada/kitchener-waterloo/immigrants-low-income-waterloo-region-covid-19-1.5649453>

⁴ Ottawa Matters. (2020). Early race-based COVID-19 data showing Ottawa minority groups affected at high rate. Updated June 24th, 2020 from: <https://www.ottawamatters.com/local-news/early-race-based-covid-19-data-showing-ottawa-minority-groups-affected-at-high-rate-2515515>

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: Social Determinants of Health in COVID-19 (BOH20015) (City Wide) -
Page 3 of 3**

- Consultation and support to Indigenous organizations (e.g. COVID call centre);
- Enhanced infection control support in congregate settings (e.g. residential care facilities, temporary farm worker housing);
- COVID-19 testing for persons living in shelters;
- Mobile testing for isolated individuals unable to get to assessment centres; and,
- Help people to access mental health and addictions supports

Next Steps

The EOC, PHS and the HCRT will continue to support vulnerable populations to achieve greater health equity throughout the COVID response, including:

Continue to...

- Work on previous Actions Taken;
- Work with Mental Health partners;
- Ensure social service providers who work with vulnerable populations know when and how to access testing;
- Support congregate settings as they undertake IPAC reviews.
- Advocate for basic income principles;
- Work to mitigate the unintended consequences of COVID-19 control measures (e.g. deferred immunizations, dental and vision health care, as well as adverse impacts on mental health and loss of income).

Advocate for...

- Public policy to protect seniors and low-wage frontline workers;
- Adequate human resources to support vulnerable populations.

Collaborate with...

- Communities disproportionately impacted by COVID-19, including racialized and low-income communities;
- Community service provider agencies serving populations impacted by COVID-19 or public health measures.

Exploration of...

- Voluntary isolation centres to minimize household transmission.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.