



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

**Meeting #:** 22-001  
**Date:** March 31, 2022  
**Time:** 9:30 a.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall (RM)

All electronic meetings can be viewed at:

City of Hamilton's Website:  
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's Youtube Channel:  
<https://www.youtube.com/user/InsideCityofHamilton>

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

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1. **APPOINTMENT OF A CHAIR**
2. **APPROVAL OF AGENDA**  
(Added Items, if applicable, will be noted with \*)
3. **DECLARATIONS OF INTEREST**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
  - 4.1. August 24, 2021
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**
7. **CONSENT ITEMS**
  - 7.1. Verbal Updates to Council (FCS22021/CM22002) (City Wide) (Outstanding Business List Item)

**8. STAFF PRESENTATIONS****9. PUBLIC HEARINGS / DELEGATIONS****10. DISCUSSION ITEMS**

10.1. 2023 Committee and Council Meeting Calendar

10.2. Review of City of Hamilton's Agencies, Boards, Committees and other Affiliated Entities (LS22016 / FCS22025) (City Wide)

Please refer to Item 14.1 for Private & Confidential Appendices "A", "B" and "C" to this report.

**11. MOTIONS****12. NOTICES OF MOTION****13. GENERAL INFORMATION / OTHER BUSINESS**

13.1. Amendments to the Outstanding Business List:

13.1.a. Items Considered Complete and Needing to be Removed:

Verbal Updates at Council and Committee Meetings

That the City Clerk along with the Senior Leadership Team provide a report back to the Governance Review Sub-Committee on the potential options on providing a summary for time sensitive In-Camera items prior to the meeting.

Added: February 12, 2020 - at Council

Completed: March 31, 2022 - at Governance (Item 7.1)

OBL Item: 20-B

**14. PRIVATE AND CONFIDENTIAL**

14.1. Confidential Appendices "A" through "C" to Report LS22016 / FCS22025 - Review of City of Hamilton's Agencies, Boards, Committees and other Affiliated Entities

Pursuant to Section 9.1, Sub-sections (f) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, 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 municipality or local board.

**15. ADJOURNMENT**



# Hamilton

## GOVERNANCE REVIEW SUB-COMMITTEE

### MINUTES 21-006

Tuesday, August 24, 2021

9:30 am

Council Chambers

Hamilton City Hall

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

**Absent:** Councillors M. Pearson – Personal, T. Whitehead – Leave of Absence

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

**1. Councillor Ward Office Budgets and Policy Guidelines for Eligible Expenses for Elected Officials (FCS18083(c)) (City Wide) (Item 10.1)**

**(VanderBeek/Wilson)**

That Appendix “A” to Report FCS18083(c), Policy and Guidelines for Eligible Expenses for Elected Officials: Budget for the Office of the Mayor, Legislative Budget and Councillor Ward Office Budget, be approved.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Maria Pearson  
YES - Councillor Brad Clark

#### FOR INFORMATION:

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**5. COMMUNICATIONS**

5.1 Correspondence from Viv Saunders, respecting Ward Office Budgets and Policy Guidelines

Recommendation: Be received and referred to consideration of Item 10.1, Councillor Ward Office Budgets and Policy Guidelines for Eligible Expenses for Elected Officials (FCS18083(c)) (City Wide).

**6. DELEGATION REQUESTS**

- 6.1 Cameron Kroetsch, respecting the Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to the Governance Review Sub-Committee, regarding Special Meetings of Council (For today's meeting)

**10. DISCUSSION ITEMS**

- 10.2 Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to Governance Review Sub-Committee, respecting Special Meetings of Council

**(VanderBeek/Ferguson)**

That the August 24, 2021 Agenda of the Governance Review Sub-Committee be approved, as amended.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES (Item 4)**

**(i) July 14, 2021 (Item 4.1)**

**(Clark/VanderBeek)**

That the Minutes of the July 14, 2021 meeting of the Governance Review Sub-Committee be approved, as presented.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Maria Pearson  
YES - Councillor Brad Clark

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

- (i) Correspondence from Viv Saunders, respecting Ward Office Budgets and Policy Guidelines (Added Item 5.1)**

**(VanderBeek/Wilson)**

That the correspondence from Viv Saunders, respecting Ward Office Budgets and Policy Guidelines, be received and referred to consideration of Item 10.1, Councillor Ward Office Budgets and Policy Guidelines for Eligible Expenses for Elected Officials (FCS18083(c)) (City Wide).

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(e) DELEGATION REQUESTS (Item 6)**

- (i) Cameron Kroetsch, respecting the Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to the Governance Review Sub-Committee, regarding Special Meetings of Council (For today's meeting) (Added Item 6.1)**

**(Clark/Ferguson)**

That the delegation request from Cameron Kroetsch, respecting the Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to the Governance Review Sub-Committee, regarding Special Meetings of Council, be approved for today's meeting.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Maria Pearson  
YES - Councillor Brad Clark

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

- (i) Cameron Kroetsch, respecting the Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to the Governance Review Sub-Committee, regarding Special Meetings of Council (Added Item 9.1)

Cameron Kroetsch addressed the Committee respecting the Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to the Governance Review Sub-Committee, regarding Special Meetings of Council.

**(VanderBeek/Ferguson)**

That the delegation from Cameron Kroetsch, respecting the Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to the Governance Review Sub-Committee, regarding Special Meetings of Council, be received.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Maria Pearson  
YES - Councillor Brad Clark

(g) DISCUSSION ITEMS (Item 10)

- (i) Proposed Amendment to the Procedural By-law Referred by Council on August 13, 2021 to Governance Review Sub-Committee, respecting Special Meetings of Council (Added Item 10.2)

**(Ferguson/Clark)**

That Council approve the proposed *amendment* to Sub-Section 3.4, Special Meetings of Council of Procedural By-law 21-021, as follows:

**3.4 Special Meetings of Council**

- (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.*

**Result: Amendment DEFEATED by a vote of 1 to 3, as follows:**

NO - Councillor Maureen Wilson

NOT PRESENT - Chair Terry Whitehead  
NO - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Maria Pearson  
NO - Councillor Brad Clark

**(h) ADJOURNMENT (Item 15)**

**(Ferguson/VanderBeek)**

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 11:04 a.m.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Maria Pearson  
YES - Councillor Brad Clark

Respectfully submitted,

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

Angela McRae  
Legislative Coordinator  
Office of the City Clerk







# INFORMATION REPORT

<b>TO:</b>	Chair and Members of Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	March 31, 2022
<b>SUBJECT/REPORT NO:</b>	Verbal Updates to Council (FCS22021/CM22002) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Andrea Holland (905) 546-2424 Ext. 5409
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Janette Smith City Manager
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

Verbal Updates at Committee and Council Meetings

WHEREAS, Council has no record of the content of a verbal update;

THEREFORE, BE IT RESOLVED:

That staff be directed to discontinue the practice of providing verbal updates at Committee and Council Meetings without an accompanying summary document which outlines the points covered;

That the Motion, respecting Verbal Updates at Committee and Council Meetings, be referred to the Governance Review Sub-Committee.

## INFORMATION

This report is to inform Governance Review Sub-Committee of the changes in process that have been implemented since the above motion was approved. These changes were implemented to increase written communication between staff and Council, to increase transparency of this communication and to create a permanent record.

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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: Verbal Updates (FCS22021/ CM22002) (City Wide) - Page 2 of 3****Council Communication Updates – Permanent Records**

Under the Routine Disclosure and Active Dissemination Policy, approved in December of 2019, amendments to the Procedural By-law were brought forward in 2021 to provide greater record keeping and transparency regarding information provided to Members of Council through email.

Previously, Information Updates were used to provide information to Members of Council through email and were made public on the City's Website. In order to provide greater transparency and to keep track of the documents as permanent records, the Procedural By-Law 21-021 was adopted with amendments to the Council agenda for a new section entitled Council Communication Updates. This ensures significant communication to Council on City initiatives were recorded and as an option, provide an opportunity for Members of Council to have these referred to Standing Committee for discussion. Council Communication Updates are added to each Council agenda to be received and are posted on the City's website on a designated page. The Retention Schedule By-Law 11-040 was amended in April 2021 to include Communication Updates as permanent records.

**Ontario Land Tribunal Decisions**

In order to close the loop on matters that have gone before the Ontario Land Tribunal (OLT), Clerks has amended the Planning Committee Agenda to include decisions. This provides members of the public, Planning Committee and Council with the decisions of the Tribunal. Although this information is publicly available on the OLT website, staff are provided with the decisions and making them public on the agenda supports the term of Council priority to promote Trust and Confidence in City Government, ensuring public information is readily available. This has reduced the number of Committee questions regarding files and verbal updates from staff on the conclusion of OLT files.

**Closed Session Reports**

At Council on February 12, 2020, the following direction was provided to staff:

- (a) That the City Manager and City Solicitor be directed to implement report guidelines, by March 31, 2020, requiring the separation of any legal advice from all confidential staff reports, with any such legal advice to be provided as an appendix to be attached to the corresponding confidential staff report.
- (b) That should an exception occur, when the legal advice and a staff report are not separated, staff be directed to provide an explanation as to why.

Staff reviewed practices and report templates to include both the rationale for going into closed session (under the Municipal Act 2001, as amended) and the rationale why the

**SUBJECT: Verbal Updates (FCS22021/ CM22002) (City Wide) - Page 3 of 3**

report and/or appendices should remain confidential. These changes provide Committee and Council with greater understanding and information of the confidential nature of the report.

Further to changing the confidential report template, discussions have occurred with the Senior Leadership Team and Legal services to split legal advice from the main report when possible to allow for more report content to be made public. There has been a concerted effort to provide written information to Council on confidential legal and Human Resource matters and when these matters are urgent, it has resulted in the submission of last-minute reports.

**Current Use of Verbal Updates**

There are sections embedded in Committee and Council agendas to allow the flow of information between Members and staff. Both Statements by Members during Council and Other Business during Committee provides time for Members to ask questions on timely community issues. To limit the number of verbal updates in Committee and Council meetings, the Procedural By-law 21-021 could be amended to eliminate this practice from Statements by Members in Council meetings and Other Business in Committee meetings. A Council motion would be required to amend the Procedural By-Law to eliminate this practice.

Verbal updates have been used to decrease staff preparation of items. For example, during the Pandemic, Covid-19 Verbal Update has been listed as a standing item on the General Issues Committee agenda. The delivery of timely information to Committee about Provincial and/or Community changes does not allow for the lead time and preparation of written reports and presentations. These types of standing verbal updates have been approved by Council.

Due to time constraints, there are times when Negotiations or Confidential matters occur, and staff need to provide Committee and/or Council with verbal updates and are seeking direction to settle a matter. With discussions with SLT and other staff, staff have adopted a practice to inform Council ahead of time if late reports or verbal updates are to be expected with an explanation of the need for the immediate discussion and decision of Council. This provides context to Members on the short time frame between the delivery of the information and informing them of the pending report/update.

**APPENDICES AND SCHEDULES ATTACHED**

N/A



### January 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
1 NEW YEAR'S DAY	2 CLOSED IN LIEU OF NEW YEAR'S DAY	3 <b>NO MEETINGS – PLEASE DO NOT USE</b>				6	7
8	9	10	11	12	13	14	
15	16 BOH – 9:30 a.m. PW – 1:30 p.m.	17 Planning – 9:30 a.m.	18 GIC – 9:30 a.m.	19 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	20	21	
22	23	24	25 COUNCIL 9:30 a.m.	26	27	28	
29	30 PW – 1:30 p.m.	31 Planning – 9:30 a.m.					

- GIC = General Issues Committee      AF&A = Audit, Finance & Administration
- PW = Public Works Committee      E&CS = Emergency & Community Services
- Planning = Planning Committee      BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2<sup>nd</sup> Floor

## February 2023

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

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 Planning = Planning Committee      BOH = Board of Health

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### March 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
<b>NO MEETINGS – PLEASE DO NOT USE</b>						
12	13	14	15	16	17	18
<b>MARCH BREAK MARCH BREAK MARCH BREAK</b>						
19	20	21	22	23	24	25
	BOH – 9:30 a.m. PW – 1:30 p.m.	Planning – 9:30 a.m.	GIC – 9:30 a.m.	AF&A – 9:30 a.m. E&CS – 1:30 p.m.		
26	27	28	29	30	31	
			COUNCIL 9:30 a.m.			

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### April 2023

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

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## May 2023

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

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June 2023

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

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### July 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 <b>CANADA DAY</b>
2	3 GIC – 9:30 a.m.	4 Planning – 9:30 a.m.	5 BOH – 9:30 a.m. PW – 1:30 p.m.	6 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	7 COUNCIL 9:30 a.m.	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

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### August 2023

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

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### September 2023

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

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October 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 BOH – 9:30 a.m. PW – 1:30 p.m.	3 Planning – 9:30 a.m.	4 GIC – 9:30 a.m.	5 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	6	7
8	9 THANKSGIVING	10	11 COUNCIL 9:30 a.m.	12	13	14
15	16 PW – 1:30 p.m.	17 Planning – 9:30 a.m.	18 GIC – 9:30 a.m.	19 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If Required</i>	20	21
22	23	24	25 COUNCIL 9:30 a.m.	26	27	28
29	30 BOH – 9:30 a.m. PW – 1:30 p.m.	31 Planning – 9:30 a.m.				

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November 2023

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

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December 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 BOH – 9:30 a.m. PW – 1:30 p.m.	5 Planning – 9:30 a.m.	6 GIC – 9:30 a.m.	7 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	8	9
10	11	12	13 COUNCIL 9:30 a.m.	14	15	16
17	18	19	20	21	22	23
24 CHRISTMAS EVE	25 CHRISTMAS DAY	26 BOXING DAY	27 SHUTDOWN	28 SHUTDOWN	29 SHUTDOWN	30
31 NEW YEARS EVE!						

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**CORPORATE SERVICES DEPARTMENT**  
**Legal and Risk Management Services Division**  
**and**  
**City Clerk's Office**

<b>TO:</b>	Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	March 31, 2022
<b>SUBJECT/REPORT NO:</b>	Review of City of Hamilton's Agencies, Boards, Committees and other Affiliated Entities (LS22016/FCS22025) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Stacey Applebee (905) 546-2424 Ext. 4660 Andrea Holland (905) 546-2424 Ext. 5409
<b>SUBMITTED BY:</b>	Ron Sabo, Acting City Solicitor Legal and Risk Management Services
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk
<b>SIGNATURE:</b>	

Discussion of Confidential Appendix "A", "B" and "C" to report LS22016/ FCS22025 in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario *Municipal Act, 2001*:

- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- 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 municipality or local board

#### **RATIONALE FOR CONFIDENTIALITY**

Appendix "A", "B" and "C" to Report LS22016/ FCS22025 is being considered in Closed Session as it contains advice that is subject to solicitor-client privilege and is pertinent to negotiation positions to be advanced by the City.

#### **RATIONALE FOR MAINTAINING CONFIDENTIALITY**

Staff are recommending that Appendix "A", "B" and "C" to Report LS22016/ FCS22025 remain confidential as it contains advice that is subject to solicitor-client privilege and is pertinent to negotiation positions to be advanced by the City.

#### **RECOMMENDATION (OPEN SESSION)**

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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.

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- (a) That Appendix "B" and Appendix "C" attached to Report LS22016/FCS22025 respecting the Review of City of Hamilton's Agencies, Boards, Committees and other Affiliated Entities be approved;
- (b) That Appendix "A", "B" and "C" to Report LS22016/FCS22025 respecting the Review of City of Hamilton's Agencies, Boards, Committees and other Affiliated Entities, remain confidential; and
- (c) That subject to the approval of recommendation (a), the City Clerk be directed to respond to the Ombudsman on behalf of the City with a list of those entities that the City of Hamilton considers to be 'council', 'committee' or a 'local board' with information contained in Appendix "B".

**EXECUTIVE SUMMARY**

On March 10, 2021, the Ombudsman's legal representative requested that the City Clerk provide a list of those entities that the City considers to be 'committees' or 'local boards' for the purpose of the open meeting rules found in the *Municipal Act, 2001* (the "Act") and/or the City's Procedural By-law (the "Procedure By-law").

Further to this request, the City Clerk and Legal Services have conducted a review of the City of Hamilton's Agencies, Boards, Committees and other Affiliated Entities to classify each entity and determine which would be subject to the open meeting rules found in the Act and/or the Procedure By-law when they hold a 'meeting'.

**Alternatives for Consideration –Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: No immediate implications.

Staffing: Clerks staff will be providing additional training to committees and local boards to ensure compliance with the open meeting requirements under the Act prior to the end of Q3 2022.

Legal: As outlined in this report.

**HISTORICAL BACKGROUND**

On March 10, 2021, the Ombudsman's legal representative requested that the City Clerk provide a list of those entities that the City considers to be 'committees' or 'local boards' for the purpose of the open meeting rules found in the Act and/or the Procedure By-law.

The Ombudsman's office permitted the City to postpone its response pending receipt of the decision on the application for Judicial Review relating to the decision of the *Integrity Commissioner of the City of Hamilton*, dated September 24, 2020 and the decision of City

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Council of the City of Hamilton, dated September 30, 2020, so that any further analysis and guidance relating to the classification of an entity as a 'local board' could be considered.

On December 15, 2021 the decision on the Judicial Review was released. The Court held that the decision of the Integrity Commissioner to classify the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee as a 'local board' pursuant to Section 223.1 of the Act was reasonable. Staff have advised the Ombudsman's Office that a response to their March 10, 2021 inquiry would be provided following a report to Council.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

As outlined in this report.

**RELEVANT CONSULTATION**

Relevant consultation included.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

***Legislative Background***

Section 14.1(3) of the *Ombudsman Act* states that 'if a person makes a request under clause 239.1(b) of the *Municipal Act, 2001*...the Ombudsman may...investigate... whether a municipality or local board of a municipality has complied with section 239 of the *Municipal Act, 2001* or a procedure by-law under subsection 238(2) of that Act in respect of a meeting or part of a meeting that was closed to the public'.

Section 239(1) of the Act requires 'meetings' to be open to the public except where the subject matter of the meeting falls into the named exceptions set out in Section 239(2), (3) or (3.1).

For the purposes of Section 239(1) of the Act, the following definitions apply:

- (a) a 'meeting' means 'any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
  - a. a quorum of members is present, and
  - b. 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'
- (b) 'committee' means 'any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards'
- (c) 'local board' means 'a municipal service board, transportation commission, board of health, planning board, or any other board, commission, committee, body or

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local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority'. Notably, this definition does not include 'police services boards or public library boards'

Pursuant to the Procedure By-law:

- (a) 'Committee' means a 'Standing Committee, Sub-Committee, Selection Committee or an Advisory Committee or Task Force established by Council from time to time'
- (b) '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'
- (c) Section 9- Meetings Closed to the Public- defines "committee" as 'any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council'
- (d) Section 9.1 states that 'No meeting of Council or a Committee...shall be closed to the public unless in accordance with the Municipal Act'

**Staff Analysis**

Staff have reviewed the list of entities compiled by the Clerks department from the City's website, together with the constituting documentation for such entities, provisions in various statutes, relevant case law and prior Ombudsman decisions in order to determine which entities would be classified as 'committees' under the Act or the Procedure By-law or as 'local boards' such that when they hold a 'meeting' they would be subject to the open meeting requirements of the Act and/or the Procedural By-law.

Attached as Appendix "A" to this Report is a Confidential Appendix outlining the legal considerations which inform this analysis. Attached as Appendix "B" is a list of entities staff have determined to be 'committees' pursuant to the Act or the Procedure By-law or 'local boards' pursuant to the Act. Attached as Appendix "C" is a list of entities staff have determined are none of a 'committee' pursuant to the Act or the Procedure By-law nor a 'local board' pursuant to the Act.

Throughout this analysis, Legal Services and Office of the City Clerk staff identified areas of the current Governance Structure where improvements can be made. Staff are developing a work plan to address these and will be returning with recommendations to

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Governance Review Sub-Committee with these recommendations for discussion and decision. Ongoing training of committees and local boards on open meetings protocol will be occurring prior to the end of Q3 2022. The City's Committee Listing website will also be updated to ensure alignment with the City's response to the Ombudsman's office.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Community Engagement and Participation**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - to Report LS22016/FCS22025 – Confidential Appendix outlining the legal considerations and summary of the analysis.

Appendix "B" - to Report LS22016/FCS22025 – Confidential Appendix with a list of 'Committees' and 'Local Boards'.

Appendix "C" –to Report LS22016/FCS22025 – Confidential Appendix with a list of those entities that are neither 'Committees' nor 'Local Boards'.