



## City of Hamilton

# GOVERNANCE REVIEW SUB-COMMITTEE REVISED

**Meeting #:** 22-004

**Date:** September 9, 2022

**Time:** 11:00 a.m.

**Location:** Room 264, 2nd Floor, City Hall (hybrid) (RM)  
71 Main Street West

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

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**1. CEREMONIAL ACTIVITIES**

**2. APPROVAL OF AGENDA**

(Added Items, if applicable, will be noted with \*)

**3. DECLARATIONS OF INTEREST**

**4. APPROVAL OF MINUTES OF PREVIOUS MEETING**

4.1. June 23, 2022

**5. COMMUNICATIONS**

**6. DELEGATION REQUESTS**

6.1. Cameron Kroetsch, respecting the Procedural By-law Report (For today's meeting)

\*6.2. Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.4, 2022 Review of the City's Procedural By-law (FCS22075) (For today's meeting)

\*6.3. Koubra Hagggar, Hamilton Centre for Civic Inclusion, respecting Item 10.1, Report FCS22072 (For today's meeting)

\*6.4. Marlene Dei-Amoah, Committee Against Racism, Hamilton Centre for Civic Inclusion, respecting Item 10.1, Report FCS22072 (For today's meeting)

\*6.5. Lyndon M. George, Hamilton Anti-Racism Resource Centre, respecting Item 10.1, Report FCS22072

**7. CONSENT ITEMS**

- \*7.1. Code of Conduct and Conflict of Interest Education and Communications (HUR22011 / CM22018) (City Wide)

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

- 10.1. Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide) (Outstanding Business List Item)
- 10.2. Integrity Commissioner and Lobbyist Registrar Contract (FCS22074) (City Wide)
- 10.3. Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016(a)/HR22010(a)) (City Wide)(Outstanding Business List Item)
- 10.4. 2022 Review of the City's Procedural By-law FCS22075 (City Wide)

**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:

Committee Against Racism - Citizen Committee Report -  
Recommendations for changes to the Hamilton Police Service Board  
selection process

That the CCR be referred to staff for a report back to the Governance  
Review Sub-Committee on the feasibility of implementing the  
recommendations within the Citizen Committee Report.

OBL Item: 22-B

Added: July 7, 2022 at AF&A (Item 10.1)

Completed: September 9, 2022 at Governance (Item 10.1)

**14. PRIVATE AND CONFIDENTIAL****15. ADJOURNMENT**



# Hamilton

## GOVERNANCE REVIEW SUB-COMMITTEE

### MINUTES 22-003

Thursday, June 23, 2022

9:30 am

Council Chambers

Hamilton City Hall

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

**Absent:** Councillor T. Whitehead – Personal

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

#### 1. Renaming of Committees (FCS22055) (City Wide) (Item 10.1)

##### (Pearson/Wilson)

- (a) That the following Committees be renamed as follows:
- (i) Waste Management Advisory Committee be renamed to the Waste Management Sub-Committee;
  - (ii) Agricultural and Rural Affairs Advisory Committee be renamed the Agricultural and Rural Affairs Sub-Committee;
  - (iii) Business Improvement Area Advisory Committee be renamed the Business Improvement Area Sub-Committee; and
  - (iv) Community Benefits Protocol Advisory Committee be renamed the Community Benefits Protocol Sub-Committee.
- (b) That the Waste Management Sub-Committee; Agricultural and Rural Affairs Sub-Committee and Business Improvement Area Sub-Committee Terms of Reference, attached as Appendix 'A' to 'C', be approved.

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

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

2. **Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016 / HR22010) (City Wide) (Item 10.2)**

**(Ferguson/Pearson)**

(a) That Council approve the amendments to the City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees as outlined in Appendix "A" to Report FCS22016 / HR22010;

(b) That Appendix "B" the Mandatory COVID-19 Vaccination Verification Policy, **be amended:**

(i) to include, Option 'B' as the preferred option to administer Council Appointees who are not compliant with the Mandatory COVID-19 Vaccination Verification Policy, that reads as follows:

***Members of Council appointed committees will be presumed to have an Approved Exemption and shall work with the City to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all Employees and Committee Members, up to the point of undue hardship***

(ii) ***to relocate Section 6. of Terms and Conditions - Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy as Section 2., renumbering the remaining sub-sections accordingly; and***

(c) That Council approve the proposed amendments to the Mandatory COVID-19 Vaccination Verification Policy, substantially in the form attached as **amended** Appendix "B" of Report FCS22016 / HR22010, Mandatory COVID-19 Vaccination Verification Policy.

**Result: Main Motion, As Amended CARRIED by a vote of 5 to 0, as follows:**

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

3. **Establishment of the City of Hamilton's Citizen Advisory (Volunteer) and Sub-Committees for the 2022-2026 Term of Council (FCS22056) (City Wide) (Added Item 10.3)**

**(Clark/Ferguson)**

(a) That the membership within the Terms of Reference of the following Committees be **amended** as follows, for quorum purposes:

- (i) Hamilton-Wentworth Catholic District School Board (HWCDSB) Liaison Committee:

**MEMBERSHIP**

Total of three Trustees (Chair of the Board and two Trustees)  
Total of **three** Members of Council (Mayor and **two members** of Council)

(Appendix 'A' – Hamilton-Wentworth Catholic District School Board (HWCDSB) Liaison Committee – Terms of Reference (revised))

- (ii) Hamilton-Wentworth District School Board (HWDSB) Liaison Committee:

**MEMBERSHIP**

Total of three Trustees (Chair of the Board and two Trustees)  
Total of **three** Members of Council (Mayor and **two members** of Council)  
Total of two HWDSB Secondary Students (non-voting, rotating basis, invited by HWDSB)

(Appendix 'B' - Hamilton-Wentworth District School Board (HWDSB) Liaison Committee – Terms of Reference (revised))

- (b) That the following Sub-Committees, be disbanded:
  - (i) Affordable Housing Site Selection Sub-Committee;
  - (ii) Government Relations Sub-Committee;
  - (iii) Steel Sub-Committee;
  - (iv) Rental Housing Sub-Committee;
  - (v) Hamilton Utilities Corporation Joint Advisory Committee and Working Group;
  - (vi) Capital Projects Work In-Progress Review Sub-Committee; and
  - (vii) Multi-Year Budget Planning Sub-Committee;
- (c) That the Sub-Committees listed in Appendix "C" to this report be established for the 2022 – 2026 Term of Council (November 16, 2022 to November 15, 2026);
- (d) That the establishment of the Physician Recruitment and Retention Steering Committee be postponed until after Council has considered the review of the Physician Recruitment and Retention process in the Fall of 2022;
- (e) That the establishment of the Citizen Advisory Committees (Volunteer) with the exception of the Advisory Committee for Persons with Disabilities, be

postponed and considered by the 2022–2026 Council, so that the Citizen Advisory Committees (Volunteer) may be aligned with the 2022–2026 Council Term priorities; and

- (f) That the Advisory Committee for Persons with Disabilities, be established for the 2022 – 2026 Term of Council (November 16, 2022 to November 15, 2026), as per section 29(1) of the *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11*.

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

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

**FOR INFORMATION:**

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

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

**10. DISCUSSION ITEMS**

- 10.3 Establishment of the City of Hamilton's Citizen Advisory (Volunteer) and Sub-Committees for the 2022-2026 Term of Council (FCS22056) (City Wide)

**(Pearson/Ferguson)**

That the June 23, 2022 Agenda of the Governance Review Sub-Committee be approved, as amended.

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

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

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

There were no declarations of interest.

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

(i) **May 30, 2022 (Item 4.1)**

**(VanderBeek/Ferguson)**

That the Minutes of the May 30, 2022 meeting of the Governance Review Sub-Committee be approved, as presented.

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

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

(d) **DISCUSSION ITEMS (Item 10)**

(i) **Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016 / HR22010) (City Wide) (Item 10.2)**

**(Pearson/VanderBeek)**

- (a) That Council approve the amendments to the City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees as outlined in Appendix "A" to Report FCS22016 / HR22010;
- (b) That Council choose between Options A, B, and C as outlined within the section Alternatives for Consideration of Report FCS22016 / HR22010 and Appendix B of Report FCS22016 / HR22010; and
- (c) That Council approve the proposed amendments to the Mandatory COVID-19 Vaccination Verification Policy, substantially in the form attached as Appendix B of Report FCS22016 / HR22010 with any necessary amendments arising from recommendation (b) above.

**(Clark/Vanderbeek)**

- (a) That Sub-Section (b) and Appendix "B" of Report FCS22016 / HR22010, be **amended** to reflect Option 'B' as the preferred option, as follows:
  - (b) That Appendix "B" the Mandatory COVID-19 Vaccination Verification Policy, **be amended** to include, Option 'B' as the preferred option to administer Council Appointees who are not compliant with the Mandatory COVID-19 Vaccination Verification Policy, that reads as follows:

***Members of Council appointed committees will be presumed to have an Approved Exemption and shall work with the City to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all Employees and Committee Members, up to the point of undue hardship***

- (b) That Appendix “B” the Mandatory COVID-19 Vaccination Verification Policy, be ***further amended to relocate Section 6. of Terms and Conditions - Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy as Section 2., renumbering the remaining sub-sections accordingly.***
- (c) That Sub-Section (c) of Report FCS22016 / HR22010, be ***amended***, to read as follows:
  - (c) That Council approve the proposed amendments to the Mandatory COVID-19 Vaccination Verification Policy, substantially in the form attached as ***amended*** Appendix “B” of Report FCS22016 / HR22010, Mandatory COVID-19 Vaccination Verification Policy. ***with any necessary amendments arising from recommendation (b) above.***

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

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

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

**(e) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Amendment to the Outstanding Business List (Item 13.1)**

**(Pearson/VanderBeek)**

That the following amendment to the Governance Review Sub-Committee’s Outstanding Business List, be approved:

- (a) Item Considered Complete and Needing to Be Removed (Item 13.1(a)):

Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a)) (City Wide)



Added: January 12, 2022 - at Council (Item 3.1)  
Completed: June 23, 2022 - at Governance (Item 10.2)

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

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

**(f) ADJOURNMENT (Item 15)**

**(Pearson/VanderBeek)**

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 10:32 a.m.

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

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

Respectfully submitted,

Councillor M. Wilson, Chair  
Governance Review Sub-Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



Submitted on Monday, August 15, 2022 - 2:06pm Submitted by anonymous user: 172.69.216.136 Submitted values are:

==Committee Requested==

Committee: Other Advisory/Sub-Committee

Will you be delegating in person or virtually? In person (as of May 30, 2022)

Specify which Advisory/Sub-Committee: Governance Review Sub-Committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable):

Name of Individual: Cameron Kroetsch

Preferred Pronoun: he / him

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To speak to the Procedural By-law report on the Agenda for the September 9, 2022 meeting.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



# **Suggested changes to the City's Procedural By-law**

**Governance Review Sub-Committee**  
September 9, 2022  
Cameron Kroetsch

# What are the issues?

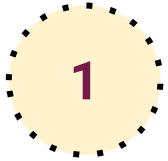
1

Members of Council aren't using their time at Standing Committee meetings as efficiently as possible

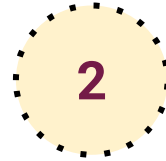
2

The Procedural Bylaw is too long, difficult to understand, and challenging to apply

# What's the solution?



Restructure Council's  
Standing Committee  
meeting commitments



Rewrite the Procedural  
Bylaw to improve  
clarity, accessibility,  
and usability

# Why listen to me?

1

I have extensive professional experience in reviewing bylaws, policies, and procedures for efficiencies; I have been working with Council on this since 2017

2

I have studied Clear Writing Principles, successfully completed degrees in English and teaching at the post-secondary level, and am a certified Laubach Literacy Tutor



1

# Changes to the meeting schedule



# Where is your time spent?

## General Issues

All members of Council

AF & A - 8/16

E & CS - 6/16

Planning - 8/16

Public Works - 11/16

38% - 69% of Council

# What am I suggesting?

~~General Issues~~

**Eliminate GIC entirely**



**AF & A - 16/16**

**E & CS - 16/16**

**Planning - 16/16**

**Public Works - 16/16**

**All members of Council**

# What am I suggesting?

## 4 mtgs

100.00%

87.5% of current Council = 3 or more

# What are the benefits?

**All members of council are at  
all meetings**

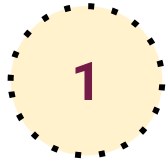
**Not as much repetition  
and "catching up"**

# What are the benefits?

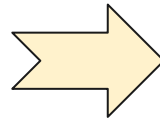
**All members of council are at  
all 4 Standing Committees**

**More inclusion, awareness, and  
representation**

# Overview of suggested changes



All members of Council should attend all Standing Committees of Council - Audit, Finance and Administration; Emergency and Community Services; Planning; Public Works



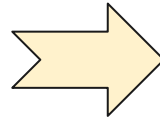
## Why does this matter?

Every member of Council will be more aware of the important issues facing the City; this will speed up and clarify the selection process in December

# Overview of suggested changes

2

The General Issues Committee should be eliminated and all items that don't find a home in the 4 Standing Committees would be referred to the "Administration" part of AF & A



## Why does this matter?

This will permit a more routine schedule that, if reorganized effectively, will provide more time for everyone on Council to read and prepare for meetings



2

# Rewriting the Procedural Bylaw



# Readability of current bylaw

- **Flesch-Kincaid / Gunning Fog - 12.0**
  - Good scores are less than 10.0
- **Flesch Reading Ease - 40.1**
  - Good scores are over 60.0
- **Sentences with more than 30 syllables - 42%**
  - Good scores are less than 6%

# Readability of current bylaw

- **Sentences with more than 20 syllables - 56%**
  - Good scores are less than 12%
- **Words with more than 12 letters - 0%**
  - Good scores are less than 3%
- **Words with more than 4 syllables - 2%**
  - Good scores are less than 3%

# Was the bylaw made clearer?

**B**

**2010**

**B**

**2014**

**C**

**2021**

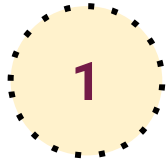
**-1 full letter grade in readability**

# Has the bylaw gotten longer?

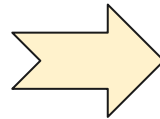
45 pgs	52 pgs	67 pgs
13k wds	14k wds	20k wds
2010	2014	2021

**+50% increase in # of pgs / wds**

# Overview of suggested changes



The entire bylaw should be reworded using **Clear Writing** principles and standards and in language that is accessible to as many Hamiltonians as possible



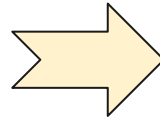
## Why does this matter?

The easier the document is to read, the easier it will be to interpret and use by **everyone**, including City Council, staff, and the general public

# Overview of suggested changes

2

The bylaw should be reorganized, shortened, and similar things should be grouped together; in general, the bylaw should spell out anything that's **unclear**, **missing**, or requires another **source**



## Why does this matter?

Members of Council will be able to rely on the bylaw as a complete document and it will be easier to navigate and find specific wording

# What am I asking you to do?

1

Change the Procedural By-law so that all members of Council attend all Standing Committee meetings

2

Eliminate the General Issues Committee to avoid repetition and make things more efficient

3

Rewrite, reorganize, and shorten the Procedural Bylaw to make it easier for Council to use, apply, and read it



Submitted on Tuesday, September 6, 2022 - 10:34am Submitted by anonymous user:  
162.158.126.184 Submitted values are:

==Committee Requested==

Committee: Other Advisory/Sub-Committee

Will you be delegating in person or virtually? In person (as of  
May 30, 2022)

Specify which Advisory/Sub-Committee: Governance Review  
Subcommittee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Hamilton Community Benefits  
Network

Name of Individual: Karl Andrus

Preferred Pronoun:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I wish to speak to item 10.4 -  
2022 Review of the City's Procedural By-law FCS22075 (City  
Wide)

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Submitted on Thursday, September 8, 2022 - 11:06am Submitted by anonymous user:  
172.70.130.162 Submitted values are:

==Committee Requested==

Committee: Other Advisory/Sub-Committee

Will you be delegating in person or virtually? Virtually

Specify which Advisory/Sub-Committee: Governance committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Hamilton Centre for Civic  
Inclusion

Name of Individual: Koubra Haggar

Preferred Pronoun: she/her

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: RE: Feasibility of Implementing  
the Recommendations from the Committee Against Racism for Changes  
to the Hamilton Police Services Board Selection Process

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Submitted on Thursday, September 8, 2022 - 11:06am Submitted by anonymous user:  
172.70.130.162 Submitted values are:

==Committee Requested==

Committee: Other Advisory/Sub-Committee

Will you be delegating in person or virtually? Virtually

Specify which Advisory/Sub-Committee: Governance committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Committee Against Racism

Name of Individual: Marlene Dei-Amoah

Preferred Pronoun:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:

Regarding Feasibility of Implementing the Recommendations from  
the Committee Against Racism for Changes to the Hamilton Police  
Services Board Selection Process

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Submitted on Thursday, September 8, 2022 - 11:06am Submitted by anonymous user:  
172.70.130.162 Submitted values are:

==Committee Requested==

Committee: Other Advisory/Sub-Committee

Will you be delegating in person or virtually? Virtually

Specify which Advisory/Sub-Committee: Governance committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Hamilton Anti-Racism  
Resource Centre

Name of Individual: Lyndon M George

Preferred Pronoun: He/him

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Regarding the Feasibility of  
Implementing the Recommendations from the Committee Against  
Racism for Changes to the Hamilton Police Services Board  
Selection Process

Will you be requesting funds from the City? No



Will you be submitting a formal presentation? No







## INFORMATION REPORT

<b>TO:</b>	Chair and Members of Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	September 9, 2022
<b>SUBJECT/REPORT NO:</b>	Code of Conduct and Conflict of Interest Education and Communications (HUR22011 / CM22018) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Nenzi Cocca (905) 546-2424 Ext. 3924
<b>SUBMITTED BY:</b>	Lora Fontana Executive Director Human Resources (signed by Jodi Koch – Acting ED)
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Janette Smith City Manager
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

N/A

### INFORMATION

In response to recent Fraud and Waste investigations, a review of the City's Code of Conduct, with a particular focus on the Conflict of Interest provisions, has been initiated. This Report will provide an update on Senior Leadership Team's actions, with support from Human Resources, to improve adherence and education related to the Code of Conduct.

Trust and confidence in City government continues to be a priority, and in continued support of these efforts, there is opportunity to ensure all City employees have a clear

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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: Code of Conduct and Conflict of Interest Education and Communications (HUR22011 / CM22018) (City Wide) - Page 2 of 2**

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understanding of the City's Code of Conduct. Through improved education and communication, with a particular focus on the associated Conflict of Interest provisions, Senior Leadership has engaged the assistance of Human Resources to initiate the following;

- Provide accessible on-line training to all City Employees regarding the Code of Conduct and Conflict of Interest. Developed by Human Resources in collaboration with the Procurement and Audit teams, employees will learn about the Code of Conduct and each of the Schedules including Conflict of Interest, provided with real-life examples, complete assessments to ensure understanding, and receive a certificate of completion. Training will be required on an annual basis.
- HR will develop a series of educational memos that will focus specifically on Conflict of Interest related scenarios. This includes providing examples demonstrating employee expectations, with Frequently Asked Questions (FAQs) that will address the most common questions and concerns raised by employees.
- Ensure that the Code of Conduct is reviewed and updated to align with current best practices. The Code of Conduct Policy and related Schedules will be reviewed and edited for clarity and conciseness to ensure employees can understand their responsibilities quickly and clearly. The Conflict of Interest Disclosure form will also be amended to make it easier for employees and their immediate supervisors to identify situations that require disclosure and document efforts made to mitigate or eliminate real or perceived Conflicts of Interest.
- Establish a centralized reporting system for Conflicts of Interest and other Code of Conduct matters. The tracking system will be used to compile annual statistics regarding Conflict of Interest disclosures and identify trends to inform future training and communication strategies and improve compliance and adherence to the Policy. Identified trends specific to a section, or audit findings that warrant a targeted training or communication plan, will be provided through customized workshops and additional learning opportunities.

**APPENDICES AND SCHEDULES ATTACHED**

N/A



# INFORMATION REPORT

<b>TO:</b>	Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	September 9, 2022
<b>SUBJECT/REPORT NO:</b>	Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon (905) 546-2424 Ext. 4304
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk Office of the City Clerk
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

Council on July 8, 2022 referred the Committee Against Racism - Citizen Committee Report - Recommendations for changes to the Hamilton Police Service Board selection process to staff for a report back to the Governance Review Sub-Committee on the feasibility of implementing the following recommendations:

That the Committee Against Racism recommends the City of Hamilton's Selection Committee for Agencies, Boards and Sub-Committees be restructured to include the following for recruitment to the Hamilton Police Services Board:

- (a) The Selection Committee for Agencies, Boards and Sub-Committees be Co-chaired by a member of City Council and a representative from the Hamilton Anti-Racism Resource Centre (HARRC);
- (b) The Selection Committee for Agencies, Boards and Sub-Committees be comprised of 60% community representatives and 40% Council representatives with full voting privileges;
- (c) The recommended community representatives for the Selection Committee for Agencies, Boards and Sub-Committees include:

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

**SUBJECT: Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)**

**Page 2 of 8**

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- (1) Hamilton Anti-Racism Resource Centre (HARRC)
  - (2) Hamilton Black Leadership Community
  - (3) Hamilton Jewish's leadership community
  - (4) Hamilton's Muslim leadership community
  - (5) Hamilton's Indigenous leadership community
  - (6) Hamilton's LGBTQ2AI community
  - (7) Youth representative; and
  - (8) Other equity-seeking communities
- (d) The Selection Committee for Agencies, Boards and Sub-Committees recommend 2 citizen members to Hamilton City Council for consideration as the new citizen appointee for the Hamilton Police Service Board;
  - (e) The Selection Committee for Agencies, Boards and Sub-Committees consult with and solicit recommendations for selecting candidates, including questions for candidates, from the City of Hamilton's Volunteer Advisory Committees, including:
    - (1) Hamilton Women and Gender Equity Advisory Committee
    - (2) Indigenous Advisory Committee
    - (3) LGBTQ Advisory Committee
    - (4) Committee Against Racism
    - (5) Advisory Committee for Persons with Disabilities

## **INFORMATION**

The Selection Committee for Agencies, Boards and Sub-Committees is currently comprised of members of Council who interview and report to Council on the appointment of citizen representatives to Agencies, Boards and Committees, which includes the appointment of the one person appointed by resolution of the council to the Hamilton Police Services Board (HPSB), who is neither a member of the council nor an employee of the municipality (HPSB Citizen Position).

The Hamilton Police Services Board is governed by the *Police Services Act*, R.S.O. 1990, as a seven-member board of a municipality whose population according to the last enumeration taken under section 15 of the *Assessment Act* exceeds 300,000, with the board consisting of, the head (Mayor) of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council; two members of the council appointed by resolution of the council; one person appointed by resolution of the council, who is neither a member of

**SUBJECT: Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)**

**Page 3 of 8**

the council nor an employee of the municipality; and three persons appointed by the Lieutenant Governor in Council.

Section 27(13) of the *Police Services Act* defines those persons who are ineligible for appointment to the Board as, a judge, a justice of the peace, a police officer or a person who practices criminal law as a defence counsel.

The *Community Safety and Policing Act, 2019*, which is not yet in force, will once declared in force, contain provisions, that will govern the appointments by municipal councils to their respective 5, 7, and 9 member boards, outlined in Section 28(5) (Appendix 'D').

As per the Sub-section 27 (9) of Part III of the *Police Services Act, R.S.O. 1990*, respecting Municipal Police Services Boards (below), Council is to appoint one person appointed by resolution of the council for the Hamilton Police Services Board:

**Seven-member boards in certain circumstances**

(9) The council of a municipality whose population according to the last enumeration taken under section 15 of the *Assessment Act* exceeds 300,000 may apply to the Lieutenant Governor in Council for an increase in the size of its board; if the Lieutenant Governor in Council approves the application, the board shall consist of,

- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
- (b) two members of the council appointed by resolution of the council;
- (c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
- (d) three persons appointed by the Lieutenant Governor in Council. 1997, c. 8, s. 19 (1).

*Part III of the Police Services Act, R.S.O. 1990, respecting Municipal Police Services Boards is attached as Appendix 'A' to the report.*

Staff reviewed the current appointment process in place for the HPSB Citizen Position attached as Appendix 'B' and the appointment processes in place for the Halton Regional Police Services Board; Niagara Regional Police Services Board; Toronto Police Services Board; Peel Regional Police Services Board and London Police Services Board (Appendix 'C') and determined that the appointments to their respective

**SUBJECT: Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)**

**Page 4 of 8**

Police Services Board are all made by Committees comprised of members of Council who include aspects of equity, diversity and inclusion within their appointment policies.

The City of London's appointment process, however, differs slightly, with a recruitment process that involves a Striking Committee who recommends appointments to Council, with Council making the final decision respecting the appointment of any individual including the one person appointed by resolution of the council to their Police Services Board.

**FEASIBILITY OF IMPLEMENTING EACH OF THE COMMITTEE AGAINST RACISM'S RECOMMENDATIONS**

Staff have assessed the feasibility of implementing each of the recommendations from the Committee Against Racism respecting the restructuring of the City of Hamilton's Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board, as follows:

- (a) The Selection Committee for Agencies, Boards and Sub-Committees be Co-chaired by a member of City Council and a representative from the Hamilton Anti-Racism Resource Centre (HARRC);**

As per Sub-section 5.2 (5) (below) of By-Law 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law) the Selection Committee for Agencies, Boards and Sub-Committees is chaired by a Chair and Vice-Chair. These positions are elected by the sitting body through a nomination and voting process, typically completed at the first meeting.

In order to accommodate the Committee Against Racism's recommendation to have the Selection Committee for Agencies, Boards and Sub-Committees be chaired by Co-Chairs for the recruitment of the HPSB Citizen Position, an amendment to the Procedural By-law would be required.

*Excerpt from the Procedural By-law:*

**5.2 Appointment of Committee Chairs and Vice Chairs**

- (5) 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.

**SUBJECT: Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)**

Page 5 of 8

- (b) **The Selection Committee for Agencies, Boards and Sub-Committees be comprised of 60% community representatives and 40% Council representatives with full voting privileges;**
- (c) **The recommended community representatives for the Selection Committee for Agencies, Boards and Sub-Committees include:**
- (1) **Hamilton Anti-Racism Resource Centre (HARRC)**
  - (2) **Hamilton Black Leadership Community**
  - (3) **Hamilton Jewish's leadership community**
  - (4) **Hamilton's Muslim leadership community**
  - (5) **Hamilton's Indigenous leadership community**
  - (6) **Hamilton's LGBTQ2AI community**
  - (7) **Youth representative; and**
  - (8) **Other equity-seeking communities**

As per the definition of the Selection Committee (below) within the Procedural By-law the Selection Committee for Agencies, Boards and Sub-Committees is comprised entirely of Members of Council.

The Role of council is outlined under Section 224 of the *Municipal Act 2001*, as amended (below). Members of Council have been democratically elected to govern and have the authority to decide on the committee and sub-committee structure, terms of reference and membership of such committees. Any changes to the existing structure of the Selection Committee will require the approval of amendments to the Procedural By-Law and Appointment of Citizens to the City's Agencies, Boards Commissions, Advisory Committees and Sub-Committees Policy by Council.

### **Role of council**

**224** It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

**SUBJECT: Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)**

**Page 6 of 8**

- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act.

Any amendments to the Procedural By-Law to include participation outside of Council Members would also require an amendment to the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees.

Currently, the applications submitted for consideration for the HPSB Citizen Position are considered confidential, therefore, any community representatives appointed to a Selection Committee for Agencies, Boards and Sub-Committees for the HPSB Citizen Position would be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.

*Excerpt from the Procedural By-law:*

**“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.

**(d) The Selection Committee for Agencies, Boards and Sub-Committees recommend 2 citizen members to Hamilton City Council for consideration as the new citizen appointee for the Hamilton Police Service Board;**

As per the Sub-section 27 (9) of Part III of the *Police Services Act*, R.S.O. 1990, respecting Municipal Police Services Boards, Council is to appoint one HPSB Citizen Position, the recommendation from the Committee Against Racism is recommending that the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of this position consider two (2) applicants for the one position.

The Selection Committee for Agencies, Boards and Sub-Committees roles is to review the applications, shortlist the applicants, interview applicants and make recommendations to Council for appointments to the various Agencies, Boards and Sub-Committees, submitting two (2) preferred candidates to Council for consideration would require an amendment to the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees.



**SUBJECT: Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)**

Page 7 of 8

- (e) **The Selection Committee for Agencies, Boards and Sub-Committees consult with and solicit recommendations for selecting candidates, including questions for candidates, from the City of Hamilton's Volunteer Advisory Committees, including:**
- (1) **Hamilton Women and Gender Equity Advisory Committee**
  - (2) **Indigenous Advisory Committee**
  - (3) **LGBTQ Advisory Committee**
  - (4) **Committee Against Racism**
  - (5) **Advisory Committee for Persons with Disabilities**

Currently the interview questions are prepared by the Hamilton Police Service and are confidential, in order to put the above recommendation in place an amendment would be required to the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees.

### **Options to Consider**

Staff considered each of the recommendations within the Citizen Committee Report and have provided the Committee with options, in the event Council would like to move forward with the restructuring of the City of Hamilton's Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of the HPSB Citizen Position.

Staff are seeking direction from Council on their decision to amend the current selection process and composition of the Selection Committee or to keep the current process in place. If Council wishes to maintain the current structure, then no direction is required.

**Option A (Appendix 'E') Amend the Existing Selection Committee** - amend the Procedural By-law and the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, utilizing the existing Selection Committee for Agencies, Boards and Sub-Committees comprised of (number) (X) or X% members of Council and (number) (X) or X% community representatives and provides for a process for the appointments of the X% community representatives.

**Option B (Appendix 'F') Create a new Selection Committee for HPSB resident member** - amend the Procedural By-law and the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, establishes a separate

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**SUBJECT: Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)**

**Page 8 of 8**

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Selection Committee (Hamilton Police Services Board Selection Committee) to appoint the one person appointed by resolution of the council to the Hamilton Police Services Board, who is neither a member of the council nor an employee of the municipality comprised of (number) (X) or X% members of Council and (X) or X% community representatives.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix 'A' – Excerpt from the *Police Services Act*, R.S.O. 1990, respecting Municipal Police Services Boards

Appendix 'B' – Hamilton Police Services Board Appointment Process

Appendix 'C' – Other Municipal Police Services Board Appointment Processes

Appendix 'D' - Excerpt from the *Community Safety and Policing Act, 2019*, respecting appointments by municipal councils to their respective 5, 7, and 9 member boards (*not yet in force*)

Appendix 'E' – Option A

Appendix 'F' – Option B

## Appendix 'A' to Report FCS22072

Excerpt from the *Police Services Act*, R.S.O. 1990, respecting Municipal Police Services Boards:

**PART III  
MUNICIPAL POLICE SERVICES BOARDS**

**Police services boards**

27 (1) There shall be a police services board or, as provided in subsection 5 (3), one or more police services boards, for every municipality that maintains a police force. 2002, c. 18, Sched. N, s. 61 (1).

**Boards of commissioners of police continued as police services boards**

(2) Every board of commissioners of police constituted or continued under the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, or any other Act and in existence on the 31st day of December, 1990, is continued as a police services board. R.S.O. 1990, c. P.15, s. 27 (2).

**Name**

(3) A board shall be known as (*insert name of municipality*) Police Services Board and may also be known as Commission des services policiers de (*insert name of municipality*). R.S.O. 1990, c. P.15, s. 27 (3).

**Three-member boards in smaller municipalities**

(4) The board of a municipality whose population according to the last enumeration taken under section 15 of the *Assessment Act* does not exceed 25,000 shall consist of,

- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
- (b) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
- (c) one person appointed by the Lieutenant Governor in Council. 1997, c. 8, s. 19 (1).

**Five-member boards in larger municipalities**

(5) The board of a municipality whose population according to the last enumeration taken under section 15 of the *Assessment Act* exceeds 25,000 shall consist of,

- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
- (b) one member of the council appointed by resolution of the council;
- (c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
- (d) two persons appointed by the Lieutenant Governor in Council. 1997, c. 8, s. 19 (1); 2002, c. 17, Sched. F, Table.

#### **Smaller municipalities, option to expand board**

(6) The council of a municipality to which subsection (4) would otherwise apply may determine, by resolution, that the composition of its board shall be as described in subsection (5). R.S.O. 1990, c. P.15, s. 27 (6).

#### **Transition**

(7) A resolution passed under clause 8 (2a) (b) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, before the 31st day of December, 1990, shall be deemed to have been passed under subsection (6). R.S.O. 1990, c. P.15, s. 27 (7).

(8) Repealed: 2002, c. 17, Sched. F, Table.

#### **Seven-member boards in certain circumstances**

(9) The council of a municipality whose population according to the last enumeration taken under section 15 of the *Assessment Act* exceeds 300,000 may apply to the Lieutenant Governor in Council for an increase in the size of its board; if the Lieutenant Governor in Council approves the application, the board shall consist of,

- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
- (b) two members of the council appointed by resolution of the council;
- (c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
- (d) three persons appointed by the Lieutenant Governor in Council. 1997, c. 8, s. 19 (1).

#### **Vacancies**

(10) If the position of a member appointed by the Lieutenant Governor in Council becomes vacant, the Solicitor General may appoint a replacement to act until the Lieutenant Governor in Council makes a new appointment. R.S.O. 1990, c. P.15, s. 27 (10).

**Term of office**

(10.1) The term of office for a member appointed by resolution of a council shall be as set out by the council in his or her appointment, but shall not exceed the term of office of the council that appointed the member. 1997, c. 8, s. 19 (2).

**Same, and reappointment**

(10.2) A member appointed by resolution of a council may continue to sit after the expiry of his or her term of office until the appointment of his or her successor, and is eligible for reappointment. 1997, c. 8, s. 19 (2).

**Idem**

(11) If the position of a member who is appointed by a municipal council or holds office by virtue of being the head of a municipal council becomes vacant, the board shall notify the council, which shall forthwith appoint a replacement. R.S.O. 1990, c. P.15, s. 27 (11).

**Remuneration**

(12) The council shall pay the members of the board who are appointed by the Lieutenant Governor in Council or Solicitor General remuneration that is at least equal to the prescribed amount. R.S.O. 1990, c. P.15, s. 27 (12).

**Persons who are ineligible to be members of a board**

(13) A judge, a justice of the peace, a police officer and a person who practises criminal law as a defence counsel may not be a member of a board. 1997, c. 8, s. 19 (3).

**Interpretation of municipal populations where more than one board**

(14) Where there is more than one board in a municipality pursuant to subsection 5 (3), the references in subsections (4), (5) and (9) to the population of a municipality shall be read as references to the population of the part of the municipality that is served by the board that is the subject of the subsection. 2002, c. 18, Sched. N, s. 61 (2).

(15) Repealed: 1997, c. 8, s. 19 (3).

**Section Amendments with date in force (d/m/y)****Election of chair**

**28** (1) The members of a board shall elect a chair at the board's first meeting in each year. R.S.O. 1990, c. P.15, s. 28.

**Vice-chair**

(2) The members of a board may also elect a vice-chair at the first meeting in each year, and the vice-chair shall act as the chair if the chair is absent or if the chair's position is vacant. 1997, c. 8, s. 20.

**Section Amendments with date in force (d/m/y)****Protection from personal liability**

**29** (1) No action or other proceeding for damages shall be instituted against a member of a board for any act done in good faith in the execution or intended execution of his or her duty or for any alleged neglect or default in the execution in good faith of that duty.

**Board's liability**

(2) Subsection (1) does not relieve a board of liability for a member's acts or omissions, and the board is liable as if that subsection had not been enacted and as if the member were the board's employee. R.S.O. 1990, c. P.15, s. 29.

**Board may contract, sue and be sued**

**30** (1) A board may contract, sue and be sued in its own name.

**Members not liable for board's contracts**

(2) The members of a board are not personally liable for the board's contracts. R.S.O. 1990, c. P.15, s. 30.

**Responsibilities of boards**

**31** (1) A board is responsible for the provision of adequate and effective police services in the municipality and shall,

- (a) appoint the members of the municipal police force;
- (b) generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;
- (c) establish policies for the effective management of the police force;
- (d) recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account;
- (e) direct the chief of police and monitor his or her performance;
- (f) establish policies respecting the disclosure by chiefs of police of personal information about individuals;

- (g) receive regular reports from the chief of police on disclosures and decisions made under section 49 (secondary activities);
- (h) establish guidelines with respect to the indemnification of members of the police force for legal costs under section 50;
- (i) establish guidelines for dealing with complaints under Part V, subject to subsection (1.1);
- (j) review the chief of police's administration of the complaints system under Part V and receive regular reports from the chief of police on his or her administration of the complaints system. R.S.O. 1990, c. P.15, s. 31 (1); 1995, c. 4, s. 4 (7); 1997, c. 8, s. 21 (1-3); 1997, c. 17, s. 8; 2007, c. 5, s. 9 (1).

### **Restriction**

(1.1) Guidelines in respect of complaints made by members of the public under Part V shall not be established by the board unless they are consistent with,

- (a) any procedural rules or guidelines for the handling of public complaints established under clause 56 (1) (b) by the Independent Police Review Director; and
- (b) any procedure, condition or requirement made by regulation under paragraph 26.4 of subsection 135 (1). 2007, c. 5, s. 9 (2).

### **Members of police force under board's jurisdiction**

(2) The members of the police force, whether they were appointed by the board or not, are under the board's jurisdiction.

### **Restriction**

(3) The board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police force.

### **Idem**

(4) The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.

### **Training of board members**

(5) The board shall ensure that its members undergo any training that the Solicitor General may provide or require.

**Rules re management of police force**

(6) The board may, by by-law, make rules for the effective management of the police force. R.S.O. 1990, c. P.15, s. 31 (2-6).

**Guidelines re secondary activities**

(7) The board may establish guidelines consistent with section 49 for disclosing secondary activities and for deciding whether to permit such activities. 1997, c. 8, s. 21 (4).

**Section Amendments with date in force (d/m/y)****Oath of office**

**32** Before entering on the duties of office, a member of a board shall take an oath or affirmation of office in the prescribed form. R.S.O. 1990, c. P.15, s. 32.

**Agreement to constitute joint board**

**33** (1) Despite any special Act, the councils of two or more municipalities may enter into an agreement to constitute a joint board.

**Consent of Solicitor General required**

(2) The agreement must be authorized by by-laws of the councils of the participating municipalities and requires the consent of the Solicitor General.

**Application of Act to joint boards**

(3) The provisions of this Act that apply to boards also apply with necessary modifications to joint boards.

**Three-member joint boards**

(4) The joint board of municipalities whose combined population according to the last enumeration taken under section 15 of the *Assessment Act* does not exceed 25,000 shall consist of,

- (a) one person who is a member of the council of a participating municipality, appointed by agreement of the councils of the participating municipalities;
- (b) one person appointed by agreement of the councils of the participating municipalities, who is neither a member of a council of a participating municipality nor an employee of a participating municipality; and
- (c) one person appointed by the Lieutenant Governor in Council.



**Five-member joint boards**

(5) The joint board of municipalities whose combined population according to the last enumeration taken under section 15 of the *Assessment Act* exceeds 25,000 shall consist of,

- (a) two persons who are members of the councils of any participating municipalities, appointed by agreement of the councils of the participating municipalities;
- (b) one person appointed by agreement of the councils of the participating municipalities, who is neither a member of a council of a participating municipality nor an employee of a participating municipality; and
- (c) two persons appointed by the Lieutenant Governor in Council.

**Option to expand joint board**

(6) The councils of participating municipalities to which subsection (4) would otherwise apply may determine, by resolution of each of them, that the composition of their joint board shall be as described in subsection (5).

**Seven-member joint boards**

(7) Where the combined population of the participating municipalities according to the last enumeration taken under section 15 of the *Assessment Act* exceeds 300,000, the councils of the participating municipalities may apply to the Lieutenant Governor in Council for an increase in the size of their joint board; if the Lieutenant Governor in Council approves the application, the joint board shall consist of,

- (a) three persons who are members of the councils of any participating municipalities, appointed by agreement of the councils of the participating municipalities;
- (b) one person appointed by agreement of the councils of the participating municipalities, who is neither a member of a council of a participating municipality nor an employee of a participating municipality; and
- (c) three persons appointed by the Lieutenant Governor in Council. 1997, c. 8, s. 22.

**Section Amendments with date in force (d/m/y)****Delegation**

**34** A board may delegate to two or more of its members any authority conferred on it by this Act, except,

- (a) Repealed: 1997, c. 8, s. 23.

- (b) the authority to bargain under Part VIII, which the board may delegate to one or more members. R.S.O. 1990, c. P.15, s. 34; 1997, c. 8, s. 23.

#### **Section Amendments with date in force (d/m/y)**

#### **Meetings**

**35** (1) The board shall hold at least four meetings each year.

#### **Quorum**

(2) A majority of the members of the board constitutes a quorum.

#### **Proceedings open to the public**

(3) Meetings and hearings conducted by the board shall be open to the public, subject to subsection (4), and notice of them shall be published in the manner that the board determines.

#### **Exception**

(4) The board may exclude the public from all or part of a meeting or hearing if it is of the opinion that,

- (a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
- (b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public. R.S.O. 1990, c. P.15, s. 35.

#### **Evidence of by-laws**

**36** A document purporting to be a by-law of the board signed by a member or purporting to be a copy of such a by-law certified correct by a member is admissible in evidence without proof of the signature or authority of the person signing. R.S.O. 1990, c. P.15, s. 36.

#### **Rules and procedures**

**37** A board shall establish its own rules and procedures in performing its duties under this Act and, except when conducting a hearing under subsection 65 (9), the *Statutory Powers Procedure Act* does not apply to a board. 1997, c. 8, s. 24.

#### **Section Amendments with date in force (d/m/y)**

### **Municipal police force**

**38** A municipal police force shall consist of a chief of police employed by the police force and such other police officers employed by the police force and other employees of the police force as are adequate, and shall be provided with adequate equipment and facilities. 2009, c. 30, s. 46.

### **Section Amendments with date in force (d/m/y)**

#### **Estimates**

**39** (1) The board shall submit operating and capital estimates to the municipal council that will show, separately, the amounts that will be required,

- (a) to maintain the police force and provide it with equipment and facilities; and
- (b) to pay the expenses of the board's operation other than the remuneration of board members.

#### **Same**

(2) The format of the estimates, the period that they cover and the timetable for their submission shall be as determined by the council.

#### **Budget**

(3) Upon reviewing the estimates, the council shall establish an overall budget for the board for the purposes described in clauses (1) (a) and (b) and, in doing so, the council is not bound to adopt the estimates submitted by the board.

#### **Same**

(4) In establishing an overall budget for the board, the council does not have the authority to approve or disapprove specific items in the estimates.

### **Commission hearing in case of dispute**

(5) If the board is not satisfied that the budget established for it by the council is sufficient to maintain an adequate number of police officers or other employees of the police force or to provide the police force with adequate equipment or facilities, the board may request that the Commission determine the question and the Commission, shall, after a hearing, do so. 1997, c. 8, s. 26.

### **Section Amendments with date in force (d/m/y)**

### **Reduction or abolition of police force**

**40** (1) A board may terminate the employment of a member of the police force for the purpose of abolishing the police force or reducing its size if the Commission consents and if the abolition or reduction does not contravene this Act.

### **Criteria for Commission's consent**

(2) The Commission shall consent to the termination of the employment of a member of the police force under subsection (1) only if,

- (a) the member and the board have made an agreement dealing with severance pay or agreed to submit the matter to arbitration; or
- (b) the Commission has made an order under subsection (3).

### **Order imposing arbitration**

(3) If the member and the board do not make an agreement dealing with severance pay and do not agree to submit the matter to arbitration, the Commission, if it is of the opinion that it would be appropriate to permit the abolition of the police force or the reduction of its size, may order the member and the board to submit the matter to arbitration and may give any necessary directions in that connection.

### **Arbitration**

(4) Section 124 applies to an arbitration referred to in this section with necessary modifications. R.S.O. 1990, c. P.15, s. 40.

## Appendix 'B' to Report FCS22072

**Hamilton Police Services Board**

The Selection Committee for Agencies, Boards and Sub-Committees is comprised of members of Council who interview and report to Council on the appointment of citizen representatives to Agencies, Boards and Committees.

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;
- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;
- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;
- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);
- a demonstrated history of community service i.e., previous experience on Boards or Committees;
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,
- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:

- a member of City Council;
- an employee of the City of Hamilton;
- a Judge or a Justice of the Peace;
- a police officer; or,
- a person who practices criminal law as a defense counsel.



## Appendix 'C' to Report FCS22072

**Other Municipal Police Services Board Appointment Processes****Halton Regional Police Services Board**

Board members include the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council; two members of the council appointed by resolution of the council; one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and three persons appointed by the Lieutenant Governor in Council. Boards elect a chair and may elect a vice-chair. If an appointee of the Lieutenant Governor in Council is unable to serve, the Minister of Community Safety and Correctional Services may appoint a replacement to serve until the Lieutenant Governor in Council selects a new appointee.

**Qualifications**

Appointees to Police Services Boards should be active members of their community with a general knowledge of Police Services Boards duties and responsibilities and awareness of community safety issues and programs within their local community. Members appointed by the Province of Ontario must be residents of Ontario and cannot be a judge, justice of the peace, a current police officer or a person who practises criminal law as a defence counsel.

**Niagara Regional Police Services Board**

The recruitment, selection and appointment of this individual rest solely with the Council for the Regional Municipality of Niagara.

The selection of the one member who is neither a member of Council nor an employee of the City is also subject to the provisions of the qualification requirements as provided for in the *Municipal Act, 2001* and the *Municipal Elections Act*. In summary, the citizen appointee must be: eligible to be elected to or hold office within the City; a Canadian citizen; at least eighteen years of age; a resident owner of land within the City, or the spouse of an owner or tenant cannot be disqualified pursuant to Section 27(13) of the *Police Services Act*; or Section 258 of the *Municipal Act, 2001*.

**Toronto Police Services Board**

When there is a vacancy on a board, the applications received for that position are reviewed and screened for eligibility and qualifications, and are forwarded to a nominating panel in this case the Civic Appointments Committee which is comprised of members of Council. The panel reviews the applications and decides which applicants to interview.

The goal of the nominating panel is to achieve a balance of:

- applicants who together cover the range of qualifications and skills needed by the board
- experienced and new members
- geographic representation from different areas of the City, and representation of the community's diversity, including age, gender, sexual orientation, ethnicity, Aboriginal status, race, and disability

### **Eligibility requirements**

To be eligible for appointment to the board, the public member must meet the eligibility requirements in the City's Public Appointments Policy.

Under the *Police Services Act*, persons are ineligible for appointment to the board if they are:

- a judge
- a justice of the peace
- a police officer
- a person who practices criminal law as a defence counsel

### **Qualifications**

The City's public member of the board should demonstrate some of the following qualifications:

- an interest in, and commitment to, public safety and responsible police governance
- an understanding of the police community, its values, and its needs
- superior skills in leadership and management
- administrative and budgetary experience
- dedication to public service and the community
- skills in conflict management, negotiation, and mediation
- an ability to set organizational goals and priorities
- a flexible schedule to meet time commitments of the position

## **Peel Regional Police Services Board**

Regional Council Policies and Procedures Committee is comprised of the Regional Chair (ex-officio) the Mayors of Caledon, Brampton and Mississauga, and a minimum of 1 Councillor from each municipality with a mandate to provide oversight of the appointment process to various local boards including appointment to the Peel Police Services Board.

The Policies and Procedures Committee interviews and recommends citizen member appointments for the Peel Police Services Board to Regional Council.



Preference will be given to applicants who meet the following qualifications:

- Skills or leadership in a business or a profession which demonstrate ability to work effectively as a member of a board;
- Demonstrated history of community service;
- Of good character (selected applicants will be required to undergo police background checks);
- Specific knowledge or experience which may be an asset to the Board;
- A resident of the Region of Peel;
- An owner or tenant of land in the Region of Peel or the spouse of such a person;
- A Canadian citizen at least 18 years of age;
- Ability to devote up to 30 hours per month to Police Board matters including availability during normal business hours;
- Not a member of the Legislative Assembly, the Senate or House of Commons, nor an elected official of Council;
- Not a crown employee, nor an employee of a municipality;
- Not a judge, or justice of the peace;
- Not otherwise disqualified from holding office or voting;
- Not a police officer;
- Not a person who practices criminal law as a defence counsel.

### **London Police Services Board**

Council makes the final decision to appoint any individuals that are recommended by a Striking Committee, which includes the Police Services Board.

The Striking Committee is appointed by Council “to meet to make recommendations for initial citizen appointments to boards, commissions and advisory committees and shall submit its report to the new Council through the Strategic Priorities and Policy Committee.”

The Striking Committee is composed of those members identified in the General Policy for Advisory Committees.

The General Policy currently provides that the Striking Committee be composed of the following:

- 1 Past Member of the Diversity, Inclusion and Anti-Oppression Advisory Committee
- 1 Representative of Pillar Non-Profit Network
- 1 Representative of the Urban League of London
- 1 Representative of the London and District Labour Council
- 1 Representative of the London Chamber of Commerce
- 5 Citizens-at-Large selected by the outgoing Municipal Council



Excerpt from the *Community Safety and Policing Act, 2019*, an Act not yet in force respecting:

### ***Diversity Plan***

*28 (1) Every municipality that maintains a municipal board shall prepare and, by resolution, approve a diversity plan to ensure that the members of the municipal board appointed by the municipality are representative of the diversity of the population in the municipality.*

### ***Publication***

*(2) The plan shall be published on the Internet in accordance with the regulations made by the Minister, if any.*

### ***Review and revision***

*(3) The municipality shall review and, if appropriate, revise the plan at least once every four years.*

### ***Report***

*(4) The municipality shall publish reports on the implementation of the plan on the Internet in accordance with the regulations made by the Minister, if any.*

### ***Transition***

*(5) A municipality's first diversity plan under subsection (1) shall be approved before the later of,*

*(a) 12 months after the day this section comes into force; and*

*(b) 12 months after the municipality constitutes its municipal board.*

### ***Promotion of appointments by municipality***

*29 (1) If the need to appoint a new member of a police service board by resolution of a municipality is reasonably foreseeable, the municipality shall take reasonable steps to promote the availability of the appointment to members of demographic groups that have been historically underrepresented on police service boards, including racialized groups and First Nation, Inuit and Métis communities.*

### ***Promotion by Minister***

*(2) The Minister shall take reasonable steps to promote the availability of public appointments to police service boards to members of demographic groups that have*

*been historically underrepresented on police service boards, including racialized groups and First Nation, Inuit and Métis communities.*

### **Reports by Minister**

*(3) The Minister shall publish an annual report on the Internet on the steps taken to ensure that public appointees to municipal boards reflect the diversity of the population in the area for which the municipal boards have policing responsibility.*

### **Definition**

*(4) In this section,*

*“public appointment” means an appointment by the Lieutenant Governor in Council or the Minister, and “public appointee” has a corresponding meaning.*

**Option A:**

Amends the Procedural By-law and the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, utilizing the existing Selection Committee for Agencies, Boards and Sub-Committees comprised of (number) (#) or X% members of Council and (number) (#) or X% community representatives and provides for a process for the appointments of the X% community representatives, as follows:

(a) That By-Law 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be **amended** as follows:

(i) That Section 5 of the Procedural By-law be **amended** to include the following:

### 5.2 Appointment of Committee Chairs and Vice Chairs

(6) ***Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board shall recommend to Council the appointment Co-Chairs, one Co-Chair being a member of Council and one Co-Chair being a representative from the Hamilton Anti-Racism Resource Centre (HARRC), for a one year in a Council term.***

(ii) That the definition of "Selection Committee", be **amended** as follows:

**"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, ***with the exception of the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of X% community representatives and X% Council representatives with full voting privileges.***

(b) That the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of (number) (#) or X% members of Council and (number) (#) or X% community representatives from the following community organizations:

- (i) Hamilton Anti-Racism Resource Centre (HARRC)
- (ii) Hamilton Black Leadership Community

## Appendix 'E' to Report FCS22072

- (iii) Hamilton Jewish's leadership community
  - (iv) Hamilton's Muslim leadership community
  - (v) Hamilton's Indigenous leadership community
  - (vi) Hamilton's LGBTQ2AI community
  - (vii) Youth representative; and
  - (viii) Other equity-seeking communities
- (c) That the process for the selection of the (number) (#) community representatives to be appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be as follows:
- (i) That the Selection Committee for the selection of the (number) (#) community representatives to be appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the (number) (#) members of Council appointed to the Hamilton Police Services Board for the current term of Council and (number) (#) member(s) of Council;
  - (ii) That the community organizations listed in sub-section (b) be requested to encourage their qualified applicants to submit applications to be appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board;
  - (iii) That the Selection Committee, as per sub-section (d)(i), for the selection of the (number) (#) community representatives to be appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, adhere to the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees; and
  - (iv) That the (number) (#) community representatives appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.
- (d) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be **amended**, to add a new sub-section 14 as follows, renumbering the remaining sub-sections accordingly:

***Selection Committee for the selection of the (number) (#) community representatives to be appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board***

14. (number) (#) members of Council appointed to the Hamilton Police Services Board for the current term of Council, (number) (#) member(s) of Council are appointed to the Selection Committee for the selection of the (number) (#) community representatives to be appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board whose mandate will be to:
- (i) Review applications for the (number) (#) community representatives from the following community organizations:
    - (a) Hamilton Anti-Racism Resource Centre (HARRC)
    - (b) Hamilton Black Leadership Community
    - (c) Hamilton Jewish's leadership community
    - (d) Hamilton's Muslim leadership community
    - (e) Hamilton's Indigenous leadership community
    - (f) Hamilton's LGBTQ2AI community
    - (g) Youth representative; and
    - (h) Other equity-seeking communities
  - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
  - (iii) Interview applicants that have provided confirmation of compliance with the City's Mandatory COVID-19 Vaccination Verification Policy;
  - (iv) Make recommendations to City Council for the appointment of the (number) (#) community representatives on the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board.
- (e) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be **amended**, to add a new sub-section 15 as follows, renumbering the remaining sub-sections accordingly:

***Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board***

15. The (number) (#) members of council appointed to the Selection Committee for Agencies, Boards and Sub-Committees and (number) (#) community representatives are appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board whose mandate will be to:
- (i) Review applications for the one citizen appointment to the Hamilton Police Services Board;
  - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
  - (iii) Request that the Hamilton Police Service as well as the following Advisory Committees submit confidential interview questions:
    - (a) Hamilton Women and Gender Equity Advisory Committee
    - (b) Indigenous Advisory Committee
    - (c) LGBTQ Advisory Committee
    - (d) Committee Against Racism Advisory Committee
    - (e) Advisory Committee for Persons with Disabilities
  - (iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below) and who have provided confirmation of compliance with the City's Mandatory COVID-19 Vaccination Verification Policy;

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;
- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;
- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;
- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);



## Appendix 'E' to Report FCS22072

- a demonstrated history of community service i.e., previous experience on Boards or Committees;
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,
- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:

- a member of City Council;
- an employee of the City of Hamilton;
- a Judge or a Justice of the Peace;
- a police officer; or,
- a person who practices criminal law as a defense counsel.

- (v) Submit (number) (#) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.



**Option B:**

Amends the Procedural By-law and the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, establishes a separate Selection Committee (Hamilton Police Services Board Selection Committee) to appoint the one person appointed by resolution of the council to the Hamilton Police Services Board, who is neither a member of the council nor an employee of the municipality comprised of (number) (#) or X% members of Council and (number) (#) or X% community representatives and provides for a process for the appointments of the X% community representatives, as follows:

(a) That By-Law 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be **amended** as follows:

(i) That Section 5 of the Procedural By-law be **amended** to include the following:

## **5.2 Appointment of Committee Chairs and Vice Chairs**

(6) ***Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board shall recommend to Council the appointment Co-Chairs, one Co-Chair being a member of Council and one Co-Chair being a representative from the Hamilton Anti-Racism Resource Centre (HARRC), for a one year in a Council term.***

(ii) That the definition of "Selection Committee", be **amended** as follows:

***"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, ***with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of X% community representatives and X% Council representatives with full voting privileges.***

(b) That the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the (number) (#) members of Council appointed to the Hamilton Police Services Board for the current term of Council and (number) (#)

## Appendix 'F' to Report FCS22072

member(s) of Council and (number) (#) community representatives from the following community organizations:

- (i) Hamilton Anti-Racism Resource Centre (HARRC)
  - (ii) Hamilton Black Leadership Community
  - (iii) Hamilton Jewish's leadership community
  - (iv) Hamilton's Muslim leadership community
  - (v) Hamilton's Indigenous leadership community
  - (vi) Hamilton's LGBTQ2AI community
  - (vii) Youth representative; and
  - (viii) Other equity-seeking communities
- (c) That the process for the selection of the (number) (#) community representatives to be appointed to the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be as follows:
- (i) That the Selection Committee for the selection of the (number) (#) community representatives to be appointed to the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the (number) (#) members of Council appointed to the Hamilton Police Services Board for the current term of Council and (number) (#) member(s) of Council;
  - (ii) That the community organizations listed in sub-section (b) be requested to encourage their qualified applicants to submit applications to be appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board;
  - (iii) That the Selection Committee for the selection of the (number) (#) community representatives to be appointed to the Selection Committee for Agencies, Boards and Sub-Committees for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, adhere to the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees; and
  - (iv) That the (number) (#) community representatives appointed to the Hamilton Police Services Board Selection for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.

## Appendix 'F' to Report FCS22072

- (d) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be **amended**, to add a new sub-section 14 as follows, renumbering the remaining sub-sections accordingly:

***Selection Committee for the selection of the (number) (#) community representatives to be appointed to the Hamilton Police Services Board Selection Committee***

14. (number) (#) members of Council appointed to the Hamilton Police Services Board for the current term of Council, (number) (#) member(s) of Council are appointed to the Selection Committee for the selection of the (number) (#) community representatives to be appointed to the Hamilton Police Services Board Selection Committee whose mandate will be to:
- (i) Review applications for the (number) (#) community representatives from the following community organizations:
    - (a) Hamilton Anti-Racism Resource Centre (HARRC)
    - (b) Hamilton Black Leadership Community
    - (c) Hamilton Jewish's leadership community
    - (d) Hamilton's Muslim leadership community
    - (e) Hamilton's Indigenous leadership community
    - (f) Hamilton's LGBTQ2AI community
    - (g) Youth representative; and
    - (h) Other equity-seeking communities
  - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
  - (iii) Interview applicants that have provided confirmation of compliance with the City's Mandatory COVID-19 Vaccination Verification Policy;
  - (iv) Make recommendations to City Council for the appointment of the (number) (#) community representatives on the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board.
- (e) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be **amended**, to add a new sub-section 15 as follows, renumbering the remaining sub-sections accordingly:

***Hamilton Police Services Board Selection Committee***

## Appendix 'F' to Report FCS22072

15. (number) (#) members of Council appointed to the Hamilton Police Services Board for the current term of Council, (number) (#) member(s) of Council and (number) (#) community representatives are appointed to the Hamilton Police Services Board Selection Committee whose mandate will be to:
- (i) Review applications for the one citizen appointment to the Hamilton Police Services Board;
  - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
  - (iii) Request that the Hamilton Police Service as well as the following Advisory Committees submit confidential interview questions:
    - (a) Hamilton Women and Gender Equity Advisory Committee
    - (b) Indigenous Advisory Committee
    - (c) LGBTQ Advisory Committee
    - (d) Committee Against Racism Advisory Committee
    - (e) Advisory Committee for Persons with Disabilities
  - (iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below) and who have provided confirmation of compliance with the City's Mandatory COVID-19 Vaccination Verification Policy;

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;
- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;
- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;
- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);
- a demonstrated history of community service i.e., previous experience on Boards or Committees;
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,

## Appendix 'F' to Report FCS22072

- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:


- a member of City Council;
  - an employee of the City of Hamilton;
  - a Judge or a Justice of the Peace;
  - a police officer; or,
  - a person who practices criminal law as a defense counsel.
- (v) Submit (number) (#) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.







**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**City Clerk's Office**

<b>TO:</b>	Chair and Members of Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	September 9, 2022
<b>SUBJECT/REPORT NO:</b>	Integrity Commissioner and Lobbyist Registrar Contract (FCS22074) (City Wide)
<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>	

### RECOMMENDATION

- a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until May 31, 2027 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor.
- b) That the City Clerk report back to Governance Review Sub-Committee on the results of the negotiation.

### EXECUTIVE SUMMARY

The term of contract for Council's Integrity Commissioner, Principles Integrity is ending in November 2022. Under the current Contract, C2-06-19, the City may extend the contract for a further term. Staff have had preliminary discussions with Principles Integrity, and they are willing to extend the contract and are open to further negotiations. Staff are seeking approval and authority to proceed with negotiation and an extension.

**Alternatives for Consideration – See Page 3**

### FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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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: Integrity Commissioner Contract Extension (FCS22074) (City Wide) -  
Page 2 of 4**

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Financial: Currently, the annual costs for the Integrity Commissioner and Lobbyist Registrar are funded through IC-Lobbyist Registrar (Account Number 300400). The annual costs from the previous five (5) years is listed below in chart 1.

**Chart 1: 5 Year History of Integrity Commissioner Costs**

<b>Dept ID 300400</b>					
	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
GEORGE RUST D'EYE	6,360.00				
PRINCIPLES INTEGRITY	9,950.96	30,715.62	66,475.36	64,846.69	32,350.64*
Total	16,310.96	30,715.62	66,475.36	64,846.69	32,350.64*

Note: \*2022 costs are reflective of processed invoices at the time of this writing this report

Staffing: N/A

Legal: N/A

## **HISTORICAL BACKGROUND**

In 2019, the City Manager, Executive Director of Human Resources, City Solicitor and City Clerk, with the assistance of Procurement staff issued a Request for Proposals, C2-06-19, on November 25, 2019 to select and retain an Integrity Commissioner and Lobbyist Registrar. The City received three Proposals in response to the RFP. All of the Proposals were evaluated and as a result, two Proposals met the benchmark and were eligible to have their Costing Proposal opened and evaluated in accordance with the RFP with Principles Integrity approved as the successful Proponent in 2020.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Under the current agreement with Principles Integrity, Council has an option to renew as outlined below.

### **TERM**

“The Successful Proponent for the position of Integrity Commissioner and Lobbyist Registrar for the City of Hamilton will be expected to enter into

**SUBJECT: Integrity Commissioner Contract Extension (FCS22074) (City Wide) -  
Page 3 of 4**

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the Agreement to the satisfaction of the City Solicitor. The Agreement shall be executed by the Mayor and City Clerk.

The Agreement shall commence at the discretion of the City of Hamilton between March 1, 2020 and shall expire on the last day of the current Council term. The City shall have the option to renew Agreement for one additional term of Council based on the same terms and conditions, subject to satisfactory performance to the date of renewal and price negotiations.

There is no obligation on the City to extend the Agreement. Should the City decide to extend the Agreement, such extension shall be on the same terms and conditions of the original Agreement(s) including price.”

Staff are seeking direction from Council to enter into negotiation with Principles Integrity to extend the current Contract. If negotiations are unsuccessful, staff would proceed with a recruitment process for a new Integrity Commissioner.

#### **RELEVANT CONSULTATION**

Staff consulted with the City Manager and Manager of Procurement to inform the report and recommendations.

#### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The recruitment completed in 2019 resulted in 3 proposals and only two proposals met the benchmark for evaluation. Staff are recommending a contract extension as there was little response in the last recruitment for an Integrity Commissioner and the current contract provides Council with the ability to extend through negotiation.

Staff recommend that the renewed term be set to end on or around May 31, 2027 rather than expire on November 14, 2026, to enable sufficient opportunity for the new Council to determine a mechanism for appointing its next Integrity Commissioner and Lobbyist Registrar.

#### **ALTERNATIVES FOR CONSIDERATION**

Alternatively, Council could choose to allow the next Council to decide the process for selection. Additionally, staff could proceed with a new open competitive process for a new Integrity Commissioner and Lobbyist Registrar for the new Council’s approval.

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

**SUBJECT: Integrity Commissioner Contract Extension (FCS22074) (City Wide) -  
Page 4 of 4**

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**Our People and Performance**


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

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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.



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**City Clerk's Office**

<b>TO:</b>	Chair and Members of Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	September 9, 2022
<b>SUBJECT/REPORT NO:</b>	Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016(a)/HR22010(a)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Andrea Holland (x5409)
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Lora Fontana Executive Director, Human Resources
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That Council approve the amendments to the City of Hamilton Mandatory COVID-19 Vaccination Verification Policy respecting the reporting of non-compliant Members of Council as described in Appendix A of Report FCS22016(a)/HR22010(a).

### EXECUTIVE SUMMARY

At Council on July 8, 2022, Council directed staff to return to Governance Review Sub-Committee with changes to the Mandatory COVID-19 Vaccination Verification Policy (the "Vaccination Policy") to have all non-compliant Members of Council reported directly to the Integrity Commissioner. The amended Vaccination Policy in Appendix A also incorporates the changes made by Council on August 12, 2022 when it was decided to suspend the policy for existing staff members and remove citizen appointees from the Policy.

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**SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016(a)/HR22010(a)) (City Wide) - Page 2 of 4**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

At the Council meeting of July 8, 2022, Council referred Report FCS22016/HR22010 back to staff with the direction to return to the Governance Review Sub-Committee with amendments to the Vaccination Policy with language to reflect that any Member of Council that was non-compliant with the Vaccination Policy be reported to the Integrity Commissioner.

**Governance Review Sub-Committee Report 22-003 - June 23, 2022 (Item 10.2) (b) Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016 / HR22010) (City Wide) (Item 10.2)**

- (i) That Report FCS22016 / HR22010, respecting the Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (City Wide), be referred back to staff to report back with further information with a goal of making vaccination or a medical exemption mandatory for Members of Council and if vaccination verification or a medical exemption does not apply that the matter be referred to the Integrity Commissioner; and
- (ii) That all Members of Council be notified of the Governance Review Sub-Committee meeting where this matter will be considered.

At the Council meeting on August 12, 2022, in the decision to reconsider the recommendations from April 27, 2022, the following was approved, removing Citizen Appointees from the Vaccination Policy. This is reflected in version of the Vaccination Policy in Appendix A to report FCS22016 (a)/ HR22010(a).

- 10. Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(b)) (City Wide) (Item 10.6)
  - (a) That the City suspend its Mandatory COVID-19 Vaccination Verification Policy requiring proof of full vaccination in the

**SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016(a)/HR22010(a)) (City Wide) - Page 3 of 4**

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workplace, and that the following provisions in the current policy, be amended by:

- (i) removing the general requirement to provide proof of vaccination or participate in rapid antigen testing program as an ongoing condition of employment, thereby eliminating the termination of employment for those employees failing to provide evidence of vaccination by May 31, 2022;
- (ii) discontinuing the requirements for employees who have not disclosed their vaccination status (or who are subject to an accommodation) to participate in rapid antigen testing, effective May 2, 2022; and,
- (iii) removing citizen appointees from the application of the Policy.

Staff are no longer proposing changes to the Vaccination Policy related to Citizen Appointees as Council has made the decision, on August 12, 2022, that the Vaccination Policy no longer applies.

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

All current Members of Council have publicly stated that they are in compliance with the Vaccination Policy. Any new Members of Council would need to provide proof of vaccination or an approved medical exemption pursuant to the Vaccination Policy after taking office. The Office of the City Clerk has included the Vaccination Policy in the Candidates package for Municipal Elections.

Due to the elected status of Members of Council, staff were directed to provide wording in the Vaccination Policy to outline the implications for non-compliant Members of Council as detailed in Appendix A to Report FCS22016(a)/HR22010(a). Staff are seeking approval of the amended language.

### **RELEVANT CONSULTATION**

Consultations in developing this report and recommendations included the Office of the City Clerk, Legal Services and Human Resources.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

**SUBJECT: Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016(a)/HR22010(a)) (City Wide) - Page 4 of 4**

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Staff were directed to return to Governance Review Sub-Committee with changes to Policy to reflect that non-compliant Members of Council be reported directly to the Integrity Commissioner. As a result, no other alternatives are being provided.

**ALTERNATIVES FOR CONSIDERATION – N/A**

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

**Healthy and Safe Communities**

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

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**APPENDICES AND SCHEDULES ATTACHED**


Appendix A – Amendments to the Mandatory COVID-19 Vaccination Verification Policy



<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 1 of 11		Approval: 08-12-2022


### ***Mandatory COVID-19 Vaccination Verification Policy***

<b>POLICY STATEMENT</b>	<p>The City of Hamilton (the City) has an obligation under Provincial legislation to take all necessary precautions to protect the health and safety of its workforce and is committed to providing excellent service to our community and to building trust and confidence in local government.</p> <p>To help reduce the risk of COVID-19 transmission, this mandatory workplace vaccination verification policy is an important measure that complements other workplace health and safety measures in place including daily health screening, mandatory masking, physical distancing, hand hygiene and enhanced cleaning.</p> <p>This policy is in line with Public Health guidance and supports the direction that vaccines provide a high level of protection against COVID-19 and related variants. Getting fully vaccinated against COVID19 is the best defense against the virus, including the variants.</p> <p>The City is demonstrating its commitment to promoting vaccinations to ensure the health and safety of all members of its workforce and the broader City of Hamilton community.</p>
<b>PURPOSE</b>	<p>The purpose of this policy is to outline the City of Hamilton's requirement with regard to COVID-19 vaccination and provide direction to Employees on the requirement to receive the COVID-19 vaccination and provide proof of vaccination or a bona fide exemption.</p>
<b>SCOPE</b>	<p>This policy applies to all Employees of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students, and including Members of Council.</p> <p>New Employees will also be subject to this policy as a condition of their employment contract with the City of Hamilton. It requires Employees to be fully vaccinated against the COVID-19 virus and requires Employees to provide proof of vaccination satisfactory to the employer.</p> <p>Vaccination requirements are subject to bona fide medical and human rights exceptions. All exemption requests will be reviewed</p>

<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21		Approval: 08-12-2022
Page 2 of 11		
	<p>on a case by case basis and are subject to the City's accommodation process.</p> <p>In addition to this policy, some workplace groups may have additional mandates or directives or reporting requirements from provincial or federal authorities.</p>	
<b>DEFINITIONS</b>  <b>COVID-19</b>  <b>Vaccine</b>  <b>Fully Vaccinated</b>  <b>Proof of Vaccination</b>  <b>Proof of Medical Exemption</b>	<p>The following terms referenced in this Policy are defined as:</p> <p><b>COVID-19</b> A virus belonging to a large family called coronavirus which includes the virus that causes the common cold and more severe disease such as Severe Acute Respiratory Syndrome (SARs) and Middle East Respiratory Syndrome (MERS-COV). The virus that causes COVID-19 is a novel coronavirus, named SARS-CoV-2.</p> <p><b>Vaccine</b> For the purposes of this Policy, a Vaccine is defined as a substance used to stimulate the production of antibodies and provide protection from SARS-CoV-2</p> <p><b>Fully Vaccinated</b> Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines as defined by the Ontario Ministry of Health and Long-term Care and the employer.</p> <p><b>Proof of Vaccination</b> Documentation issued by the Ontario Ministry of Health, other province or territory or international equivalent indicating individual immunization status against the COVID-19 virus.</p> <p><b>Proof of Medical Exemption</b> Written proof of a medical reason, provided by a physician or nurse practitioner in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason.</p>	

<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 3 of 11		Approval: 08-12-2022

<p><b>TERMS &amp; CONDITIONS</b></p> <p><b>Suspended Provisions</b></p> <p><b>Operational Areas Subject to Differential Terms and Conditions</b></p>	<p><b>The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022.</b></p> <div data-bbox="626 506 1398 1545" style="border: 1px solid black; background-color: #f0f0f0; padding: 10px;"> <p>The following apply to this Policy:</p> <p><b>1. Mandatory Covid-19 Vaccinations</b></p> <ul style="list-style-type: none"> <li>• All City of Hamilton Employees are required to be fully vaccinated against COVID-19 to access a City facility for the purpose of conducting work, unless subject to an approved exemption <b>by September 30, 2022.</b></li> <li>• Employees who have not provided proof that they are fully vaccinated or a valid exemption satisfactory to the employer are required to participate (or continue to participate) in the City's rapid antigen testing program until <b>September 30, 2022.</b></li> <li>• Unvaccinated Employees, and unvaccinated Employees who have provided a valid exemption, will only be allowed into a City facility for the purposes of working if they submit to regular antigen testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the employer.</li> </ul> </div> <ul style="list-style-type: none"> <li>• Employees in the following three operational areas will be subject to the following differential terms and conditions under the policy as follows:             <ul style="list-style-type: none"> <li>○ Employees at the Lodges will continue to be required to provide proof of vaccination in order to attend work. Employees failing to provide such evidence will remain on an unpaid leave of absence until further notice. Employees at the Lodges are required to continue participation in daily Rapid Antigen Testing until further notice;</li> </ul> </li> </ul>
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<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 4 of 11	Approval: 08-12-2022	
<b>Requirements for New Employees</b>  <b>Requirements for Council Members</b>  <b>Additional Provisions</b>	<ul style="list-style-type: none"> <li>○ Employees at Hamilton Paramedic Services who have failed to disclose proof of vaccination continue to be required to participate in Rapid Antigen Testing prior to commencing each shift until further notice;</li> <li>○ Employees at the Red Hill Child Care Centre who have failed to disclose proof of vaccination will continue to be required to participate in Rapid Antigen Testing three times per week until further notice.</li> </ul> <ul style="list-style-type: none"> <li>● As a condition of employment, new hires are required to provide proof that they are fully vaccinated or provide proof of valid exemption satisfactory to the employer prior to their start date. By signing the conditional offer letter, they acknowledge and agree to comply with any future vaccine policy requirements as an ongoing condition of employment at the City of Hamilton.</li> </ul> <ul style="list-style-type: none"> <li>● All Members of Council are required to be fully vaccinated against COVID-19, unless subject to an approved exemption. Failure to comply will result in a complaint to the Integrity Commissioner.</li> </ul> <p><b>1. Providing Proof of COVID-19 Vaccination Status</b></p> <ul style="list-style-type: none"> <li>● Employees and Members of Council are required to provide proof of their vaccination series approved by Health Canada and recommended by Ontario Ministry of Health by providing one of the following:           <ul style="list-style-type: none"> <li>○ Proof of COVID-19 vaccine administration as per the following requirements:               <ul style="list-style-type: none"> <li>a. Proof of all required doses of a COVID-19 vaccine approved by Health Canada and recommended by Ontario Ministry of Health.</li> </ul> </li> </ul> </li> </ul> <p><b>2. Providing Proof of An Approved Exemption</b></p> <ul style="list-style-type: none"> <li>● The City will comply with its human rights obligations and accommodate Employees and Members of Council who are legally entitled to accommodation.</li> </ul>	

<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21		
Page 5 of 11		Approval: 08-12-2022

- Exemptions will be made for grounds protected by the Ontario Human Rights Code which includes confirmed medical reasons. Human Resources will assist with accommodation questions, concerns and requests.
- Employees and Members of Council are required to provide proof of their medical exemption by providing one of the following:
  - Written proof of a medical reason, provided by either a physician or nurse practitioner in the extended class that sets out:
    - a. That the person cannot be vaccinated against COVID-19 and;
    - b. The effective time period for the medical reason (i.e., permanent or time- limited).
  - The City will work with those who receive an exemption to connect them with the appropriate resources to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all workers.

### 3. Vaccination Status Reporting and Documentation

- Vaccination status information will be collected and protected in accordance with relevant legislation.

### 4. Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy

**The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).**

<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 6 of 11		Approval: 08-12-2022

- In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the requirements of the Mandatory COVID-19 Vaccination Verification Policy will result in disciplinary measures, up to and including termination of employment.
- Subject to any valid exemptions, Employees failing to provide proof of being fully vaccinated against COVID-19 by September 30, 2022 will be terminated from their employment with the City as of that date.


**The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).**


#### **Access to the Rapid Antigen Test Program**

- In the event that an Employee cannot participate in the City's rapid antigen testing program as a result of the inability of the City to provide rapid test kits, the Employee will be placed upon a paid leave of absence until they are able to meet the requirements of the next test date in the program (i.e. the City has made test kits available).
- Employees are required to return to work at the earliest possible opportunity once testing kits are made available, and the Employee can test, on the next applicable testing date.


#### **5. Access to COVID-19 Vaccination Clinics**


- Reasonable arrangements will be made to allow for staff to attend COVID-19 vaccination clinics during work time.
- Employees must have approval from their supervisor in

<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 7 of 11		Approval: 08-12-2022
	<p>advance before attending a clinic during work time.</p> <ul style="list-style-type: none"> <li>All efforts should be made to allow the Employee to use time at the beginning or end of their shift day or to extend lunch and break times as operationally feasible with work schedules to attend vaccination clinics.</li> <li>Where Employees are unable to attend a vaccination clinic during their regularly scheduled work hours, the City will compensate staff for a period of 30 minutes outside of work time to receive a vaccination subject to any limitations under a collective agreement or policy.</li> </ul> <p><b>6. Continued Adherence to Public Health Measures</b></p> <ul style="list-style-type: none"> <li>Fully vaccinated Employees are required to practice Public Health measures to control the spread of COVID-19.</li> <li>Employees must adhere to the City's health and safety protocols while in the workplace, including daily health screening, mandatory masking, physical distancing, hand hygiene, enhanced cleaning and the use of Personal Protective Equipment as required by their position.</li> </ul>	
<b>RESPONSIBILITIES (if applicable)</b>	<p>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</p> <p><b>Management/Supervisors</b></p> <p><b>The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</b></p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <ul style="list-style-type: none"> <li>Ensure Employees attending work are fully vaccinated against COVID-19</li> <li>Ensure Employees have submitted proof of their vaccination status or an approved exemption</li> </ul> </div> <ul style="list-style-type: none"> <li>Follow and comply with any federal or provincial mandates or</li> </ul>	

<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 8 of 11		Approval: 08-12-2022
	<p>directives regarding the vaccination of staff</p> <ul style="list-style-type: none"> <li>• Continue to enforce workplace precautions that limit the spread of COVID-19 virus</li> <li>• Ensure that Employees are aware of the importance of getting vaccinated against COVID-19</li> <li>• Provide staff with access to information on COVID-19, health and safety precautions, and on the efficacy of the COVID-19 vaccine</li> <li>• Provide staff with information on location and scheduling of vaccination clinics when available</li> <li>• Where feasible, support time from regular duties for staff to attend vaccination clinics in accordance with relevant collective agreement language and/or Corporate Policy</li> </ul> <p><b>Employees</b></p> <p><b>The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</b></p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Submit proof of vaccination status, or an approved exemption</p> </div> <ul style="list-style-type: none"> <li>• Continue to follow health and safety protocols to ensure personal safety and prevent the spread of COVID-19 before and after vaccination.</li> <li>• Remain informed about COVID-19 and COVID-19 vaccination as it relates to your role, personal health and/or professional requirements.</li> <li>• Adhere to any additional mandates or directives or reporting requirements from provincial or federal authorities.</li> </ul>	



<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 9 of 11		Approval: 08-12-2022
<ul style="list-style-type: none"> <li>• Identify opportunities to obtain a COVID-19 vaccination through community clinics or from health care professionals</li> <li>• If additional booster doses of the COVID-19 vaccine are required, ensure subsequent doses are also received</li> </ul> <p><b>The following provisions in the text box below are suspended until further notice as per Council’s decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</b></p> <div style="border: 1px solid black; background-color: #f0f0f0; padding: 10px; margin: 10px 0;"> <ul style="list-style-type: none"> <li>• Employees not fully vaccinated against COVID-19 or who have not yet disclosed their vaccination status prior to September 30, 2022 are required to participate (or continue to participate) in the City’s rapid antigen testing program until September 30, 2022 or such time they meet the requirements of this policy.</li> </ul> </div> <ul style="list-style-type: none"> <li>• For employees who are required to participate in rapid antigen screening, in the event of an interruption to the City’s rapid antigen testing program (e.g. due to a lack of supply) and an Employee is placed on a paid leave of absence; the Employee is expected to return to active duty at the employers determination once testing kits are made available, and the Employee can test, on the next applicable testing date.</li> </ul> <p><b>Human Resources</b></p> <ul style="list-style-type: none"> <li>• Assist management with any labour relations and health and safety issues arising from application of this policy including liaising directly with Union leadership.</li> <li>• Create procedure for collecting and storing documentation on Employee vaccination status.</li> <li>• Assist management with accommodation questions, concerns and requests.</li> </ul> <p><b>Occupational Health Nurse</b></p>		

<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21		Approval: 08-12-2022
Page 10 of 11		
	<ul style="list-style-type: none"> <li>• Provide information and guidance to leaders and Employees on COVID-19 vaccination.</li> <li>• Ensure that any records of COVID-19 vaccination held by the City are stored and used in compliance with privacy legislation and corporate policies.</li> </ul>	
<b>COMPLIANCE</b>	<p>In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the requirements of the Mandatory COVID-19 Vaccination Verification Policy will result in disciplinary measures, up to and including termination of employment.</p> <p><b>Non-compliance with the Policy by Members of Council will result in a complaint to the Integrity Commissioner.</b></p> <p><b>The following provisions in the text box below are suspended until further notice as per Council's decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</b></p> <div data-bbox="594 1293 1398 1528" style="border: 1px solid black; padding: 5px; background-color: #f0f0f0;"> <p>Subject to any valid exemptions, Employees failing to provide proof of being fully vaccinated against COVID-19 by September 30, 2022 will be terminated from their employment with the City as of that date.</p> </div>	
<b>HISTORY</b>	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <p>City of Hamilton's Senior Leadership Team          Legal Services Division          Human Resources Leadership Team          Union Representatives from each of the City's unions.</p> <p>This policy replaces the former policy named Mandatory COVID-19 Vaccination Verification Policy dated 2021-08-26.</p>	

<b>Corporate Human Resources Policy</b> Health, Safety and Wellness	 Hamilton	Content Updated: 2022 - 08- 022 Supersedes: Pandemic Response Procedure - Staff Vaccination for COVID-19 - COH-P-018
Policy No: HR-66-21 Page 11 of 11		Approval: 08-12-2022
<p>This policy was approved by Council on January 12, 2022.  <b>Amendments to the Policy (Suspended Provision) approved          by Council on August 12, 2022.</b></p>		

DRAFT





**CITY OF HAMILTON**  
**Corporate Services Department**  
**Clerk's Office and Legal Services**

<b>TO:</b>	Governance Review Sub Committee
<b>COMMITTEE DATE:</b>	September 9, 2022
<b>SUBJECT/REPORT NO:</b>	2022 Review of the City's Procedural By-law FCS22075 (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon Ext. 4304
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk Office of the City Clerk
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the By-law amending By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, attached as Appendix 'A' to Report FCS22075, be enacted by Council.

### EXECUTIVE SUMMARY

The Governance Review Sub Committee at their meeting of March 25, 2019, directed staff to perform a review of the By-law to Govern the Proceedings of Council and Committees of Council (the "Council Procedural By-law") on an annual basis.

### Proposed Amendments:

A full list of the proposed amendments to the Council Procedural By-law can be found in Appendix 'B' to this report.

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

Financial: There are no financial implications.

Staffing: There are no staffing implications.

Legal: Section 238(2) of the *Municipal Act*, 2001, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

### HISTORICAL BACKGROUND (Chronology of events)

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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: 2022 Review of the City's Procedural By-law (FCS22075)(City Wide)****Page 2 of 2**

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On February 24, 2021, Council enacted By-law No. 21-021, the Council Procedural By-law, which was amended by By-law 21-148 on August 13, 2021, By-law 22-017 on February 9, 2022 and By-law 22-035 on February 23, 2022.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Section 238(2) of the *Municipal Act, 2001*, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

Pursuant to Schedule 'A' of By-law 07-351, being a By-law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice (the "Public Notice By-law") notice published in a newspaper a minimum of 14 days prior to the Committee meeting is required to advise of a Committee meeting to consider the enactment of a procedure by-law.

**RELEVANT CONSULTATION**

Clerks worked with Legal Services staff in reviewing the proposed revisions to the procedural by-law.

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

The Council Procedural By-law, as approved by Council in 2021 and amended in 2021 and 2022, will be further amended in order for the revisions listed in Appendix 'B' to be enacted.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Community Engagement & 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' – Draft By-law, Amending By-law 21-021, as Amended (Council Procedural By-law)

Appendix 'B' – Summary of the Proposed Revisions

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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.*

Appendix 'A' to Report FCS22075  
**Authority:** Item #, Audit, Finance and  
Administration Committee Report  
22-016 (Governance Review Sub-  
Committee Report 22-004)  
CM: September 28, 2022  
Ward: City Wide  
**Bill No.**

**CITY OF HAMILTON**  
**BY-LAW NO. 22-**

**To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council  
and Committees of Council**

**WHEREAS** Council enacted a Council Procedural By-law being City of Hamilton By-law No. 21-021;

**AND WHEREAS** it is necessary to amend By-law 21-021.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That By-law No. 21-021, be **amended** to reflect the following amendments:

(i) **1.1** In this By-law,

**“Advisory Committee”** means a group of appointed residents established by Council for the purpose of providing advice on matters that are related to the specific mandate of the committee.

**“Hearing”** means a Meeting or hearing in a proceeding to which the *Statutory Powers and Procedure Act* applies.

**“Main Motion”** means a proposal by a member that begins the process of making any decision for consideration of Council or a Committee, that is moved by a member and seconded by another member.

**“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. A Motion may be Procedural or Substantive in nature.

**“Procedural Motion”** means any motion concerning the manner or time of consideration of any matter before the Council or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the question; to go into committee of the whole; to recess; to refer; to defer; to go into a closed meeting; to suspend the rules of procedure and to lift.

**“Sub-Committee”** means a Committee established by Council, comprised of some Members of Council and in certain circumstances also citizen members. Sub-Committees report up to an assigned Standing Committee with members of Sub-Committees being appointed by Council.

**“Task Force”** means a temporary ad hoc group of appointed citizens established by Council for the purpose of providing advice on matters related to a specific mandate of the task force.

- (ii) **2.3** Notwithstanding any other provisions of this By-Law, where Council or a Committee convenes for the purpose of holding a Hearing, the provisions of the relevant statute, the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, as amended or re-enacted from time to time, together with any procedures and practices established by the Council or Committee, shall govern the Hearing, as applicable.
- (iii) **3.1 First Council Meeting**
  - (1) The First Meeting of Council shall be held at a time and place to be fixed by the Clerk provided that it shall not be held later than 31 days after the term of Council commences.
  - (2) The IN-PERSON Proceedings of the First Meeting of Council shall include:
  - (3) Despite subsection 3.1(2), and provided all requirements of the Act relating to the First Meeting of Council can be satisfied, the First Meeting of Council may be held as a VIRTUAL or HYBRID proceeding in the event of an Emergency.
- (iv) **4.2** During the consideration of Standing Committee Reports and Selection Committee Reports a member may:
  - (a) request that a matter contained within the Committee Report be voted on separately at Council;
  - (b) amend a matter contained within the Committee Report;
    - (i) in the event, an amendment is considered to be contrary to the main motion within the Committee Report, Council will follow the following process:
      - 1. The main motion within the Committee Report shall be voted upon;
        - (a) if the vote result is deemed to be Carried, the matter is considered closed; and
        - (b) if the vote result is deemed to be lost, the amendment considered to be contrary to the main motion within the Committee



Report, may be introduced if duly moved and seconded.

(v) **5.2 Appointment of Committee Chairs and Vice Chairs**

- (6) Despite subsection 5.2(1)(c) the role of Chair of the General Issues Committee Budget meetings may be chaired by the Mayor or a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.
- (7) The role of Vice-Chair of the General Issues Committee Budget meetings may be vice-chaired by a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Vice-Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.

(vi) **5.3 Standing Committee Membership**

- (4) Emergency & Community Services Committee shall be comprised of a minimum of **7** Members of Council.

(vii) **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) Staff Presentations
  - (h) Delegations
  - (i) Consent Items
  - (j) Public Hearings
  - (k) Discussion Items
  - (l) Motions
  - (m) Notice of Motions
  - (n) General Information/Other Business
  - (o) Private and Confidential

## (p) Adjournment

(viii) **5.12 Delegations**

- (10) Delegations 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 a Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
  - (11) Delegations 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 and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
  - (12) Notwithstanding subsections 5.12(9), 5.12(10) and 5.12(11), a Standing Committee member may add the delegation request on a Standing Committee Agenda.
- (ix) **9.1** Except as provided in this Section 9, all Committee and Council meetings shall be open to the public.
  - (x) **9.2** For the purpose of Sections 9.3, 9.5, 9.6 and 9.7, "Committee" shall mean any committee of which at least 50% of the members are also members of Council.
  - (xi) **9.3** A meeting of Council or a Committee or part thereof may be closed to the public if the subject matter being considered is:
  - (xii) **9.8** A vote may be taken during a meeting that is closed to the public pursuant to Sections 9.3, 9.4 and 9.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board is permitted.
  - (xiii) **13.6** In the event of a conflict between the provisions of this By-Law and the Act, or any other legislation, the provisions of the Act and legislation shall prevail, to the extent of the conflict.
  - (xiv) **13.7** In the event of a conflict between the provisions of this By-Law and the Terms of Reference for any Sub-Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

(xv) **Appendix A – General Issues Committee**

*Specific duties shall include:*

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the General Issues Committee
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the General Issues Committee

(xvi) **Appendix B – Board of Health**

*Specific duties shall include:*

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Board of Health
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Board of Health

(xvii) **Appendix C – Public Works Committee**

*Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Public Works Committee

(xviii) **Appendix D – Planning Committee**

*Specific duties shall include:*

- 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 Ontario Land Tribunal (OLT) Hearings to consider the appeal of Committee of Adjustment decisions
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Planning Committee

(xvix) **Appendix E – Emergency & Community Services Committee**

**COMPOSITION**

The Emergency & Community Services Committee shall be comprised of a minimum of **7** members of Council, plus the Mayor as ex-officio.

*General:*

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

- ~~Advisory Committees that report to the Emergency & Community Services Committee~~

*Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Emergency & Community Services Committee

**(xx) Appendix F - Audit, Finance & Administration Committee***Delegated Authority:*

- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997* and Section 257.85 of the *Education Act*.

*Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Audit, Finance and Administration Committee
- To consider recommendations from the City Auditor as per the Office of the City Auditor Charter (Schedule F1 to Appendix F).

**(xxi) Appendix J - HEARING PROCEDURES FOR SECTION 20 DEVELOPMENT CHARGES ACT, 1997 COMPLAINTS AND SECTION 257.85 EDUCATION ACT COMPLAINTS, deleted in its entirety.**

2. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
3. This By-law come into force on the day it is passed.

**PASSED** this 28th day of September, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

## Summary of the Proposed Revisions

### SECTION 1 - DEFINITIONS

- *Added the following definitions, in order to define the new terms when they appear in the by-law:*

**“Advisory Committee”** means a group of appointed citizens established by Council for the purpose of providing advice on matters that are related to the specific mandate of the committee.

**“Hearing”** means a Meeting or hearing in a proceeding to which the *Statutory Powers and Procedure Act* applies.

**“Main Motion”** means a proposal by a member that begins the process of making any decision for consideration of Council or a Committee, that is moved by a member and seconded by another member.

**“Procedural Motion”** means any motion concerning the manner or time of consideration of any matter before the Council or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the question; to go into committee of the whole; to recess; to refer; to defer; to go into a closed meeting; to suspend the rules of procedure and to lift.

**“Sub-Committee”** means a Committee established by Council, comprised of some Members of Council and in certain circumstances also citizen members. Sub-Committees report up to an assigned Standing Committee with members of Sub-Committees being appointed by Council.

**“Task Force”** means a temporary ad hoc group of appointed citizens established by Council for the purpose of providing advice on matters related to a specific mandate of the task force.

- *Elaborated on following definitions, in order to further define the term when they appear in the by-law:*

**“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. ***A Motion may be Procedural or Substantive in nature.***

## **SECTION 2 – APPLICATION**

- *Added to provide clarity surrounding which procedures are relevant for Hearings*
- 2.3** Notwithstanding any other provisions of this By-Law, where Council or a Committee convenes for the purpose of holding a Hearing, the provisions of the relevant statute, the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended or re-enacted from time to time, together with any procedures and practices established by the Council or Committee, shall govern the Hearing, as applicable.

## **SECTION 3 – COUNCIL MEETINGS**

- *As per the Municipal Election Act, the four-year term begins on November 15<sup>th</sup> in the year of a regular election, therefore, section 3.1(1) is being amended to reflect that change.*
- *As the Inaugural meeting is the meeting when members of Council-Elect take their declarations of Office and are required to sign those declarations in the presence of a witness, the type of meeting noted in Section 3.1(2) has been amended to an In-Person meeting only.*
- *During an Emergency Section 3.1(3) would permit a Hybrid or a Virtual meeting, if all of the requirements of the Act can be satisfied, which include the declarations. Therefore, where declarations can be taken remotely this would be an option.*

### **3.1 First Council Meeting**

- (1) The First Meeting of Council shall be held at a time and place to be fixed by the Clerk provided that it shall not be held later than 31 days after the term of Council commences.
- (2) The IN-PERSON 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) Despite subsection 3.1(2), and provided all requirements of the Act relating to the First Meeting of Council can be satisfied, the First Meeting of Council may be held as a VIRTUAL or HYBRID proceeding in the event of an Emergency.

## **SECTION 4 - COMMITTEE OF THE WHOLE**

- *Added the process to be followed during the consideration of the Standing Committee and Selection Committee Reports if a member requests a separate vote on a matter; if a member puts forward an amendment and the process to be followed if the amendment is contrary to the main motion within the Committee Report:*

### **4.2** During the consideration of Standing Committee Reports and Selection Committee Reports a member may:

- (a) request that a matter contained within the Committee Report be voted on separately at Council;
- (b) amend a matter contained within the Committee Report;
  - (i) in the event, an amendment is considered to be contrary to the main motion within the Committee Report, Council will follow the following process:
    1. The main motion within the Committee Report shall be voted upon;
      - (a) if the vote result is deemed to be Carried, the matter is considered closed; and
      - (b) if the vote result is deemed to be lost, the amendment considered to be contrary to the main motion within the Committee Report, may be introduced if duly moved and seconded.

## **SECTION 5 – COMMITTEE MEETINGS**

- *For consistency purposes during the budget process, we have included sub-sections that refer to the appointment of the Mayor or a Councillor as the Chair and Vice-Chair of the General Issues Committee Budget meetings for the budget year, with an option to have them Chair and Vice-Chair the meetings for more than one budget year.*

### **5.2 Appointment of Committee Chairs and Vice Chairs**

- (6) Despite subsection 5.2(1)(c) the role of Chair of the General Issues Committee Budget meetings may be chaired by the Mayor or a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.
- (7) The role of Vice-Chair of the General Issues Committee Budget meetings may be vice-chaired by a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Vice-Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.

## Appendix B to Report FCS22075

- *As the current composition of the Emergency & Community Services Committee has been insufficient to acquire quorum on a number of occasions during this term of Council, the minimum number of members of Council has been increased from 5 to 7 members of council, as follows:*

### **5.3 Standing Committee Membership**

- (4) Emergency & Community Services Committee shall be comprised of a minimum of 7 Members of Council.
- *Staff Presentations have been moved up on the agenda under Delegation Requests, with Delegations being separated out from 'Public Hearings/Delegations' and moved up, under Staff Presentations, so that the delegations can be heard immediately following the Staff Presentations.*

### **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) Staff Presentations
  - (h) Delegations
  - (i) Consent Items
  - (j) Public Hearings
  - (k) Discussion Items
  - (l) Motions
  - (m) Notice of Motions
  - (n) General Information/Other Business



- (o) Private and Confidential
- (p) Adjournment

## 5.12 Delegations

- *As Council does not place communications respecting labour relation matters, conduct of member(s) of staff and matters before another body on a Standing Committee Agenda, the same should apply to delegations, therefore, the following sub-section (10) under 5.12 was added:*

(10) Delegations 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 a Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.

- *As Council does not place 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 on a Standing Committee Agenda, the same should apply to delegations, therefore, the following sub-section (11) under 5.12 was added:*

(11) Delegations 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 and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.

- *As a Standing Committee member may add the delegation request on a Standing Committee Agenda, if they so wish, subsections 5.12(10) and 5.12(11) have been added to the existing section noting subsection 5.12 (12), as follows:*

(12) Notwithstanding subsections 5.12(9), 5.12(10) and 5.12(11), a Standing Committee member may add the delegation request on a Standing Committee Agenda.

## **SECTION 9 – MEETINGS CLOSED TO THE PUBLIC**

- *Sections 9.1 and 9.2 have been added to clarify that all meetings are open to the public and only “Committees” where at least 50% of the members are also members of Council can go into closed session; with 9.3 being amended to reflect the new section 9.1.*

**9.1** Except as provided in this Section 9, all Committee and Council meetings shall be open to the public.

**9.2** For the purpose of Sections 9.3, 9.5, 9.6 and 9.7, “Committee” shall mean any committee of which at least 50% of the members are also members of Council.

## Appendix B to Report FCS22075

**9.3** A meeting of Council or a Committee or part thereof may be closed to the public if the subject matter being considered is:

- *Section 9.8 has been added to reflect the votes permitted during Closed Session:*

**9.8** A vote may be taken during a meeting that is closed to the public pursuant to Sections 9.3, 9.4 and 9.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board is permitted.

### **SECTION 13 – GENERAL**

- *Section 13.6 and 13.7 have been added to address conflicts that may arise between this by-law and the Act, as well as a Committee's Terms of Reference and this by-law:*

**13.6** In the event of a conflict between the provisions of this By-Law and the Act, or any other legislation, the provisions of the Act and legislation shall prevail, to the extent of the conflict.

**13.7** In the event of a conflict between the provisions of this By-Law and the Terms of Reference for any Sub-Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

## **Appendices**

### **Appendix A – General Issues Committee**

*Appendix A has been amended to add the following under Specific duties shall include:*

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the General Issues Committee
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the General Issues Committee

### **Appendix B – Board of Health**

*Appendix B has been amended to add the following under Specific duties shall include:*

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Board of Health
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Board of Health

### **Appendix C – Public Works Committee**

*Appendix C has been amended to add the following under Specific duties shall include:*

## Appendix B to Report FCS22075

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Public Works Committee

**Appendix D – Planning Committee**

*Appendix D has been amended to reflect the Ontario Land Tribunal (OLT) under Specific duties shall include:*

- 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 Ontario Land Tribunal (OLT) Hearings to consider the appeal of Committee of Adjustment decisions

*Appendix D has been amended to add the following under Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Planning Committee

**Appendix E – Emergency & Community Services Committee**

- *As the current composition of the Emergency & Community Services Committee has been insufficient to acquire quorum on a number of occasions during this term of Council, the minimum number of members of Council has been increased from 5 to 7 members of Council, as follows:*

**COMPOSITION**

The Emergency & Community Services Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

*Appendix E has been amended to delete the following under General and add the following under Specific duties shall include:*

*General:*

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

- ~~Advisory Committees that report to the Emergency & Community Services Committee~~

*Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Emergency & Community Services Committee

**Appendix F - Audit, Finance & Administration Committee**

- *The Audit, Finance & Administration Committee has been delegated the authority to hearings on complaints made pursuant to Section 20 of the Development Charges*

Appendix B to Report FCS22075

*Act, 1997 and Section 257.85 of the Education Act, therefore, the following has been added:*

*Delegated Authority:*

- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997* and Section 257.85 of the *Education Act*.

*Appendix F has been amended to add the following under Specific duties shall include:*

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Audit, Finance & Administration Committee
- To consider recommendations from the City Auditor as per the Office of the City Auditor Charter (Schedule F1 to Appendix F).

**Appendix J - HEARING PROCEDURES FOR SECTION 20 DEVELOPMENT CHARGES ACT, 1997 COMPLAINTS AND SECTION 257.85 EDUCATION ACT COMPLAINTS**

*Appendix J has been removed from the Procedural By-law as Development Charges Act and Education Act Complaints is a Tribunal and would fall under the Statutory Powers Procedures Act.*