



City of Hamilton

THE WOMEN AND GENDER EQUITY ADVISORY COMMITTEE AGENDA

Meeting #: 22-012

Date: December 22, 2022

Time: 6:00 p.m.

Location: YouTube Channel Streaming for Virtual Meetings

All electronic meetings can be viewed at:

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

Morgan Stahl, Staff Liaison 905-546-2424 x2178

Pages

1. CEREMONIAL ACTIVITIES

1.1 Land Acknowledgement

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 HWGEC Meeting Minutes for Thursday, November 24, 2022

3

5. COMMUNICATIONS

6. DELEGATION REQUESTS

6.1 Presentation from Violetta Nikolskaya

Gender-responsive Budgeting

7. CONSENT ITEMS

- 8. PUBLIC HEARINGS / DELEGATIONS
- 9. STAFF PRESENTATIONS
- 10. DISCUSSION ITEMS
 - 10.1 Gender-responsive Budgeting
 - 10.2 Code of Conduct for Members of Boards and Agencies 7
 - 10.3 Review of the 2023 Procedural Handbook for Citizen Appointees 51
 - 10.4 Status of Citizen Committee Reports
 - 10.5 2023 Meeting Dates & Schedule
- 11. MOTIONS
- 12. NOTICES OF MOTION
- 13. GENERAL INFORMATION / OTHER BUSINESS
- 14. PRIVATE AND CONFIDENTIAL
- 15. ADJOURNMENT
 - 15.1 Next Meeting date TBD, January 2023



Hamilton

Hamilton Women and Gender Equity Committee

Thursday, November 24, 2022

6:00pm-8:00pm

Due to the COVID-19 and the Closure of City Hall All electronic meetings can be viewed at: City's YouTube Channel:

**<https://www.youtube.com/user/InsideCityofHamilton>
Virtual Meeting**

Present: Deanna Allain, Melanie Cummings, Anna Davey, Adriana Harris, Michelle Hutton, Pascale Marchand, Kathleen Shannon and Yulena Wan

Regrets: Heather Platt, Stephanie Scardellato, Gagan Batra, Jan Lukas, Autumn Getty, Julie Turner

Also Present: Morgan Stahl, Director of Government Relations and Community Engagement, City Manager's Office and Colin McMullan, Manager, Performance Planning & Evaluation, Healthy & Safe Communities

1. CEREMONIAL ACTIVITIES

1.1 Land Acknowledgement

D. Allain provided the Land Acknowledgement 6:02pm.

2. APPROVAL OF THE AGENDA (ITEM 2)

(Y. Wan / P. Marchand)

That the agenda of November 24, 2022 be approved.

CARRIED

3. DECLARATION OF INTEREST (ITEM 3)

None.

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

(i) October 27, 2022 Meeting Minutes (Item 4.1)

(A. Davey / K. Shannon)

That the meeting minutes from October 27, 2022 be approved.

CARRIED

5. STAFF PRESENTATIONS

(i) Hamilton Menstrual Project Pilot Project Initiative

Colin McMullen, Manager, Performance Planning & Evaluation, Healthy & Safe Communities addressed the committee with a presentation respecting the Hamilton Menstrual Project Pilot Initiative. A follow-up staff report is scheduled to go to Council early 2023. Staff from Health and Safe Community to garner feedback and engage in consultation on the upcoming report from members of the Women & Gender Equity Committee ahead of the report being sent to Council.

(M. Cummings / K. Shannon)

That the presentation respecting the Hamilton Menstrual Project Pilot Initiative, be received.

CARRIED

6. DISCUSSION ITEMS (Item 10)

(i) Code of Conduct for Members of Boards and Agencies (Item 10.1)

(A. Harris / P. Marchand)

That a review the code of conduct and the 2023 procedural handbook be referred to the HWGEC code of conduct and handbook review working group with a report back to the December 2022 meeting.

CARRIED

(ii) Overview of 2023 Budget Preparation for the Hamilton Women and Gender Equity Committee (Item 10.2)

(Davey/Wan)

That the 2023 Budget Submission for the Hamilton Women and Gender Equity Committee, be approved.

CARRIED

(iii) Review of the 2023 Procedural Handbook for Citizen Appointees (Item 10.3)

(A. Harris / P. Marchand)

That a review the 2023 procedural handbook be referred to a working group with a report back to the December 2022 meeting.

CARRIED

(iv) Establishment of Working Groups for the Hamilton Women and Gender Equity Committee (Added Item 10.4)

(P. Marchand / M. Hutton)

That a Working Group be established to review the Code of Conduct for Local Boards and the Review of the 2023 Procedural Handbook for Citizen Appointees.

CARRIED

7. ADJOURNMENT

(P. Marchand/M. Cummings)

That the Hamilton Women and Gender Equity Committee be adjourned at 7:16pm

CARRIED

Next Meeting to occur on December 22, 2022.

City of Hamilton Local Board Code of Conduct

Local Board
Integrity Framework Training
April 11, 2022

Principles *Integrity*

Integrity Commissioner for the City of Hamilton
Jeffrey A. Abrams & Janice Atwood-Petkovski

What we intend to cover today...

- ▶ Introductions
- ▶ Code of Conduct
- ▶ Conflicts of Interest
- ▶ Conduct and Decorum
- ▶ Scenarios
- ▶ Discussion

Part A

Introduction



Principles *Integrity*



Co-Principals

Jeffrey A. Abrams, B.A., LL.B

Janice Atwood-Petkovski, LL.B

Municipal Experts

Solutions Oriented to Support the Public Interest

Independent - Impartial - Collaborative

Credible - Respected

Experienced in governance, law, procedure, and ethics

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an Integrity Commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

Code of Conduct for Local Boards

- Code Guidance is an Important Aspect of Good Governance
- Local Board Codes of Conduct, and Access to an Integrity Commissioner, is Required under *Municipal Act*
- Local Boards: Established by Council, Serving a City Interest, Membership appointed by Council (some exceptions)
 - Adjudicative
 - Non-Adjudicative, includes Advisory

Purpose of a Local Board Code of Conduct

- Provides Basis for Guidance to Committee/Board Members
- Provides Framework for Ethical Accountability
- Helps Ensure the Primacy of Council

Access to Advice, Training

- *Municipal Conflict of Interest Act (MCIA)*
- Education and training on Code & MCIA
- Access to Integrity Commissioner
- Confidential, binding advice
- Independent review of complaints

Advice from Integrity Commissioner

▶ Binding Advice

In exercising his or her discretion...the judge may consider, among other matters, whether the member or former member..

disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice ...and acted in accordance with the advice, if any, provided to the member by the Integrity Commissioner.

▶ Duty of Confidentiality

Information disclosed to Integrity Commissioner, whether for advice or during investigation, is confidential

Integrity Commissioner - Independent:

- ▶ Performing in an **independent** manner:
 - ▶ A consideration of procedural fairness
 - ▶ Structural Conditions within which decisions are made that support impartial decision-making

Such as: Freedom to set own process

- Absence of arbitrary controls
- Absence of reporting
- Security of tenure
- Access to all relevant information
- Sufficiency of funding

Part B

Code of Conduct

Code as a Guide



- A Code of Conduct is a Policy Document ('Code' in a sense is a misnomer)
- As a Policy - to be given Broad Liberal Interpretation
- Purpose is to Support Ability of Local Boards to Support Council's Needs
- Code acts as a Guidepost for Members

Ethical Guidepost

- Ethical conduct and behaviour are core to public confidence in government
- Political leaders are held to higher standard
- Officials carry out duties with impartiality and equality of service to all
- Private interests must not provide potential or appearance of advantage, benefit

Behavioural Guidepost

- Officials should not be disparaging of others
- Officials should keep confidences
- Officials should not be influenced, or appear to be influenced, by the receipt of gifts



Guidepost to Fair Treatment

- Procedure to review assertions of non-compliance
- Procedural Fairness to be afforded to participants
- Potential for the recommendation of sanctions



Code of Conduct Provisions - Types

Local Boards:

- Adjudicative = decides rights
- Non-adjudicative = advisory

Role of Advisory Committee

- Primacy of Council
- Role of committees: special expertise, wider view, balance of inputs, information gathering
- Committees provide recommendations,
- Some local boards oversee management (BIA)
- Council debates, decides
- Seek guidance from staff, not Council

Role of Adjudicative Body

- Hear, consider all relevant information
- May have special expertise
- Make reasoned decisions based on facts
- No role for Council
- Seek guidance from staff, not members of Council

Specific Questions from Feedback

- Members ability to advocate on an issue
- Cannot appear before own body
- When advocating, should not hold out status as member of body
- Questions pertaining to body should be referred: to City staff or to Chair as appropriate
- Complaint Protocol

Advisory Committee Members' Code of Conduct Framework and Guiding Principles

- Broad, Purposeful Interpretation
- Fulfill mandate
- Respect due process and role of Chair
- Demonstrate respect for Members, Council, staff and public
- Due diligence preparing

Advisory Committee Members' Code of Conduct Framework and Guiding Principles

- Professionalism, transparency, accountability
- Adhere to by-laws, policies, procedures
- Contribute constructively

Advisory Committee Members' Code of Conduct Framework and Guiding Principles

- Avoid bias, perception of preferential treatment
- Avoid real or apparent conflict of interest
- Avoid appearance of improper influence

There's No Big Secret to Compliance - Civility, Decorum, Respect

- Practice the “Golden Rule”
- Chair ~ Procedure By-law
- Take advice from Clerk
- Accommodation
- Polite & firm
- Recess
- Respect the institution

Model Code of Conduct

General Introduction, Framework and Interpretation	Guiding Principles
Rule 1: Avoidance of Conflicts*	Rule 2: Gifts, Benefits & Hospitality* (+AB)
Rule 3: Confidential Information	Rule 4: Use of City Resources
Rule 5: Election Campaigns* (+AB)	Rule 6: Improper Use of Influence
Rule 7: Business Relations	Rule 8: Member Conduct*
Rule 9: Media Communications* (+AB)	Rule 10: Respect for By-laws & Policies
Rule 11: Respectful Workplace	Rule 12: Conduct Respecting Staff
Rule 13: Reprisals and Obstructing	Rule 14: Acting on Advice of IC*
Rule 15: Adjudicative Body Rules*	Rule 16: Communications with Parties
Rule 17: Independence of Body	Complaint Protocol

Conflicts of Interest – Statute & Common law

- Municipal Conflict of Interest Act (MClA)
 - Pecuniary
 - Direct
 - Indirect
 - Deemed
- Code requirement to avoid conflicts of interest (common law concept)

Municipal Conflict of Interest Act

Key Elements:

- Applies to Pecuniary Interests
- Direct: Member's own personal financial interest
- Deemed: Direct or Indirect Interest of Parent, Child or Spouse, if known
- Indirect: Shareholder, director or senior officer of non-public corporation
- Controlling interest, director or senior officer of public corporation
- Member of a Body that has a Pecuniary Interest
- Partner, or employee of person or body with interest

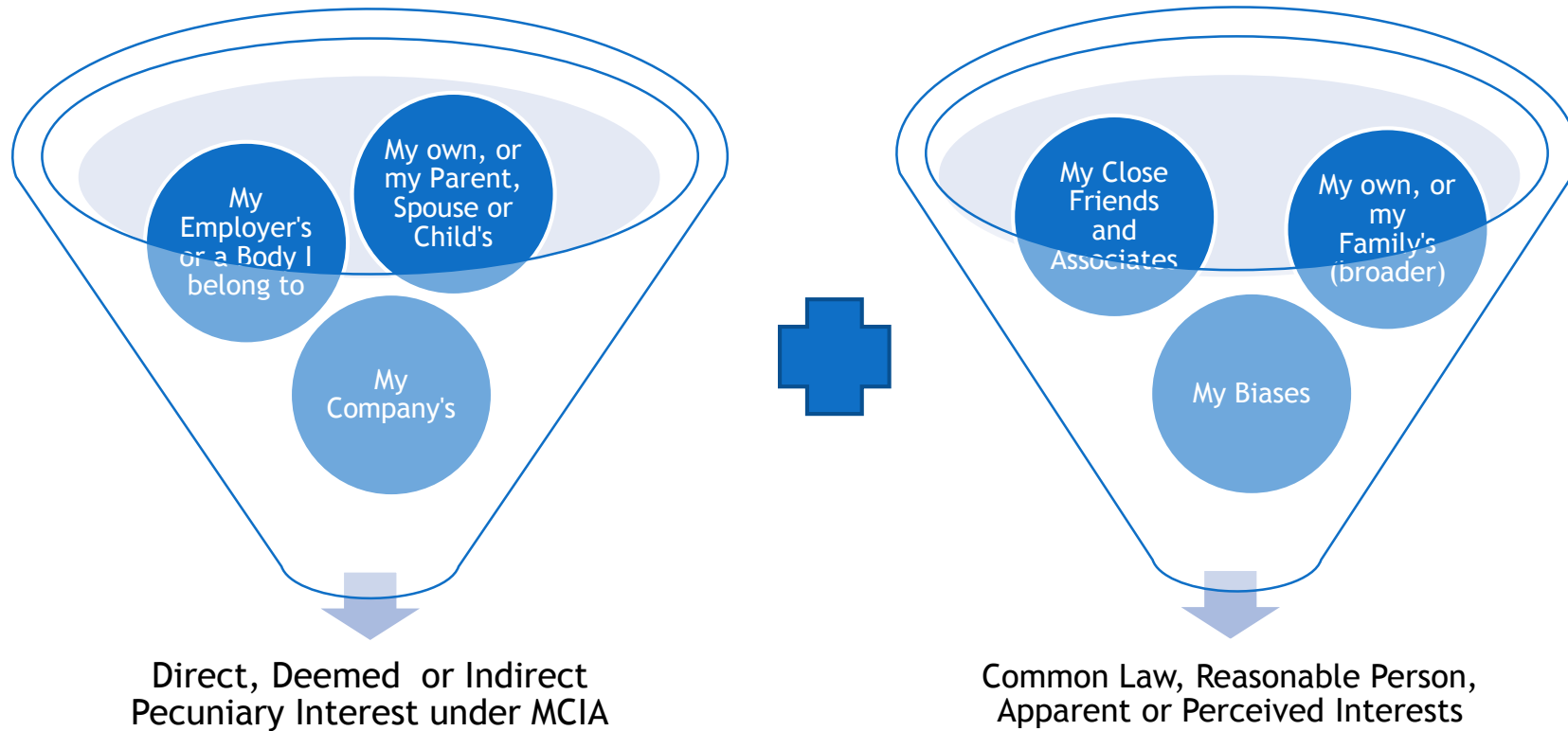
Avoidance of Conflicts of Interest

Conflict of Interest under *Municipal Conflict of Interest Act*

Conflict of Interest under Code of Conduct (common law concept)

= “disqualifying interest”

Disqualifying Interests



Avoidance of Conflicts of Interest

- May not participate when you have a disqualifying interest
- Recognizing and Dealing with Conflicts of Interest
 - Declare nature of interest (disqualifying interest) and step away
 - Do not participate, attempt to influence, vote
 - If in doubt, seek advice

Gifts, Benefits and Hospitality

- Prevent perception that member is improperly benefitting, influenced
- Advisory Committee Members:
 - Incidental mementos or tokens of appreciation
- Adjudicative Committee Members:
 - Receipt of Gift Requires Recusal

Election Campaigns

- Municipalities cannot contribute to election campaigns
- Advisory Committee Members:
 - WHILE identifying as member of a Local Board – restrictions on campaigning, fundraising
- Adjudicative Committee Members:
 - Prohibited from fundraising, endorsing or otherwise contributing to the election campaign of any person running for a seat on Council

Election Campaigns

Commentary (Rule 5)

This Code does not limit a person's right to participate fully in an electoral process so long as they do so without using their status as a Member of the local board for such purposes. For example, it would not be contrary to the Code for a person to:

- Stand for Election;*
- Contribute to an election campaign;*
- In their own name, exhibit an intention to support one party or platform over another;*
- While standing for election, indicate on their election material (without in any way suggesting endorsement) that they have served on a City of Hamilton local board amongst their other credentials and experiences.*

Member Conduct

- Appropriate Decorum at all times
- Demonstrate respect and dignity
- Maintain control of meeting proceedings
 - Dealing with critics and criticism
- Three missed meetings

Communications

- Respect for decision-making process
- Accurately communicate proceedings
- Exercise restraint in social media
- Caution with Facebook, blogs & twitter
- Follow policy (Chair take lead)

Adjudicative Boards Gifts

- Recuse where any perception of bias or conflict of interest as a result of a gift or benefit

Adjudicative Boards Communications with Parties

- In writing, through secretary of board or municipal staff only
- Oral communications only in presence of all parties

Adjudicative Boards Independent Nature of Board

- Operating arm's-length from Council
- Refrain from seeking advice from Council members
- Seek advice from appropriate municipal staff

Acting on Advice of Integrity Commissioner

- written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner
 - in any subsequent consideration in the same matter,
 - as long as all the relevant facts were disclosed to the Integrity Commissioner,
 - and the Member adhered to the advice given.
- If in doubt, ask Integrity Commissioner

Contacting the Integrity Commissioner

- Requests for Advice to be in writing [subsection 223.3 (2.1)]
- Integrity Commissioner's Advice to be in writing [subsection 223.3 (2.2)]
- Assistance in Formulating the Request for Advice:
 - Email postoffice@principlesintegrity.org with your question or to set up a telephone conversation
 - Telephone (and conference facility): 647-259-8697
- Review Agendas for potential interests; request advice early

Direct Contact:

jeff@principlesintegrity.org

Telephone Option #2

janice@principlesintegrity.org

Telephone Option #3

Discussion

- Where are the ethical 'grey areas' for you?
- When might you need advice?
- Other questions -

Scenario 1

Committee of Adjustment and independence of adjudicative boards

- C/A will be dealing with an application for a minor variance. Member knows there have been issues of by-law enforcement complaints and that councillor has been involved. Should member contact councillor to discuss? What if councillor contacts member of C/A to discuss?

Scenario 2

BIA and Conflicts of Interest

- BIA Board wants to hold a street festival and some members of the BIA want to contribute to it

Scenario 3

Special Interest Bias

- You've been appointed to the Environmental Advisory Committee specifically for your expertise. The "Friends of the Hamilton Watershed", to which you belong, seeks to delegate to the advisory committee – can you participate?

Scenario 4

Representativeness

- You have been appointed to an advisory committee which was established because Council did not feel that it was adequately representative of the issues affecting a specific community. As a member of that community you understand that the representation issue is nuanced and the appointed members do not necessarily include all aspects of the broader community. What do you do to be more inclusive?

CITY OF HAMILTON

**PROCEDURAL HANDBOOK
FOR CITIZEN APPOINTEES
TO CITY OF HAMILTON
LOCAL BOARDS**

PROCEDURAL HANDBOOK FOR CITIZEN APPOINTEES TO CITY OF HAMILTON LOCAL BOARDS

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Welcome!

On behalf of the City of Hamilton, I would like to congratulate you on your appointment to one of the city's local boards. As a member, you play an important role in shaping city policies and by-laws, and contribute to improving the quality of life within the City of Hamilton. You'll also participate as part of a local board and as a team, working to ensure the local board's mandate and goals are advanced.

In accepting your appointment, you are committing to serving your local board to the best of your abilities. For meetings, we ask that you read and review your meeting agenda materials to ensure the discussion is informed and considers all perspectives. When your local board is working on events or special projects, a willingness to pitch in is encouraged to ensure the work is distributed equitably, and the task is set up for success.

The purpose of this guide is to provide you with an introduction to the City of Hamilton and a foundation on how local boards work. Upon that foundation, and through your experience at meetings and interactions with your fellow local board members, you will build an understanding of the City of Hamilton's governance system. In addition to the fundamentals, we'll also include links or copies of pertinent legislation or city policies/by-laws which establishes the framework in which these local boards exist.

The Office of the City Clerk is your primary contact at the City of Hamilton, and we are here to assist you throughout your experience as a resource. Please reach out if you have any questions, or concerns.

Welcome to the team! We hope you have a rewarding experience as a City of Hamilton local board member.

Thank you,

Andrea Holland
City Clerk for the City of Hamilton

The City of Hamilton at a Glance

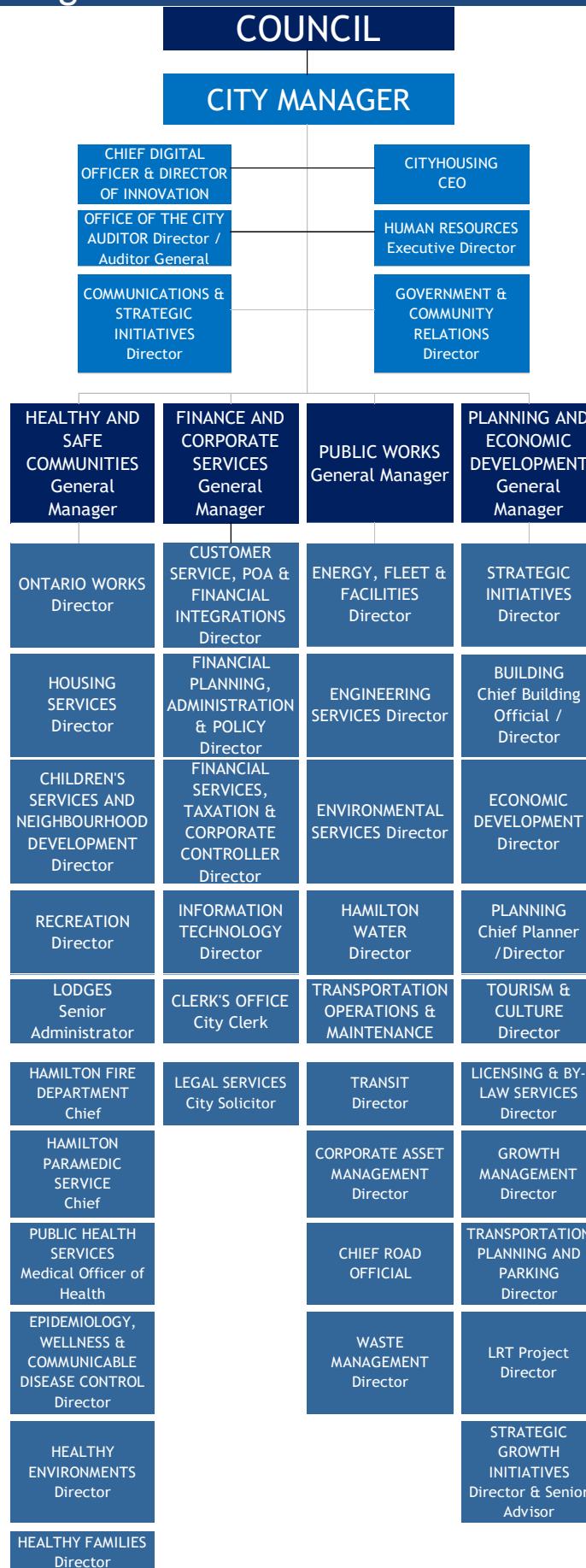
Through your work as a member of a local board, you are also supporting the work of the City of Hamilton. This section provides you with a snapshot of the City of Hamilton and its operations. If you wish to learn more about the City, resources are available by way of <https://www.hamilton.ca/>.

The City of Hamilton is a diverse city, providing municipal services to more than 500,000 residents.

The City of Hamilton is committed to achieving excellence in public service through ongoing efforts to continuously improve and evolve corporate strategies and processes. By focusing on Strategy and Performance Excellence, we commit to:

- understand what's happening both externally and internally in the city and elsewhere that may impact the delivery of City services.
- use information and evidence to drive strategy, inform decisions and influence the day-to-day delivery of City services.
- understand and communicate City service performance to the community.
- ensuring value for money in service delivery and to always consider ways to improve the delivery of City services.

City of Hamilton Organizational Structure



Council

Council is composed of the Mayor and 15 Councillors representing the 15 Wards within the City of Hamilton and is the final decision-making body for the City. Council meetings are held at 9:30 a.m., in accordance with the schedule approved by Council following the standing committee meetings and considers all recommendations for approval and action.

Link to the Council/Committee calendar: <https://www.hamilton.ca/city-council/council-committee/council-committee-meetings/meetings-agendas-video#meeting-calendarlisting>

City of Hamilton Strategic Plan 2016 - 2025

The City of Hamilton's 2016 - 2025 Strategic Plan is a 10-year plan <https://www.hamilton.ca/city-council/plans-strategies/strategies>, approved by Council in June 2016.

The 2016-2025 Strategic Plan for the City of Hamilton guides everything we do as an organization and illustrates to the community and to our stakeholders how we will contribute to moving our city forward over the next 10-years. It includes the following components:

- Vision represents what we aspire to be
- Mission identifies why we exist as an organization
- Culture outlines how we conduct ourselves (our values)
- Priorities provide guidance on where we are focusing our efforts to meet desired outcomes

Our Vision

The City's vision "To be the best place to raise a child and age successfully" reflects the kind of city Hamiltonians want to aspire to become.

It means having an inclusive community, actively engaged in making Hamilton a better place for everyone. It is creating an accessible environment, supporting residents through all of life's stages, and one that encourages positive development of children as they grow towards becoming healthy adults and seniors.

Our Mission and Our Culture

The City's mission, "To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner", provides the context for the delivery of City services across all our priorities. Our culture guides the conduct, behaviours and actions to which we hold each other accountable.

The culture of an organization has a major impact on the performance and reputation of an organization. It reflects the City's values, drives high performance and engenders the trust and confidence of our citizens. Our culture was developed by a cross-section of employees with diverse backgrounds and experiences, from front-line to senior management and was endorsed by City Council through its adoption into the Strategic Plan. The culture revolves around five pillars:

Collective Ownership

We cooperate and collaborate; we support teamwork and breaking down silos. We build relationships across departments and divisions to achieve our objectives and bring the ideas of others forward. Each and all of us understand that what we do affects the work of others and the results we achieve. We are one City with one vision and one mission, serving our citizens and stakeholders.

Steadfast Integrity

We build trust and demonstrate integrity in our work. We are direct and truthful individuals, accountable for doing what is right. We can be trusted to perform in an accountable and respectful manner.

Courageous Change

We embrace innovation, creativity and risk taking. We support, discuss and proceed with innovative ideas and actions to continuously improve our service delivery. We make evidence-based recommendations.

Sensational Service

We are passionate about customer service and service delivery excellence. We take a citizen-centred approach to providing exceptional service in a timely and responsive manner. We communicate in an open and transparent manner, especially when mistakes occur. We take pride in our work as public servants, serving our community. Performance measurement is a cornerstone to our service delivery.

Engaged and Empowered Employees

We invest in our employees, support and empower them to improve performance and be accountable for results. We communicate clear purpose and direction, build relationships through ongoing communication, regularly invite input and feedback, and treat employees equitably. We create a work environment where there is continual development, respect and recognition. Our employees are trusted, inspired to do their best work, and would not hesitate to recommend the City of Hamilton as a great place to work.

Our Strategic Plan Priorities

Our seven priorities (below) are a result of the nearly 55,000 resident conversations that took place as part of the Our Future Hamilton: Communities in Conversation initiative that asked one simple question, “What is your vision for the future of Hamilton?” and 3,200 internal staff conversations around what was important to us as an organization.

By adopting the Our Future Hamilton priorities, and adding a seventh priority focused on supporting our employees, the City illustrated its commitment to the achievement of the community vision, Our Future Hamilton.

Community Engagement and Participation**Economic Prosperity and Growth****Healthy and Safe Communities****Clean and Green****Built Environment and Infrastructure****Culture and Diversity****Our People and Performance**

Local Boards within the City's Governance Structure

Standing Committees

A standing committee is a Committee established by Council, comprised entirely of members of Council, to carry out duties on an ongoing basis, as specified by Council, and that reports directly to Council.

There are six Standing Committees, which all meet bi-monthly except the Board of Health which meets monthly:

- General Issues Committee
- Planning Committee
- Public Works Committee
- Board of Health
- Audit Finance and Administration Committee
- Emergency and Community Services Committee

Sub-Committees

A sub-committee is a committee established by Council, comprised of some members of Council and in certain circumstances also members of organizations and/or citizen members (YOU). Sub committees report up to an assigned standing committee with members of sub-committees being appointed by Council.

Advisory Committees

An advisory committee is established by Council for the purpose of providing advice on matters that are related to the specific mandate of the committee, comprised of a group of appointed citizens (YOU). An advisory committee is accountable to Council for its actions through the appropriate Standing Committee to which they report.

An advisory committee member is recruited based on their understanding of and expertise around the advisory committee's mandate and willingness to volunteer their time.

Task Forces

A task force is established by Council for the purpose of providing advice on matters related to a specific mandate of the task force, comprised of a group of appointed citizens (YOU). A task force is accountable to Council for its actions through the appropriate Standing Committee to which they report.

A task force member is recruited based on their understanding of and expertise around the task forces' mandate and willingness to volunteer their time.

Working Groups

Advisory committees/task forces are encouraged to create working groups, if required, to enhance the efficiency of meetings or to work on a specific project/event identified in the committee's workplan. The nature of working groups are unique, given their mandate, projects and scope.

Working groups are normally comprised of advisory committee/task force members, however, when required, volunteers may be called upon for their expertise to assist a working group in completing their mandate.

Board and Shareholders

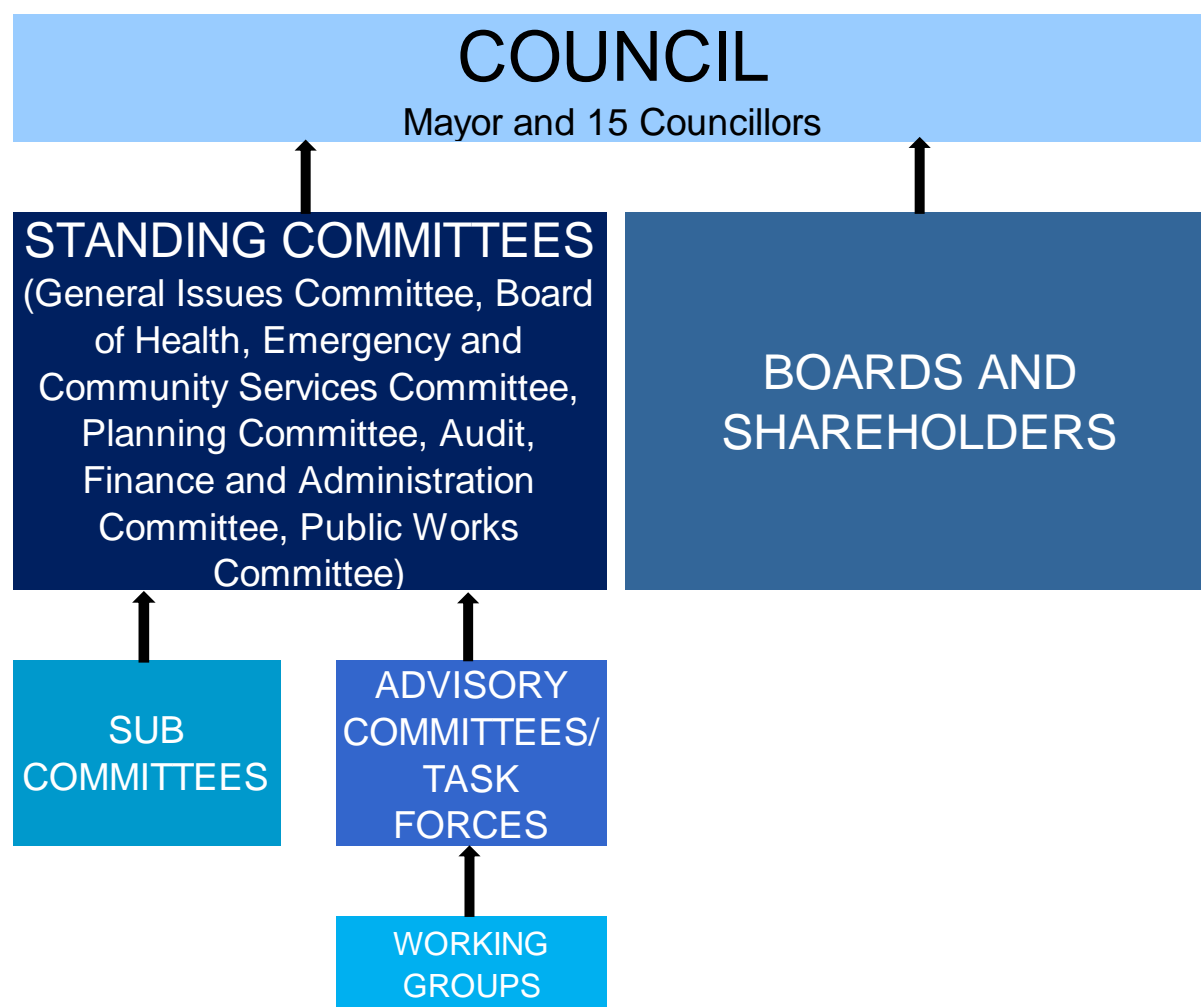
Where Council acts as the Shareholder or the Board of Directors, or both, of a corporation, Council meets as the Shareholder or the Board of Directors as necessary to complete such business as would normally be completed by the Shareholder or Board of Directors and as required by the corporation’s by-laws and resolutions and any laws that govern the corporation.

Tribunals

The City’s tribunals comply with *Statutory Powers Procedure Act* and do not report to Council, they are autonomous bodies, whereby they govern themselves.

Relationship: Council and Local Boards

The following chart illustrates the reporting relationship between Council, Standing Committees, Boards, Shareholders, Sub-Committees, Advisory Committees/Task Forces, Working Groups:



Terms of Reference

Each local board operates within a Council approved terms of reference document that provides a framework for the function of the local board. The most vital piece of a terms of reference is your local board's mandate. The local board's mandate sets forth the topics and areas of jurisdiction that your local board may discuss and provide advice to Council on. Review your local board's mandate and if you have questions you may connect with your Clerk or the Chair of the local board for further clarification.

In addition to setting forth the mandate, the terms of reference provides guidance on the following areas:

- meeting frequency
- local board composition

Link to Local Board Listing page <https://www.hamilton.ca/city-council/council-committee/council-committee-meetings/committee-listing>

The Terms of Reference template is attached to this handbook as Appendix 'A'.

Professional Working Relationship

All local board members work with Council and City staff in a professional working relationship. All partners in the relationship must demonstrate a commitment to communication and consultation among themselves and the general public and respond based upon areas of expertise.

What Advisory Committees/Task Forces Do

Advisory Committees/Task Forces

Advisory committees and task forces play an important role in providing resident input on proposed policy and city initiatives and is often used as another way to connect directly with the broader community. Advisory committees and task forces have a clearly defined terms of reference document which provides the committee's mandate and outlines parameters for committee activity.

Advisory committees/task forces review or provide advice to Council and staff on mandated matters; assist in public consultation processes and committee work; and liaise with other advisory committees/task forces. Some advisory committees/task forces also organize and participate in community events. Being a member of an advisory committee/task force offers residents a unique chance to volunteer their highly valued skills, diversity and knowledge to strengthen our shared sense of community.

Working Groups

Advisory committees/task forces are encouraged to create working groups, if required, to enhance the efficiency of meetings or to work on a specific project/event identified in the committee's workplan.

Working group meetings are held separately as needed and operate by consensus rather than by formal motions. The advisory committee's/task forces' Staff Liaison shall not attend these meetings. A working group member present must take notes and provide them to the Chair and Staff Liaison before the next regular meeting. The working group notes are circulated to the advisory committee/task force and filed accordingly. Working groups report to the advisory committee/task force and do not make independent decisions or take action that is not agreed upon by the advisory committee/task force at a regular meeting. The chair of a working group can be chosen by the majority of the working group members.

Working group membership shall be maintained at less than a quorum number of the advisory committee/task force membership (i.e. if the advisory committee's/task forces' membership is 10, their quorum is 5, therefore, all of the advisory committee's/task forces' working groups are to maintain a maximum membership of 4 members).

What Sub-Committees Do

Council may establish a sub-committee to focus on a particular task or area, thereby, delegating Council's many responsibilities to smaller groups, who report to their respective Standing Committee.

Applicable Municipal By-Laws and Policies

Appointment and Recruitment Process

The public appointment policy sets forth the way in which members of the public are appointed to local boards of Council and speaks to the general recruitment process.

The Roles, Responsibilities and Expectations of New Members documents, prepared by each advisory committee/task force prior to the end of the Council term are made available to applicants.

If you wish to re-apply at the end of the Council term, you will be advised about the recruitment by the Staff Liaison and provided with a link to the application process and application deadline.

All applicants, including those who are reapplying to serve, must submit an application and if applicable, attend an interview with the respective Standing Committee's Interview Sub-Committee.

A report from the respective Standing Committee's Interview Sub-Committee is generated by the Office of the City Clerk and provided to Council in closed session (in private) where they will make their final decision and you will be notified by the Office of the City Clerk of the outcome of your application.

The City of Hamilton's Policy respecting the Appointment of Citizens to the City's Local Boards is attached to this handbook as Appendix 'B'.

Code of Conduct for Local Boards

The Code of Conduct for Local Boards applies to all appointed members of a City of Hamilton Local Board. The Code of Conduct for Local Boards is in response to Bill 68 which came into effect in 2017, which sought to enhance local government accountability and integrity across the Province by requiring municipalities to have a Code of Conduct for members of municipal Councils and Local Boards and Committees.

The Code of Conduct for Local Boards outlines how members of Local Boards are to adhere to the highest standards of personal and professional competence, integrity and impartiality and provides guidance to members, by way of establishing a set of principles to support them in conducting their day-to-day committee business in a manner which promotes public confidence. A copy of the Code of Conduct for Local Boards is attached to this handbook as Appendix 'C'.

The Code of Conduct for Local Boards includes several key areas:

- Member conduct;
- Use of City resources;
- Media communications; and
- Improper use of influence.

Council Procedural By-Law

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

The Council Procedural By-law provides the rules of procedure that are observed in all in-person / virtual / hybrid proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.

The rules of procedure are designed to achieve the following basic meeting principles:

1. Every member has rights equal to every other member;
2. The will of the majority must be carried out; and
3. Only one topic will be considered at a time.

Link to the Procedural By-law: <https://www.hamilton.ca/sites/default/files/2022-09/21-021-consolidated09.28.2022.pdf>

Multi Year Accessibility Plan

The City of Hamilton is committed to ensuring that Council, all levels of corporate management and staff, plan, implement and evaluate strategies and opportunities that sustain and maintain the rights of persons with disabilities and their families to barrier-free programs, services and opportunities. In so doing, the City implements the *Accessibility for Ontarians with Disabilities Act, 2005* according to the legislation's standards for:

- Information and Communications;
- Employment;
- Transportation;
- Design of Public Spaces (Built Environment); and
- Customer Service

All employees, volunteers and all other persons or organizations who provide goods, services or facilities on behalf of the City of Hamilton perform the work to achieve the goals outlined by the Multi Year Accessibility Plan.

Link to the Multi Year Accessibility Plan - <https://www.hamilton.ca/people-programs/equity-diversity-inclusion/accessibility-services/multi-year-accessibility-plan>

Accessible Standards for Customer Service AODA e-learning Program

The City of Hamilton is committed to providing customer service to persons with disabilities in a manner that:

- respects their dignity and independence;
- is integrated as fully as practicable into the method of service delivery;
- ensures reasonable efforts are made to provide equitable opportunities to accessing goods and services;
- allows persons with disabilities to benefit from the same services, programs and opportunities in ways that are based on their own needs and self-determination.

Member Training

The Office of the City Clerk is committed to ensuring all citizen appointees to the City's local boards are trained, providing the following training information and reference documents to all citizen appointees to the City's local boards:

- orientation for citizen appointees to the City's local boards provided by the Staff Liaison
- current Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards
- relevant City policies (Appointment, etc.)
- Code of Conduct for Local Boards
- Local boards Terms of Reference
- Accessibility Standards for Customer Service AODA e-learning Program

Communicate Changes to the Office of the City Clerk

Please note your appointment is conditional upon you continuing to meet the following criteria for the duration of your term:

- resident of the City of Hamilton or operating a business in the City of Hamilton

If there is any change in your personal circumstances as described above, you must notify the Office of the City Clerk immediately.

Attendance

Local board members are expected to attend every committee meeting. When a member is unable to attend a meeting, they are to notify the Staff Liaison as soon as possible so it can be determined if quorum will be attained.

When a member misses more than three (3) consecutive meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

Resignations

Local Board members wishing to resign their appointment mid-term shall submit their resignation in writing, by either email or by completing the Local Board Member Resignation Form, attached to this handbook as Appendix 'D', to the respective Staff Liaison, who will forward the form or the email to the respective Legislative Coordinator, in the City Clerk's office, stating which local board the member is resigning from and general reasons why (the inclusion of private/personal information is not required).

The local board member's resignation will be placed on an upcoming Standing Committee or Council Agenda (depending on its time sensitivity) to be formally received by Committee/Council, followed by the Office of the City Clerk initiating the filling of the vacancy, as per City of Hamilton Policy respecting the Appointment of Citizens to the City's Local Boards (Appendix 'B')

Local Board Members and Running for Office

No member, while identifying themselves as a member of a Local Board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board.

Please refer to Rule 5: Election Campaigns, within the Code of Conduct for Local Boards (Appendix 'C')

Confidentiality

Local Board members' personal contact information is considered confidential. Membership lists containing personal contact information are only accessible by local board members and City staff. If a member of the public wishes to speak to a local board member, the Staff Liaison will provide the inquirer's contact information to the local board member for a direct response.

Advisory Committee/Task Force Roles and Responsibilities

Advisory Committee/Task Force Positions

Advisory committees/task forces can be made up of a combination of the following:

Position	Role
Chair	leads the advisory committee/task force – a voting member
Vice-Chair	fulfills the role of the Chair in the Chair's absence – a voting member
Secretary	records without note or comment all resolutions, decisions and other proceedings at the meeting – a voting member
Advisory committee/task force member	participates in all meetings and votes on all motions
Council Representative(s)	provides advice to the advisory committee/task force from a council perspective when attending a meeting, shall be counted for the purposes of quorum – a non-voting member
Staff Liaison	provides a single point of contact with City staff and provides procedural advice and administrative support to the advisory committee/task force
Legislative Coordinator to the Standing Committee	provides assistance to the Staff Liaison and coordinates the inclusion of the advisory committee/task force minutes and Citizen Committee Reports (CCRs) in the standing committee agendas
Working Group member	advisory committee/task force member who participates in a working group with voting privileges
Working Group Chair	leads the working group formed by the advisory committee/task force – a voting member

Election of Chair and Vice Chair

The Staff Liaison conducts the Election of Chair and Vice Chair at the first regular meeting of the year. A Chair or Vice-Chair may serve as Chair or Vice-Chair for more than one year in a Council term. All Committee members are eligible for election as Chair and Vice-Chair.

A Chair or Vice-Chair serves their role until a new Chair or Vice-Chair is elected.

Role of the Chair

The Committee Chair:

- provides leadership to the committee and mentors the Vice-Chair
- works with the Staff Liaison to prepare agendas, budgets and work plans
- presides over meetings to ensure that proceedings are conducted in an appropriate and orderly manner
- monitors the committee's adherence to corporate policies and assists members to follow corporate policies and procedures

- is the official spokespersons on behalf of the committee, as per Appendix 'E' - Standard Operating Procedure #08-001 – Communicating with any outside agencies, including other levels of Government and the media
- Note: The Vice-Chair fulfills the role of the Chair in their absence.

Responsibilities of the Chair before meetings

The Chair must perform the following duties before each meeting:

- confirm the accuracy of the minutes to be presented to the committee for confirmation
- work with the Staff Liaison to prepare the agenda a week to ten days before the meeting to:
 - ensure items of interest are included on the agenda;
 - understand what action should be taken on each agenda item (e.g. for information only or requires a motion);
 - understand the time allotted for each item to ensure completion of the full agenda; and
 - understand background documents, correspondence, reports, and any other material to be discussed.

Responsibilities of the Chair during meetings

The Chair must perform the following duties during each meeting:

At the start of the meeting

- ensure there is a quorum so the meeting can begin
- declare formally the meeting “open”
- welcome guest speakers, other visitors, and new members.

Throughout the meeting

- preserve order and decorum
- manage the discussion to ensure the agenda is completed in a timely manner
- rule on points of order and not waiver on a decision, unless a member appeals it to the committee as a whole
- never interrupt a speaker except to rule on a point of order
- prevent members from deviating from the order of business on the agenda
- conduct the meeting impartially
- ensure all tasks are distributed equally.

During meeting discussions

- allow one speaker to speak at a time
- state the order in which members may speak when more than one person wants to address the topic
- ensure all members have been heard who wish to address an issue
- reserve comments on an issue until all other members have been heard
- ask questions and call for specific ideas when discussion lacks direction
- summarize the discussion
- guide members towards making a decision
- turn the Chair over to the Vice-Chair or designate if you feel strongly about an issue and want to speak on it.

Meeting voting and motions

- read the motion to the members before voting
- address amendments to a motion prior to voting on the full motion
- ask for a vote and declare the results of all votes
- announce all decisions reached.

Adjournment

Adjourn the meeting when:

- all business on the agenda has been concluded, or
- it is scheduled to be adjourned, or
- the meeting is excessively disorderly, or
- quorum is lost.

Responsibilities of the Chair between meetings

- represent the advisory committee at Standing Committee meetings and events when required
- sign correspondence on behalf of the committee
- monitor the progress of all committee tasks
- act as a resource for all committee members and support their involvement

Role of the Secretary

The Secretary is a committee member who participates fully at every meeting and is assigned the responsibility of recording without note or comment all resolutions, decisions and other proceedings at the meeting (as per the *Municipal Act, 2001*) within the minutes of the meeting.

Role of the Committee Member

Members should be familiar with the committee's Terms of Reference, the Roles, Responsibilities and Expectations of New Members and the mandated activities of the committee.

Members should read the agenda before the meeting and come prepared to discuss each item and participate fully.

It is the responsibility of the member to advise the Staff Liaison of their attendance at an upcoming meeting so quorum can be determined in advance of the meeting. Members who miss more than three (3) consecutive meetings during their term, may be asked to resign by the Chair, or Council may be requested to remove the member.

A Council Representative(s) when attending an advisory committee/task force meeting, does not have voting rights, however, they shall be counted for the purposes of quorum.

Members are to comply with the Code of Conduct for Local Boards, attached to this handbook as Appendix 'C' and are bound by the *Municipal Conflict of Interest Act*, found at the following link: <https://www.ontario.ca/laws/statute/90m50> and explained further under section 'Conflicts of Interest'.

Members are required to, upon appointment and prior to attending their first meeting, sign the Acknowledgement Form (page 30 of the handbook) and forward it to their committee's Staff Liaison.

Role of the Council Representative(s)

A Council representative(s) is assigned to advisory committees to act as a liaison that provides guidance from the perspective of a City Council member and empowers effective volunteer performance. Each Council representative is required to attend at least one (1) meeting per year and when attending a meeting, shall be counted for the purposes of quorum without voting privileges.

Role of the Staff Liaison

The Staff Liaison provides each advisory committee with a single point of ongoing contact with City staff; and:

- assists committees in their dealings with Council, staff, other levels of government, and community agencies including communication to and presentations/delegation requests at standing committee meetings;
- must be present at all regular committee meetings, acts as a facilitator and provides procedural advice;
- works with the Chair to prepare and publish the agenda to eSCRIBE ensuring items of interest are included and providing clarity on required action;
- distributes approved minutes of meetings to the respective Standing Committee's Legislative Coordinator;
- assists with membership interviews;
- maintains membership records/committee files;
- assists with budget preparation and monitoring and annual report formulation;
- handles all financial transactions;
- invites guest speakers, visitors, staff;
- provides the meeting schedule and books the meeting room;
- ensures that the committee's meeting dates are included in the Council/Committee meeting calendar on the City's website;
- contacts members who are absent from three or more consecutive meetings to determine the reason for their absences;
- manages public relations activities and creative services assistance;
- provides advice on corporate policy and procedure;
- works with Chair to develop and monitor an achievable annual work plan, based on corporate priorities identified within the City of Hamilton's current Strategic Plan and Terms of Reference and ensure the plan identifies necessary detailed actions and resources required;
- works with Chair to prepare annual current and capital budgets for submission by timeline and based on priorities and budget instructions;
- ensures consistent and appropriate volunteer recruitment and recognition are maintained and volunteers are oriented to their responsibilities and understand the resources available to them;
- ensures timely and accurate distribution of material;
- assists Chair with the development and implementation of an achievable annual communication plan, including up to date information for publication on the City's website;
- provides professional information based on the staff person's area of expertise;
- supports committee members awareness of the City's activities in their area of expertise;
- advises and consults with committees on reports being presented to standing committees;
- ensures that the committee is adhering to its mandate;
- liaises with communication staff for assistance with:
 - graphics and design support;
 - printing and web design;
 - special event protocol;
 - social media (Facebook, Instagram and Twitter); and
 - newspaper ads.

Staff Liaisons are not to be assigned tasks that should be performed by committee members.

Local Board Meetings

All local board meetings are considered public meetings, unless closed for the consideration of items consistent with the City of Hamilton's Procedural By-law and the *Municipal Act*.

Meeting Frequency and Schedule

Regular meetings are held based on an established frequency and are identified in the terms of reference. On occasion it may be necessary to hold a special meeting to deal with a specific issue or meet a deadline. Should this arise your Staff Liaison will guide the local board through the process.

Meetings should start at the scheduled time and will be held at City Hall unless an alternate location within the City of Hamilton has been agreed to by a majority of committee members. Meetings last approximately two hours.

Meetings cannot start before the time listed on the meeting agenda.

Working group meetings are held separately as needed and are not considered official meetings.

Staff Liaisons are not required to attend working group meetings.

Quorum

Quorum must be met for a scheduled meeting to proceed. Quorum is the minimum number of local board members required to be present for a committee meeting to conduct business at a meeting. Quorum for each committee is half of the membership rounded up to the nearest whole number (i.e. an advisory committee with a membership of 9, requires 5 members to be in attendance to achieve quorum). If quorum is not met, the meeting may be rescheduled, cancelled or continue with information sharing only, as no decisions of committee can be made without a quorum present.

The Secretary will produce a record of the meeting listing those who were in attendance and stating that quorum was not achieved; members are not required to stay if the meeting proceeds with information sharing.

Cancellation of Meetings

When a meeting must be cancelled in advance due to a lack of quorum, a lack of items and/or other special circumstances, the Staff Liaison will get the consent of the Chair, and send a Cancellation of Meeting email to the members. All local boards are required to provide at least 2 days notice prior to the time appointed for the meeting, when cancelling a meeting, if that notice is not provided, the meeting must be held.

Agendas

(a sample template for an agenda is attached to this handbook as Appendix 'F', for your reference)

Distribution

The Staff Liaison prepares the agenda in consultation with the Chair and distributes the agenda to members in a timely manner via email. The agenda outlines the order of business for the meeting and ensures that notice of the proposed topics is provided to the members and to the general public.

Additional Items for Agenda

Following the distribution of the agenda, any additional items may be added to the Addendum or brought forward at the meeting under "Other Business" which takes place at the end of the agenda.

Matters that are not considered time sensitive shall be listed on the agenda for the next meeting.

Working Groups

The working group member who is appointed as Secretary participates fully at the meetings and is responsible for producing and distributing agendas for working group meetings.

Minutes

(a sample template for minutes is attached to this handbook as Appendix 'G', for your reference)

Meeting minutes represent a succinct and accurate account of the business dealt with at the meeting and are not a verbatim report of dialogue during the meeting. The minutes provide a permanent and official record of all proceedings, policy and budgetary decisions made. Members are encouraged to maintain a personal set of notes identifying actions they are required to follow up with.

The Staff Liaison will distribute the minutes as the minutes of the previous meeting in the upcoming meeting's agenda. Minutes are posted on the City's website and circulated to the members. Meeting minutes are approved by motion at the next regular meeting.

Amendments to the minutes may be proposed by members, however, amendments are limited to corrections of factual errors or incomplete information only.

Citizen Committee Reports

(a sample template for a Citizen Committee Report is attached to this handbook as Appendix 'H', for your reference)

When an advisory committee requires approval for any action, other than the actions listed below, from their respective Standing Committee, the advisory committee is required to prepare a Citizen Committee Report (CCR) for their respective Standing Committee's consideration.

Actions that don't require the preparation of a CCR by an advisory committee or the consideration of their respective Standing Committee are:

- approving a member's delegation to their respective Standing Committee (a request in writing to the Clerk is required, please refer to the 'Registering as a delegation' section below);
- establishing a working group;
- requesting a presentation by an organization on matters within an advisory committee's mandate, at a future meeting;
- approving the use of budgeted funds on approved expenditures; and
- approving the removal of a member who has not been attending meetings as required.

Delegations

A delegation is a presentation to a local board made by a member of the public on their own behalf or on the behalf of a company or organization.

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

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

Delegations are generally heard at the beginning of a meeting and have a maximum of 5 minutes to speak. Following their delegation, members may ask questions of clarification only and are not to enter into debate with the delegate.

Registering as a delegation

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

Meeting Ground Rules

All members must fully participate with open discussion and honest feedback.

For courtesy and efficiency, members must follow these ground rules:

- respect the authority of the Chair
- follow the procedural "rules of order" as guided by the Chair and the Staff Liaison
- raise your hand to speak and wait to be acknowledged by the Chair
- practice common courtesy in dealing with each other
- refrain from talking while another member has the floor
- refrain from irrelevant remarks and objectionable language
- honour the closure and time limits established for each item on the agenda, except for extraordinary situations.

As appointed by City Council, members are expected to represent the City and community with respect and professionalism.

Speaking and Debate

The meeting Chair is responsible for the good conduct of the meeting and for supporting all members to participate in the discussion. All members should share meeting time appropriately and make sure decisions are made fairly. If one member is dominating discussion, the Chair may request input from other members or conduct a roundtable poll of opinion.

Meetings Open to Public

All meetings (except working group meetings) are open to the public unless it is required that a closed (in camera) meeting be held in compliance with the *Municipal Act, 2001* and the City's Procedural By-law. Your Staff Liaison can advise on the rules pertaining to closed meetings. As per Section 9.2 of the Procedural By-law, a Committee of which at least 50% of the members are also members of Council can hold a closed (in camera) meeting, therefore, a local board with a majority of citizen members (i.e. an Advisory Committee) cannot hold a closed session meeting.

A member of the public is there as an observer only and cannot participate in the discussion or ask questions.

Additional Information

The City's Procedure By-law provides excellent information on how to conduct and participate effectively in meetings. Your Staff Liaison may also provide advice and guidance on meeting procedures.

Consultation on Staff Reports

City staff will attend meetings to seek feedback on reports they are preparing for standing committees. At the meeting, staff will provide background on the report, answer questions of members and request the member's feedback. The feedback received will be included in the 'Relevant Consultation' section of the staff report.

Committees may submit formal correspondence and/or a Committee member may attend the standing committee meeting to provide the committee's feedback on a staff report. A motion is required to be passed at a meeting approving the committee's submission of correspondence and/or the attendance of the committee's Chair or designate as a delegate at a standing committee meeting. The content of the correspondence and/or the speaking notes of the Chair also require the committee's approval.

Members may choose to submit their own correspondence or register to speak at a meeting separate from the committee. It must be clear that the individual's views are their own and not that of the committee.

Committee Correspondence

All correspondence for the committee's consideration that is received by the Clerk, will be forwarded to the committee's Staff Liaison for inclusion in the committee's agenda.

External Contacts

Members are not to correspond or speak to any Ministries, any outside agencies, or the media on behalf of committee.

The Chair is the official spokesperson on behalf of the committee with the Ministries, any outside agencies, or the media, as per Appendix 'E' - Standard Operating Procedure #08-001 – Communicating with any outside agencies, including other levels of Government and the media.

Use of Secondary Logos for Advisory Committees

The development of secondary logos for promotional/educational purposes by a Committee should take place in consultation with the Communications division.

The use of secondary logos for promotional/educational purposes by a Committee requires approval, subject to the following guidelines:

- (i) Requests for approval of a secondary logo developed with the assistance of Communications, is to be presented to the Governance Review Sub Committee for consideration and approval by the Committee's respective Standing Committee and Council, prior to any use.
- (ii) The secondary logo, as per the *Visual Identity and Branding Guidelines*, must be of appropriate size relative to the intended purpose and should always sit side by side with the City of Hamilton logo (City of Hamilton always to the left)
- (iii) Design costs are to be funded by the Committee.

Annual Reporting

All advisory committees are required to submit an annual progress report highlighting the committee's activities for the past year and work plan for the current year to their respective standing committee for review by November of each calendar year, in support of their budget request.

Work Plan

The work plan should include the committee's objectives/priorities for the year, descriptions for each objective, resources required to complete the objectives and expected outcomes.

Motions

A motion is a formal proposal made by a member during a meeting to express a position or authorize an action. Possible motions may include:

- approve the minutes of a previous meeting or adjourn the meeting
- defer an item until a specified date
- refer an item to a working group
- amend an item
- recess

Managing Motions

Motions should be within the scope of the committee's terms of reference and be within their mandate.

The following describes the process for managing motions during a meeting:

1. A voting member moves a motion that is stated in the positive (not the negative), which is clear, succinct and actionable, to approve, authorize, support, direct, etc. A "seconder" (or another member voicing support of the motion) is necessary.
2. The member must clearly state the motion.
3. The committee discusses the motion and can make amendments* to the wording of the motion.
4. The Chair must clearly restate the motion and call the vote once the discussion has ended with "all those in favour raise your hands" and then "all those opposed raise your hands".
5. The Chair announces the result of the vote as Carried or Defeated.
6. The secretary records any motions that are Carried or Defeated in the minutes.

Here are two examples of wording for a motion:

- That the February 9, 2022 minutes of the Advisory Committee, be approved.
- That Jane Doe be authorized to make a presentation on behalf of the Advisory Committee at the Standing Committee meeting when the climate change initiatives are to be considered.

** An amendment is considered a minor change or addition designed to improve the wording and must be relevant to the topic in the main motion i.e. a motion to "commend the President for his work with the Chapter" may not be amended by striking the word "commend" with "condemn".*

Guidelines for Voting

Motions must always be voted on following these guidelines:

- Only committee members are permitted to vote.
- All members in attendance (including the Chair) are required to vote, unless a member(s) has declared a 'disqualifying interest'.
- Failure to vote will be deemed to be a negative vote.
- When there is a tie vote, the motion is defeated.

Advisory Committee Budgets

Advisory committees are required to prepare and submit an annual budget with the assistance of the Staff Liaison which is based on the annual work plan for the upcoming year and supports the committee's mandate as outlined in the terms of reference. All advisory committee workplans that will include budget requests will go to Council for approval in the first quarter of the calendar year. Once approved by Council the Staff Liaison will advise of the final budget that has been approved.

Volunteer (Advisory) Committee Expenditures

As per the approved Financial Policies/Guidelines (Report FCS02074, Funding Process for Volunteer Committees), only the following administrative expenditures would be covered:

- Copying/printing
- Refreshments (water, juice, coffee, snacks, no meals)
- Postage/Mailing
- Advertising
- Equipment rental
- Associated seminar/workshop costs
- Supplies

These types of expenditures do not include any special event or project initiative costs that are approved as part of the Business Planning/Budget Submissions by the volunteer committees. In total, the actual expenditures should not exceed that budgeted allocation for the committee.

As per the recommended funding strategy for 2006, the volunteer committee costs and budget will remain centralized in the Legislative Department. However, with increased opportunity for accountability (through Year-in-Review (YIR) and in-year expenditure summaries and liaison with the volunteer committee), the applicable Department is ultimately responsible for the expenditures incurred by the volunteer committee. As such, any financial policies or guidelines should reflect those of the Department. For example, if a particular group desires to accept donations to assist with their mandate, existing departmental policies and procedures must be adhered to. If a policy does not exist then one should be developed (with assistance from applicable areas such as Legal).

As previously mentioned, the previous year's allocation will be the base budget for the current year. If the department realizes the need for additional funding for a particular volunteer committee, a base budget transfer could occur (permanent), a one-time funding source could be recognized (one-time) or Council could adjust the allocation during the budget process. Fundraising opportunities should always be investigated by volunteer committees. The establishment of a volunteer committee reserve may also assist future financial pressures.

Requests for Unbudgeted Expenditures

In order to allow for more funding flexibility and assist in diminishing potential annual volatility in expenditures, staff recommend that a reserve for the Volunteer Committee structure be established and used in accordance to the following guidelines:

- Upon request by a volunteer committee, staff will transfer unused funds, for a specific year, to a volunteer committee reserve
- The reserve will be tracked for each volunteer committee
- The volunteer committee must specify a reason to transfer the unused funds to the reserve minimum of 10% of the budget must be available for transfer to the reserve
- The funds will be used by the volunteer committee to fund future events/projects or by Finance to offset unfavourable variances incurred by the volunteer committee
- Reserve transfers will be subject to an overall corporate surplus
- The maximum reserve balance per volunteer committee is double their budget allocation
- If a volunteer committee is discontinued, any reserve balance will be transferred to the operating budget
- When the volunteer committee submission is brought forward to the Standing Committee in the fall, the volunteer committee will indicate if and why they will be seeking funding from their reserve; This will eliminate the need for a separate report as the use of reserves must be approved by Council; A similar recommendation to the following should be used:
 - That for 20XX, the _____ Committee be authorized to use up to \$XXX from the Volunteer Committee Reserve for _____.
- Funds raised through fundraising activities will be treated separately and not be subject to these guidelines

Conflicts of Interest

The *Municipal Conflict of Interest Act* applies to elected officials and appointed members of advisory committees and boards. The legislation requires a member who has a 'disqualifying interest' or a 'non-disqualifying interest' with regards to any matter under consideration, to declare their interest.

A **disqualifying interest** is an interest in a matter regarding which a reasonable person fully informed of the facts and circumstances would conclude that the Member could not participate impartially in the decision-making process related to the matter either because to do so would not be in compliance with the *Municipal Conflict of Interest Act*, or, because the Member's relationship to persons or bodies involved in the matter or affected by the decision is so close, a reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.

A **non-disqualifying interest** is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decision-making processes related to the matter only so long as:

The Member fully discloses the interest so as to provide transparency about the relationship; and

The Member states why the interest does not prevent the Member from making an impartial decision on the matter.

Members who believe they have a 'disqualifying interest' and 'non-disqualifying interest' in a matter on a committee agenda shall:

- Declare the 'disqualifying interest' and 'non-disqualifying interest' at the start of the meeting.
- Refrain from discussion and voting on the matter if your declaration is a 'disqualifying interest'
- If your declaration is a 'non-disqualifying interest' you may discuss and vote on the matter.
- Complete a statement of 'disqualifying interest' and 'non-disqualifying interest' and submit it to their Clerk.

All declarations of 'disqualifying interest' and 'non-disqualifying interest' are recorded in the meeting minutes. The City is required to maintain a registry of all declarations of 'disqualifying interest' and 'non-disqualifying interest' made by members. As an advisory committee member, you are subject to the Municipal Conflict of Interest legislation and must follow the legislation and the City's process:

1. Declare the 'disqualifying interest' and 'non-disqualifying interest' at the meeting for the minutes.
2. When filing a 'disqualifying interest' and 'non-disqualifying interest' declaration, use the appropriate form, as attached to this handbook as Appendix 'I' – Disqualifying Interest or Appendix 'J' – Non-Disqualifying Interest.
3. Forward the completed form to the Office of the City Clerk (clerk@hamilton.ca) and the committee's Staff Liaison
4. The 'disqualifying interest' and 'non-disqualifying interest' will be posted to the <https://www.hamilton.ca/city-council/council-committee/council-committee-meetings/conflict-interest-registry>.

Records Retention

Records Held by Committee Members

During the course of conducting municipal business, a great deal of records and information is created. The City is required to manage and retain corporate records in accordance with provincial legislation (the *Municipal Act*, and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and municipal by-laws).

A record is defined in MFIPPA as “any record of information however recorded, whether in printed form, on film, by electronic means or otherwise.” This definition is deliberately broad to encompass new and emerging technologies. Records include, for example:

- emails including any text messaging or other forms of electronic communication
- reports, correspondence, notes, etc.
- data in databases
- office and working files
- written and post-it notes
- notebooks, day-timers, journals, etc.
- invoices, expense claims, accounting records, etc.; and
- maps, drawings, photos, audio files or video tapes, etc.

As a volunteer committee member, you will receive and create information on behalf of the City. Any records you create or have in your possession that relate to the business of the board or committee are considered corporate records.

They are not your personal records even if the records were sent from your personal email address. The content of the records and the fact that it relates to your participation and activities on the board or committee makes it a corporate record.

Volunteer committee members should keep records organized and accessible to ensure prompt availability if they are requested to disclose them.

Access to Records

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) applies to all municipalities in Ontario, as well as school boards and police services. MFIPPA has two fundamental purposes:

- Every person has a right of access to a record or part of a record in the custody or under the control of the City
- Provides individuals with right to access their own personal information and requires that municipalities protect personal information in their care
- MFIPPA supports the belief that every record held by a municipal body, is subject to release. There are limited exemptions from release which are designed to:
 - protect against the unreasonable invasion of personal privacy
 - prevent unfair advantages occurring in commercial or government transactions
 - protect law enforcement activities, and
 - safeguard the business conducted by government

Personal information is defined in MFIPPA as “recorded information about an identifiable individual...” and includes anything that can identify the individual. This may include photographs, videos, audio recordings, identifying numbers like drivers’ license numbers and dates of birth, physical attributes/ biometric information, health information, financial information, their opinions or beliefs.

Protection of Privacy

As a committee member, representing Council and the City, you are subject to MFIPPA.

Members, who during the performance of their duties, receive access to personal information have a responsibility to protect that information, to only use it for the purpose for which it was intended and must take appropriate measures to ensure the personal information is protected and not inappropriately disclosed.

Please refrain from:

- leaving records containing personal information in your car, in your home or in areas where others may have access to it
- discussing personal information of others in open areas
- disclosing an individual’s personal information during a public meeting without their written consent

When you are creating records as a committee member, you should not consider them private, keep access in mind and ensure that personal information is protected.

Clerk's Contact Information

Depending upon which Standing Committee, the Committee reports through (*please refer to the Relationship: Council and Committees section to determine which Standing Committee your advisory committee reports through*), please contact the one of following Clerk's Division staff:

Planning Committee

Lisa Kelsey

Legislative Coordinator
Phone: (905) 546-2424 ext. 4605
Fax : (905) 546-2095
E-mail: Lisa.kelsey@hamilton.ca

Board of Health

Loren Kolar

Legislative Coordinator
Phone : (905) 546 2424 ext. 2604
Fax : (905) 546-2095
E-mail: loren.kolar@hamilton.ca

Public Works Committee

Carrie McIntosh

Legislative Coordinator
Phone : (905) 546 2424 ext. 2729
Fax : (905) 546-2095
E-mail: carrie.mcintosh@hamilton.ca

Audit, Finance & Administration Committee

Angela McRae

Legislative Coordinator
Phone: (905) 546-2424 ext. 5987
Fax : (905) 546-2095
E-mail: angela.mcrae@hamilton.ca

General Issues Committee

Stephanie Paparella

Legislative Coordinator
Phone: (905) 546-2424 ext. 3993
Fax : (905) 546-2095
E-mail: stephanie.paparella@hamilton.ca

Emergency and Community Services Committee

Tamara Bates

Legislative Coordinator
Phone: (905) 546-2424 ext. 4102
Fax : (905) 546-2095
E-mail: tamara.bates@hamilton.ca

Acknowledgement Form

I _____ in consideration of the City of Hamilton appointing me to the _____, for the _____ term, acknowledge, undertake and agree as follows:

1. I will make all reasonable efforts to attend all meetings of this body to which I have been appointed and to participate in an impartial manner with the understanding that:
 - (a) If I miss more than three consecutive (3) meetings during my term, the Chair, after hearing and considering my explanation, may ask me to resign.
2. I will exercise all of the roles and responsibilities of a member of the body to which I have been appointed.
3. I shall respect and co-operate with the other local board members and City staff.
4. I shall not disclose to any member of the public any confidential information, acquired by virtue of my position.
5. As a volunteer Committee member, I have received, read and have a general understanding of the handbook.
6. I hereby confirm that I have read and understand the Code of Conduct for Local Boards and agree to abide by it.

Dated at City of Hamilton, in the Province of Ontario this _____ day of _____, 20____.

Applicant:

Witness:

(Must be at least 18 years if age)

(Please Print Your Name)

(Please Print Your Name)

(Please Sign)

(Please Sign)

Please scan and email this page to your Staff Liaison. Thank you!

Terms of Reference Template

Local Board Name Terms of Reference *Established by Council on (date)*

Purpose

Describe the purpose of the local board (what the local board will do, why it was created)

Scope

Clearly describe what is in and out of scope for the local board

Authority

Forwards recommendations for approval through *(Advisory Committee - Citizen Committee Reports or Sub-Committee Reports – Sub-Committee)* to the *(Standing Committee the local board reports to)* and when directed by Council provides input and advice on *(matters within the local board's scope)*

Membership

Type (members of Council, citizens, representatives from an organization, etc.) and number of members (by type) and how the meeting will be chaired (Chair/Vice-Chair or Co-Chairs)

Staff Resources:

(list by title only)

Meeting arrangements

Meets (frequency (monthly, quarterly, at the call of the Chair)) at (location).

When the (local board's name) holds a 'meeting' as that term is defined in the *Municipal Act, 2001*/the City's Procedure By-law, the local board must comply with the open meeting provisions of the *Municipal Act, 2001* and/or the City's Procedure By-law as applicable.


Reporting

Reporting to Council, through the *(Standing Committee the local board reports to)*.

Review

The Terms of Reference are to be reviewed annually, any revisions for approval are to be presented to the *(Standing Committee the local board reports to)*, through a *(Citizen Committee Report for Advisory Committees or through a Sub-Committee Report)*.

Revisions approved by Council (date(s)):

Corporate Policy Hamilton City Council – Appointment of Citizens to the City’s Local Boards	 Hamilton	Policy Alignment: <i>Municipal Act 2001, as amended</i> Council Approved: March 2017 Revisions: September 18, 2018, December 15, 2021, July 8, 2022, August 12, 2022 and September 28, 2022
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Eligibility


1. The Selection Process is open to all residents and business owners of the City of Hamilton who are at least 18 years of age, unless otherwise stated (Note: Additional requirements may be requested by the individual Local Board, if they are governed by separate legislation, policies or mandates);
2. City Council wishes to ensure that its Local Boards reflect the diverse nature of the City of Hamilton’s population and encourages all residents to apply for appointment opportunities.

Public Notice

3. The City Clerk’s Office advertises for citizen member vacancies on the City’s Local Boards in the Hamilton Spectator and/or relevant Community Newspapers, on the City’s website and through other appropriate methods.

Recruitment

4. Citizen membership on all of the City’s Local Boards, with the exception of those terms of office defined by Provincial or Federal legislation, will be to serve for a period of up to four years, which coincides with the Term of Council.
5. Citizens are permitted to apply for membership on no more than two (2) of the City’s Local Boards.
6. Applications and information regarding the City’s Local Boards (i.e. Roles, Responsibilities and Expectations of New Members, Terms of Reference, Mandate, approximate number of meetings per year, etc.) are made available at the City Clerk’s Office, at all Municipal Service Centre locations and on the City’s website (<https://www.hamilton.ca/>);
7. Completed application forms are to be returned to the City Clerk’s Office or any of the Municipal Service Centres by the application deadline as set out in the advertised Public Notice. Applications received after the deadline will not be considered for appointment.
8. Completed applications may be submitted by one of the following methods:
 - (a) Online Application Process on the City’s website;
 - (b) Hand delivered or mailed to the Office of the City Clerk, 1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5;
 - (c) Delivered to any Municipal Service Centre;

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- (d) Scanned and forwarded via e-mail to the contact person listed in the Advertisement; or,
- (e) By Facsimile Transmission at (905) 546-2095
9. Applications shall be kept on file by the City Clerk’s Office for the Term of Council. In the event of a vacancy, the Selection Committee or Interview Sub-Committee may consider interviewing applicants whose applications are on file for the current term, and the appointment would be for the balance of the current Council term.
10. Incumbents who are eligible and willing to seek reappointment to a Local Board must reapply in the same manner as other applicants.

Information Session(s)


11. An Information Session(s) is scheduled during the beginning of the initial recruitment process (end of the previous Term of Council) and although attendance is not mandatory, attendance is strongly encouraged for new applicants.

At the Information Session(s), citizens are provided with information regarding the City’s Local Boards and are afforded the opportunity to ask questions of the Staff Liaisons.

Interested citizens may also fill out and submit an application during the Information Session(s).

Selection Process for Local Boards (excluding Advisory Committees)

12. A minimum of five (5) members of Council are appointed to the Selection Committee whose mandate will be to:
- (i) Review citizen member applications for the City’s local boards (excluding Advisory Committees);
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Interview candidates;
 - (iv) Make recommendations to City Council for the appointment of citizens to the various local boards (excluding Advisory Committees).


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Selection Process for Advisory Committees (excluding the Hamilton Indigenous Advisory Committee)

13. A minimum of three (3) members of each Standing Committee (plus two alternates) are appointed to the respective Standing Committee Interview Sub-Committee whose mandate will be to:
- (i) Review citizen member applications for the City’s Advisory Committees (excluding the Hamilton Indigenous Advisory Committee);
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Interview candidates;
 - (iv) Make recommendations to the respective Standing Committee for the appointment of citizen members to the various Advisory Committees (excluding the Hamilton Indigenous Advisory Committee). These recommendations are ratified by Council.

Selection Process for the one Citizen Appointment to the Hamilton Police Services Board

14. Six (6) members of Council and six (6) 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

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- (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,
- 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 two (2) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.

Selection Process for the Hamilton Indigenous Advisory Committee

15. The local Hamilton Indigenous Community leadership, will recommend to Council the appointment of residents from the Hamilton Indigenous community, to sit on the Hamilton Indigenous Advisory Committee.

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Selection Process for Local Boards Established during the Term of Council


16. When a local board is established during the Term of Council, the respective process outlined in Section 12 and 13 will be followed.

Selection Committee & Interview Sub-Committee Guiding Principles

17. The Selection Committee and Interview Sub-Committees are committed to fulfilling the recruitment and selection of its citizens to the City’s Local Boards in an open, transparent and equitable manner.
18. The Selection Committee and Interview Sub-Committees are committed to a public recruitment process which is communicated well in advance and which encourages a broad range and diverse participation of citizens, free of barriers.
19. The Selection Committee and Interview Sub-Committees are committed to a competitive recruitment process which seeks suitable candidates evaluated on interest, merit and related competencies.
20. The Selection Committee and Interview Sub-Committees are committed to unbiased decision making essential to a fair and impartial selection process.

Interview Process

21. The Selection Committee or Interview Sub-Committee may, at its discretion, with the assistance of staff, shortlist candidates using the following criteria:
- (i) Related competencies;
 - (ii) Previous committee experience; and,
 - (iii) Number of citizens who applied for vacancy(ies).
22. Interviews will be conducted, where required, with those applicants who are most suited to serve on a City’s Local Board, being notified verbally or by e-mail by the City Clerk’s office of the interview date and time, which will be approximately ten (10) minutes in length.
23. Interview questions will be developed by staff in relation to the mandated role of the Local Board in consultation with the City Clerk’s Office.
24. Successful applicants will be notified in writing by the City Clerk’s Office once their appointment has been approved by Council.

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25. In some circumstances, applicants may be required to have background checks.
26. One Legislative Coordinator and the Staff Liaison to the Local Board, shall attend the interviews and serve as a resource person.

Roles and Responsibilities of Appointed Citizen Members of the City’s Local Boards

27. Citizen members of the City’s Local Boards are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Local Board to which they are making application to.
28. Citizen members of the City’s Local Boards:
 - (i) are required to attend and participate fully in the meetings;
 - (i) who miss more than three consecutive (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member;
 - (ii) upon appointment and prior to attending the first meeting, are required to sign an Acknowledgement Form (page 30 of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards). Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen’s appointment;
 - (iv) are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50> and explained further under section ‘Conflicts of Interest’ in the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards; and
 - (v) are to comply with the Code of Conduct for Local Boards (attached as Appendix “B” to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards).

Appointment at Pleasure of Council

29. Despite the set term of appointment of up to 4 years or until a successor is appointed, all citizen members are appointed at the pleasure of City Council and City Council retains the right to remove any citizen appointed member at any time and for any reason, unless legislation provides otherwise.

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Filling of Vacancies

30. Vacancies on the City’s Local Boards can occur throughout the Term of Council, due to a member’s resignation, should a vacancy occur during the Term of Council, the following process will be followed:
- (i) The Committee member who is resigning shall do so formally in writing by providing a completed and signed copy of the Local Board Member Resignation Form (attached as Appendix “C” to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards) or an email to the committee’s Staff Liaison, who will forward the form or the email to the appropriate Legislative Coordinator, in the City Clerk’s office, stating which Local Board the Committee member is resigning from and general reasons why (the inclusion of private/personal information is not required).
 - (ii) The Local Board Member’s Resignation Form or email will be:
 - (a) placed on the respective Standing Committee’s agenda to be formally received by the Committee; or
 - (b) placed on the Council Agenda, (due to time sensitivity) to be formally received by Council; and forwarded to the Selection Committee or Interview Sub-Committee for review.
 - (iii) Requests for the removal of a member by the Chair due to the member’s absences from more than three consecutive (3) meetings during their term, will be approved by the local board and presented to Council and forwarded to the Selection Committee or Interview Sub-Committee for review.
 - (iv) The Selection Committee or respective Interview Sub-Committee will consider whether to fill the vacancy from those applicants who applied in the initial call for applications, or to re-advertise.
 - (v) If the vacancy occurs within 12 months of the end of the Term of Council, and there are insufficient applicants on file to fill the vacancy, the vacancy will not be filled, and the quorum of the Local Board will be adjusted accordingly.

CITY OF HAMILTON

CODE OF CONDUCT FOR LOCAL BOARDS

Part 1

General Introduction, Framework, and Interpretation
Guiding Principles

- 1: Avoidance of Conflicts of Interest
- 2: Gifts, Benefits and Hospitality
- 3: Confidential Information
- 4: Use of City Resources
- 5: Election Campaigns
- 6: Improper Use of Influence
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Adjudicative Boards

- 15: Additional Requirements for Members of Adjudicative Boards
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Part 1

General Introduction, Framework, and Interpretation

This document is a Code of Conduct for members of Local Boards, both adjudicative and non-adjudicative. Local Boards, sometimes referred to as committees or tribunals, are as defined in s.223.1 of the *Municipal Act* and as identified by the municipality.

This Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary in this Code is illustrative and not exhaustive.

Members shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and by City Council. The provisions of this Code are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour set out in current federal and provincial statutes.

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Members are expected to perform their duties as a member of the Local Board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Members shall serve the public in a conscientious and diligent manner.

Members should be committed to performing their functions with integrity, impartiality and transparency.

There is a benefit to municipalities when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Definitions:

“Adjudicative Board” means a Local Board that functions as a tribunal

“Council” means the Council of the City of Hamilton

“Family” includes “child”, “parent” and “spouse” as those terms are defined in the *Municipal Conflict of Interest Act*, and also includes:

- step-child and grand-child;
- siblings and step-siblings;
- aunt/uncle, and niece/nephew
- in-laws, including mother/father, sister/brother, daughter/son
- any person who lives with the Member on a permanent basis.

“Local Board” means a Local Board as defined in s.223.1 of the *Municipal Act*, or s. 1 of the *Municipal Conflict of Interest Act*, and includes citizen advisory committees and other bodies established by Council whose members are appointed by Council;

“Member” means a member of a City of Hamilton Local Board;

“Staff” includes employees, seasonal and contract workers, and volunteers of the City of Hamilton and/or of a City of Hamilton Local Board;

Rule 1: Avoidance of Conflicts of Interest

In this Rule:

1. A disqualifying interest is an interest in a matter regarding which a reasonable person fully informed of the facts and circumstances would conclude that the Member could not participate impartially in the decision-making process related to the matter either because to do so would not be in compliance with the *Municipal Conflict of Interest Act*, or, because the Member’s relationship to persons or bodies involved in the matter or affected by the decision is so close, a reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.
2. A non-disqualifying interest is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decision-making processes related to the matter only so long as:

The Member fully discloses the interest so as to provide transparency about the relationship;
and

The Member states why the interest does not prevent the Member from making an impartial decision on the matter.

3. Members shall not participate in the decision-making processes associated with their role or position when they have a disqualifying interest in a matter. Participation includes attempting to influence an outcome, whether the decision to be made is to be made by the Local Board or a member of staff with delegated authority or operational responsibility.
4. Members may participate in the decision-making process related to a matter in which they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the City Clerk acting in consultation with the Integrity Commissioner.
5. Members shall avoid participating in or influencing a proceeding when the member, or another person with whom the member has a close personal or professional relationship, has a financial or other private interest that may be affected by the proceeding or its outcome.
6. Members shall not appear before their Local Board on their own behalf or as a representative on behalf of any party.

7. Members shall not contract with the Local Board for the sale, rental or purchase of supplies, services, material or equipment, and shall not engage in the management of a business or otherwise profit directly or indirectly from a business that relies on an approval from the Local Board.

Commentary

Members of BIAs will frequently have an interest in common with other members of the BIA in matters that come before the Board, and as such would be exempted from the obligation to declare a disqualifying interest. Care should be taken however to recognize the existence of a disqualifying interest when the Member stands to gain or otherwise benefit in a manner that can be differentiated from others in the BIA. For example, while all members of the BIA would similarly benefit from the holding of a festival, any BIA member who supplies goods or services to the festival at a profit or loss would have a disqualifying interest in the event. The display of merchandise or the promotion of services at an event would not amount to a disqualifying interest.

Where a Member contributes to an event 'at cost', a disqualifying interest would not arise.

Rule 2: Gifts, Benefits and Hospitality

No Member shall accept any fee, gift or benefit that is connected, directly or indirectly, with the performance of the Member's duties, except as permitted by one or more of the exceptions listed below:

- compensation authorized by-law;
- such gifts or benefits that can be considered incidental mementos or tokens of appreciation

Rule 3: Confidential Information

Confidential information includes any discussion that takes place between members of the Local Board when it is in a closed meeting; and includes information in the possession of, or received in confidence by, that the board or the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA").

No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law, or authorized to do so by the Local Board or, if applicable, by Council.

No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation, either directly or indirectly.

Rule 4: Use of City Resources

No Member should use municipal equipment, or permit the use of Local Board or City land, facilities, equipment, supplies, services, staff or other resources (for example, Local Board or City-owned materials, websites, Local Board and City transportation delivery services,) for activities other than the business of the Local Board or the City; nor should any member obtain personal financial gain from the use or sale of Local Board or City-developed information, intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Local Board or City.

Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board.

Commentary

This Code does not limit a person's right to participate fully in an electoral process so long as they do so without using their status as a Member of the local board for such purposes. For example, it would not be contrary to the Code for a person to:

- *Stand for Election;*
- *Contribute to an election campaign;*
- *In their own name, exhibit an intention to support one party or platform over another;*
- *While standing for election, indicate on their election material (without in any way suggesting endorsement) that they have served on a City of Hamilton local board amongst their other credentials and experiences.*

Rule 6: Improper Use of Influence

No member shall use the influence of his or her position for any purpose other than the duties as a member of the Local Board.

Rule 7: Business Relations

No member shall allow the prospect of future employment by a person or entity to affect the performance of his/her duties as a member of the Local Board.

Rule 8: Member Conduct

Members shall conduct themselves with decorum at all times.

Members shall maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting.

Members are expected to attend all meetings of the Local Board. If a member misses more than three consecutive (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

Commentary

Members recognize the importance of cooperation and shall endeavour to create an atmosphere that is conducive to solving the issues before the Board, listening to various points of view and using respectful language and behaviour in relation to all those in attendance.

Rule 9: Media Communications

Members shall accurately communicate recommendations and proceedings of their Local Board.

If a member is contacted directly by the media, the member should refer the media to the Chair, or in the absence of the Chair, to the Vice-Chair.

Commentary

A Member may state that they did not support a decision, or voted against the decision, however a Member must refrain from making disparaging comments about other Members or staff, or about the Board's processes and decisions, in doing so.

When communicating with the media, a Member should at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions on the Board.

Members who engage in social media should recognize that the rules around decorum and respect apply regardless of the communications medium used. Because social media posts attract participation by others, Members hosting such sites or accounts should consider articulating and posting their own policy of addressing how frequently they will monitor the site for the purpose of identifying and removing disparaging, abusive or hateful comments.

Rule 10: Respect for the Town By-laws and Policies

Members shall adhere to and encourage public respect for the Local Board, the municipality and its by-laws, policies and procedures.

Commentary

A Member must not encourage disobedience of a City by-law in responding to a member of the public, as this undermines confidence in the City and in the Rule of Law.

Rule 11: Respectful Workplace

Members are governed by the workplace harassment and workplace violence policies in place for staff, recognizing that integrity commissioner is responsible for the administration and investigation of complaints.

All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.

Rule 12: Conduct Respecting Staff

Members shall be respectful of the role of staff to advise based on political neutrality.

Members shall respect the professionalism of staff, and not exert undue influence on staff.

No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the City.

Commentary

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager.

Rule 13: Reprisals and Obstructing

It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of their responsibilities, or to engage in any activity in retaliation against any person because they made a complaint to or otherwise communicated with the Integrity Commissioner.

Rule 14: Acting on Advice of Integrity Commissioner

Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter, as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

Members seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

Part 2**ADDITIONAL REQUIREMENTS APPLICABLE TO MEMBERS OF ADJUDICATIVE LOCAL BOARDS**

Rule 15: In addition to the provisions applicable to Members of Non-adjudicative Local Boards, the following additional requirements are applicable with respect to the referenced rule:

Rule 2: Gifts, Benefits and Hospitality

Members should recuse themselves from any hearing, to avoid any perception of bias or conflict of interest which may arise as a result of a gift, benefit or hospitality which the Member may have received, from any of the parties or participants potentially affected by the decision of the Local Board.

Rule 5: Election Campaigns

Members of Adjudicative Local Boards are prohibited from fundraising for, endorsing, or otherwise contributing to the election campaign of any person running for a seat on Council.

Rule 9: Media Communications

Members of adjudicative boards should generally not comment to the media in relation to any decision made by the board or the rationale behind such decision. On the rare occasion when a comment may be appropriate, only the Chair shall serve as a media contact and all enquiries shall be referred to them.

Rule 16: Communications with Parties

Written communication to an adjudicative board shall take place only through the Secretary of the board or the appropriate municipal staff assigned to such board, and shall be copied to all parties or their representatives as appropriate. Oral communications with the adjudicative board about current proceedings shall take place only in the presence of or with the consent of all parties.

Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the representative, with the exception of notices of hearing, which shall be served upon all parties and their representatives known to the adjudicative board as appropriate.

Rule 17: Independent Nature of Adjudicative Boards

The Chairs of adjudicative boards should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.

An adjudicative board is required by the applicable laws to operate at arm's-length from and independently of Council. Members should therefore not request members of Council to intervene on applications considered by the adjudicative board. Members should refrain from seeking advice on their roles and responsibilities from Council members. In clarifying their roles and responsibilities, members should seek advice from appropriate staff.

Part 3**COMPLAINT PROTOCOL**

The Complaint Protocol contained in the Council Code of Conduct applies with necessary modifications to complaints regarding members of Local Boards.

CONSEQUENCES OF FAILURE TO ADHERE TO CODE OF CONDUCT

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards may be subject to the following sanctions:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the member in respect of his or her services as a member of the Local Board (if any).

Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the member of the Local Board.

Members are subject to removal from the Local Board, or removal as Chair of the Local Board, by Council.



Hamilton

LOCAL BOARD MEMBER RESIGNATION FORM

I, _____, would like to submit my resignation, effective _____,
20____, from the _____, for the following reason(s):

- My circumstances have changed and I no longer have the time to effectively participate on the local board.
- Personal reasons.
- Other (please explain briefly):

Additional Comments (optional)

Signature

Date

Please scan and email this page to your Staff Liaison. Thank you!

STANDARD OPERATING PROCEDURE	08-001
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Subject:	Communicating with any outside agencies, including other Levels of Government and the media
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- a) City of Hamilton local boards wishing to correspond with any outside agency including the media, Ministers of the Provincial/Federal Governments or with MP's and MPP's will follow the subjoined procedures:
1. Recommendation(s) to correspond with any outside agency submitted by a Committee are forwarded to the appropriate Standing Committee for approval with the draft correspondence being attached (in the case of an Advisory Committee, as an appendix to a Citizen Committee Report) prepared by the respective Committee Staff Liaison.
 2. Once the recommendation is approved by the Standing Committee and Council, the correspondence is submitted for signature and will be signed jointly by the Mayor and the Chair of the local board.
 3. Any follow up correspondence received by the City of Hamilton in response to the letter will be forwarded to both City Council and to the local board, which initiated the recommendation and correspondence.
 4. Appointees should accurately communicate a recommendation or direction.
 4. Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the local board.
 5. Appointees may refer the media or others making inquiries to the Chair as the official spokesperson on behalf of the local board, or, in the absence of the Chair, to the Vice-Chair.



Hamilton

A G E N D A
ABC ADVISORY COMMITTEE
Monday, January 1, 2000
2:00 p.m.
Room 123, 1st Floor
City Hall
71 Main Street West, Hamilton

**Added Items*

- A. APPOINTMENT OF CHAIR AND VICE CHAIR** (This should be done at the first meeting of each year. After the first meeting – this heading is to be removed)
- 1. CHANGES TO THE AGENDA**
- 2. DECLARATIONS OF INTEREST**
- 3. APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 3.1 ABC Advisory Committee Meeting Minutes, dated December 1, 1999 (*for approval*)
- 4. CONSENT ITEMS**
 - 4.1 Research Report (*for receipt*)
 - *4.2 Working Group Minutes (*for receipt*)
- 5. PRESENTATIONS**
 - 5.1 ABC Advisory Committee Terms of Reference Review (*for approval*)
 - 5.2 ABC Advisory Committee Strategic Plan (*for approval*)
- 6. DISCUSSION ITEMS**
 - 6.1 Roles, Responsibilities and Expectations of New Members (*for approval*)
- 7. NOTICES OF MOTION**
 - *7.1 ABC Advisory Committee Meeting Schedule (*for approval*)
- 8. MOTIONS**
 - 8.1 ABC Advisory Committee Change to the Location of Meetings (*for approval*)
- 9. OTHER BUSINESS**
- 10. ADJOURNMENT**



Hamilton

**MINUTES
ABC COMMITTEE
Monday, January 1, 2000
2:00 p.m.
Room 123, 1st Floor
City Hall
71 Main Street West, Hamilton**

Present: Chair: (insert name)
(Committee members only) Vice-Chair: (insert name)
Secretary: (insert name)
Members: (insert names)

Absent with

Regrets: (insert names of absent Committee members only)

Also Present: (insert staff names with titles)

1. CHANGES TO THE AGENDA

The Clerk advised of the following changes to the agenda:

4. CONSENT ITEMS

4.2 Working Group Minutes

7. NOTICES OF MOTION

7.1 ABC Advisory Committee Meeting Schedule

(Mover/Second)

That the agenda for the January 1, 2000 meeting of ABC Advisory Committee be approved, as amended. (if there are no changes to the agenda, then the approval would be "as presented")

CARRIED

2. DECLARATIONS OF INTEREST

List any declarations that were made or note that there were none.

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 January 1, 2000

(Mover/Second)

That the Minutes of the January 1, 2000 meeting of ABC Committee be approved, as presented.

CARRIED

6. CONSENT ITEMS

(i) Research Report (Item 4.1)

(Mover/Second)

That the Research Report, be received.

CARRIED

(ii) Working Group Minutes – December 1, 1999 (Item 4.2)

(Mover/Second)

That the Working Group Minutes – December 1, 1999, be received.

CARRIED

5. PRESENTATIONS

(i) ABC Advisory Committee Terms of Reference Review (Item 5.1)

(Insert Name) provided the Committee with a presentation respecting a review of the ABC Advisory Committee Terms of Reference.

(Mover/Second)

That the presentation respecting the ABC Advisory Committee Terms of Reference Review, be received; and

That the ABC Advisory Committee Terms of Reference Review, be amended to *(insert recommendation approved by the Committee)*

CARRIED

(ii) ABC Advisory Committee Strategic Plan (Item 5.2)

(Insert Name) provided the Committee with a presentation respecting a review of the ABC Advisory Committee Strategic Plan.

(Mover/Second)

That the presentation respecting the ABC Advisory Committee Strategic Plan, be received; and

That the ABC Advisory Committee Strategic Plan, be approved. *(or insert recommendation approved by the Committee)*

CARRIED

6. DISCUSSION ITEMS**(i) Roles, Responsibilities and Expectations of New Members (Item 6.1)****(Mover/Second)**

That the Roles, Responsibilities and Expectations of New Members, be approved. *(or insert recommendation approved by the Committee)*

CARRIED**7. NOTICES OF MOTION****(i) ABC Advisory Committee Meeting Schedule (Item 7.1)**

(Committee Member's Name) introduced a Notice of Motion respecting the ABC Advisory Committee Meeting Schedule.

(A Notice of Motion can be left as a Notice of Motion and then placed on the next Committee agenda or the Rules of Order can be waived to allow the introduction of the Notice of Motion as a Motion at this meeting, if so, a motion to waive the rules, is required)

(Mover/Second)

That the Rules of Order to be waived to allow for the introduction of a motion respecting the ABC Advisory Committee Meeting Schedule.

CARRIED**(Mover/Second)**

That the ABC Advisory Committee Meeting Schedule, be approved. *(or insert recommendation approved by the Committee)*

CARRIED**8. MOTIONS****(i) ABC Advisory Committee Change to the Location of Meetings (Item 8.1)****(Mover/Second)**

That the ABC Advisory Committee Meeting Location be changed to _____. *(or insert recommendation approved by the Committee)*

CARRIED**9. OTHER BUSINESS****(i) Title**

Brief overview of the item

10. ADJOURNMENT**(Mover/Second)**

That, there being no further business, the meeting be adjourned at ____ a.m./p.m. *(insert time that the meeting adjourned)*

CARRIED

The minutes are signed by the Chair or Vice Chair (whoever presided over the meeting) and the Secretary.



Hamilton

To:	Chair and Members General Issues Committee
From:	_____ (Co-Chair) _____ and _____ (Co-Chair) _____ Arts Advisory Commission (to be signed by the Chair)
Date:	March 22, 2017
Re:	Transfer from reserve for Big Picture 2017 Arts Community Outreach Event (AAC-17-01) (City Wide)

Recommendation:

That an amount of up to \$13,000 be transferred from the Arts Advisory Commission Reserve (112212) to Arts Advisory Commission operating (300322) to fund the Commission’s 2017 outreach event and programs.

Background: *(Describe here what the money will be used for and why the Committee is asking for more)*

The Arts Advisory Commission (AAC) has the following mandate:

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

The primary focus of the Arts Advisory Commission over the last five years has been the development of a strategic arts funding model through its Arts Funding Task Force.

A new AAC was appointed in 2016. The new members of the AAC are looking to undertake a community outreach and consultation program to determine the issues important to the arts community moving forward.

Analysis/Rationale: *(In the Analysis/Rationale section, the Committee should explain why the recommendation is being put forward, benefits for the recommendation, and any another information, which Committee wishes to share with the Grants Sub-Committee to support the recommendation)*

In 2017, the Arts Advisory Commission will focus its efforts on outreach and consultation with the arts community to identify issues important to the community. It is assumed that issues such as; artists living and work space costs, sustaining and growing the arts community and promoting the arts community will be identified among others. Consultation plans include a symposium type event to bring the community together along with interviews and online surveys. The results of this work will be used to develop the AAC work plan for 2017-2018.



Declaration of Interest Form

Disqualifying Interest

Meeting Date & Type:

Meeting Type: _____
(Committee/Council)

Date of Meeting: _____

Subject Matter:

Item Number: _____

Item Title: _____

Declaration:

I, member _____ declare a disqualifying interest with respect to:

on the Council / Committee agenda dated

For the following reason(s) I am prevented from making an impartial decision on the matter:

Original sign by (your name)

Member Signature

*A **disqualifying interest** is an interest in a matter regarding which a reasonable person fully informed of the facts and circumstances would conclude that the Member could not participate impartially in the decision-making process related to the matter either because to do so would not be in compliance with the Municipal Conflict of Interest Act, or, because the Member's relationship to persons or bodies involved in the matter or affected by the decision is so close, a reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.*



Hamilton

Declaration of Interest Form

Non-Disqualifying Interest

Meeting Date & Type:

Meeting Type: _____
(Committee/Council)

Date of Meeting: _____

Subject Matter:

Item Number: _____

Item Title: _____

Declaration:

I, member _____ declare a non-disqualifying interest with respect to:

on the Council / Committee agenda dated _____

For the following reason(s) I am not prevented from making an impartial decision on the matter:

Original sign by (your name)

Member Signature

*A **non-disqualifying** interest is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decision-making processes related to the matter only so long as:*

*The Member fully discloses the interest so as to provide transparency about the relationship; and
The Member states why the interest does not prevent the Member from making an impartial decision on the matter.*



**PROCEDURAL HANDBOOK
FOR CITIZEN APPOINTEES TO
CITY OF HAMILTON LOCAL BOARDS**

For comments or questions, please contact:

905-546-2424 Ext. 4304

