



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

**Meeting #:** 23-001  
**Date:** March 27, 2023  
**Time:** 1:30 p.m.  
**Location:** Council Chambers  
Hamilton City Hall  
71 Main Street West

Tamara Bates, Legislative Coordinator (905) 546-2424 ext. 4102

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**1. APPOINTMENT OF CHAIR AND VICE-CHAIR**

**2. APPROVAL OF AGENDA**

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

**3. DECLARATIONS OF INTEREST**

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

4.1 September 9, 2022

**5. COMMUNICATIONS**

5.1 Sim Sahota, respecting Restructuring the Board of Health

Recommendation: Be received and referred to the consideration of Item 11.1.

**6. DELEGATION REQUESTS**

6.1 Restructuring the Board of Health

6.1.a Kojo Dampety, McMaster University

6.1.b Mark A. McNeil, Accessibility Hamilton Alliance

**7. DELEGATIONS**

**8. STAFF PRESENTATIONS**

**9. CONSENT ITEMS**

- 9.1 Feedback from the Advisory Committees on the Code of Code of Conduct for Local Boards (FCS23032) (City Wide)

**10. DISCUSSION ITEMS**

- 10.1 Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) - REVISED
- 10.2 2024 and 2025 Committee and Council Meeting Calendars
- 10.3 Amendments to the Procedural By-law 21-021 respecting the Board of Health Standing Committee (FCS23031) (City Wide)
- 10.4 Fixing Long-Term Care Act – Governance Requirements (FCS23033 / HSC23025)
- 10.5 Code of Conduct and Conflict of Interest Education and Communications (HUR22011(a)/CM22018(a)) (City Wide) (Outstanding Business List Item)
- 10.6 Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide) (Outstanding Business List Item)

**11. MOTIONS**

- 11.1 Restructuring the Board of Health Standing Committee REVISED
- 11.2 Budget Process Review

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



Hamilton

**GOVERNANCE REVIEW SUB-COMMITTEE**

**MINUTES 22-004**

**Friday September 9, 2022**

**11:00 am**

**Room 264**

**Hamilton City Hall**

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

**Absent:** Councillors T. Whitehead, and L. Ferguson – Personal

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

**1. Code of Conduct and Conflict of Interest Education and Communications (HUR22011 / CM22018) (City Wide) (Added Item 7.1)**

**(Pearson/Clark)**

That Report HUR22011 / CM22018, respecting Code of Conduct and Conflict of Interest Education and Communications, be received.

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

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

**2. Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide) (Outstanding Business list Item) (Item 10.1)**

**(Clark/Wilson)**

That the Selection Process for the appointment of the one person appointed by resolution of the council to the Hamilton Police Services Board, be approved, as follows:

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

- (i) That the definition of “Selection Committee”, be **amended** as follows:
- “Selection Committee”** means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, **with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and five (5) Council representatives with full voting privileges.**
- (b) That the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the five (5) members of Council and six (6) community representatives;
- (c) That the Committee Against Racism and the Hamilton Anti-Racism Resource Centre (HARRC) recommend the appointment of the six (6) community representatives on the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board for the 2022-2026 term of Council for Council’s consideration;
- (d) That the six (6) community representatives appointed to the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.
- (e) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be amended, to add a new sub-section 14 as follows, renumbering the remaining sub-sections accordingly:

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

14. Five (5) 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
- (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 defence counsel.
- (v) Submit two (2) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.

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

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

**3. Integrity Commissioner and lobbyist Registrar Contract (FCS22074) (City Wide) (Item 10.2)**

**(Pearson/VanderBeek)**

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until May 31, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;
- (b) That the City Clerk ***inform Council on the results of the negotiation;*** and,
- (c) ***That the City Clerk report back to Governance Review Sub-Committee by March 31, 2023 with a recruitment selection process option for future appointments for the Integrity Commissioner position, as well as the option to further extend the current contract C2-06-19 past May 31, 2023.***

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

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

**4. Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016(a)/ HR22010(a)) (City Wide) (Outstanding Business List item) (Item 10.3)**

**(Pearson/Clark)**

That the amendments to the City of Hamilton Mandatory COVID19 Vaccination Verification Policy respecting the reporting of non-compliant Members of Council as described in Appendix "A" of Report FCS22016(a) / HR22010(a), be approved.

**Result: Motion CARRIED by a vote of 3 to 1, as follows:**

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

**5. 2022 Review of the City's Procedural By-law (FCS22075) (Item 10.4)**

**(Pearson/Wilson)**

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

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

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

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

- 6.2 Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.4, 2022 Review of the City's Procedural By-law (FCS22075) (For today's meeting)
- 6.3 Koubra Hagggar, Hamilton Centre for Civic Inclusion, respecting Item 10.1, Report FCS22072 (For today's meeting) - WITHDRAWN

- 6.4 Marlene Dei-Amoah, Committee Against Racism, respecting Item 10.1, Report FCS22072 (For today's meeting)
- 6.5 Lyndon M. George, Hamilton Anti-Racism Resource Centre, respecting Item 10.1, Report FCS22072 (For today's meeting)

**7. CONSENT ITEMS**

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

**(VanderBeek/Pearson)**

That the September 9, 2022 Agenda of the Governance Review Sub-Committee be approved, as amended.

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

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

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

There were no declarations of interest.

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

**(i) June 23, 2022 (Item 4.1)**

**(Pearson/Wilson)**

That the Minutes of the June 23, 2022 meeting of the Governance Review Sub-Committee be approved, as presented.

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

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

**(d) DELEGATION REQUESTS (Item 6)**

**(VanderBeek/Pearson)**



That the following Delegation Requests be approved for today's meeting:

- (i) Cameron Kroetsch, respecting Item 10.4, the Procedural By-law Report (Item 6.1)
- (ii) Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.4, 2022 Review of the City's Procedural By-law (FCS22075) (Added Item 6.2)
- (iii) Marlene Dei-Amoah, Committee Against Racism, respecting Item 10.1, Report FCS22072 (Added Item 6.4)
- (iv) Lyndon M. George, Hamilton Anti-Racism Resource Centre, respecting Item 10.1, Report FCS22072 (Added Item 6.5)

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

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

**(e) CONSENT ITEMS (Item 5)**

- (i) **Code of Conduct and Conflict of Interest Education and Communications (HUR22011 / CM22018) (City Wide) (Added Item 7.1)**

**(Clark/Wilson)**

That staff be directed to review the City's policies around City employees who are also business owners bidding on City Contracts and report back to the Governance Review Sub-Committee in the new term of Council.

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

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

For further disposition of this matter, refer to Item 1.

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

- (i) **Delegations respecting Item 10.4 - 2022 Review of the City's Procedural By-law (FCS22075) (City Wide)**

The following delegations addressed the Committee respecting Item 10.4 - 2022 Review of the City's Procedural By-law (FCS22075) (City Wide):

- (a) Cameron Kroetsch (Added Item 9.1)
- (b) Karl Andrus, Hamilton Community Benefits Network (Added Item 9.2)

**(Clark/VanderBeek)**

That the following delegations respecting Item 10.4 - 2022 Review of the City's Procedural By-law (FCS22075) (City Wide), be received:

- (a) Cameron Kroetsch (Added Item 9.1)
- (b) Karl Andrus, Hamilton Community Benefits Network (Added Item 9.2)

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

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

For further disposition of this matter, refer to Item 5.

**(ii) Delegations respecting Item 10.1 - Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)**

The following delegations addressed the Committee respecting Item 10.1 - Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide):

- (a) Marlene Dei-Amoah, Committee Against Racism (Added Item 9.3)
- (b) Lyndon M. George, Hamilton Anti-Racism Resource Centre (Added Item 9.4)

**(Clark/VanderBeek)**

That the following delegations respecting Item 10.1 - Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide), be received:

- (a) Marlene Dei-Amoah, Committee Against Racism (Added Item 9.3)

- (b) Lyndon M. George, Hamilton Anti-Racism Resource Centre (Added Item 9.4)

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

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

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

**(g) DISCUSSION ITEMS (Item 10)**

- (i) **Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide) (Outstanding Business list Item) (Item 10.1)**

**(Pearson/Wilson)**

That Report FCS22072, respecting the Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process, be received.

**(Clark/Wilson)**

That the Selection Process for the appointment of the one person appointed by resolution of the council to the Hamilton Police Services Board, be approved, as follows:

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

**"Selection Committee"** means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, **with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and five (5) Council representatives with full voting privileges.**

- (b) That the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the five (5) members of Council and six (6) community representatives;
- (c) That the Committee Against Racism and the Hamilton Anti-Racism Resource Centre (HARRC) recommend the appointment of the six (6) community representatives on the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board for the 2022-2026 term of Council for Council's consideration;
- (d) That the six (6) community representatives appointed to the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.
- (e) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be **amended**, to add a new sub-section 14 as follows, renumbering the remaining sub-sections accordingly:

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

- 14. Five (5) 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
- (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 defence counsel.

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

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

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

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

**(ii) Integrity Commissioner and lobbyist Registrar Contract (FCS22074)  
(City Wide) (Item 10.2)**

**(Pearson/VanderBeek)**

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

**(VanderBeek/Clark)**

That Report FCS22074, respecting the Integrity Commissioner and lobbyist Registrar Contract, **be amended**, by amending Sub-section (a) by replacing the May 31, 2027 date with May 31, 2023, and Sub-section (b) by replacing the words 'report back to Governance Review Sub-Committee on the results of the negotiation' with '**inform Council on the results of the negotiation**', and adding Sub-Section (c), as follows:

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until May 31, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;
- (b) That the City Clerk **inform Council on the results of the negotiation**; and,

- (c) ***That the City Clerk report back to Governance Review Sub-Committee by March 31, 2023 with a recruitment selection process option for future appointments for the Integrity Commissioner position, as well as the option to further extend the current contract C2-06-19 past May 31, 2023.***

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

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

For further disposition of this matter, refer to Item 3.

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

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

**(Pearson/Clark)**

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

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

Committee Against Racism - Citizen Committee Report -  
Recommendations for changes to the Hamilton Police Service Board  
selection process  
OBL Item: 22-B  
Added: July 7, 2022 at AF&A (Item 10.1)  
Completed: September 9, 2022 at Governance (Item 10.1)

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

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

**(i) ADJOURNMENT (Item 15)**

**(Pearson/VanderBeek)**

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 1:20 p.m.

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

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

Respectfully submitted,

Councillor M. Wilson, Chair  
Governance Review Sub-Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



**Bates, Tamara**

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**Subject:** FW: I support restructuring the Board of Health #HealthEquityHamOnt

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**From:** Sim Sahota <>

**Sent:** March 8, 2023 8:56 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** I support restructuring the Board of Health #HealthEquityHamOnt

Dear Clerk Clerks Office ,

I am a concerned resident, residing at:

I am writing to you to support the local call to restructure Hamilton's Board of Health to include members of the public and health leaders from the following equity-seeking groups, including but not limited to; women, people with (in)visible disabilities, Indigenous peoples, low-income communities, Black and Racialized communities, 2SLGBTQ+ and newcomer communities.

I support the motion by Councillor Kroetsch to restructure the Board of Health. By adopting this systemic change to the Board of Health, we will ensure better health outcomes for residents particularly the most vulnerable.

Thank you for your time.

Sincerely,  
Sim Sahota

Hamilton Centre for Civic Inclusion will keep Sim and your constituents informed about your position on this issue.

▫



**Bates, Tamara**

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**Subject:** FW: Webform submission from: Request to Speak to a Committee of Council

Submitted on Tue, 03/21/2023 - 18:40

Submitted by: Anonymous

Submitted values are:

## **Committee Requested**

Committee  
Governance Review Sub-Committee

Will you be delegating in-person or virtually?  
In-person

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

## **Requestor Information**

Requestor Information  
Kojo Dampitey  
McMaster University  
1280 Main Street West  
Hamilton, Ontario. L8S 4L8

Preferred Pronoun  
he/him

Reason(s) for delegation request  
Delegating on the item Restructuring the Board of Health. I will be speaking to Councillor Kroetsch's motion.

Will you be requesting funds from the City?  
No

Will you be submitting a formal presentation?  
No



**Bates, Tamara**

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**Subject:** FW: Webform submission from: Request to Speak to a Committee of Council

Submitted on Tue, 03/21/2023 - 15:58

Submitted by: Anonymous

Submitted values are:

## Committee Requested

Committee

~~General Issues Committee~~ Governance Review Sub-Committee

Will you be delegating in-person or virtually?

Virtually

Will you be delegating via a pre-recorded video?

No

## Requestor Information

Requestor Information

Mark A. McNeil

Accessibility Hamilton Alliance (AHA)

Ancaster, ON.

Preferred Pronoun

he/him

Reason(s) for delegation request

To delegate on behalf of the Accessibility Hamilton Alliance (AHA) with respect to the motion concerning the Restructuring of the Board of Health.

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

No





## INFORMATION REPORT

<b>TO:</b>	Chair and Members Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	3/27/2023
<b>SUBJECT/REPORT NO:</b>	Feedback from the Advisory Committees on the Code of Code of Conduct for Local Boards (FCS23032)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon (905) 546-2424 Ext. 4304
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk Office of the City Clerk
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

Council on December 7, 2022 directed staff as follows:

That staff be directed to attend each Advisory Committee during one of their regular meetings to obtain feedback and recommendations on the new Code of Conduct (in effect May 1, 2023) and report back to the Audit, Finance and Administration Committee.

### INFORMATION

The Advisory Committee Staff Liaisons attended each of the meetings when the Code of Conduct for Local Boards was discussed at an Advisory Committee meeting and ensured that the comments were included within the Advisory Committees meeting minutes.

### HISTORICAL BACKGROUND

The Integrity Commissioner's Work Plan, which included the development of a Code of Conduct for Local Boards was approved on March 31, 2021.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: Feedback from the Advisory Committees on the Code of Code of Conduct for Local Boards (FCS23032) (City Wide) - Page 2 of 3**

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On October 13, 2021 Council directed the City Clerk to circulate the draft Code of Conduct to all entities established by Council whose membership is appointed by Council; coordinate all feedback on the draft Code of Conduct to the Integrity Commissioner and schedule a Special General Issues Committee meeting for the Integrity Commissioner to present all of the feedback received.

Clerk's circulated the draft Code of Conduct as directed on October 20, 2021.

A Special General Issues Committee was held on January 17, 2022 with the recommendations of that meeting, being referred to Council on January 19, 2022 for consideration.

On January 19, 2022 Council approved the By-law "Code of Conduct for Local Boards" (By-Law 22-019) attached as Appendix "A" to this report effective May 1, 2023 with enforcement and complaints being administered under the current Codes of Conduct until April 30, 2023.

Council also directed the City Clerk to develop and deliver a training program, with the Integrity Commissioner, on the new Code of Conduct for Local Boards, in the Spring of 2022 (virtual and in person where appropriate) at an upset limit of \$5,000, to be funded through the Tax Stabilization Reserve account 110046; with the training sessions accommodating members work schedules and open to all members of all local boards with the intent that they attend one of the six sessions offered.

The Integrity Commissioner conducted the following six (6) two-hour In-Person Training Sessions on:

- April 11, 2022:
  - 10:00 a.m. with 16 individuals in attendance;
  - 3:00 p.m. with 8 individuals in attendance; and
  - 6 p.m. with 5 individuals in attendance
  
- April 21, 2022:
  - 10:00 a.m. with 10 individuals in attendance;
  - 3:00 p.m. with 5 individuals in attendance; and
  - 6 p.m. with 11 individuals in attendance

Following the In-Person Training Sessions the Integrity Commissioner also held an additional Virtual Training Session on June 2, 2022 with 58 individuals in attendance.

On December 7, 2022 Council directed staff to circulate the Code of Conduct (in effect May 1, 2023) to each Advisory Committee during one of their regular meetings to obtain feedback and recommendations.



**SUBJECT: Feedback from the Advisory Committees on the Code of Code of Conduct for Local Boards (FCS23032) (City Wide) - Page 3 of 3**

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Clerk's circulated the Code of Conduct (in effect May 1, 2023) to each Advisory Committee's Staff Liaison for inclusion on an upcoming agenda on December 8, 2022.

The feedback received can be found in Appendix 'B' attached to this report.

Staff were also directed on February 8, 2023 to release the reports respecting the feedback received from the Advisory Committees on the new Code of Conduct (in effect May 1, 2023) and the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards early, to provide the Advisory Committees with sufficient notice in order for them to arrange to delegate on the report, should they wish to do so.

Staff published the reports on March 8, 2023 and forwarded an email notifying all current appointees through their respective Staff Liaison that the reports were available for review and to arrange to delegate on the report, should they wish to do so.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix A – Code of Conduct for Local Boards (By-law 22-019), in effect May 1, 2023  
Appendix B – Comments received from the Advisory Committees respecting the Code of Conduct for Local Boards



**Authority:** Item 5.8(b), Council  
Report (FSC21081(a))  
CM: January 19, 2022  
Ward: City Wide  
**Bill No. 019**

**CITY OF HAMILTON**  
**BY-LAW NO. 22-019**

**To Establish a Code of Conduct for Local Boards**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act*, 2001 authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes; and

**WHEREAS** subsection 223.2(1) of the *Municipal Act*, 2001 requires the City of Hamilton to establish a code of conduct for members of its local boards;

**NOW THEREFORE** the Council of the City of Hamilton enacts the following Code of Conduct for Local Boards:

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

1. The Code of Conduct for Local Boards shall be as set forth in Schedule 1 to this By-law.
2. This By-law comes into force on May 1, 2023 with enforcement and complaints being administered under the current Codes of Conduct until April 30, 2023.

**PASSED** this 9<sup>th</sup> day of February, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Schedule 1**

CITY OF HAMILTON  
CODE OF CONDUCT FOR LOCAL BOARDS  
*(in effect on May 1, 2023)*

**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
- 7: Business Relations
- 8: Member Conduct
- 9: Media Communications
- 10: Respect for the Town By-laws and Policies
- 11: Respectful Workplace
- 12: Conduct Respecting Staff
- 13: Reprisals and Obstructing
- 14: Acting on Advice of Integrity Commissioner

**Part 2**

Adjudicative Boards

- 15: Additional Requirements for Members of Adjudicative Boards
16. Communications with Parties
- 17: Independent Nature of Adjudicative Tribunals

**Part 3**

Complaint Protocol  
Consequences of Failure to Adhere to Code of Conduct

## 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 person 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.

### Feedback from Advisory Committee Respecting the Code of Conduct

Committee	Meeting Date	Comments
Committee Against Racism	N/A	Have not met to review
Hamilton Cycling Committee	February 1, 2023	<p>Received with the following comments:</p> <ul style="list-style-type: none"> <li>• It was not clear what changes have been made from the previous version</li> <li>• Overall, it is vague and unclear for people to understand and comprehend</li> <li>• Additional details on what restrictions there are in terms of what committee members can and cannot say should be provided</li> <li>• Committee members are treated and held to the same standard as city staff, but don't have the same level of influence</li> <li>• Should be less strict; if so rigid, then it needs to be more clearly written</li> <li>• Committee members are limited in their ability to have the influence that this code of conduct suggests</li> <li>• These are complicated procedural rules and resources are not being put to the advisory committees in order to meet the high level of expectations set out in the code of conduct</li> <li>• More support needed from clerks on how to properly do things. Clearly identify how do we accomplish the goals via motions, committee reports</li> <li>• Integrity commissioner does not provide clear advice when members ask questions related to the code of conduct</li> <li>• The chair is being held to a different standard, including potential fines if things go wrong</li> <li>• Handbook is not specific enough. Is not written for lay people and therefore difficult to understand. Examples of what can and can't be said along with clarity on specific penalties, would be a suggested addition</li> <li>• Should give information/guidance on how to accomplish goals through motions or citizen committee reports.</li> </ul>
Hamilton Veterans Committee	Staff Liaison	Received without comment.
Housing and Homelessness Advisory Committee	February 7, 2023	Received without comment

## Appendix B to Report FCS23032

Committee	Meeting Date	Comments
Advisory Committee for Immigrants and Refugees	Staff Liaison	Received without comment.
Indigenous Advisory Committee	Staff Liaison	Received without comment.
Keep Hamilton Clean and Green Committee	January 17, 2023	Received without comment.
Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee	January 17, 2023	Received without comment.
Mundialization Committee	December 21, 2022	Received without comment
Women and Gender Equity	January 26, 2023	<p>Received with the following comments (Citizen Committee Report presented to AF&amp;A):</p> <p>Page 41: regarding the statement, “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.”, the committee feels that the Code of Conduct should be explained more thoroughly and in plain language to prevent interpretation which extends beyond the understanding of the public and volunteer advisory committee members.</p> <p>Page 43: regarding confidential information, more information is needed to establish exactly what is considered to be confidential, how members can be aware of what the board of city is prevented from disclosing, and how the rule differentiates between items discussed in a closed meeting and information that is already publicly available. There should be a clear system to label and identify confidential information to local boards. Information related to confidentiality for members of council is much clearer in their code of conduct compared to this proposed code for volunteers.</p> <p>Page 44: regarding member conduct, more clarity is needed to provide committee members with information on how the City of Hamilton can require decorum “at all</p>

## Appendix B to Report FCS23032

Committee	Meeting Date	Comments
		<p>times". For instance, if political protest is a charter protected right, but is not considered conducting oneself with decorum, more clarity is needed to confirm if a volunteer advisory committee member may face consequences or penalties.</p> <p>Page 44-45: regarding media communications, the committee was previously told that the chair could not speak to media without approval from the committee they report to, which does not appear to be the case in the code of conduct. There is no information on the ability of the Chair to speak to media and what, if any, approval is required, or what limitations, if any, exist as part of such media communication. The commentary also identified that the rules of decorum apply to social media, and recommend that members "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." It is in the opinion of the advisory committee that the City of Hamilton should not be applying rules of decorum to volunteer committee members on their personal social media accounts, or outside of their duties as committee members, as it may infringe on their rights to expression and political protest. Further, it is unreasonable to apply responsibility for filtering hateful and abusive comments on the posts of volunteer advisory committee members. The City of Hamilton should not expect anyone to read through abusive and hateful comments on personal social media as part of code of conduct, and especially should not do so without providing support and resources for the additional harm such exposure to hate and abuse can cause.</p> <p>Page 45: regarding the expectation that members "adhere to and encourage public respect for the Local Board, the municipality and its by-laws, policies and procedures", the committee feels the Code of Conduct must provide clearer definitions or respect and what is considered disrespectful. Further to this, more clarity is needed to ensure members understand whether their rights to expression and political protest will be restricted or prohibited when agreeing to volunteer on a citizen advisory committee.</p>

## Appendix B to Report FCS23032

Committee	Meeting Date	Comments
		<p>Page 45: regarding the workplace harassment and violence policies in place for staff, members of this advisory committee have not received copies of such policies, and these policies, in addition to the code of conduct, must be easily and readily available to members so they can comply.</p> <p>Page 46: regarding the advice to consult the integrity commissioner if members seek clarification, there should be direction or information on who or how to contact the integrity commissioner included in the code of conduct.</p> <p>Page 46: the formatting of “Part 2” to include additional context for previously mentioned rules and the addition of new rules makes this part of the document particularly difficult to read and follow, and revision may be needed.</p> <p>Page 47: regarding the consequences of failure to adhere to code of conduct, and in addition to the aforementioned feedback on this item, “reprimand” must be clearly defined, and this section must clearly identify what reprimand and remedial actions will look like for volunteer citizen committee members.</p> <p>Page 49: the numbering of the items on this page include two separate items numbered as 4, rather than a continued sequential order. More clarity is needed on the operating procedure regarding any requirements for approval that are needed before a chair can speak to media on behalf of the committee, and what restrictions might be in place for such engagement.</p> <p>Page 53: regarding the note at the bottom of the page, the Chair or Vice-Chair and the Secretary have never signed the meeting minutes in practice on this committee, and more clarification is needed on if digital signatures would be acceptable if this is now going to be required, considering the hybrid operation of most committees</p>
Seniors Advisory Committee	January 6, 2023	Received with the following comments:



## Appendix B to Report FCS23032

Committee	Meeting Date	Comments
		<ul style="list-style-type: none"> <li>• this code of conduct is written for members of boards and in other documentation advisory's and boards are stated as different bodies.</li> <li>• is standard to other codes of conducts and nothing is unusual or different</li> </ul>
Advisory Committee for Persons with Disabilities	January 10, 2023	Received without comment
Arts Advisory Commission	N/A	Have not met to review
Climate Change Advisory Committee - NEW	N/A	Have not met to review
Food Advisory Committee	N/A	Have not met to review
Mayor's Ukrainian Humanitarian Crisis and Response Advisory Committee	N/A	Have not met to review



**10.1**

**CITY OF HAMILTON**  
**Corporate Services**  
**Office of the City Clerk**

<b>TO:</b>	Chair and Members of the Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	March 27, 2023
<b>SUBJECT/REPORT NO:</b>	Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) <b>Revised</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon Manager, Legislative Services/Deputy Clerk Ext. 4304
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk Office of the City Clerk
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, attached hereto as Appendix 'A', be approved; and
- (b) That the Corporate Policy, Hamilton City Council – Appointment of Citizens to the City's Local Boards attached as Appendix 'B' to Appendix 'A' to this report, be approved.

**EXECUTIVE SUMMARY**

This report recommends the approval of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (the 'Handbook').

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

Financial: None.

Staffing: Clerk's Legislative Staff will during the onboarding of citizen appointees to the City's Local Board, currently being recruited (February 24 until April 6), will provide training to the citizen appointees and the respective staff, once all appointments have been approved by Council.

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**SUBJECT: Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) (City Wide) Revised**

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Page 2 of 4

Legal: None.

### **HISTORICAL BACKGROUND (Chronology of events)**

Council updated the 2018 version of the Advisory Committee Procedural Handbook in August 2021, attached as Appendix 'B' to this report (as a comparison), to include sections that referred to virtual participation.

The 2021 Advisory Committee Procedural Handbook was explicitly for Advisory Committee members, however, the City has numerous Local Boards with Citizen Appointees, therefore, staff have prepared the Handbook, attached as Appendix 'A' to this report, encompassing all citizen appointees to all of the City's Local Boards.

Staff over the past several years have encountered numerous situations where the 2021 Advisory Committee Procedural Handbook was either silent or confusing to the members, therefore, staff have improved the contents of the 2021 Advisory Committee Procedural Handbook and included additional information that is pertinent to the Citizen Appointee's membership on a City of Hamilton Local Board.

The Handbook welcomes and congratulates them on their appointment to one of the city's local boards and advising them that through their appointment they play an important role in shaping city policies and by-laws and contribute to improving the quality of life within the City of Hamilton.

The Handbook also provides citizen appointees with information on:

- the City's organizational and Council's structure;
- an overview of the City's Strategic Plan;
- information on the various types of Local Boards within the City's Governance Structure, and their relationship with Council and city staff;
- the purpose of a Local Boards Terms of Reference;
- what role each type of Local Board has at the City;
- the applicable municipal by-law and policies the Local Boards are required to adhere to;
- the training members will receive;
- their responsibilities as a member of a Local Board;
- Meeting procedures and processes (i.e. frequency; quorum; agendas; minutes; Citizen Committee Reports; motions)
- external contacts;
- annual reporting and work plans;
- budget information;
- declaring conflicts of interest (disqualifying and non-disqualifying);
- records retention information;
- the Code of Conduct for Local Boards;
- Clerk's contact information and various forms and templates.

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**SUBJECT: Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) (City Wide) Revised**

**Page 3 of 4**

Staff forwarded the Draft Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards to all of the Advisory Committees for their review and comment on October 3, 2022. The Advisory Committees were asked to submit their comments by January 31, 2023.

Comments received from the Advisory Committees respecting the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards are attached as Appendix 'C' to this report.

Staff were also directed on February 8, 2023 to release the reports respecting the feedback received from the Advisory Committees on the new Code of Conduct (in effect May 1, 2023) and the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards early, to provide the Advisory Committees with sufficient notice in order for them to arrange to delegate on the report, should they wish to do so.

Staff published the reports on March 8, 2023 and forwarded an email notifying all current appointees through their respective Staff Liaison that the reports were available for review and to arrange to delegate on the report, should they wish to do so.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

None.

**RELEVANT CONSULTATION**

Clerk's Legislative staff  
Advisory Committees

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

Staff are recommending the approval of the updated Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, to provide greater clarity to new and returning members for the 2022-2026 Term.

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

**Community Engagement & Participation**

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

**Culture and Diversity**

*Hamilton* is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

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Boards (FCS23034) (City Wide) Revised**

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**APPENDICES AND SCHEDULES ATTACHED**

- Appendix A - Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards
- Appendix B - Advisory Committee Procedural Handbook (August, 2021)
- Appendix C - Comments received from the Advisory Committees respecting the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards

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**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, 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

## City of Hamilton Land Acknowledgement

The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. This land is covered by the Dish With One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. We further acknowledge that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation.

Today, the City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

### **Why is a Land Acknowledgment important?**

Land acknowledgments are essential in moving forward on a path to reconciliation. Land acknowledgments are influenced by the Truth and Reconciliation Commission's 94 Calls to Action in acknowledging the first occupants of this land. Land acknowledgments are also important in educating the broader public on the significance of the relationship between Indigenous Peoples and their territories.

### **When do we use a Land Acknowledgment?**

Land Acknowledgment's are normally used at the beginning of events, meetings, lectures and other public events. We must acknowledge the land we live, work and play on as it's essential in the path to reconciliation as well as developing respectful and meaningful relationships with the local First Nations surrounding 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 externally in the city, internally at 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.
- ensure value for money in service delivery and to always consider ways to improve the delivery of City services.

# City of Hamilton Organizational Structure



## City Council

City 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. 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**

Council is considering their Strategic Plan Priorities on March 24, 2023 at a Special General Issues Committee meeting, therefore, this section will be updated accordingly after that date.

## Local Boards within the City's Governance Structure

### Standing Committees

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

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

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

### Sub-Committees

A sub-committee is a committee established by City Council, comprised of some members of City 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 City Council.

### Advisory Committees

An advisory committee is established by City 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 City 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 City 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

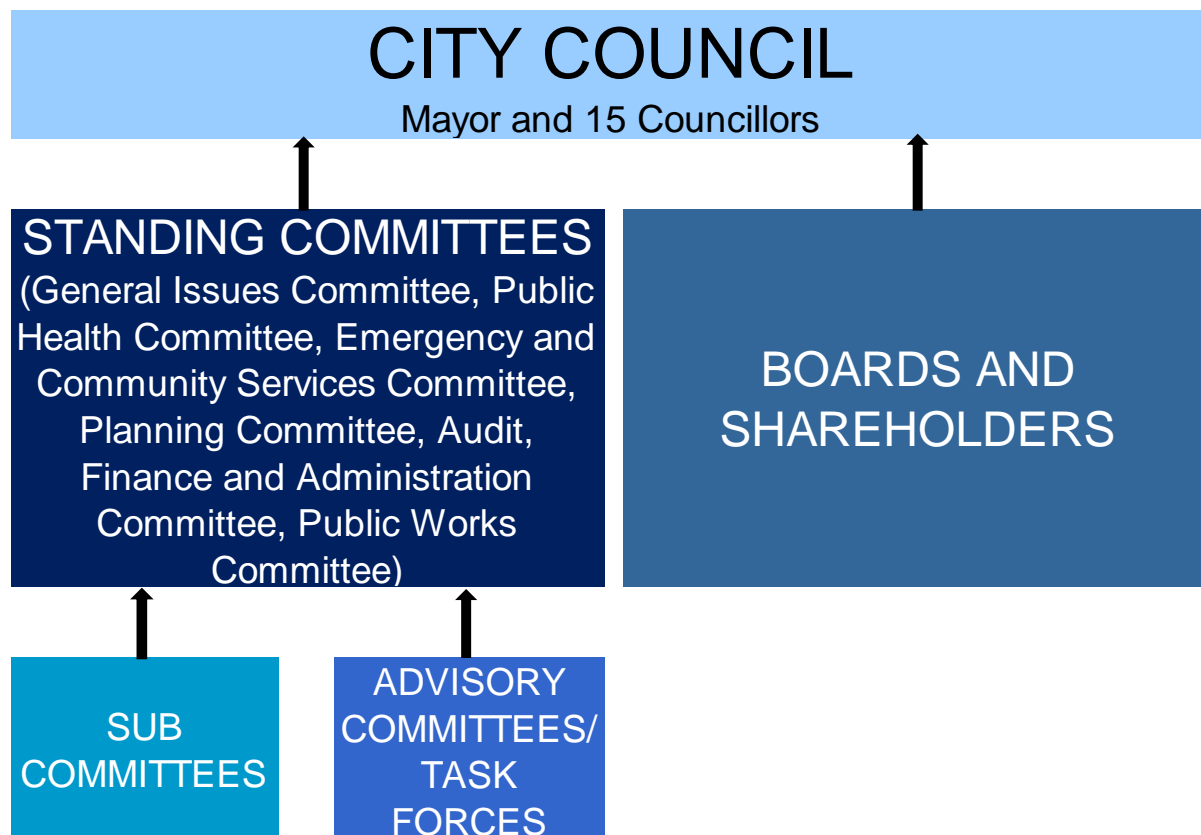
Where City Council acts as the Shareholder or the Board of Directors, or both, of a corporation, Council meets as the Shareholder or the Board of Directors as necessary to complete such business as would normally be completed by the Shareholder or Board of Directors and as required by the corporation's 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 City Council, they are autonomous bodies, whereby they govern themselves.

## Relationship: Council and Local Boards

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



## Terms of Reference

Each local board operates within a City 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 City Council on. Review your local board's mandate and if you have questions you may connect with your Staff Liaison, 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 City 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 City 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 is 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

City Council may establish a sub-committee to focus on a particular task or area, thereby, delegating City 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 City Council and outlines the general recruitment process.

Each local board is encouraged to complete a Roles, Responsibilities and Expectations document for review and information for all new applicants. This will help all new applicants to understand the workload and expectations when participating on the local board.

All existing members will be notified, by the Staff Liaison or Clerk, of the recruitment posting for the new term of Council.

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.

Any applicant wishing to withdraw their name from the recruitment process, shall notify the Office of the City Clerk at [clerk@hamilton.ca](mailto:clerk@hamilton.ca).

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.

The Integrity Commissioner will provide all training on the Code of Conduct and Municipal Conflict of Interest Act. It will be scheduled with each new term of Council for all members of Local Boards.

Any appointees after the initial recruitment will be provided access to online training modules to complete this training.

## 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/2022-12/21-021-consolidated-12.07.2022.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

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
- *Municipal Conflict of Interest Act*
- Local boards Terms of Reference
- Accessibility Standards for Customer Service AODA e-learning Program

Any appointees after the initial recruitment will be provided access to online training modules to complete this training.

## 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')

Any member of a Local Board wishing to run for political office, should consider connecting with the Integrity Commissioner to seek advice to avoid any conflicts.

## 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.

## Federal and Provincial Laws

Citizen Appointees to City of Hamilton Local Boards shall abide by all applicable Federal and Provincial laws during the performance of their duties.

## 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	runs the advisory committee/task force meetings and enforces rules of procedure under the Procedural By-Law (21-021) – 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 voting 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 Secretary to prepare agendas
- works with the Staff Liaison to prepare 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 Secretary 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.

Together with the Chair, prepare the agenda for all meetings and send to Staff Liaison for publishing within required timelines.

## Role of the Local Board Member

Members are expected to participate and to help fulfill the Committee's mandate in the Terms of Reference. This includes doing work outside of Committee meetings to advance the business of the work plan for the Committee.

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.

Each Member will work with the Committee 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.

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;
- publishes the agenda to eSCRIBE;
- 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;
- assists the Committee to prepare an annual operating 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 the Committee 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;

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, 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 Hamilton 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 nine, requires five 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 two 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 and adjourned within the timelines in the Procedural By-Law.

## Agendas

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

### Distribution

The Secretary prepares the agenda in consultation with the Chair and distributes the website link to 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.

Accommodation will be provided under AODA for anyone who requires agendas in an alternate format.

### 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, this must be presented to the Standing Committee in writing.

## Delegations at Local Board Meetings

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 p.m. the business day before the meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 p.m. on the Friday before.

Delegations are generally heard at the beginning of a meeting and have a maximum of five 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 Decorum

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
- refrain from talking while another member has the floor
- work with Members and the Chair to complete the business on the agenda on time.

All members are to uphold the principles of the Code of Conduct.

## Speaking and Debate

The meeting Chair is responsible for the decorum of the meeting and for supporting all members to participate in the discussion. All members should share speaking time appropriately and make sure decisions are reflective of the Committee's voting.

## 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. Training for Chairs, Vice Chairs and Secretaries will be provided by City Staff.

## 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

If the Advisory Committee wishes to establish a reserve account for their surplus of operating funds, they should seek advice from their Staff Liaison and Finance staff.

- 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.
- Any member seeking advice on conflicts of interest, should seek advice from the city’s Integrity Commissioner.

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](mailto: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 citizen appointed member to a Local Board, 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.

Citizen appointed members of a Local Board 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.

Citizen appointed members of the City’s Local Boards have no greater right to City records than a member of the public. The City has made significant efforts to make information available on the City’s website:

- The City of Hamilton makes all legislative information excluding and confidential information available through the City Clerk’s webpage: <https://www.hamilton.ca/city-council/council-committee/council-committee-meetings>
- City By-laws: <https://www.hamilton.ca/city-council/by-laws-enforcement/search-by-laws>
- Open data Program: <https://www.hamilton.ca/city-council/data-maps/open-data>
- Routine Disclosure and Active Dissemination (lists of information made available by City departments): <https://www.hamilton.ca/city-council/accountability-transparency/routine-disclosure-active-dissemination>

## 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. Any questions regarding MFIPPA should be referred to the Clerks Office.

## 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](mailto:Lisa.kelsey@hamilton.ca)

### Emergency and Community Services Committee

#### Loren Kolar

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

### Audit, Finance & Administration Committee

#### Tamara Bates

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

### General Issues Committee

#### Angela McRae

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

### Public Health Committee

#### Matt Gauthier

Legislative Coordinator  
Phone: (905) 546-2424 ext. 6437  
Fax : (905) 546-2095  
E-mail: [matt.gauthier@hamilton.ca](mailto:matt.gauthier@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 or personal information, acquired by virtue of my position.
5. As a volunteer Committee member, I have received and read of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards.
6. I acknowledge that the meetings are public, livestreamed, recorded and archived on the City's website for future viewing.
7. 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)):

<b>Corporate Policy Hamilton City Council – Appointment of Citizens to the City’s Local Boards</b>	 <b>Hamilton</b>	<b>Policy Alignment: <i>Municipal Act 2001, as amended</i></b>  <b>Council Approved: March 2017 Revisions: September 18, 2018, December 15, 2021, July 8, 2022, August 12, 2022 and September 28, 2022</b>
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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 ([www.hamilton.ca](http://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, 1<sup>st</sup> 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).

**Corporate Policy  
Hamilton City Council –  
Appointment of Citizens to the City’s  
Local Boards**



**Policy Alignment: *Municipal Act 2001, as amended***

**Council Approved: March 2017  
Revisions: September 18, 2018,  
December 15, 2021, July 8, 2022, August  
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### ***Selection Process for Advisory Committees (excluding the Hamilton Indigenous Advisory Committee)***

13. A minimum of two (2) members of each Standing Committee (plus alternates, where applicable) 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

<b>Corporate Policy Hamilton City Council – Appointment of Citizens to the City’s Local Boards</b>	 <b>Hamilton</b>	<b>Policy Alignment: <i>Municipal Act 2001, as amended</i></b>  <b>Council Approved: March 2017 Revisions: September 18, 2018, December 15, 2021, July 8, 2022, August 12, 2022 and September 28, 2022</b>
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- (iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below);


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.

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### ***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.

### ***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.


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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.
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).



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### ***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.

### ***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
- 7: Business Relations
- 8: Member Conduct
- 9: Media Communications
- 10: Respect for the City By-laws and Policies
- 11: Respectful Workplace
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- 13: Reprisals and Obstructing
- 14: Acting on Advice of Integrity Commissioner

### **Part 2**

Adjudicative Boards

- 15: Additional Requirements for Members of Adjudicative Boards
- 16: Communications with Parties
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Complaint Protocol  
Consequences of Failure to Adhere to Code of Conduct

## 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):

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Additional Comments (optional)

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

<b>STANDARD OPERATING PROCEDURE</b>	<b>08-001</b>
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<b>Subject:</b>	<b>Communicating with any outside agencies, including other Levels of Government and the media</b>
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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, 1<sup>st</sup> Floor**  
**City Hall**  
**71 Main Street West, Hamilton**

*\*Added Items*

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- 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, 1<sup>st</sup> 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

<b>To:</b>	Chair and Members General Issues Committee
<b>From:</b>	_____ (Co-Chair) _____ and _____ (Co-Chair) _____ Arts Advisory Commission (to be signed by the Chair)
<b>Date:</b>	March 22, 2017
<b>Re:</b>	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





Hamilton

# **ADVISORY COMMITTEE PROCEDURAL HANDBOOK REVISED**

*An advisory body Council established to advise on specific areas of interest, with members of the public making up more than fifty (50) percent of the membership and Council members making up the rest.*

**Prepared By:  
Office of the City Clerk, Legislative Section  
Updated: August 13, 2021**



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## Definitions:

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

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

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

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

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

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

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

## Meeting Procedures

All VIRTUAL Committee meetings shall be streamed live.

All IN-PERSON / HYBRID Committee meetings may be streamed live.

The rules of procedure as set out in By-law 21-021, A By-Law to Govern the Proceedings of Council and Committees of Council, shall be observed in all proceedings and apply to all Committees. Rules of procedure are intended to help the group conduct its business fairly and efficiently.

Rules for a meeting 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.
3. Only one topic will be considered at a time.

The Role of the Committee and its members is to provide “advice” to Council through the appropriate Standing Committee on matters that are related to the specific mandate of the Committee (not for purposes of lobbying for special causes on behalf of the City or themselves).



## Rules of Procedures at a Glance

### 1. Sequence of steps in having a motion voted on:

- Moved – a proposal from the floor.
- Seconded – another member feels the proposal is worth discussing.
- Stated – by the Chair or Committee Secretary. Wording is recorded properly and everyone understands the intent of the proposal.
- Discussed – every member who wishes to speak addresses the chair and must speak only to the motion/amendment on the floor.
- Amended – if required, changing the wording of the motion by: adding or deleting words, replacing with different words.
- Called – after sufficient discussion, either a motion to end debate or a vote (if amended, the amendment first and then the main motion as amended) is called at the discretion of the Chair.
- Restated (if necessary) – ensures everyone understands what is being voted on.
- Voted – Chair calls each option: “All in favour”, “opposed”?
- Declared – results of the vote are announced by the Chair “carried” or “defeated”.

### 2. Amending a motion

- An amendment cannot convert a motion to its direct negative (cannot change the intent of the original motion).
- An amendment must be pertinent or 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”.

## Agenda Preparation

An agenda is a step-by-step outline of the issues to be covered at a meeting.

The following agenda outline is often used:

- (a) Ceremonial Activities\*
- (b) Approval of Agenda
- (c) Declarations of Interest
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Delegation Requests
- (g) Consent Items
- (h) Staff Presentations
- (i) Delegations
- (j) Discussion Items

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

\*All Ceremonial Activities will take place virtually, during an emergency.

The agenda may be prepared with slight adjustments to the agenda outlined above when deemed necessary, however, keeping the following points in mind:

- The early part of the meeting is usually the most lively and creative – items requiring mental energy, bright ideas and clear heads should appear early on the agenda.
- Put time limits on agenda items to help focus discussion and encourage decision making.

*A sample template for an agenda is attached as Appendix “A”, for your reference.*

## **Minute Preparation**

The purpose of the minutes is to:

- Provide a permanent record of the proceedings of a meeting.
- Keep track of progress.
- Inform absent members.
- Provide a useful guide for evaluating a committee’s work.
- Minutes should be as brief as possible, yet maintain their accuracy.

Basic set of minutes should include:

1. Name of the Committee.
2. When (date and time) and where the committee met.
3. Who was present/absent.
4. Adoption of last meeting’s minutes.
5. Matters discussed and any decisions made:
  - Record motions, the mover (who) made the motion, who seconded it, and whether it was carried or defeated, and any members who wished to be recorded as opposed to the motion.
  - General discussion (briefly).

After the Committee minutes are approved by the Committee, the minutes are submitted to the appropriate Standing Committee for receipt. The approved minutes are to be submitted to the respective Legislative Coordinator to the Standing Committee that the Committee reports to, as soon as possible.

*A sample template for the minutes is attached as Appendix “B”, for your reference.*

## Report Preparation

If the Committee puts forward a recommendation that requires the approval of the Standing Committee, then a Citizen Committee Report is prepared for the Standing Committee's consideration, at the same time the approved minutes where the recommendation resides, are being considered by the respective Standing Committee. The respective Legislative Coordinator and the Staff Liaison to the Committee can assist in the preparation of the Report.

*A sample template for the Committee report is attached as Appendix "C", for your reference.*

## Common Procedural Questions

### 1. How can a meeting start without a quorum?

A quorum is the minimum number of eligible voters that must be present at a meeting to conduct business. This number is half of the membership rounded up to the nearest whole number.

**If no quorum is present, after 30 minutes from the commencement time of the meeting, the Committee Secretary shall record the names of the Committee members present in the minutes of the meeting, and:**

- The Chair may dismiss the group, or
- The Committee may agree to proceed informally with the agenda, awaiting ratification of any decisions at a future meeting, or
- The Committee may discuss any items of interest, but make no decisions.

### 2. What is the procedure if quorum is lost during a meeting?

If quorum is lost during an IN-PERSON / VIRTUAL / HYBRID Committee meeting, then:

- the Committee Secretary shall advise the Chair that quorum is lost;
- the meeting will be recessed for up to 15 minutes to allow members to return;
- Following the 15 minute recess, if quorum is not regained, the decision to continue the meeting will rest with the Chair.
- During the absence of quorum, no decisions may be approved.

### 3. What is the procedure if the live stream of a VIRTUAL meeting is interrupted?

If anyone, attending a VIRTUAL meeting, is alerted of an interruption of the meetings live stream, then:

- Upon being apprised that a meeting's live stream is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.
- If the live stream of the meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned with the names of the Committee members present and any decisions of Committee up to the point in time of the interruption being recorded in the minutes of the meeting. The Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.

**4. What is the procedure if the live stream of a IN-PERSON / HYBRID meeting is interrupted?**

If anyone, attending an IN-PERSON / HYBRID meeting, is alerted of an interruption of the meetings live stream, then:

- Upon being apprised that an IN-PERSON / HYBRID meeting's live stream is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will continue as long as quorum is maintained with the connection being resumed as soon as possible.

**5. After considerable debate, we still are not ready to vote on the motion. What can we do?**

- A Motion to defer the matter until the next meeting may be in order, so that more information can be gathered.
- A Motion to defer temporarily allows a motion to be set aside until later in the meeting, allowing more urgent business to be dealt with, permitting amendments to be drafted, or allowing time for implications of the motion to be checked.
- The Motion may be withdrawn at the request of its mover, at any time before decision or amendment.

**6. Closing debate on a Motion.**

Someone "calling the question" from the floor indicates that they want the motion put to a vote, which needs to be seconded and cannot interrupt the list of first time speakers. Only if the Chair feels that the motion has had reasonable debate and most members are ready to vote, can they call the question (i.e. "All those in favour?", "Opposed?", etc.)

**7. Encouraging an alternative motion.**

Sometimes while one motion is being considered, an alternative motion might be the better one. How can it be presented?

- (a) The movers of the original motion are asked if they will withdraw their motion, with the consent of a majority of the members.
- (b) If the original motion is withdrawn, then the alternative motion can be put forward.
- (c) If the original motion is not withdrawn, then the movers of the alternative motion inform the Committee that their motion will be moved if the original is defeated. They thus urge the members to vote against the original motion.

## The Consensus Method of Decision Making in Groups

The following process can be used throughout the meeting for every issue the group needs to discuss.

### Step 1

Describe the issue before the Committee:

- State the issue clearly and concisely. If it is complex, then write it out.

### Step 2

Gather all information relevant to the issue:

- All pertinent facts and ideas about the issue need to be heard in order to make an informed decision.
- Distinguish between facts and opinions.

A decision can often be made right away. However, action may need to be deferred so that additional information can be gathered.

### Step 3

List all possible solutions or actions:

- Explore alternatives.
- Be creative. Use brainstorming techniques to generate new ideas, from every member.

### Step 4

Choose the best possible solution:

Use a process of elimination; refine and combine parts of your list in Step 3.

### Step 5

Make a decision:

- Formulate a statement of general agreement or consensus, or
- Develop a motion and vote on it.
- Then, record the results in the minutes.

## Roles and Responsibilities of Committee Members

Members of the Committee are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Committee(s) to which they are making application to.

Members of the Committee:

- (i) are required to attend and participate fully in the meetings;
- (ii) Citizen Committee members who intend on participating at a meeting virtually will be required to advise the Staff Liaison at least 2 days prior to the meeting.
- (iii) who miss more than three meetings during their term without Committee approval, may be subject to replacement on the Committee and may not be eligible for re-appointment; and
- (iv) upon appointment, are required to sign a Committee Member Acknowledgement Form (attached hereto as Appendix “E”), provided by the City Clerk’s Office, prior to attending the first meeting of the Committee to which they are appointed. Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen’s appointment.

Members of the Committee are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50>.

Members of the Committee are to comply with the Hamilton Advisory Committee/Task Force Code of Conduct (attached hereto as Appendix “G”).

### Role of the Chair

As the Chair of a meeting, you have several important roles: knowing the group, helping members get started, planning ahead, preparing for meetings, and presiding at meetings.

*Helpful tips:*

*Know your group* – find out what your members’ skills are and what they can do. Make sure all members understand their roles and responsibilities;

*Help Members get started* – involve and motivate your group members. Be sure your members understand their purpose, responsibilities, timelines and budgetary constraints;

*Prepare for meetings* – plan your agenda. Check on all pre-meeting arrangements; and,

*Preside at meetings* – establish your guidelines or rules of order. Follow your agenda; involve the members; manage the discussion.

### Role of the Committee Secretary

- Providing relevant information, ideas and opinions as a participant in the meeting;
- Record without note or comment all resolutions, decisions and other proceedings at the meeting (as per the *Municipal Act*, 2001).
- Keeping an accurate set of minutes of each meeting;

- Keeping an up-to-date membership/contact list;
- Distributing minutes to members and notifying them of upcoming meetings;
- Keeping a list of all advisory committees and members;
- Helping the Chair with preparing the agenda, advice on meeting procedure, reference materials and information retrieved from the records; and,
- Making meeting and physical set-up arrangements (*Note: room bookings with City Facilities will be co-ordinated through the Committee's Staff Liaison.*)

### **Role of the Staff Liaison**

- Coordinate; develop and deliver the Orientation Session for the Committee;
- Liaise with the Committee providing technical advice from the host department for the preparation of reports; correspondence, etc.;
- Submission of the Committee's reports, correspondence, etc. to the Director of the host department prior to finalization for review;
- Liaise with all City staff for advice and information required by the Committee, including procedural advice from Legislative Coordinator in the Office of the City Clerk;
- Arrange for printing of agendas, minutes, reference material and distribution required by the Committee;
- Host all IN-PERSON / VIRTUAL / HYBRID Citizen Advisory Committee meetings will be scheduled using the City approved virtual meeting software.
- Arrange for the booking of the meeting room;
- Coordinate the annual review of the Committee's Terms of Reference and Mandate;
- Coordinate the preparation of the Roles, Responsibilities and Expectations of New Members prior to the end of the Committee's term;
- Arrange for parking passes, if required; and,
- Forward completed Committee Member Resignation Forms to the Legislative Coordinator for inclusion in the appropriate Standing Committee agenda.

### **Use of Working Groups or Task Forces**

Committees can create and hold IN-PERSON / VIRTUAL / HYBRID working group or task force meetings to assist in the research or review of a given item and it reports its findings back to the Committee when attending in-person is not possible. A working group is normally comprised of Committee Members, however, when required, volunteers may be called upon for their expertise to assist a working group by providing required information.

Working groups and task forces operate by consensus and formal motions are not required. City staff and/or resources may not be available to working groups/task forces and consequently, the preparation of agendas, minutes and meeting requirements shall be the responsibility of the working group, if required. Support staff shall not be required to attend working group meetings.

The number of Members participating in a working group or task force should be less than a quorum number of the Citizen Advisory Committee membership.

Working Group/Task Force meetings will not be live streamed. Working Group Members will determine their meeting method.

## **Members Communicating with Any Outside Agencies, Including Other Levels of Government and the Media**

Please note that members of a Committee cannot correspond or speak to any Ministries, any outside agencies, or the media without Council's prior approval, as per Standard Operating Procedure #08-001 – Communicating with any outside agencies, including other Levels of Government and the media attached as Appendix "D" and the Code of Conduct attached as Appendix "G".

## **Use of Secondary Logos for Advisory Committees**

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 are required 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 approved City Logo (triple H symbol, with the word mark Hamilton, with an underscoring line), as per the *Identity Standards Guide*, must be of appropriate size relative to the intended purpose and included in a sufficiently prominent location on the promotional/ educational materials.
- (iii) Design costs are to be funded by the Committee.

## **Committee Member Resignation**

While the City of Hamilton hopes that, upon applying for and being appointed as a member of a Committee, you are able to fulfil your commitment, we do realize that on occasion a person's circumstances may change.

Therefore, if for any reason you are unable to continue to participate as an active member of the Committee(s) you have been appointed to, it is very important that you resign formally in writing by providing a completed and signed copy of the Committee Member Resignation Form (attached as Appendix "F") to the appropriate Legislative Coordinator, in the City Clerk's office, stating which Committee(s) you are resigning from and general reasons why (the inclusion of private/personal information is not required). This will allow the Committee to adjust its membership accordingly in order to remain effective in achieving the goals of its mandate. Your completed Committee Member Resignation Form will be included in the appropriate Standing Committee agenda to be received by Council.



**What to do if further consultation on procedural advice is required?**

Depending upon which Standing Committee, the Committee reports through, please contact the one of following Clerk's Division staff:

**Lisa Kelsey**

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

**Angela McRae**

Legislative Coordinator  
Audit, Finance & Administration  
Committee  
Phone: (905) 546-2424 ext. 5987  
Fax : (905) 546-2095  
E-mail: [angela.mcrae@hamilton.ca](mailto:angela.mcrae@hamilton.ca)

**Loren Kolar**

Legislative Coordinator  
Board of Health  
905 546 2424 ext. 2604  
905 546-2095 (fax)  
E-mail: [loren.kolar@hamilton.ca](mailto:loren.kolar@hamilton.ca)

**Stephanie Paparella**

Legislative Coordinator  
General Issues Committee  
Phone: (905) 546-2424 ext. 3993  
Fax : (905) 546-2095  
E-mail: [stephanie.paparella@hamilton.ca](mailto:stephanie.paparella@hamilton.ca)

**Alicia Davenport**

Legislative Coordinator  
Public Works Committee  
905 546 2424 ext. 2729  
905 546-2095 (fax)  
E-mail: [alicia.davenport@hamilton.ca](mailto:alicia.davenport@hamilton.ca)

**Tamara Bates**

Legislative Coordinator  
Emergency and Community Services  
Committee  
Phone: (905) 546-2424 ext. 4102  
Fax : (905) 546-2095  
E-mail: [tamara.bates@hamilton.ca](mailto:tamara.bates@hamilton.ca)



# Hamilton

**A G E N D A**  
**ABC ADVISORY COMMITTEE**  
**Monday, January 1, 2021**  
**2:00 p.m.**  
**Room 123, 1<sup>st</sup> Floor**  
**City Hall**  
**71 Main Street West, Hamilton**

*\*Added Items*

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- 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. The Chair or Vice Chair of an Advisory Committee may serve for more than one year in a Council term.)*
- 1. Ceremonial Activities**
- 1.1 Award for Outstanding Service to the Community
- 2. Approval of Agenda**
- 3. Declarations of Interest**
- 4. Approval of Minutes of Previous Meeting**
- 4.1 ABC Advisory Committee Meeting Minutes, dated December 25, 2020
- 5. Communications**
- 5.1 Correspondence from DEF Company respecting the ABC Advisory Committee.
- Recommendation: Be received.
- 6. Delegation Requests**
- 6.1 Jane Doe, *(organization, if applicable)* respecting *(insert subject matter)*, *(insert whether it is for this meeting or a future meeting here, i.e. for today's meeting or for a future meeting or (date) meeting)*

**7. Consent Items**

7.1 Research Report

\*7.2 Working Group Minutes

**8. Presentations**

8.1 ABC Advisory Committee Terms of Reference Review

**9. Delegations**

**10. Discussion Items**

10.1 ABC Advisory Committee Strategic Plan

**11. Motions**

11.1 ABC Advisory Committee Change to the Location of Meetings

**12. Notice of Motions**

\*12.1 ABC Advisory Committee Meeting Schedule

**13. General Information/Other Business**

**14. Private and Confidential**

**15. Adjournment**



# Hamilton

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

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**Present:** (insert name), Chair; (insert name), Vice-Chair; (insert name),  
*(Committee members only)* Committee Secretary; (insert names of the remaining members)

**Absent with  
Regrets:** *(insert names of absent Committee members only)*

**Also Present:** *(insert staff names with titles)*

## **1. CEREMONIAL ACTIVITIES**

### **(i) Award for Outstanding Service to the Community (Item 1.1)**

The Mayor presented the Committee Member with an award for outstanding service to the community.

## **2. CHANGES TO THE AGENDA**

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

### **7. CONSENT ITEMS**

7.2 Working Group Minutes

### **12. NOTICES OF MOTION**

12.1 ABC Advisory Committee Meeting Schedule

#### **(Mover/Second)**

That the agenda for the January 1, 2021 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**

**3. DECLARATIONS OF INTEREST**

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

**4. APPROVAL OF MINUTES OF PREVIOUS MEETING****(i) December 25, 2020 (Item 4.1)****(Mover/Second)**

That the Minutes of the December 25, 2020 meeting of ABC Committee be approved, as presented.

**CARRIED****5. COMMUNICATIONS****(Mover/Second)**

That Communications 5.1 be approved, as follows:

- 5.1 Correspondence from DEF Company respecting the ABC Advisory Committee.

Recommendation: Be received.

**CARRIED****6. DELEGATION REQUESTS****(i) Jane Doe respecting the Committee's Terms of Reference (for a future meeting) (Item 6.1)****(Mover/Second)**

That the delegation request from Jane Doe respecting the Committee's Terms of Reference, be approved for a future meeting.

**CARRIED****7. CONSENT ITEMS****(i) Research Report (Item 7.1)****(Mover/Second)**

That the Research Report, be received.

**CARRIED****(ii) Working Group Minutes (Item 7.2)****(Mover/Second)**

That the Working Group Minutes, be received.

**CARRIED**

**8. PRESENTATIONS****(i) ABC Advisory Committee Terms of Reference Review (Item 8.1)**

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

**(Mover/Second)**

- (a) That the presentation respecting ABC Advisory Committee Terms of Reference Review, be received; and
- (b) That the ABC Advisory Committee Terms of Reference Review, be amended to *(insert recommendation approved by the Committee)*

**CARRIED****9. DELEGATIONS**

There were no delegations.

**10. DISCUSSION ITEMS****(i) ABC Advisory Committee Strategic Plan (Item 10.1)****(Mover/Second)**

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

**CARRIED****11. MOTIONS****(i) ABC Advisory Committee Change to the Location of Meetings (Item 11.1)****(Mover/Second)**

That the ABC Advisory Committee Change to the Location of Meetings, be approved. *(or insert recommendation approved by the Committee)*

**CARRIED****(ii) ABC Advisory Committee Meeting Schedule (Item 11.2)****(Mover/Second)**

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

**CARRIED****12. NOTICE OF MOTIONS****(i) ABC Advisory Committee Meeting Schedule (Added Item 12.1)**

*(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 with a 2/3's majority vote, 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 by a 2/3's Majority**

For further disposition of this matter, refer to Item 11(ii).

**13. GENERAL INFORMATION/OTHER BUSINESS**

There were no general information/other business items discussed at the meeting.

**14. PRIVATE AND CONFIDENTIAL**

There were no private and confidential matters discussed at the meeting.

**15. 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 Committee Secretary.*

\_\_\_\_\_  
*(name), Chair*  
*ABC Advisory Committee*

\_\_\_\_\_  
*(name), Committee Secretary*



Hamilton

## CITIZEN COMMITTEE REPORT

<b>To:</b>	Audit, Finance and Administration Committee
<b>From:</b>	ABC Committee  <hr/> Marlene Dei-Amoah, Chair
<b>Date:</b>	May 27, 2021
<b>Re:</b>	Subject Matter

### 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.



**Appendix “D”**

<b>STANDARD OPERATING PROCEDURE</b>	<b>08-001</b>
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<b>Subject:</b>	<b>Communicating with any outside agencies, including other Levels of Government and the media</b>
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- a) City of Hamilton Committees 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 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 Committee.
  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 Committee, 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 Committee.
  5. Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.



Hamilton

**COMMITTEE MEMBER 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 am absent from more than three meetings, I may be subject to replacement on the Committee and not be eligible for re-appointment.
- 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 Committee 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 City of Hamilton Advisory Committee Procedural Handbook

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)



Hamilton

**COMMITTEE 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 know longer have the time to effectively participate on the Committee.
- Personal reasons.
- Other (please explain briefly):

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Additional Comments (optional)

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT**

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

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

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

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

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

### **1. GOOD CONDUCT**

Appointees shall act with honesty and integrity including:

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

### **2. MEETINGS**

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

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

### **3. COLLEGIALITY**

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

**4. GIFTS OR BENEFITS**

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

**5. CONFIDENTIAL INFORMATION**

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

**6. COMMUNICATION**

Appointees should accurately communicate a recommendation or direction.

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

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



## **Advisory Committee for Persons with Disabilities:**

Reviewed at their meeting on December 14, 2022:

Staff was asked to consider adding a section to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (2023) clarifying, specifically, the role of and processes followed by the Advisory Committee for Persons with Disabilities as a Sub-Committee of Council within the context of the procedures that must be followed by Advisory Committees.

## **Women and Gender Equity Committee:**

Reviewed at their meeting on January 26, 2023 and submitted their comments through a Citizen Committee Report to Audit, Finance and Administration Committee on February 2, 2023:

The Hamilton Women and Gender Equity Committee recommends that Council, with the support of staff, consider the following items of feedback respecting the Procedural Handbook, and ensure that commitments listed by the city and staff are upheld.

The document's table of contents and references to by-laws and other pieces of legislation should include hyperlinks for ease of access in electronic format. Additionally, the document should be available in a plain language format, recognizing that the format and legalese creates a barrier to engagement and ensuring all committee members understand their roles and commitments.

The following items of feedback were identified by members of the Hamilton Women and Gender Equity Committee through working group sessions:

- Page 10: regarding the appointment and recruitment process, there should be a commitment by the City of Hamilton to provide recruitment information to community partners and organizations, with particular focus on encouraging members of marginalized communities to apply, in line with a focus on equity, diversity, and inclusion in the recruitment process.
- Page 12: regarding member training, it is imperative that the City Clerk ensure existing and new members of the committee receive training, as new members to this committee beginning early 2022 did not receive most of the listed training, or materials related to it. In the sharing of training information and reference documents, it should be readily available and easily accessible for both committee members and the general public to access, including having such information available on the City of Hamilton website along with up-to-date committee information. The City Clerk should have a commitment and procedure to monitor their fulfilment of training and reference documents provided. Committee members feel that training and orientation has been minimal and insufficient, causing confusion and limiting engagement and the development of action items in formal meetings. Providing additional training in procedure, meeting format, and how to prepare documents such as Citizen Committee Reports or Meeting Minutes would

## Appendix 'C' to Report FCS23034

be helpful to effective operation and success.

- Page 14: regarding council representatives on advisory committees, there should be a commitment of attendance, or otherwise a process to allow committees to request another council representative if attendance becomes a challenge. The Women and Gender Equity Advisory Committee has only had a council representative attend one meeting since the beginning of its current term.
- Page 21: regarding consultation on staff reports, this is a practice that has not taken place during this term of the committee. Staff should be committed to utilizing advisory committees for feedback on reports on a frequent and consistent basis, and members of council should be encouraged to directly request staff consult with advisory committees to ensure this takes place. In the absence of this practice, citizen advisory committees often lack notice and necessary time to review documents and generate reports and feedback before items are reviewed by members of council. Again, there should be a commitment by staff to regularly and consistently consult with advisory committees, and a procedure to ensure the commitment is maintained.
- Page 23: regarding calls to vote, there is no mention of an option to abstain from votes and how they would be recorded. If there is no abstention option for members, it should be clearly stated along with reasoning in this handbook.
- Page 33, regarding public notice of citizen member vacancies, these again should be shared with community organizations with a focus on equity, diversity, and inclusion.

### **Keep Hamilton Clean and Green Committee:**

Reviewed at their meeting on January 17, 2023:

Received without comment

### **Arts Advisory Commission:**

Have not met to review

### **Committee Against Racism:**

Have not met to review

### **Food Advisory Committee:**

Have not met to review

### **Hamilton Cycling Committee:**

Reviewed at their meeting on February 2, 2023:



Received without comment

### **Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (LGBTQ):**

Reviewed at their meeting on November 22, 2022:

Review of the 2023 Procedural Handbook for Citizen Appointees (Item 10.2) The Committee discussed the 2023 Procedural Handbook for Citizen Appointees. Committee members were advised to send any comments directly to the Clerk's Office.

The Clerk's Office did not receive any comments.

### **Senior Advisory Committee:**

Reviewed at their meeting on December 2, 2022:

The members of the Senior Advisory Committee were asked to review the 2023 Procedural Handbook and send any feedback to L. Maychak by January 31, 2023, who will forward any comments received to Clerks.

L. Maychak confirmed that no comments were received.

### **Hamilton Indigenous Advisory Committee**

Received without comment

### **Hamilton Veterans Committee**

The Chair was tasked with submitting comments on behalf of the Committee, the following comments were submitted to Clerks:

- 1) Appointment and Recruitment Process (Page 10)

When is this going to happen? This is confusing – so we all must re-apply? When? Another application to be submitted? Another interview?

- 2) Election of Chair and Vice-Chair (Page 14)

This section should set a total term limit for the Chair and Vice-Chair. It does say that you can serve for more than one year within a Council (4 yr) term so how many years consecutive? Non-consecutive?

### **Housing and Homelessness Advisory Committee**

Reviewed at their meeting on December 5, 2022:

Appendix 'C' to Report FCS23034

Overall discussion about ways to engage the broader public about housing conversations

Challenge in doing this with the formalized structure of advisory committees

Working groups to be utilized in the future to help with this.

### **Advisory Committee for Immigrants and Refugees**

Reviewed at their meeting on February 9, 2023:

Received without comment

### **Mundialization Committee**

Have not met to review

### **Climate Change Advisory Committee**

Have not met to review

**10.2****CITY OF HAMILTON**

Corporate Services  
Office of the City Clerk

<b>TO:</b>	Chair and Members of the Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	March 27, 2023
<b>SUBJECT/REPORT NO:</b>	2024 and 2025 Committee / Council Meeting Calendars (FCS23048)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon Manager, Legislative Services/Deputy Clerk Ext. 4304
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk Office of the City Clerk
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the 2024 Committee / Council Meeting Calendar, attached hereto as Appendix 'A', be approved; and
- (b) That the 2025 Committee / Council Meeting Calendar, attached hereto as Appendix 'B', be approved.

**EXECUTIVE SUMMARY**

This report provides Council with the 2024 and 2025 Committee / Council Meeting Calendars with a number of regular meeting dates for Standing Committee meetings being adjusted due to statutory holidays and school holidays, along with some of the Planning Committee meetings being moved to the Monday of the week following a holiday Monday, in order to provide the public with sufficient time to submit their comments and submit delegation requests for matters appearing on the Planning Committee agenda, as follows:

**February 2024**

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

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

**SUBJECT: 2024 and 2025 Committee / Council Meeting Calendars (FCS23048)  
(City Wide)****Page 2 of 3**

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Due to the Family Day holiday on Monday, February 19<sup>th</sup>, the Planning Committee meeting has been moved to Friday, February 23<sup>rd</sup> and the Board of Health and Public Works Committee meetings have been moved to Tuesday, February 20<sup>th</sup>.

**April 2024**

Due to the Easter Monday holiday on Monday, April 1<sup>st</sup>, the Planning Committee meeting has been moved to Friday, April 5<sup>th</sup> and the Board of Health and Public Works Committee meetings to Tuesday, April 2<sup>nd</sup>.

**September 2024**

Due to the Labour Day holiday on Monday, September 2<sup>nd</sup>, the Planning Committee meeting has been moved to Friday, September 6<sup>th</sup> and the Board of Health and Public Works Committee meetings to Tuesday, September 3<sup>rd</sup>.

**October 2024**

Due to the Thanksgiving holiday on Monday, October 14<sup>th</sup>, the Planning Committee meeting has been moved to Friday, October 18<sup>th</sup> and the Board of Health and Public Works Committee meetings to Tuesday, October 15<sup>th</sup>.

**February 2025**

Due to the Family Day holiday on Monday, February 17<sup>th</sup>, the Planning Committee meeting has been moved to Friday, February 21<sup>st</sup> and the Board of Health and Public Works Committee meetings have been moved to Tuesday, February 18<sup>th</sup>.

**September 2025**

Due to the Labour Day holiday on Monday, September 1<sup>st</sup>, the Planning Committee meeting has been moved to Friday, September 5<sup>th</sup> and the Board of Health and Public Works Committee meetings to Tuesday, September 2<sup>nd</sup>.

**October 2025**

Due to the Thanksgiving holiday on Monday, October 13<sup>th</sup>, the Planning Committee meeting has been moved to Friday, October 17<sup>th</sup> and the Board of Health and Public Works Committee meetings to Tuesday, October 14<sup>th</sup>.

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

Financial: None.

Staffing: None.

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**SUBJECT: 2024 and 2025 Committee / Council Meeting Calendars (FCS23048)  
(City Wide)****Page 3 of 3**

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Legal: None.

**HISTORICAL BACKGROUND (Chronology of events)**

Council approves the meeting calendars for future years in order to populate Councillor's and Staff's calendars well in advance.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

None.

**RELEVANT CONSULTATION**

Clerk's Legislative staff

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

Staff are recommending the approval of the 2024 and 2025 Committee / Council Meeting Calendars to provide Council and staff with sufficient notice of when future meetings have been scheduled.

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

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

**Culture and Diversity**

*Hamilton* is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix A - 2024 Committee / Council Meeting Calendar

Appendix B - 2025 Committee / Council Meeting Calendar

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*OUR Vision: To be the best place to raise a child and age successfully.*

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January 2024

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

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

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

## February 2024

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

GIC = General Issues Committee

AF&amp;A = Audit, Finance &amp; Administration

PW = Public Works Committee

E&amp;CS = Emergency &amp; Community Services

Planning = Planning Committee

BOH = Board of Health

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



**Appendix 'A' to Report FCS23048**  
**Page 3 of 14**

**March 2024**

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

GIC = General Issues Committee

AF&amp;A = Audit, Finance &amp; Administration

PW = Public Works Committee

E&amp;CS = Emergency &amp; Community Services

Planning = Planning Committee

BOH = Board of Health

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

April 2024

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

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

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

## May 2024

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

GIC = General Issues Committee

AF&amp;A = Audit, Finance &amp; Administration

PW = Public Works Committee

E&amp;CS = Emergency &amp; Community Services

Planning = Planning Committee

BOH = Board of Health

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

## Appendix 'A' to Report FCS23048

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June 2024

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

GIC = General Issues Committee

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July 2024

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

GIC = General Issues Committee      AF&A = Audit, Finance & Administration  
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## August 2024

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

GIC = General Issues Committee

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## September 2024

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

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PW = Public Works Committee

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Planning = Planning Committee

BOH = Board of Health

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October 2024

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

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

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E&CS = Emergency & Community Services

Planning = Planning Committee

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November 2024

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

GIC = General Issues Committee      AF&A = Audit, Finance & Administration  
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 Planning = Planning Committee      BOH = Board of Health

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## December 2024

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

GIC = General Issues Committee

AF&amp;A = Audit, Finance &amp; Administration

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## January 2025

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

GIC = General Issues Committee

AF&amp;A = Audit, Finance &amp; Administration

PW = Public Works Committee

E&amp;CS = Emergency &amp; Community Services

Planning = Planning Committee

BOH = Board of Health

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February 2025

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

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

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March 2025

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

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

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E&CS = Emergency & Community Services

Planning = Planning Committee                      BOH = Board of Health

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



April 2025

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

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Appendix 'B' to Report FCS23048

Planning = Planning Committee

BOH = Board of Health

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

**May 2025**

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

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

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E&CS = Emergency & Community Services

Planning = Planning Committee                      BOH = Board of Health

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

## June 2025

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

GIC = General Issues Committee

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July 2025

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

GIC = General Issues Committee

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**Appendix 'B' to Report FCS23048**  
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### August 2025

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

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September 2025

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

GIC = General Issues Committee      AF&A = Audit, Finance & Administration  
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 Planning = Planning Committee      BOH = Board of Health

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October 2025

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

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November 2025

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

GIC = General Issues Committee      AF&A = Audit, Finance & Administration  
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December 2025

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

GIC = General Issues Committee

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## 10.3



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

<b>TO:</b>	Governance Review Sub Committee
<b>COMMITTEE DATE:</b>	March 27, 2023
<b>SUBJECT/REPORT NO:</b>	Amendments to the Procedural By-law 21-021 respecting the Board of Health Standing Committee (FCS23031) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon Ext. 4304
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk Office of the City Clerk
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to reflect the Board of Health Standing Committee's name change to the **Public Health Committee**, as follows:
- (i) the Board of Health Terms of Reference (Appendix 'B' to By-law 21-021, as amended), be **amended**, as follows:
- (a) Title: **Public Health Committee**
- (b) Composition: The **Public Health Committee** shall be comprised of all 16 members of Council
- (c) *Specific duties shall include:*
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the **Public Health Committee**
  - To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the **Public Health Committee**

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*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

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

- (ii) Section 5.1 “Standing Committees” be **amended**, as follows:

**5.1 Standing Committees**

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

- (b) **Public Health Committee**

- (iii) Section 5.2 “Appointment of Committee Chairs and Vice Chairs” be **amended**, as follows:

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

- (2) Despite subsections 5.2(1)(a) and (b):

(a) the Mayor shall stand as Chair for the term of Council for the **Public Health Committee**; and

- (3) The **Public Health Committee** shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the **Public Health Committee**.

- (iv) Section 5.3 “Standing Committee Membership” be **amended**, as follows:

**5.3 Standing Committee Membership**

- (1) General Issues Committee and **Public Health Committee** shall be comprised of all Members of Council.

- (6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the **Public Health Committee** and General Issues Committee.

- (v) Section 5.6 “Standing Committee Meeting Times” be **amended**, as follows:

**5.6 Standing Committee Meeting Times**

- (1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:

- (a) (ii) **Public Health Committee** shall meet at least once per month commencing at 9:30 a.m.;

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**SUBJECT: Amendments to the Procedural By-law 21-021 respecting the Board of Health (FCS23031) (City Wide)**

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**Page 3 of 5**

- (b) That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to confirm applicability of the Procedure By-law when Council operates and functions as the Board of Health for the City of Hamilton, as follows:
- (i) Section 3 “Council Meetings” be **amended** by adding the following new sub-section 3.15 “Board of Health Meetings” and renumbering the remaining sub-sections accordingly:
- 3.15 Board of Health Meetings**
- Where Council is exercising the jurisdiction of a Board of Health under the *Health Protection and Promotion Act, 1990*:
- (a) Council shall meet as necessary to complete such business as would normally be completed by a Board of Health and as required pursuant to the *Health Protection and Promotion Act, 1990* and its Regulations, any Public Health Standards published by the Minister, and any other applicable law including municipal by-laws and policies governing a Board or Health; and
- (b) the Mayor and Clerk are authorized, upon approval by Council operating as a Board of Health, to sign any necessary resolutions.
- (c) That the draft By-law attached as Appendix ‘A’ to Report FCS23031, respecting amendments to By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, be enacted by Council.

**EXECUTIVE SUMMARY**

Changing the name of the Standing Committee currently known as the “Board of Health” and outlining City Council’s function as the Board of Health within the City’s Procedural By-law will bring greater clarity and help differentiate between the mandates of the Standing Committee and the statutory Board of Health.

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

Financial: There are no financial implications.

Staffing: There are no staffing implications.

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

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**SUBJECT: Amendments to the Procedural By-law 21-021 respecting the Board of Health (FCS23031) (City Wide)**

**Page 4 of 5**

**HISTORICAL BACKGROUND (Chronology of events)**

On February 13, 2023, the Board of Health Standing Committee received a presentation from Karima Kanani Partner, Miller Thomson LLP respecting Hamilton Board of Health Governance Education Session, wherein the Board of Health Standing Committee was apprised of various options for the City of Hamilton's Board of Health governance structure.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Pursuant to the *Health Protection and Promotion Act, 1990* (the "HPPA") a board of health includes a single- tier municipality that, under the Act establishing or continuing it, has the powers, rights and duties of a local board of health or a board of health established under the HPPA.

Pursuant to section 11 of the *City of Hamilton Act, 1999*, the City (as represented by City Council) has the powers, rights and duties of a board of health under the HPPA. The Council for the City of Hamilton therefore exercises the jurisdiction of a Board of Health.

While the HPPA outlines requirements relating to the passage of by-laws respecting the calling of proceedings at meetings, the election of the chair and vice chair, and the keeping of minutes, these sections of the HPPA do not apply to single-tier municipalities like the City of Hamilton who exercise the jurisdiction of a board of health established under the HPPA.

As such, and pursuant to its obligation under section 238(2) of the *Municipal Act* to pass a Procedural By-law for governing the calling, place and proceedings of meetings, it is the City's Procedural By-law that governs the meetings of Council when it exercises any of its jurisdiction, including that of a Board of Health and the proposed amendments to the Procedural By-law will bring clarify in that regard.

As the Board of Health Standing Committee is a committee created by Council, Council has the authority to implement a change of name so as to more clearly differentiate between what is currently known as the Board of Health Standing Committee and the Board of Health established under the HPPA. The change of name can be accomplished through the proposed amendments to the City's Procedural By-law.

Pursuant to Schedule 'A' of By-law 07-351, being a By-law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice (the "Public Notice By-law") notice published in a newspaper a minimum of 14 days prior to the Committee meeting is required to advise of a Committee meeting to consider the enactment of a procedure by-law. Staff placed an advertisement in the newspaper on March 10, 2023 to advertise the proposed changes in this report.

**RELEVANT CONSULTATION**

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*OUR Vision: To be the best place to raise a child and age successfully.*

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



**SUBJECT: Amendments to the Procedural By-law 21-021 respecting the Board of Health (FCS23031) (City Wide)**

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**Page 5 of 5**

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

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

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

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

**Community Engagement & Participation**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix 'A' – Draft By-law, Amending By-law 21-021, as Amended (Council Procedural By-law)

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## Appendix 'A' to Report FCS23031

**Authority:** Item #, Audit, Finance and  
Administration Committee Report  
23-005 (Governance Review Sub-  
Committee Report 23-001)  
CM: April 12, 2022  
Ward: City Wide

**Bill No.**

## CITY OF HAMILTON

### BY-LAW NO. 23-

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

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

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

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

1. That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to reflect the Board of Health Standing Committee's name change to the Public Health Committee, as follows:
  - (i) the Board of Health Terms of Reference (Appendix 'B' to By-law 21-021, as amended), be **amended**, as follows:
    - (a) Title: Public Health Committee
    - (b) Composition: The Public Health Committee shall be comprised of all 16 members of Council
    - (c) Specific duties shall include:
      - To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Public Health Committee
      - To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Public Health Committee
  - (ii) Section 5.1 "Standing Committees" be **amended**, as follows:

#### 5.1 Standing Committees

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

- (b) Public Health Committee

- (iii) Section 5.2 “Appointment of Committee Chairs and Vice Chairs” be **amended**, as follows:

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

- (2) Despite subsections 5.2(1)(a) and (b):
- (a) the Mayor shall stand as Chair for the term of Council for the Public Health Committee; and
- (3) The Public Health Committee shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the Public Health Committee.

- (iv) Section 5.3 “Standing Committee Membership” be **amended**, as follows:

### **5.3 Standing Committee Membership**

- (1) General Issues Committee and Public Health Committee shall be comprised of all Members of Council.
- (6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the Public Health Committee and General Issues Committee.

- (v) Section 5.6 “Standing Committee Meeting Times” be **amended**, as follows:

### **5.6 Standing Committee Meeting Times**

- (1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:
- (a) (ii) Public Health Committee shall meet at least once per month commencing at 9:30 a.m.;

2. That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to confirm applicability of the Procedure By-law when Council operates and functions as the Board of Health for the City of Hamilton, as follows:

- (i) Section 3 “Council Meetings” be **amended** by adding the following new sub-section 3.15 “Board of Health Meetings” and renumbering the remaining sub-sections accordingly:

### **3.15 Board of Health Meetings**

Where Council is exercising the jurisdiction of a Board of Health under the *Health Protection and Promotion Act, 1990*:

- (a) Council shall meet as necessary to complete such business as would normally be completed by a Board of Health and as required pursuant to the *Health Protection and Promotion Act, 1990* and its Regulations, any Public Health Standards published by the Minister, and any other applicable law including municipal by-laws and policies governing a Board or Health; and
  - (b) the Mayor and Clerk are authorized, upon approval by Council operating as a Board of Health, to sign any necessary resolutions.
- 3. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
  - 4. This By-law come into force on the day it is passed.

**PASSED** this 12th day of April, 2023.

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A. Horwath  
Mayor



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A. Holland  
City Clerk





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

<b>TO:</b>	Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	March 27, 2023
<b>SUBJECT/REPORT NO:</b>	Fixing Long-Term Care Act – Governance Requirements (FCS23033 / HSC23025)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Andrea Holland (905) 546-2424 ext. 5409 Holly Odoardi (905) 546-2424 ext.
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk, Corporate Services Department
<b>SIGNATURE:</b>	 Holly Odoardi Senior Administrator Lodges, Healthy and Safe Communities 

**RECOMMENDATION(S)**

- (a) That in accordance with the requirements of the *Fixing Long-Term Care Act, 2021* and Ontario Regulation 246/22 (as amended) which requires the municipality to establish a committee of management, and the corresponding qualifications for same, from among members of council for its Long Term Care Homes, that the Emergency and Community Services Committee comprised of members of Council who have completed the required screening measures as mandated in the legislation shall be the Committee of Management for the City of Hamilton's Long Term Care Homes; and
- (b) That the draft By-law attached as Appendix "A" to Report (FCS23033 / HSC23025) respecting amendments to By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council, to establish a Long-Term Care Homes Committee of Management for the City of Hamilton be enacted by Council.

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**SUBJECT: Fixing Long-Term Care Act – Governance Requirements (FCS23033 / HSC23025) – Page 2 of 5**

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## **EXECUTIVE SUMMARY**

On April 11, 2022, the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c.39, Sched. 1 was proclaimed (the Act) enacting various requirements for long term care facilities including governance committees and the screening of the members on governance committees. As part of staff's review of the requirements, the need to formally establish a Committee of Management was identified to oversee the management of the City's Long-Term Care Homes (LTC Homes). Specifically, the Act states that the council of a municipality shall appoint from among its members, a Committee of Management with no fewer than three members and that the members on the Committee of Management are required to undergo a police records check and provide a signed declaration indicating any charges, orders, convictions, professional misconduct, commencement of proceedings or any finding of guilt, as set out in Ontario Regulation 246/22.

Currently, the Senior Administrator for the Lodges reports to the Emergency and Community Services Committee ("ECS Committee") with regards to the operation of the LTC Homes. In order to maintain regular business and reporting operations, and to comply with the requirements of the Act and its Regulations, it is recommended by staff that the ECS Committee shall be the Committee of Management. This change would require that all members of Council appointed to sit on the ECS Committee would be required to submit a police record check and provide a signed declaration as indicated above.

The role of the Committee of Management is to provide governance oversight of the management of the LTC Homes, namely, ensuring that the LTC Homes:

- Are in compliance with applicable legislation;
- Meet the requirements of the funding from the Ministry of Long-Term Care;
- Maintain appropriate service standards for the residents; and
- Provide oversight of finance, audits and general operations.

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: The Committee of Management is required to meet legislative requirements under the *Fixing Long-Term Care Act, 2021* and Ontario Regulation 246/22 (as amended).

## **HISTORICAL BACKGROUND**

The Act came into force on April 11, 2022 and is meant to bring greater attention to quality and accountability in the long-term care sector given the issues experienced as a result of COVID.

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**SUBJECT: Fixing Long-Term Care Act – Governance Requirements (FCS23033 / HSC23025) – Page 3 of 5**

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The City of Hamilton operates two long-term care homes – Macassa and Wentworth Lodges, both of which are well positioned to implement the requirements of the Act, given their focus on high quality care, accountability to residents and their families and operational transparency. Historically, the City’s “ECS Committee”, and its predecessor committees, have been acting as a “committee of management” since the ECS Committee’s mandate includes reporting and making recommendations to Council on matters relating to the LTC Homes. The Act requires the formalization of a Committee of Management and compliance with the screening requirements for the members of the Committee of Management. As a result, staff are recommending that the ECS Committee be the Committee of Management and therefore that all members of the ECS Committee would be required to complete the required screening measures and provide the necessary documentation (the “Screening Measures”). As the documentation of a Committee of Management member needs to be readily available at each home to which the member’s responsibilities apply, staff are going to follow the same policies and procedures regarding security and privacy that are applicable to City staff members who also need to provide the same documentation for compliance requirements – all of which will be in accordance with the Act and the *Municipal Freedom of Information and Protection of Privacy Act*.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Act requires that the Council of a municipality establishing and maintaining a municipal home must appoint a Committee of Management to oversee the management of the home.

Specifically, the Act states that:

135 (1) The council of a municipality establishing and maintaining a municipal home or the councils of the municipalities establishing and maintaining a joint home shall appoint from among the members of the council or councils, as the case may be, a committee of management for the municipal home or joint home.

Further to the Act, Ontario Regulation 246/22 states that:

330. (1) A committee of management appointed under section 135 of the Act shall,  
 (a) in the case of a municipal home, be composed of not fewer than three members; and  
 (b) in the case of a joint home, be composed of not fewer than two members of the council of each of the municipalities maintaining and operating the joint home.

Section 256 (1) states that “every licensee of a long-term care home shall ensure that screening measures are conducted before permitting any person to be a member of the licensee’s board of directors, its board of management or committee of management or other governing structure.”

The screening measures include police record checks and declarations.

**SUBJECT: Fixing Long-Term Care Act – Governance Requirements (FCS23033 / HSC23025) – Page 4 of 5**

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With regards to police record checks, section 256 (4) provides that “the person must provide a police record check in accordance with this section that was conducted no earlier than six months prior to the date their term of office begins and no later than one month after their term of office begins”.

In addition to police records checks, the member of the committee of management must also provide a signed declaration disclosing the following:

Section 253 (1):

1. All the following that occurred with respect to the person:
  - i. every charge for an offence prescribed under [subsection 255 \(1\)](#) with which the person has been charged,
  - ii. every order of a judge or justice of the peace made against the person in respect of an offence prescribed under [subsection 255 \(1\)](#), including a peace bond, probation order, prohibition order or warrant to arrest, and
  - iii. every conviction for an offence prescribed under [subsection 255 \(1\)](#) or any other outcome of a charge for such an offence.
  
2. All the following that occurred with respect to the person:
  - i. every commencement of a proceeding that could lead to a finding of guilt of an act of misconduct prescribed under [subsection 255 \(2\)](#), and
  - ii. every finding of guilt of an act of misconduct prescribed under [subsection 255 \(2\)](#).

The obligation to provide signed declarations is on-going. Section 253 (2) states that “declarations under subsection (1) apply with respect to any charge, order, conviction or other outcome, commencement of a proceeding or finding of guilt that the person became aware of since this section came into force and shall be provided promptly after the person became aware.”

Additional declaration forms are available from the Senior Administrator for the Lodges for any member of the Committee of Management whose situation may change after submitting the initial declaration and criminal record check.

## RELEVANT CONSULTATION

Staff consulted with other municipal long-term care home operators in Ontario and found a mix of those with a Committee of Management in place and those working to establish one. Municipalities varied on the number of Councillors serving on the Committee of Management.

- Region of Peel- all members of Regional Council were appointed to serve as the Committee of Management.

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**SUBJECT: Fixing Long-Term Care Act – Governance Requirements (FCS23033 / HSC23025) – Page 5 of 5**

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- Region of Durham -those members of Regional Council who completed the screening requirements under the Act were on the Committee of Management.
- Ottawa- the members of the Community Services Committee comprise the Committee of Management.
- Windsor- three councillors are appointed to the Committee of Management.
- Oxford County- all County Council members are on the Committee of Management.

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

A Committee of Management is required by the Act as are the Screening Measures as set out in the Regulations to the Act.

Training opportunities are available (at a cost) for Council and staff, designed specifically for long-term care Committee of Management members that provides insight into the current Long-Term Care environment and an understanding of the provincial government's expectations for the sector. Staff will bring opportunities forward to the Committee of Management Committee as they arise.

**Liability Covered by Insurance**

With the Act, the duties of the Committee of Management become mandatory, such that they can attract civil liability for an individual director. The Act also makes it an offence not to meet the required standard of care or to fail to ensure that legal obligations under the Act and its regulation are met.

Applying this standard to individual Councillors exposes them to an added level of potential personal liability that exceeds that under the *Municipal Act, 2001*, which provides Councillors with a defence based upon good faith.

A review of existing insurance coverage for City Council was completed by Risk Management. This review determined that Councillors are protected in their capacity as members on a Committee of Management for City Long-Term Care Homes.

**ALTERNATIVES FOR CONSIDERATION**

Similar to other jurisdictions, the City of Hamilton could designate all members of Council as the Committee of Management, however, this recommendation does not give Councillors the same level of flexibility to choose whether they want to be on the Committee of Management.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Draft Amending By-law



**Authority:** Item ,  
Report  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**A By-law to amend the Procedural By-law 21-021, to Establish a Long-Term Care Homes Committee of Management for the City of Hamilton**

**WHEREAS** the City of Hamilton currently operates two long-term care homes and Provincial legislation requires that a municipality operating one of more long-term care homes must have a Committee of Management comprised of elected members of City Council;

**AND WHEREAS** the *Fixing Long-Term Care Act, 2021* and its associated regulation, O. Reg. 246/22 introduced new mandatory screening measures that members of a Long-Term Care Committee of Management must successfully complete to become a member;

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

1. That By-law 21-021 be amended by amending Appendix "E" by repealing and replacing the paragraph under "Composition" with the following:

The Emergency & Community Service Committee shall also be the Committee of Management for Long-Term Care Homes and shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio, who have met the eligibility criteria under the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1, as amended or replaced.

2. That By-law 21-021 be amended by adding the following at the bottom of Appendix "E" under "*Specific duties shall include*":
  - the governance and the management of the City's Long-Term Care Homes as the Committee of Management for Long Term Care Homes
3. That By-law 21-021 be amended by repealing and replacing the fifth bullet under *General*, to read as follows:
  - Long-Term Care Homes: Macassa Lodge and Wentworth Lodge
4. That in all other respects, By-law 21-021 is confirmed; and
5. The provisions of this By-law shall become effective on the date approved by City Council.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
A. Horwath  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk

**Can City Employees Bid on City Contracts?**

**A Comparison of Procurement/Purchasing Policies or By-laws From Various Medium-Large Ontario Municipalities or Regions**

**Governance Sub Committee Motion:** *That staff be directed to review the City's policies around City employees who are also business owners bidding on City Contracts and report back to the Governance Review Sub-Committee in the new term of Council.*

Summary:

Aside from the City of Hamilton:

- 5 cities/regions **do permit** City employees to bid on City contracts **under certain conditions** (e.g., a disclosure form must be submitted, the City employee cannot be involved in the procurement process, approval is needed by Council, Legal Service, Procurement, Department Head, etc.).
- 8 cities/regions **do not permit** City employees to bid on City contracts **unless certain conditions are met** (e.g., submission of disclosure form, approval by CAO, Council, Legal Services, or Procurement Division).
- 5 cities/regions **do not permit** City employees to bid on City contracts.

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
HAMILTON	<p>NO</p> <p>Unless approved by Council and the employee declares a conflict of interest.</p> <p>The policy does not state what the next steps might be following the declaration.</p>	<p><b><u>Procurement Policy</u></b>  <b><u>Responsibilities &amp; Prohibitions of Procuring Goods and/or Services</u></b>  <b>Section 2 (6) Prohibitions.</b></p> <p>The following activities are prohibited, unless specifically approved by Council:</p> <p>(d) Purchase by the City from any member of Council or employee of the City, their family members or from any other source, that would result in a conflict of interest, unless that interest has been declared pursuant to the Municipal Conflict of Interest Act or pursuant to the City’s Code of Conduct for Employees Policy or such other similar policy currently in force.</p> <p><b><u>#17 - Conflicts of Interest</u></b>  Section 4.17  (1) Employees of the City shall not have a pecuniary interest, either directly or indirectly, in any City Contract or with any person acting for the City in any Contract for the supply of Goods and/or Services for which the City pays or is liable, directly or indirectly to pay unless such interest has been declared pursuant to the Code of Conduct for Employees Policy, as amended or replaced from time to time, and the employee otherwise complies with such policy.  (2) In addition to complying with the Code of Conduct for Employees Policy as set out under subsection 4.17(1), employees of the City are required to declare any pecuniary interest, either direct or indirect, in writing to their General Manager with a copy to the Manager of Procurement indicating the specific nature of the conflict.</p>

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
1. Brampton	YES Conflicts of interest are reviewed on a case-by-case basis, including bids submitted by City Employees (confirmed via email).	<b><u>Purchasing By-law</u></b> <b>Code of Conduct and Conflict of Interest.</b> The submission of all bids must include a declaration by the Bidder that there is no actual, potential or perceived conflict of interest. Where a Bidder indicates a conflict, it will be reviewed by the Purchasing Agent and the City Solicitor to determine if the conflict should disqualify that Bidder from the procurement process.
2. Halton Region	YES But employees cannot participate in the procurement process if they have a conflict of interest.	<b><u>Procurement Policy</u></b> <b>Conflict of Interest.</b> Employees are to refrain from participating in the process to procure goods and services for the Region if they have a conflict of interest, including having a direct or indirect interest in any business that provides goods or services to the Region.
3. Mississauga	YES Permitted as long as the employee is not involved in the decision-making or does not use their position or confidential information to gain an advantage.  Employees must disclose their conflict of interest and the Department Head will determine mitigation.	<b><u>Procurement Bylaw</u></b> <b>Conflict of Interest.</b> 6 (2) Employees of the City shall comply with City policies on conflict of interest.  <b><u>Conflict of Interest Policy</u></b> <b>Making or Influencing Decisions - Financial Interests in Another Organization.</b> An employee may have a financial interest in another organization. If the employee is able to make a decision or to influence a decision regarding the organization's business dealings with the City (e.g., the award of a license, permit, contract, etc.) the employee must not participate in discussions or processes related to the decision and must immediately disclose the conflict of interest to the employee's supervisor and department head. The department head will determine appropriate steps to mitigate the conflict.  If the employee is in no position to make or influence decisions affecting the other organization, there is no conflict, and the relationship need not be disclosed. At any time, if the employee is in doubt about how the relationship with the other organization would be viewed by an outside party, the employee should disclose the relationship to the applicable supervisor, director and/or department head.
4. Niagara Region	Yes If approved by Council	<b><u>Procurement By-law</u></b> IN HOUSE BIDS 36. In House Bids (by one or more City employees) may be used for the Purchase of Goods and/or Services where: (a) external Suppliers have also been requested to submit Bids; and (b) Council has approved a format for the development and submission of the In House Bids.
5. Windsor	YES	<b><u>Code of Ethics and Conflict of Interest Policy</u></b>



City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
	Not explicit in the Purchasing By-law, but there is mention in the Code of Ethics and Conflict of Interest Policy. The employee must submit a disclosure form, subject to review by the City Solicitor.	5.2.4.2.7 In cases of procurement activities, Employees and Volunteers to disclose any personal or close relationships with vendors where the employee is the participant, influencer or decision maker in the vendor selection/award process or where the Employee or Volunteer is also a vendor. The City Solicitor shall rule on Disclosure Forms submitted for Employee/Volunteer-Vendor relationships and submit a summary of these disclosures to the CAO each year.
6. Barrie	NO Unless approved by CAO	<b>Procurement By-law</b> <b>City's Conduct and Conflicts of Interest.</b> 6.4. No goods, services or construction will be purchased from an officer or employee of the City, or any associate or family member of an officer or employee, unless the extent of the interest of such individual has been fully disclosed to the CPO and the purchase has been subsequently approved by the CAO.
7. Guelph	NO Unless approved by Council.	<b>Purchasing Bylaw</b> <b>Conflict of Interest.</b> Unless prior Council approval has been provided, the City shall not purchase any Goods and/or Services from any member of Council or employee of the City, or any associate or family member of any member of Council or employee of the City. <b>Recommending Successful Bids.</b> Unless Council has decided to the contrary, the City shall reject any Bid submitted by: a. An officer, employee or member of Council of the City; b. A business of which an officer, employee or member of Council of the City is a director or officer; or c. A person who is not at arm's length from an officer, employee or member of Council of the City.
8. Kitchener	NO Unless approved by the CAO	<b>Purchasing By-Law</b> <b>Conduct and Conflict of Interest.</b> 170. 6. 4 No Goods, Services, Construction, or Consulting Services will be purchased from an employee of the City, or any associate or Immediate Family of an employee, unless the extent of the interest of such individual has been fully disclosed to the Director of Supply Services and the purchase has been subsequently approved in writing by the CAO.  Any Contract with the City in which a member of Council or any employee of the City has an undeclared direct or indirect pecuniary interest may be voided.
9. London	NO Unless the employees disclose their pecuniary interest prior to award of the contract.	<b>Procurement Policy</b> <b>5.0 Conflict of Interest</b> 5.1 No City employee shall have any pecuniary or controlling interest either direct or indirect in any competitive bid or contract for the supply of goods or services to the City, unless such pecuniary interest is disclosed in the competitive bid documents prior to award of the contract. Should a conflict of interest arise after the award of a contract, the conflict shall immediately be disclosed in writing to the Manager of Purchasing and Supply. If a conflict is not disclosed and is discovered the contract may be cancelled.

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
10. Oakville	NO Unless approved by Council	<b>Procurement By-law</b> <b>Responsibilities of Council. 2. c)</b> The town shall not purchase supplies or service from any employee of the town or member of Council without the express authority of Council.
11. Peel Region	NO Unless approved by the CAO	<b>Procurement By-law</b> <b>Conflict of Interest. 8.1</b> No goods and services shall be purchased from a regional employee, or from any spouse, parent, grandparent, sibling, child, grandchild, niece, nephew, uncle or aunt of the employee, other than those services normally required under terms of employment unless the purchase has been approved by the Chief Administrative Officer.
12. Toronto	NO Unless approved by Council	<b>Purchasing By-law</b> <b>195-13.3. Conflicts of interest or unfair advantage.</b> Suppliers must disclose any actual or potential conflict of interest or unfair advantage related to the preparation of their bid, including engaging current or former City employees to take any part in the preparation of the bid or the performance of the contract if awarded, any time within two (2) years of such persons having left the employ of the City.  <b>195-14.2. In-house bids restricted.</b> Submissions to any solicitation will not be accepted from internal City employees or divisions, without prior approval by Council, including approval of the process for fairly evaluating those submissions.
13. Vaughan	NO If the employees disclose their pecuniary interest prior to award of the contract.  NOTE: The City of Vaughan is in the process of reviewing its Procurement Policy, so this may change.	<b>Procurement Policy</b> <b>Conflict of Interest.</b> Employees of the City, and their immediate family, shall not have a pecuniary interest, either directly or indirectly, in any City contract for the supply of goods, services and/or construction unless such interest has been declared in writing to their Manager with a copy to the Director of Procurement Services and Director of Legal Services indicating the specific nature of the conflict.  <b>Employee Code of Conduct</b> <b>Conflict of Interest.</b> Employees shall not gain personal benefit, directly or indirectly, from any agreement or contract with the City about which they can influence decisions or affect the outcome, or from access to information acquired in their official capacity which is not generally available to the public. Employees must disclose real or apparent conflicts to the Deputy City Manager or City Manager.
14. Burlington	NO Employees are not permitted to submit a bid.	<b>Procurement By-law</b> <b>8. Procurement Prohibitions and Compliance. 8.8</b> The City shall not acquire Goods and/or Services from Members of Council, appointed or City employees.

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
15. Markham	NO Employees are not permitted to submit a bid.	<b><u>Procurement Bylaw</u></b> <b>Administrative Procedures.</b> 4.4 No City staff, or member of Council may submit a Bid in response to a Quotation issued by the City, or sell or provide goods or services to the City outside of their employment with the City.
16. Oshawa	NO Employees and their family members are not permitted to bid on City contracts.	<b><u>Purchasing By-law</u></b> <b>11.06 Employees Restricted from Bidding to Sell:</b> No employee or appointed or elected official of the City, or any of their spouses, siblings, parents or children, shall Bid to supply the City with Goods and/or Services.
17. Ottawa	NO A contractor or its personnel must not be employed by the City.	<b><u>Procurement Policy</u></b> <b>2.18 Status of the Contractor.</b> The Contractor is engaged as an independent contractor for the sole purpose of performing the Work. Neither the Contractor nor any of its personnel is engaged as an employee, servant or agent of the City.
18. Richmond Hill	NO Employees are not permitted to submit a bid.	<b><u>Procurement Policy</u></b> <b>8.3 In-house Submissions and Personal Purchases.</b> Internal staff may not make Submissions to any RFX and no Submission from internal staff will be accepted in connection with any Acquisition.



<b>Corporate Human Resources Policy</b>	 Hamilton	<b>Code of Conduct for Employees</b>
Work Environment		Content Updated: 2019-08-23
Policy No: HR-01-09		
Page 1 of 6		Approval: 2019-09-10

**Schedule D: Outside Employment and Activity**

<p><b>PURPOSE</b></p>	<p>The City of Hamilton recognizes that City employees are engaged in pursuits outside of their workday. This may include, but is not limited to, involvement in community groups and organizations, working with political organizations, and/or seeking additional employment opportunities in addition to their role at the City.</p> <p>While the City supports employees in their personal endeavors, the outside activities of employees must align with the City’s culture and values and must not create a conflict of interest, contravene City of Hamilton policies and procedures or misrepresent the City of Hamilton in any way. In addition, employees’ behaviour outside of the workplace must not diminish the trust and confidence that the community has in City administration or impact the City’s ability to provide services to the community.</p>
<p><b>DEFINITIONS</b></p> <p><b>Hate</b></p> <p><b>Hate Activity</b></p>	<p>Acts of hate are committed to intimidate, harm or terrify victims and the identifiable groups to which they belong. Victims of hate are targeted on the sole basis of who they are and/or the groups to which they belong (i.e., being Jewish, Muslim, Transgender, Black, Indigenous, etc.).</p> <p>Hate Related Incidents may involve intimidation, harassment, physical force or threat of physical force against a person, a group or a property if motivated by hatred/bias/prejudice against an identifiable group. Acts of hate may be committed by strangers or individuals well known to the victim. Perpetrators may include individuals, groups, organizations and institutions. Victims may be reluctant to report hate for a variety of reasons, including: not recognizing that the motivation was hate; fear of retaliation; embarrassment and humiliation; and/or uncertainty of the criminal justice system response.</p> <p>Can include, but is not limited to, verbal slurs; threats; vandalism; intimidation and harassment; and public messages that imply that members of an identifiable group are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of group</p>

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	<p>affiliation. Such messages may include group symbols, slogans or epithets and can be transmitted in many ways (e.g., graffiti, posters, flyers, hate mail, over the telephone, website and e-mail content, etc.)</p>
<p><b>TERMS AND CONDITIONS</b></p> <p><b>Outside Employment</b></p>	<p>Employees shall not take outside employment, including self-employment, if such employment:</p> <ul style="list-style-type: none"> <li>• causes a real or apparent conflict of interest; or</li> <li>• is performed in such a way as to appear to be an official act of or to represent the City; or</li> <li>• interferes with regular duties in any way, or involves the use of City premises, resources or equipment including but not limited to City e-mail, telephones, cell phones, or supplies.</li> </ul> <p>Where it appears that a conflict of interest might arise in accepting outside employment, employees must notify their supervisor in writing of the nature of such outside employment prior and receive written permission prior to the acceptance of such employment (See Reporting a Conflict of Interest below).</p>
<p><b>Outside Business &amp; Financial Activity</b></p>	<p>No employee participating in any outside business or financial activity shall do so during work hours or use the City's facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, telephones or cell phones, computers, etc., for the benefit or purpose of such business or activity.</p>
<p><b>Purchase or Lease of Real Property</b></p>	<p>No employee of the City shall directly or indirectly purchase or lease real property from or to the City, nor shall an employee have any direct or indirect interest in a company which purchases or leases real property from or to the City, unless this interest has been fully disclosed to the appropriate approving authority and unless the</p>

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<p><b>Employees Doing Business with the City</b></p>	<p>purchase or lease of the real property is done through a public process.</p> <p>No employee shall knowingly approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the City for his or her own personal use, or for the use of an individual with whom the employee has a financial or social relationship. This is in accordance with the City's <u>Procurement Policy By-law</u>.</p> <p><b>No employee shall be permitted to sell goods and services to the City or to bid on a City contract unless:</b></p> <ul style="list-style-type: none"> <li>• extenuating circumstances exist, such as a declared state of emergency, or where the employee is the sole provider of a unique product, and</li> <li>• it can be demonstrated that the employee bid or sale of goods and services is in the best interest of the City of Hamilton.</li> </ul> <p>The employee must submit a Code of Conduct Disclosure Form that outlines all real and apparent conflicts of interest to (<a href="mailto:codeofconduct@hamilton.ca">codeofconduct@hamilton.ca</a>).</p> <ul style="list-style-type: none"> <li>• Disclosure Forms will be reviewed to determine if any conflicts of interest should disqualify the employee from selling goods and services or from participating in the bid process, despite the extenuating circumstances.</li> <li>• Staff involved in reviewing Disclosure Forms and confirming that the extenuating circumstances exist will include Legal, Procurement and Human Resources.</li> </ul> <p>Notwithstanding any extenuating circumstances, employees will be precluded from bidding on a City contract or from selling goods and services to the City for the following reasons:</p> <ul style="list-style-type: none"> <li>• access to confidential or proprietary information that could give them an unfair advantage in the bidding or sale process,</li> <li>• direct or indirect involvement in the procurement process or the decision-making process by virtue of their position with the City.</li> </ul> <p>Employee bids and the sale of goods and services to the City must be approved by Human Resources, Legal, and Procurement. Bids of</p>
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<p><b>Individual Behavior Outside of the Workplace</b></p>	<p>\$25,000 and over also require City Manager approval. This is in accordance with the City's <u>Procurement Policy By-law</u>.</p> <p>Employees must not engage in any behaviour outside of the workplace that:</p> <ul style="list-style-type: none"> <li>• Violates City polices, including the Code of Conduct and the Harassment and Discrimination policy</li> <li>• Falls under the City's definition of hate or hate activity</li> <li>• Is in misalignment with the City's culture and values</li> <li>• Is detrimental to the City of Hamilton</li> <li>• Impacts the City's ability to carry out services</li> <li>• Negatively impacts the trust and confidence that the community has in City administration</li> </ul>
<p><b>Involvement with Outside Groups</b></p>	<p>No employee of the City of Hamilton shall participate or otherwise be involved with groups who engage in hate or hate activity.</p> <p>When considering involvement with outside groups, employees should ensure that they are aware of and fully understand the group's objectives, values and beliefs to ensure that they are not in misalignment with the City's corporate culture and values.</p>
<p><b>Community Board Activity</b></p>	<p>No employee shall accept an appointment to the Board of a community agency or association that deals with matters related to the activities of the City, without the written permission of his or her Director or designate. Written permission of the Director or designate is not required if the employee is appointed to the Board of the agency or association by the City to represent the City's interests.</p> <p>Any City employee serving on a community board shall take all reasonable actions to avoid any real conflict or apparent conflict between Board activity and the City's interests. Where a real or apparent conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any Board discussion or decision about the issue raising the conflict of interest. If the conflict of interest is significant, the employee shall resign from the board.</p>



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<b>Political Activity</b>	<p>To ensure public trust in the City of Hamilton, employees must be, and appear to be, both personally impartial and free from undue political influence in the exercise of their duties.</p> <p>Employees engaged in political activities must take care to separate personal political activities from their position of employment with the City.</p> <p>Employees who are politically involved in Municipal, Provincial, or Federal levels of government must make it clearly understood that they are acting personally and not as representatives of the City.</p> <p>Employees who are running for elected office at the municipal level must abide by the respective legislation governing such elections. This includes abiding by s. 30 of the Municipal Elections Act, 1996 which requires that employees request and <u>obtain an unpaid leave of absence beginning as of the day the employee is nominated and ending on voting day</u>; and deems employees who are elected to office to have resigned from employment immediately before making their declaration of office.</p> <p>Any employee who is politically involved shall ensure that such involvement does not interfere with his or her ability to perform his or her corporate duties objectively.</p> <p>Employees must not engage in any political activity during working hours or utilize City assets resources or property.</p> <p>Employees shall not identify themselves as City employees when engaged in political activity (e.g. employees shall not wear clothing with the City of Hamilton logo while canvassing for a candidate).</p> <p>Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or distributed by employees at City work sites or on City property. An employee's decision to support a candidate or political party financially remains a personal decision.</p>
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<b>COMPLIANCE</b>	Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal with cause.



**CITY OF HAMILTON**  
**CITY MANAGER'S OFFICE**  
**Human Resources Division**

<b>TO:</b>	Chair and Members Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	March 27, 2023
<b>SUBJECT/REPORT NO:</b>	Code of Conduct and Conflict of Interest Education and Communications (HUR22011(a)/CM22018(a)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Nenzi Cocca (905) 546-2424 Ext. 3924
<b>SUBMITTED BY:</b>	Lora Fontana Executive Director Human Resources
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Janette Smith City Manager City Manager's Office
<b>SIGNATURE:</b>	 Jason Thorne, Acting City Manager

**RECOMMENDATION**

- (a) That City of Hamilton employees not be permitted to sell goods and services to the City, or to bid on City contracts unless there are specific circumstances where it can be demonstrated that employee bids are in the best interest of the organization. Circumstances that would give rise to an exemption may include, but are not limited to, contracts tendered during a declared state of emergency or contracts tendered to purchase products whereby the employee is the sole source (no other vendor provides the same or equivalent product).

**SUBJECT: Code of Conduct and Conflict of Interest Education and Communications (HUR22011(a)/CM22018(a)) (City Wide) - Page 2 of 7**

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- (b) That a review of a potential exemption, as outlined above, would be initiated through the following process:
- (i) Employees will be required to submit a Code of Conduct Disclosure Form that outlines all perceived and real conflicts of interest.
  - (ii) Disclosure Forms will be reviewed to determine if any conflicts of interest should disqualify the employee from selling goods and services or from participating in the bid process, despite the extenuating circumstances.
  - (iii) Staff involved in reviewing Disclosure Forms and confirming that the extenuating circumstances exist will include Legal, Procurement and Human Resources.
  - (iv) Any employee bids that are approved by Legal, Procurement and Human Resources due to extenuating circumstances, require City Manager approval when the value of the contract exceeds \$25,000.
- (c) It is further recommended, that notwithstanding any extenuating circumstances, employees would be precluded from consideration for an exemption for the following reasons:
- (i) Access to confidential or proprietary information that could give them an unfair advantage in the bidding or sale process,
  - (ii) Direct or indirect involvement in the procurement process or the decision-making process by virtue of their position with the City.
- (d) That the Code of Conduct, Schedule D Outside Activity (Appendix “B” to Report HUR22011(a)/CM22028(a)) be approved, as amended with the recommendations noted above.
- (e) That this item be removed from the Governance Review Sub-Committee Outstanding Business List.

## **EXECUTIVE SUMMARY**

Further to a motion tabled at Governance Review Sub-Committee on September 9, 2022, which directed staff to review the City’s policies regarding employees who are also business owners bidding on City contracts and report back to the Governance Review Sub-Committee, Human Resources conducted a comprehensive review of the current Code of Conduct Policy for Employees and the Procurement Policy.

Similar to several other municipalities and regions, the City of Hamilton’s Procurement Policy contains provisions pertaining to whether City employees are permitted to bid on City contracts. Comparable policies and procedures from several municipalities were reviewed and are summarized in Appendix “A” to Report HUR22011(a)/CM22018(a). Staff

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reviewed the procurement policies and bylaws, codes of conduct, and/or conflict of interest policies from eighteen medium to large Ontario municipalities or regions.

Of the eighteen municipalities/regions reviewed:

- 5 cities/regions do permit City employees to bid on City contracts under certain conditions (e.g., a disclosure form must be submitted, the City employee cannot be involved in the procurement process, approval is needed by Council, Legal Service, Procurement, Department Head, etc.).
- 8 cities/regions do not permit City employees to bid on City contracts unless certain conditions are met (e.g., submission of disclosure form, approval by CAO, Council, Legal Services, or Procurement Division).
- 5 cities/regions do not permit City employees to bid on City contracts.

The City's Procurement Policy indicates that employees may not bid on City contracts unless employees first declare a conflict of interest. However, the policy is silent regarding the approval process following such a declaration. Furthermore, the Procurement Policy covers City contracts and purchases valued at \$10,000 or more. Therefore, staff have recommended that employees be prohibited from selling goods and services to the City to address potential purchases under \$10,000, unless the same extenuating circumstances are met to permit an exemption.

The recommendations include the continued exclusion of allowing employees to sell the City goods and services, or to bid on City contracts, unless they first declare a conflict of interest. However, the proposed amendments clearly outline the steps required after a declared conflict of interest is made (through the submission of a Disclosure Form as part of the Code of Conduct). These recommendations allow for exemptions only in extenuating circumstances, but also allows the City to preclude employees from bidding on contracts or selling goods and services, even if the extenuating circumstances are identified, such as situations wherein an employee has access to confidential information or direct/indirect involvement in the procurement process. The intent of these recommendations is to ensure continued public trust and confidence in a fair and transparent procurement process, but to allow for extenuating circumstances when an employee's ability to bid on City contracts or to sell goods and services to the City is clearly in the City's best interest.

**Alternatives for Consideration – See Page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Prohibiting the sale of goods and services or contract bids from City staff may limit the ability of the City to procure the most cost-effective option. However, providing certain exemptions allows for the consideration of circumstances whereby the employee bid or sale of goods and services is in

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

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the best financial interest of the City. For example, in the case of a sole source or emergency situation, precluding an employee's bid may create liability and risk with financial implications.

**Staffing:** Minimal resources are required in order to evaluate the submission of a Disclosure Form, as incidents of employees bidding on City contracts or selling goods and services to the City is extremely limited.

**Legal:** N/A

## **HISTORICAL BACKGROUND**

The following motion was passed at the September 9, 2022, Government Review Sub-Committee meeting:

That staff be directed to review the City's policies around City employees who are also business owners bidding on City Contracts and report back to the Governance Review Sub-Committee in the new term of Council.

Comparable policies and procedures from several municipalities and Regions were reviewed and are summarized in Appendix "A" to Report HUR22011(a)/CM22018(a). Staff reviewed procurement policies and bylaws, codes of conduct, and/or conflict of interest policies from eighteen medium to large Ontario municipalities or regions.

The City's Procurement Policy indicates that employees may not bid on City contracts unless employees first declare a conflict of interest. However, the policy is silent regarding the approval process following such a declaration. Furthermore, the Procurement Policy covers City contracts and purchases valued at \$10,000 or more.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Should the recommendations be approved, the City of Hamilton's Code of Conduct Policy for Employees (Schedule D: Outside Employment and Activity) will be updated to reflect the new approval process (Appendix "B" to Report HUR22011(a)/CM22018(a)).

## **RELEVANT CONSULTATION**

**External Consultations:** N/A

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**Internal Consultations:**

Staff from Human Resources consulted with the following areas to inform the recommendations above:

- Audit
- Legal
- Procurement
- Labour Relations
- Policy Review Group
- Senior Leadership Team

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The relevant policies from comparable municipalities and Regions suggest that there are a variety of responses and approval processes. Eight of the eighteen municipalities or regions do not permit City employees to bid on City contracts unless certain conditions are met. The recommendations being proposed align with those municipalities and Regions and balance the need to maintain public trust and confidence, mitigate any real or perceived conflict of interest, and allow for exemptions only in extenuating circumstances, when deemed in the best interest of City.

As a general good governance principle, provisions that prevent employee conflicts of interest is preferable to establishing practices where a conflict of interest is more likely to occur. Enabling City employees to bid on City contracts or to sell the City goods and services will result in pecuniary conflicts of interest as there is financial compensation involved. Added to this are concerns about:

- City employees potentially having access to confidential or proprietary information that could give them an unfair advantage in the bidding/selling process,
- City employees possibly having undue influence over the procurement process or the decision-making process by virtue of their position with the City,
- The public perception that City employees are 'double-dipping' by being employed by the City and also being awarded a City contract or making a sale to the City.

However, staff felt it was important to maintain a limited and defined degree of flexibility to award contracts to City employees or purchase goods and services in extenuating circumstances, for example during a declared emergency or when a product is not available from other vendors, if it is in the best interests of the City. In these limited circumstances, it is still important to ensure there is a rigorous review and approval process in place. That review would include:

- City employees must complete a Code of Conduct Disclosure Form,

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- Disclosure Forms will be reviewed to determine if there are conflicts of interest that should exclude employees from the bidding/sale process, despite the extenuating circumstances,
- Senior staff must be involved in the approval process to ensure an appropriate level of accountability,
- City Manager approval is required when City employees bid on contracts over \$25,000,
- Staff will develop a fair, transparent, and consistent process to ensure the City's interests are protected and the public trust is maintained.

### **ALTERNATIVES FOR CONSIDERATION**

Council may decide to allow City employees to bid on City contracts or sell goods and services to the City with no conditions. This would enable the City to maintain flexibility and open City contracts or selling opportunities to a variety of vendors, including City employees. However, without proper disclosures and mitigation, real and perceived conflicts of interest would be inevitable, resulting in potential breaches of the Code of Conduct. This option would likely result in complaints from other external vendors and would compromise public trust and confidence.

Alternatively, Council may decide to not permit City employees to bid on any City contracts or to sell goods and services to the City even when there are extenuating circumstances or when it is in the best interest of the City. This option would certainly avoid any real or perceived conflict of interest and maintain strict adherence to the Code of Conduct without the need to evaluate or mitigate. However, this would eliminate all flexibility to award contracts to City of Hamilton employees or to purchase goods and services from employees, even in a declared emergency, or when the employee is a single source of a particular product or service required by the City without available alternatives in the market.

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

#### **Community Engagement and Participation**

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

#### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

#### **Our People and Performance**

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



**SUBJECT: Code of Conduct and Conflict of Interest Education and Communications (HUR22011(a)/CM22018(a)) (City Wide) - Page 7 of 7**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report HUR22011(a)/CM22018(a) - Comparison of Procurement/Purchasing Policies or By-laws from Various Medium-Large Ontario Municipalities or Regions

Appendix "B" to Report HUR22011(a)/CM22018(a) - Proposed Edits to the Code of Conduct for Employees Schedule D – Outside Employment and Activity

**Can City Employees Bid on City Contracts?**

**A Comparison of Procurement/Purchasing Policies or By-laws From Various Medium-Large Ontario Municipalities or Regions**

**Governance Sub Committee Motion:** *That staff be directed to review the City's policies around City employees who are also business owners bidding on City Contracts and report back to the Governance Review Sub-Committee in the new term of Council.*

Summary:

Aside from the City of Hamilton:

- 5 cities/regions **do permit** City employees to bid on City contracts **under certain conditions** (e.g., a disclosure form must be submitted, the City employee cannot be involved in the procurement process, approval is needed by Council, Legal Service, Procurement, Department Head, etc.).
- 8 cities/regions **do not permit** City employees to bid on City contracts **unless certain conditions are met** (e.g., submission of disclosure form, approval by CAO, Council, Legal Services, or Procurement Division).
- 5 cities/regions **do not permit** City employees to bid on City contracts.

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
HAMILTON	<p>NO</p> <p>Unless approved by Council and the employee declares a conflict of interest.</p> <p>The policy does not state what the next steps might be following the declaration.</p>	<p><b><u>Procurement Policy</u></b>  <b><u>Responsibilities &amp; Prohibitions of Procuring Goods and/or Services</u></b>  <b>Section 2 (6) Prohibitions.</b></p> <p>The following activities are prohibited, unless specifically approved by Council:</p> <p>(d) Purchase by the City from any member of Council or employee of the City, their family members or from any other source, that would result in a conflict of interest, unless that interest has been declared pursuant to the Municipal Conflict of Interest Act or pursuant to the City’s Code of Conduct for Employees Policy or such other similar policy currently in force.</p> <p><b><u>#17 - Conflicts of Interest</u></b>  Section 4.17</p> <p>(1) Employees of the City shall not have a pecuniary interest, either directly or indirectly, in any City Contract or with any person acting for the City in any Contract for the supply of Goods and/or Services for which the City pays or is liable, directly or indirectly to pay unless such interest has been declared pursuant to the Code of Conduct for Employees Policy, as amended or replaced from time to time, and the employee otherwise complies with such policy.</p> <p>(2) In addition to complying with the Code of Conduct for Employees Policy as set out under subsection 4.17(1), employees of the City are required to declare any pecuniary interest, either direct or indirect, in writing to their General Manager with a copy to the Manager of Procurement indicating the specific nature of the conflict.</p>

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
1. Brampton	YES Conflicts of interest are reviewed on a case-by-case basis, including bids submitted by City Employees (confirmed via email).	<b><u>Purchasing By-law</u></b> <b>Code of Conduct and Conflict of Interest.</b> The submission of all bids must include a declaration by the Bidder that there is no actual, potential or perceived conflict of interest. Where a Bidder indicates a conflict, it will be reviewed by the Purchasing Agent and the City Solicitor to determine if the conflict should disqualify that Bidder from the procurement process.
2. Halton Region	YES But employees cannot participate in the procurement process if they have a conflict of interest.	<b><u>Procurement Policy</u></b> <b>Conflict of Interest.</b> Employees are to refrain from participating in the process to procure goods and services for the Region if they have a conflict of interest, including having a direct or indirect interest in any business that provides goods or services to the Region.
3. Mississauga	YES Permitted as long as the employee is not involved in the decision-making or does not use their position or confidential information to gain an advantage.  Employees must disclose their conflict of interest and the Department Head will determine mitigation.	<b><u>Procurement Bylaw</u></b> <b>Conflict of Interest.</b> 6 (2) Employees of the City shall comply with City policies on conflict of interest.  <b><u>Conflict of Interest Policy</u></b> <b>Making or Influencing Decisions - Financial Interests in Another Organization.</b> An employee may have a financial interest in another organization. If the employee is able to make a decision or to influence a decision regarding the organization's business dealings with the City (e.g., the award of a license, permit, contract, etc.) the employee must not participate in discussions or processes related to the decision and must immediately disclose the conflict of interest to the employee's supervisor and department head. The department head will determine appropriate steps to mitigate the conflict.  If the employee is in no position to make or influence decisions affecting the other organization, there is no conflict, and the relationship need not be disclosed. At any time, if the employee is in doubt about how the relationship with the other organization would be viewed by an outside party, the employee should disclose the relationship to the applicable supervisor, director and/or department head.
4. Niagara Region	Yes If approved by Council	<b><u>Procurement By-law</u></b> IN HOUSE BIDS 36. In House Bids (by one or more City employees) may be used for the Purchase of Goods and/or Services where: (a) external Suppliers have also been requested to submit Bids; and (b) Council has approved a format for the development and submission of the In House Bids.
5. Windsor	YES	<b><u>Code of Ethics and Conflict of Interest Policy</u></b>

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
	Not explicit in the Purchasing By-law, but there is mention in the Code of Ethics and Conflict of Interest Policy. The employee must submit a disclosure form, subject to review by the City Solicitor.	5.2.4.2.7 In cases of procurement activities, Employees and Volunteers to disclose any personal or close relationships with vendors where the employee is the participant, influencer or decision maker in the vendor selection/award process or where the Employee or Volunteer is also a vendor. The City Solicitor shall rule on Disclosure Forms submitted for Employee/Volunteer-Vendor relationships and submit a summary of these disclosures to the CAO each year.
6. Barrie	NO Unless approved by CAO	<b>Procurement By-law</b> <b>City's Conduct and Conflicts of Interest.</b> 6.4. No goods, services or construction will be purchased from an officer or employee of the City, or any associate or family member of an officer or employee, unless the extent of the interest of such individual has been fully disclosed to the CPO and the purchase has been subsequently approved by the CAO.
7. Guelph	NO Unless approved by Council.	<b>Purchasing Bylaw</b> <b>Conflict of Interest.</b> Unless prior Council approval has been provided, the City shall not purchase any Goods and/or Services from any member of Council or employee of the City, or any associate or family member of any member of Council or employee of the City. <b>Recommending Successful Bids.</b> Unless Council has decided to the contrary, the City shall reject any Bid submitted by: a. An officer, employee or member of Council of the City; b. A business of which an officer, employee or member of Council of the City is a director or officer; or c. A person who is not at arm's length from an officer, employee or member of Council of the City.
8. Kitchener	NO Unless approved by the CAO	<b>Purchasing By-Law</b> <b>Conduct and Conflict of Interest.</b> 170. 6. 4 No Goods, Services, Construction, or Consulting Services will be purchased from an employee of the City, or any associate or Immediate Family of an employee, unless the extent of the interest of such individual has been fully disclosed to the Director of Supply Services and the purchase has been subsequently approved in writing by the CAO.  Any Contract with the City in which a member of Council or any employee of the City has an undeclared direct or indirect pecuniary interest may be voided.
9. London	NO Unless the employees disclose their pecuniary interest prior to award of the contract.	<b>Procurement Policy</b> <b>5.0 Conflict of Interest</b> 5.1 No City employee shall have any pecuniary or controlling interest either direct or indirect in any competitive bid or contract for the supply of goods or services to the City, unless such pecuniary interest is disclosed in the competitive bid documents prior to award of the contract. Should a conflict of interest arise after the award of a contract, the conflict shall immediately be disclosed in writing to the Manager of Purchasing and Supply. If a conflict is not disclosed and is discovered the contract may be cancelled.

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
10. Oakville	NO Unless approved by Council	<b><u>Procurement By-law</u></b> <b>Responsibilities of Council. 2. c)</b> The town shall not purchase supplies or service from any employee of the town or member of Council without the express authority of Council.
11. Peel Region	NO Unless approved by the CAO	<b><u>Procurement By-law</u></b> <b>Conflict of Interest. 8.1</b> No goods and services shall be purchased from a regional employee, or from any spouse, parent, grandparent, sibling, child, grandchild, niece, nephew, uncle or aunt of the employee, other than those services normally required under terms of employment unless the purchase has been approved by the Chief Administrative Officer.
12. Toronto	NO Unless approved by Council	<b><u>Purchasing By-law</u></b> <b>195-13.3. Conflicts of interest or unfair advantage.</b> Suppliers must disclose any actual or potential conflict of interest or unfair advantage related to the preparation of their bid, including engaging current or former City employees to take any part in the preparation of the bid or the performance of the contract if awarded, any time within two (2) years of such persons having left the employ of the City.  <b>195-14.2. In-house bids restricted.</b> Submissions to any solicitation will not be accepted from internal City employees or divisions, without prior approval by Council, including approval of the process for fairly evaluating those submissions.
13. Vaughan	NO If the employees disclose their pecuniary interest prior to award of the contract.  NOTE: The City of Vaughan is in the process of reviewing its Procurement Policy, so this may change.	<b><u>Procurement Policy</u></b> <b>Conflict of Interest.</b> Employees of the City, and their immediate family, shall not have a pecuniary interest, either directly or indirectly, in any City contract for the supply of goods, services and/or construction unless such interest has been declared in writing to their Manager with a copy to the Director of Procurement Services and Director of Legal Services indicating the specific nature of the conflict.  <b><u>Employee Code of Conduct</u></b> <b>Conflict of Interest.</b> Employees shall not gain personal benefit, directly or indirectly, from any agreement or contract with the City about which they can influence decisions or affect the outcome, or from access to information acquired in their official capacity which is not generally available to the public. Employees must disclose real or apparent conflicts to the Deputy City Manager or City Manager.
14. Burlington	NO Employees are not permitted to submit a bid.	<b><u>Procurement By-law</u></b> <b>8. Procurement Prohibitions and Compliance. 8.8</b> The City shall not acquire Goods and/or Services from Members of Council, appointed or City employees.

City/Region	Can City Employees Bid on City Contracts?	Summary of Policy/By-law Provisions
15. Markham	NO Employees are not permitted to submit a bid.	<b><u>Procurement Bylaw</u></b> <b>Administrative Procedures.</b> 4.4 No City staff, or member of Council may submit a Bid in response to a Quotation issued by the City, or sell or provide goods or services to the City outside of their employment with the City.
16. Oshawa	NO Employees and their family members are not permitted to bid on City contracts.	<b><u>Purchasing By-law</u></b> <b>11.06 Employees Restricted from Bidding to Sell:</b> No employee or appointed or elected official of the City, or any of their spouses, siblings, parents or children, shall Bid to supply the City with Goods and/or Services.
17. Ottawa	NO A contractor or its personnel must not be employed by the City.	<b><u>Procurement Policy</u></b> <b>2.18 Status of the Contractor.</b> The Contractor is engaged as an independent contractor for the sole purpose of performing the Work. Neither the Contractor nor any of its personnel is engaged as an employee, servant or agent of the City.
18. Richmond Hill	NO Employees are not permitted to submit a bid.	<b><u>Procurement Policy</u></b> <b>8.3 In-house Submissions and Personal Purchases.</b> Internal staff may not make Submissions to any RFX and no Submission from internal staff will be accepted in connection with any Acquisition.

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**Schedule D: Outside Employment and Activity**

<b>PURPOSE</b>	<p>The City of Hamilton recognizes that City employees are engaged in pursuits outside of their workday. This may include, but is not limited to, involvement in community groups and organizations, working with political organizations, and/or seeking additional employment opportunities in addition to their role at the City.</p> <p>While the City supports employees in their personal endeavors, the outside activities of employees must align with the City’s culture and values and must not create a conflict of interest, contravene City of Hamilton policies and procedures or misrepresent the City of Hamilton in any way. In addition, employees’ behaviour outside of the workplace must not diminish the trust and confidence that the community has in City administration or impact the City’s ability to provide services to the community.</p>
<b>DEFINITIONS</b>	
<b>Hate</b>	<p>Acts of hate are committed to intimidate, harm or terrify victims and the identifiable groups to which they belong. Victims of hate are targeted on the sole basis of who they are and/or the groups to which they belong (i.e., being Jewish, Muslim, Transgender, Black, Indigenous, etc.).</p> <p>Hate Related Incidents may involve intimidation, harassment, physical force or threat of physical force against a person, a group or a property if motivated by hatred/bias/prejudice against an identifiable group. Acts of hate may be committed by strangers or individuals well known to the victim. Perpetrators may include individuals, groups, organizations and institutions. Victims may be reluctant to report hate for a variety of reasons, including: not recognizing that the motivation was hate; fear of retaliation; embarrassment and humiliation; and/or uncertainty of the criminal justice system response.</p>
<b>Hate Activity</b>	<p>Can include, but is not limited to, verbal slurs; threats; vandalism; intimidation and harassment; and public messages that imply that members of an identifiable group are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of</p>

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	<p>group affiliation. Such messages may include group symbols, slogans or epithets and can be transmitted in many ways (e.g., graffiti, posters, flyers, hate mail, over the telephone, website and e-mail content, etc.)</p>
<p><b>TERMS AND CONDITIONS</b></p> <p><b>Outside Employment</b></p>	<p>Employees shall not take outside employment, including self-employment, if such employment:</p> <ul style="list-style-type: none"> <li>• causes a real or apparent conflict of interest; or</li> <li>• is performed in such a way as to appear to be an official act of or to represent the City; or</li> <li>• interferes with regular duties in any way, or involves the use of City premises, resources or equipment including but not limited to City e-mail, telephones, cell phones, or supplies.</li> </ul> <p>Where it appears that a conflict of interest might arise in accepting outside employment, employees must notify their supervisor in writing of the nature of such outside employment prior and receive written permission prior to the acceptance of such employment (See Reporting a Conflict of Interest below).</p>
<p><b>Outside Business &amp; Financial Activity</b></p>	<p>No employee participating in any outside business or financial activity shall do so during work hours or use the City's facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, telephones or cell phones, computers, etc., for the benefit or purpose of such business or activity.</p>
<p><b>Purchase or Lease of Real Property</b></p>	<p>No employee of the City shall directly or indirectly purchase or lease real property from or to the City, nor shall an employee have any direct or indirect interest in a company which purchases or leases real property from or to the City, unless this interest has been fully disclosed to the appropriate approving authority and unless the</p>



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**Employees Doing Business with the City**

purchase or lease of the real property is done through a public process.

No employee shall knowingly approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the City for his or her own personal use, or for the use of an individual with whom the employee has a financial or social relationship. This is in accordance with the City's Procurement Policy By-law.

No employee shall be permitted to sell goods and services to the City or to bid on a City contract unless:

- extenuating circumstances exist, such as a declared state of emergency, or where the employee is the sole provider of a unique product, and
- it can be demonstrated that the employee bid or sale of goods and services is in the best interest of the City of Hamilton.

The employee must submit a Code of Conduct Disclosure Form that outlines all real and apparent conflicts of interest to (codeofconduct@hamilton.ca).

- Disclosure Forms will be reviewed to determine if any conflicts of interest should disqualify the employee from selling goods and services or from participating in the bid process, despite the extenuating circumstances.
- Staff involved in reviewing Disclosure Forms and confirming that the extenuating circumstances exist will include Legal, Procurement and Human Resources.

Notwithstanding any extenuating circumstances, employees will be precluded from bidding on a City contract or from selling goods and services to the City for the following reasons:

- access to confidential or proprietary information that could give them an unfair advantage in the bidding or sale process,
- direct or indirect involvement in the procurement process or the decision-making process by virtue of their position with the City.

Employee bids and the sale of goods and services to the City must be approved by Human Resources, Legal, and Procurement. Bids of

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<p><b>Individual Behavior Outside of the Workplace</b></p>	<p><u>\$25,000 and over also require City Manager approval. This is in accordance with the City's Procurement Policy By-law.</u></p> <p>Employees must not engage in any behaviour outside of the workplace that:</p> <ul style="list-style-type: none"> <li>• Violates City polices, including the Code of Conduct and the Harassment and Discrimination policy</li> <li>• Falls under the City's definition of hate or hate activity</li> <li>• Is in misalignment with the City's culture and values</li> <li>• Is detrimental to the City of Hamilton</li> <li>• Impacts the City's ability to carry out services</li> <li>• Negatively impacts the trust and confidence that the community has in City administration</li> </ul>
<p><b>Involvement with Outside Groups</b></p>	<p>No employee of the City of Hamilton shall participate or otherwise be involved with groups who engage in hate or hate activity.</p> <p>When considering involvement with outside groups, employees should ensure that they are aware of and fully understand the group's objectives, values and beliefs to ensure that they are not in misalignment with the City's corporate culture and values.</p>
<p><b>Community Board Activity</b></p>	<p>No employee shall accept an appointment to the Board of a community agency or association that deals with matters related to the activities of the City, without the written permission of his or her Director or designate. Written permission of the Director or designate is not required if the employee is appointed to the Board of the agency or association by the City to represent the City's interests.</p> <p>Any City employee serving on a community board shall take all reasonable actions to avoid any real conflict or apparent conflict between Board activity and the City's interests. Where a real or apparent conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any Board discussion or decision about the issue raising the conflict of interest. If the conflict of interest is significant, the employee shall resign from the board.</p>

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<b>Political Activity</b>	<p>To ensure public trust in the City of Hamilton, employees must be, and appear to be, both personally impartial and free from undue political influence in the exercise of their duties.</p> <p>Employees engaged in political activities must take care to separate personal political activities from their position of employment with the City.</p> <p>Employees who are politically involved in Municipal, Provincial, or Federal levels of government must make it clearly understood that they are acting personally and not as representatives of the City.</p> <p>Employees who are running for elected office at the municipal level must abide by the respective legislation governing such elections. This includes abiding by s. 30 of the Municipal Elections Act, 1996 which requires that employees request and <u>obtain an unpaid leave of absence beginning as of the day the employee is nominated and ending on voting day</u>; and deems employees who are elected to office to have resigned from employment immediately before making their declaration of office.</p> <p>Any employee who is politically involved shall ensure that such involvement does not interfere with his or her ability to perform his or her corporate duties objectively.</p> <p>Employees must not engage in any political activity during working hours or utilize City assets resources or property.</p> <p>Employees shall not identify themselves as City employees when engaged in political activity (e.g. employees shall not wear clothing with the City of Hamilton logo while canvassing for a candidate).</p> <p>Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or distributed by employees at City work sites or on City property. An employee's decision to support a candidate or political party financially remains a personal decision.</p>
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<b>COMPLIANCE</b>	<p>Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal with cause.</p>



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

<b>TO:</b>	Chair and Members of Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	March 27, 2023
<b>SUBJECT/REPORT NO:</b>	Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Andrea Holland (905) 546-2424 Ext. 5409
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton from June 1, 2023 until May 31, 2027 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor.

### EXECUTIVE SUMMARY

Under the current Contract, C2-06-19, the City has the option to renew the contract for one additional term of council based on the same terms and conditions, subject to satisfactory performance to date of renewal and price negotiations. Staff have had preliminary discussions with Principles Integrity, and they are willing to extend the contract and are open to further negotiations. Staff are seeking approval and authority to proceed with negotiation and an extension.

On September 28, 2022, Council approved the extension of contract C2-06-19 for Council's Integrity Commissioner, Principles Integrity until May 31, 2023 to allow staff to report back with a recruitment selection process option for future appointments for the Integrity Commissioner position, as well as the option to further extend the current

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)**  
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contract C2-06-19 past May 31, 2023. During the discussion at the September Standing Committee meeting, staff were asked to review the City of Ottawa model.

**Alternatives for Consideration – See Page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

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

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

Dept ID 300400					
	2018	2019	2020	2021	2022
PRINCIPLES INTEGRITY	9,950.96	30,715.62	66,475.36	64,846.69	39,768.28

Staffing: N/A

Legal: The current contract C2-06-19 includes an option to renew for one further term of Council based on the same terms and conditions subject to price negotiations.

**HISTORICAL BACKGROUND**

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

In September of 2022, the City Clerk reported with a recommendation to Audit, Finance and Administration Committee (“AF&A”) to extend Contract C2-06-19 for an additional term of Council as per the contract. During the discussion at AF&A, Committee expressed an interest to explore recruitment options that other municipalities, expressly the City of Ottawa, utilize to contract their Integrity Commissioners. Committee and Council approved the following direction to staff:

**SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)**  
**- Page 3 of 6**

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Integrity Commissioner and lobbyist Registrar Contract (FCS22074) (City Wide)  
 (Item 10.2)

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until May 31, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;
- (b) That the City Clerk inform Council on the results of the negotiation; and,
- (c) That the City Clerk report back to Governance Review Sub-Committee by March 31, 2023 with a recruitment selection process option for future appointments for the Integrity Commissioner position, as well as the option to further extend the current contract C2-06-19 past May 31, 2023.

The extension of the current contact has been completed as per the direction (a) above.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

*Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017*, which received Royal Assent on May 30, 2017, expanded the responsibilities of Integrity Commissioners and required that all municipal governments provide for an Integrity Commissioner by either appointing an Integrity Commissioner to perform the functions set out in subsection 223.3(1) of the *Municipal Act, 2001* (the "Act"), or where Council has not appointed a Commissioner, by making arrangements for the responsibilities set out in subsection 223.3(1) of the Act to be provided by an Integrity Commissioner of another municipality, or through a combination of the two, by March 1, 2019.

Part V.1 Accountability and Transparency, subsections 223.2 to 223.12 (Appendix "B") of the Act outlines the requirements for City Council "to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality". Council has expressed their intent to retain their own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Subsection 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Subsection 223.11 of the Act authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

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The City of Hamilton By-Law 16-288 To Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contravention of the Code of Conduct by Members of Council (the “By-Law”) provides as follows:

2. Council’s appointment of an Integrity Commissioner pursuant to the Act and this By-law, shall be for a fixed term, such term to be established by Council at the time of such appointment.
  
7. The appointment of an Integrity Commissioner may be terminated by Council for cause, before the expiration of her or his term of office.

The current authority to appoint and remove the Integrity Commissioner, under the By-Law rests with Council only and does not provide delegation of authority.

## **RELEVANT CONSULTATION**

Following the Council direction, staff reached out to other municipalities to obtain information on their Integrity Commissioner recruitment strategies. All Municipalities who responded, with the exception of the City of Ottawa, recruit using an application or RFP method to select their Integrity Commissioner with the appointment confirmed by Council.

The City of Ottawa was the only respondent that had a Council that provided delegated authority to a staff recruitment team to select and appoint the Integrity Commissioner. The rationale from the City of Ottawa was that, with a recognition that the Integrity Commissioner oversees the conduct of Members of Council, the recruitment and contract administration process is undertaken by the City Clerk, while the selection and appointment process is overseen by an interview panel comprised of the City Clerk, Deputy City Clerk and Auditor General.

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

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Under the current agreement with Principles Integrity, Council has an option to renew the contract for one additional term of Council based on the same terms and conditions, subject to satisfactory performance to date of renewal and price negotiations. Staff are seeking direction from Council to enter into negotiations with Principles Integrity to extend the current Contract. If negotiations with Principles Integrity are unsuccessful, staff would then proceed with an RFP process for a new Integrity Commissioner.



**SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)**  
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The recruitment completed in 2019 resulted in 3 proposals, with only two proposals meeting the benchmark for evaluation. Staff are recommending a contract extension as there was little response in the last recruitment for an Integrity Commissioner and the current contract provides Council with the ability to extend through negotiation.

Principles Integrity has acted as the Integrity Commissioner for the City of Hamilton for since 2018. Historically they have provided timely advice, guidance and investigation services in accordance with the terms of their contract. Principles Integrity currently acts as the Integrity Commissioner for over 50 municipalities, including Peel Region, York Region, Halton Region, County of Simcoe, and the City of Windsor. They have an excellent reputation among municipalities and possess the expertise, network of resources and necessary skill set to enable them to successfully perform the responsibilities set out in their contract.

As there is a very small pool of qualified and experienced Integrity Commissioners available to bid on provision of this service to the City, staff do not believe that issuance of an RFP will result in more options for the City than the search produced back in 2019.

Staff recommend that the renewed term to be negotiated with Principles Integrity be set to expire on or about May 31, 2027 rather than on November 14, 2026, to enable sufficient opportunity for the new Council (2026-2030 Term) to determine a mechanism for appointing its Integrity Commissioner and Lobbyist Registrar.

## **ALTERNATIVES FOR CONSIDERATION**

### Recruitment Selection Process for Future Appointments

An alternative to the recommended approach of extending the City's existing contract with Principles Integrity would be to conduct a competitive procurement process to secure the services of an Integrity Commissioner and Lobbyist Registrar in accordance with the City's Procurement Policy By-Law 20-205, as amended.

Attached as Appendix "A" to this report FCS22074(a) is an Integrity Commissioner Appointment and Contract Administration Procedure which provides delegated authority to staff to issue an RFP, with all proposals received evaluated by the City Manager, Executive Director of Human Resources, City Solicitor and the City Clerk. Using the prescribed method, set out in the RFP, any eligible proposals would have their costing proposal opened and evaluated only if they meet the required benchmark. Following selection of the preferred candidate, the City Clerk would be authorized to place a By-law for Appointment of the preferred candidate on the Council agenda for consideration and enactment by Council. Following formal appointment by Council, the Clerk would

**SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)**  
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hold delegated authority for contract administration, including the execution of a contract with the candidate appointed.

The Procedure attached as Appendix “A” is similar to the process followed for the previous appointment of the City of Hamilton’s Integrity Commissioner and similar to the Ottawa procedure reviewed by staff except that staff propose that Council retain the appointment authority.

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS FOR ALTERNATIVES FOR CONSIDERATION**

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

Staffing: N/A

Legal: Legal staff will be involved in the review of any contract extension.

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

**Our People and Performance**

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

**APPENDICES**

Appendix A – Integrity Commissioner Appointment and Contract Administration Procedures

Appendix B – Municipal Act, 2001, sections 223.2 to 223.12, as amended

**REFERENCES**

*Municipal Act, 2001*, as amended

Council Code of Conduct, By-Law 16-290

Lobbyist Registry, By-Law 14-244

Establish and Govern the Office of Integrity Commissioner, By-Law 16-188

<b>Council/Corporate Procedure</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
Page 1 of 4		<b>Council Approved: Last Reviewed: March 2023</b>

## ***Integrity Commissioner Appointment and Contract Administration Procedures***

### **APPLICATION**

These procedures apply to processes for the Integrity Commissioner and Lobbyist Registrar, recruitment, appointment and contract administration. These procedures apply to Members of Council, the Hiring Panel/Interview Panel and designates.

### **LEGISLATIVE REQUIREMENTS**

*Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017*, which received Royal Assent on May 30, 2017, expanded the responsibilities of the Integrity Commissioners and required that all municipal governments provide access to an Integrity Commissioner and either appoint its own Integrity Commissioner or make provisions that the services of an Integrity Commissioner be provided by another municipality by March 1, 2019.

The *Municipal Act, 2001*, as amended, Part V.1 Accountability and Transparency, section 223.2 to 223.12 (Appendix 'A') outlines the requirements for City Council "to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality". Council has expressed their intent to retain their own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Sections 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Section 223.11 authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

The City of Hamilton By-Law 16-288 To Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contravention of the Code of Conduct by Members of Council (the By-Law)

<b>Council/Corporate Procedure</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
Page 2 of 4		<b>Council Approved: Last Reviewed: March 2023</b>

## SCOPE

## RELATED DOCUMENTS

Council Code of Conduct, By-Law 16-290  
 Lobbyist Registry, By-Law 14-244  
 Establish and Govern the Office of Integrity Commissioner, By-Law 16-188

## PROCEDURE

Council shall, by public resolution, approve the appointment of the Integrity Commissioner. The resolution shall specify any relevant amendments and delegated authority with respect to administration of the contract.

### **Integrity Commissioner**

#### Recruitment and Appointment Process

City Council shall consider a motion that provides for as follows:

- If applicable, the incumbent may be thanked for their work;
- If applicable, providing the incumbent with any required notice as set out under the agreement and regulations;
- Delegating authority to the City Clerk to undertake a recruitment and selection process for the new Integrity Commissioner in accordance with the criteria and principles approved by Council (as per Subsection 2 below); and
- Directing the City Clerk to report back to Council with a report to appointment on the recommended candidate and that the City Clerk and City Solicitor finalize the agreement to the satisfaction of the City Solicitor and following Council approval of the appointment.

The following criteria and principles shall be applied to the hiring process:

- The Integrity Commissioner's independence and impartiality;
- Confidentiality with respect to the Integrity Commissioner's activities; and
- The credibility of the Integrity Commissioner's investigation process.

<b>Council/Corporate Procedure</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
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In considering the appointment of an Integrity Commissioner, the successful candidate should possess:

- Previous municipal, governance, procedural and/or ethics experience (e.g. former Chief Administrative Officer, Clerk, municipal lawyer, similar experience in another level of government);
- Knowledge of municipal government and the accountability and transparency provisions of the *Municipal Act, 2001*;
- Understanding of Council operations and policies, including the City's Accountability Framework;
- Ability to provide services on a part-time, flexible and as-needed basis, without competing employment demands;
- The ability to receive complaints and conduct investigations; and
- No specific connection or interest with the City (specifically a financial or business relationship).

The City Clerk shall ensure that all individuals and City staff with access to confidential hiring process information sign a mandatory confidentiality agreement in relation to the process. The confidentiality agreement shall be signed at the outset of the process, before receiving any confidential information.

The City Clerk shall conduct advertising for the position and receive and screen applications based on the Request for Proposal criteria before selecting candidates for interviews.

Interviews shall be conducted by a Selection Panel composed of the City Manager, City Clerk, the City Solicitor and Executive Director of Human Resources. Based on the interviews and scoring the preferred candidate will be selected and recommend to Council for appointment.

The initial term of the Integrity Commissioner shall be set at four years with an optional renewal for an additional four-year term.

#### Contract Administration Process

The City Clerk and City Solicitor shall have delegated authority to negotiate, finalize and

<b>Council/Corporate Procedure</b>		<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
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execute extensions to the Integrity Commissioner’s contract and any subsequent renewals, subject to Council-approved term lengths and any Council-approved changes to terms and conditions, including the remuneration schedule. The City Clerk shall report to Council on the exercise of this delegated authority by way of memorandum immediately following the execution of any agreement.

#### Monitoring/Contraventions

The City Clerk shall review and monitor invoicing from the Integrity Commissioner to ensure consistency with the specifications of the agreement. Any discussion of complaints regarding the performance of the Integrity Commissioner shall be conducted in closed session.

Any complaints under these procedures relating to Members of Council shall be addressed by the Integrity Commissioner in accordance with the Integrity Commissioner’s oversight of the Code of Conduct for Members of Council.

#### **Definitions**

“City” means the Corporation of the City of Hamilton.

“City Manager” means the City Manager and Chief Administrative Officer of the City of Hamilton.

“Council” means the Mayor of the City of Hamilton and all Ward Councillors.

“Senior Management” means the members of the Senior Leadership Team.

“Staff” or “City Staff” means all City of Hamilton employees, including Senior Management.

## Appendix B

### Municipal Act, 2001, sections 223.2 to 223.12, as amended

#### Code of conduct

**223.2** (1) A municipality shall establish codes of conduct for members of the council of the municipality and of its local boards. 2017, c. 10, Sched. 1, s. 18.

#### Same

(2) Without limiting sections 9, 10 and 11, those sections authorize the municipality to establish codes of conduct. 2017, c. 10, Sched. 1, s. 18.

#### No offence or administrative penalty

(3) A by-law cannot provide that a member who contravenes a code of conduct is guilty of an offence or is required to pay an administrative penalty. 2017, c. 10, Sched. 1, s. 18.

#### Regulations

(4) The Minister may make regulations prescribing one or more subject matters that a municipality is required to include in a code of conduct. 2017, c. 10, Sched. 1, s. 18.

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

2017, c. 10, Sched. 1, s. 18 - 01/03/2019

#### Integrity Commissioner

**223.3** (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.

7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*, 2017, c. 10, Sched. 1, s. 19 (1).

#### **Provision for functions if no Commissioner appointed**

(1.1) If a municipality has not appointed a Commissioner under subsection (1), the municipality shall make arrangements for all of the responsibilities set out in that subsection to be provided by a Commissioner of another municipality. 2017, c. 10, Sched. 1, s. 19 (2).

#### **Provision for functions if responsibility not assigned**

(1.2) If a municipality has appointed a Commissioner under subsection (1), but has not assigned functions to the Commissioner with respect to one or more of the responsibilities set out in that subsection, the municipality shall make arrangements for those responsibilities to be provided by a Commissioner of another municipality. 2017, c. 10, Sched. 1, s. 19 (2).

#### **Powers and duties**

(2) Subject to this Part, in carrying out the responsibilities described in subsection (1), the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 98.

#### **Request for advice shall be in writing**

(2.1) A request by a member of council or of a local board for advice from the Commissioner under paragraph 4, 5 or 6 of subsection (1) shall be made in writing. 2017, c. 10, Sched. 1, s. 19 (3).

#### **Advice shall be in writing**

(2.2) If the Commissioner provides advice to a member of council or of a local board under paragraph 4, 5 or 6 of subsection (1), the advice shall be in writing. 2017, c. 10, Sched. 1, s. 19 (3).

#### **Content of educational information**

(2.3) If the Commissioner provides educational information to the public under paragraph 7 of subsection (1), the Commissioner may summarize advice he or she has provided but shall not disclose confidential information that could identify a person concerned. 2017, c. 10, Sched. 1, s. 19 (3).

#### **Delegation**

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

#### **Same**

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



**Status**

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

**Indemnity**

(6) A municipality shall indemnify and save harmless the Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority. 2017, c. 10, Sched. 1, s. 19 (4).

**Interpretation**

(7) For greater certainty, nothing in this section affects the application of section 448 with respect to a proceeding referred to in subsection (6) of this section. 2017, c. 10, Sched. 1, s. 19 (4).

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

2017, c. 10, Sched. 1, s. 19 (1-4) - 01/03/2019

**Inquiry by Commissioner**

**223.4** (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or
- (b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.

**Powers on inquiry**

(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (1).

**Information**

(3) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2006, c. 32, Sched. A, s. 98.

**Same**

(4) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry. 2006, c. 32, Sched. A, s. 98.

**Penalties**

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006, c. 32, Sched. A, s. 98.

**Same**

(6) The local board may impose either of the penalties described in subsection (5) on its member if the Commissioner reports to the board that, in his or her opinion, the member has contravened the code of conduct, and if the municipality has not imposed a penalty on the member under subsection (5) in respect of the same contravention. 2006, c. 32, Sched. A, s. 98.

**Termination of inquiry when regular election begins**

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, the Commissioner shall terminate the inquiry on that day. 2017, c. 10, Sched. 1, s. 20.

**Same**

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act*, 1996, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced. 2017, c. 10, Sched. 1, s. 20.

**Other rules that apply during regular election**

(9) The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election, as set out in section 5 of that Act:

1. There shall be no requests for an inquiry about whether a member of council or of a local board has contravened the code of conduct applicable to the member.
2. The Commissioner shall not report to the municipality or local board about whether, in his or her opinion, a member of council or of a local board has contravened the code of conduct applicable to the member.
3. The municipality or local board shall not consider whether to impose the penalties referred to in subsection (5) on a member of council or of a local board. 2017, c. 10, Sched. 1, s. 20.

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

2009, c. 33, Sched. 6, s. 72 (1) - 01/06/2011

2017, c. 10, Sched. 1, s. 20 - 01/03/2019

### **Inquiry by Commissioner re s. 5, 5.1 or 5.2 of *Municipal Conflict of Interest Act***

**223.4.1** (1) This section applies if the Commissioner conducts an inquiry under this Part in respect of an application under subsection (2). 2017, c. 10, Sched. 1, s. 21.

#### **Application**

(2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of council or a member of a local board. 2017, c. 10, Sched. 1, s. 21.

#### **No application for inquiry during regular election**

(3) No application for an inquiry under this section shall be made to the Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act. 2017, c. 10, Sched. 1, s. 21.

#### **Timing**

(4) An application may only be made within six weeks after the applicant became aware of the alleged contravention. 2017, c. 10, Sched. 1, s. 21.

#### **Exception**

(5) Despite subsection (4), an application may be made more than six weeks after the applicant became aware of the alleged contravention if both of the following are satisfied:

1. The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.
2. The applicant applies to the Commissioner under subsection (2) within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*. 2017, c. 10, Sched. 1, s. 21.

#### **Content of application**

(6) An application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where an applicant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection (5), a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention during that period of time. 2017, c. 10, Sched. 1, s. 21.

**Inquiry**

(7) The Commissioner may conduct such inquiry as he or she considers necessary. 2017, c. 10, Sched. 1, s. 21.

**Public meeting**

(8) If the Commissioner decides to conduct an inquiry, the Commissioner may have a public meeting to discuss the inquiry. 2017, c. 10, Sched. 1, s. 21.

**Powers on inquiry**

(9) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2017, c. 10, Sched. 1, s. 21.

**Information**

(10) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2017, c. 10, Sched. 1, s. 21.

**Same**

(11) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry. 2017, c. 10, Sched. 1, s. 21.

**Termination of inquiry when regular election begins**

(12) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day. 2017, c. 10, Sched. 1, s. 21.

**Same**

(13) If an inquiry is terminated under subsection (12), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the member or former member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out. 2017, c. 10, Sched. 1, s. 21.

**Timing**

(14) The Commissioner shall complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated under subsection (12). 2017, c. 10, Sched. 1, s. 21.

**Completion**

(15) Upon completion of the inquiry, the Commissioner may, if he or she considers it appropriate, apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for

a determination as to whether the member has contravened section 5, 5.1 or 5.2 of that Act. 2017, c. 10, Sched. 1, s. 21.

### **Notice to applicant re decision not to apply to judge**

(16) The Commissioner shall advise the applicant if the Commissioner will not be making an application to a judge. 2017, c. 10, Sched. 1, s. 21.

### **Reasons after inquiry**

(17) After deciding whether or not to apply to a judge, the Commissioner shall publish written reasons for the decision. 2017, c. 10, Sched. 1, s. 21.

### **Costs**

(18) The Commissioner's costs of applying to a judge shall be paid by the following:

1. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of council of a municipality, the municipality.
2. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of a local board, the local board. 2017, c. 10, Sched. 1, s. 21.

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

2017, c. 10, Sched. 1, s. 21 - 01/03/2019

### **Duty of confidentiality**

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

### **Exception**

(2) Despite subsection (1), information may be disclosed in a criminal proceeding as required by law or otherwise in accordance with this Part. 2006, c. 32, Sched. A, s. 98.

### **Release of advice**

(2.1) Advice provided by the Commissioner to a member under paragraph 4, 5 or 6 of subsection 223.3 (1) may be released with the member's written consent. 2017, c. 10, Sched. 1, s. 22.

### **Partial release by member**

(2.2) If a member releases only part of the advice provided to the member by the Commissioner under paragraph 4, 5 or 6 of subsection 223.3 (1), the Commissioner may release part or all of the advice without obtaining the member's consent. 2017, c. 10, Sched. 1, s. 22.

### **Other circumstances**

(2.3) The Commissioner may disclose such information as in the Commissioner's opinion is necessary,

- (a) for the purposes of a public meeting under subsection 223.4.1 (8);

- (b) in an application to a judge referred to in subsection 223.4.1 (15); or
- (c) in the written reasons given by the Commissioner under subsection 223.4.1 (17).  
2017, c. 10, Sched. 1, s. 22.

### **Section prevails**

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

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

2017, c. 10, Sched. 1, s. 22 - 01/03/2019

### **Report to council**

**223.6** (1) If the Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned. 2006, c. 32, Sched. A, s. 98.

### **Report about conduct**

(2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.

### **Publication of reports**

(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 98.

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

### **Testimony**

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

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

### **Reference to appropriate authorities**

**223.8** If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act, other than the *Municipal Conflict of Interest Act*, or of the *Criminal Code* (Canada), the Commissioner shall immediately refer the matter to the appropriate authorities and

suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to council. 2006, c. 32, Sched. A, s. 98; 2017, c. 10, Sched. 1, s. 23.

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

2017, c. 10, Sched. 1, s. 23 - 01/03/2019

### **Registry**

**223.9** (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to establish and maintain a registry in which shall be kept such returns as may be required by the municipality that are filed by persons who lobby public office holders. 2006, c. 32, Sched. A, s. 98.

### **Requirement to file returns, etc.**

(2) Without limiting sections 9, 10 and 11, those sections authorize the municipality to provide for a system of registration of persons who lobby public office holders and to do the following things:

1. Define "lobby".
2. Require persons who lobby public office holders to file returns and give information to the municipality.
3. Specify the returns to be filed and the information to be given to the municipality by persons who lobby public office holders and specify the time within which the returns must be filed and the information provided.
4. Exempt persons from the requirement to file returns and provide information.
5. Specify activities with respect to which the requirement to file returns and provide information does not apply.
6. Establish a code of conduct for persons who lobby public office holders.
7. Prohibit former public office holders from lobbying current public office holders for the period of time specified in the by-law.
8. Prohibit a person from lobbying public office holders without being registered.
9. Impose conditions for registration, continued registration or a renewal of registration.
10. Refuse to register a person, and suspend or revoke a registration.
11. Prohibit persons who lobby public office holders from receiving payment that is in whole or in part contingent on the successful outcome of any lobbying activities. 2006, c. 32, Sched. A, s. 98.

### **Access to registry**

(3) The registry described in subsection (1) shall be available for public inspection in the manner and during the time that the municipality may determine. 2006, c. 32, Sched. A, s. 98.

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

**Prohibition on contingency fees**

**223.10** Without limiting sections 9, 10 and 11, those sections authorize the municipality to prohibit a person on whose behalf another person undertakes lobbying activities from making payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities. 2006, c. 32, Sched. A, s. 98.

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

**Registrar for lobbying matters**

**223.11** (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint a registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the registry described in subsection 223.9 (1) and the system of registration and other matters described in subsection 223.9 (2). 2006, c. 32, Sched. A, s. 98.

**Powers and duties**

(2) Subject to this Part, in carrying out these responsibilities, the registrar may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 98.

**Delegation**

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

**Same**

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

**Status**

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

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

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**Inquiry by registrar**

**223.12** (1) This section applies if the registrar conducts an inquiry under this Part in respect of a request made by council, a member of council or a member of the public about compliance with the system of registration described in subsection 223.9 (2) or with a code of conduct established under that subsection. 2006, c. 32, Sched. A, s. 98.



**Inquiry**

(2) The registrar may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (2).

**Duty of confidentiality**

(3) Section 223.5 applies, with necessary modifications, with respect to the registrar and every person acting under the instructions of the registrar in the course of conducting an inquiry. 2006, c. 32, Sched. A, s. 98.

**Report**

(4) If the registrar makes a report to a municipality in respect of an inquiry, the registrar may disclose in the report such matters as in the registrar's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.

**Publication of reports**

(5) The municipality shall ensure that reports received from the registrar are made available to the public. 2006, c. 32, Sched. A, s. 98.

**Testimony**

(6) Neither the registrar nor any person acting under the instructions of the registrar is a competent or compellable witness in a civil proceeding in connection with anything done when conducting an inquiry. 2006, c. 32, Sched. A, s. 98.

**Reference to appropriate authorities**

(7) If the registrar, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code* (Canada), the registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to council. 2006, c. 32, Sched. A, s. 98.

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

2006, c. 32, Sched. A, s. 98 - 01/01/2007

2009, c. 33, Sched. 6, s. 72 (2) - 01/06/2011; CTS 4 AU 09 - 3



# CITY OF HAMILTON MOTION

Governance Review Sub-Committee: March 27, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR.....

## Restructuring the Board of Health Standing Committee

WHEREAS, Council, believes that the current composition of the City’s Board of Health Standing Committee (recommendation to change name to “Public Health Committee” as per FCS23031) should be adjusted.

THEREFORE, BE IT RESOLVED:

- (a) That the composition of the Public Health Committee be approved as follows:
  - (i) 6 members of Council;
  - (ii) 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and
  - (iii) 1 education representative
  
- (b) That By-law No. 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be **amended** as follows with the renumbering of the remaining sub-sections accordingly:
  - (i) the definition of “Selection Committee”, be **amended** as follows:
 

“Selection Committee” means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and six (6) Council representatives with full voting privileges **and with the exception of the Public Health Committee Selection Committee for the recruitment of the 6 community health professionals and the 1 education representative which is comprised of six (6) members of Council and six (6) community representatives with full voting privileges.**

- (ii) the Public Health Committee Terms of Reference (Appendix 'B' to By-law 21-021, as amended), be **amended**, as follows:
- (a) The Public Health Committee shall be comprised of: ~~all 16 members of Council~~:
- (i) 6 members of Council;
  - (ii) 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and
  - (iii) 1 education representative
- (iii) Section 5.2 "Appointment of Committee Chairs and Vice Chairs" be **amended**, as follows:

### 5.2 Appointment of Committee Chairs and Vice Chairs

- (2) Despite subsections 5.2(1)(a) and (b):
- ~~(a) the Mayor shall stand as Chair for the term of Council for the Public Health Committee; and~~
- (a) the Mayor may stand as the Chair of the General Issues Committee for the term of Council or the Chair of the General Issues Committee may be rotated amongst the Deputy Mayors.
- ~~(3) The Public Health Committee shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the Public Health Committee.~~

- (iv) Section 5.3 "Standing Committee Membership" be **amended**, as follows:

### 5.3 Standing Committee Membership

- (1) General Issues Committee ~~and Public Health Committee~~ shall be comprised of all Members of Council.
- (2) **Public Health Committee shall be comprised of 6 Members of Council, 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and 1 education representative;**
- (7) Each Member of Council shall sit on a minimum of **3** Standing Committees, in addition to the ~~Public Health Committee and~~ General Issues Committee.

- (c) That the Selection Process for the appointment of the 6 community health professionals and the 1 education representative to the Public Health Committee, be approved, as follows:
- (i) That the Public Health Committee Selection Committee for the recruitment of the 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and the 1 education representative to the Public Health Committee, be comprised of the six (6) members of Council and six (6) community representatives;
  - (ii) That the Greater Hamilton Health Network (GHHN), GHHN Health Equity Council, Hamilton Trans Health Coalition, Woman Abuse Working Group (WAWG), **Refugee Newcomer Health**, and the Hamilton Anti-Racism Resource Centre (HARRC) recommend the appointment of the six (6) community representatives on the Public Health Committee Selection Committee for the recruitment 6 community health professionals and the 1 education representative to the Public Health Committee for the 2022-2026 term of Council for Council's consideration;
  - (iii) That the six (6) community representatives appointed to the Public Health Committee Selection Committee for the recruitment of 6 community health professionals and the 1 education representative to the Public Health Committee, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.
  - (iv) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be **amended**, by adding the following new sub-section 16 and renumbering the remaining sub-sections accordingly:

***Selection Process for the Appointment of the 6 community health professionals and the 1 education representative to the Public Health Committee***

16. Six (6) members of Council and six (6) community representatives are appointed to the Public Health Committee Selection Committee whose mandate will be to:
- (i) Review applications for the appointment of the 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); to the Public Health Committee;
  - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;

- (iii) Request that the following Advisory Committees submit confidential interview questions:
- (a) Hamilton Women and Gender Equity Advisory Committee
  - (b) Indigenous Advisory Committee
  - (c) LGBTQ Advisory Committee
  - (d) Committee Against Racism Advisory Committee
  - (e) Advisory Committee for Persons with Disabilities
- (iv) Request that the Hamilton District School Board and the Hamilton Catholic District School Board nominate a candidate(s) as the 1 education representative to be appointed to the Public Health Committee for the Public Health Committee Selection Committee consideration;
- (v) Interview applicants and nominated candidates, if necessary, who have met the criteria (below), ensuring that they are not ineligible (below);

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

- a resident of, or owner of a business in, the City at least 18 years of age;
- an owner or tenant of land in the City, or the spouse of such a person;
- not employed by the City of Hamilton;
- interest or background in issues affecting municipal public health programs and services
- interest or skills in planning and policy development leading to a comprehensive municipal public health agenda that meets local community needs experience in organizational activities, such as committees, non-profit groups, voluntary societies, occupational associations skills in leadership and management
- experience in administration and budget development
- demonstrated skills in conflict management, negotiation and mediation
- ability to make a commitment to monthly involvement in Public Health Committee meetings and related committees or other activities
- a youthful perspective, defined as an individual in the 18-30 age range, a desired qualification for at least one public member
- a frontline worker perspective

Attachments:

- (i) Correspondence respecting Restructuring of the Board of Health (*received and referred to the consideration of the above motion at Council on February 8, 2023*):
  - (a) Claire Bodkin, MD
  - (b) Dr. Anjali Menezes
  - (c) Dr. Kassia Johnson
  - (d) Ruth Rodney, RN
  - (e) Stacey Marjerrison, MD
  - (f) Natasha Johnson, MD
  
- (ii) Correspondence from the Ministry of Health in response to the Mayor's letter respecting the feasibility of including members of the public on Hamilton's Board of Health (*received and referred to the consideration of the above motion at Council on February 8, 2023*)
  
- (iii) Correspondence from Tim Nolan, Accessibility Hamilton Alliance respecting the Hamilton Board of Health (*received and referred to the consideration of the above motion at Council on February 22, 2023*):





February 3 2023

Dear Mayor and City Councillors,

I am writing to express my support for Councillor Kroetsch's motion regarding Restructuring the Board of Health. Please note that my letter today represents only my own views, and not those of any organizations I work for.

I provided a pre-recorded video delegation to the Board of Health on March 22, 2021 (Item 6.4) regarding the need for restructuring of the Board of Health. This letter is to reiterate what I shared there, and to ask City Council to support this crucial transformation of Board of Health governance to better support the health of all Hamiltonians.

I have been privileged to be part of the Board of Directors for the Parkdale Community Health Centre in Toronto, and to currently sit on the core organizing team for the Hamilton Social Medicine Response Team and as a member of the Greater Hamilton Health Network's Health Equity Council. In all 3 of these settings, I've seen how expertise in health equity alongside community representation changes the priorities and decisions at the leadership level and translates to better outcomes for people and communities. It directs resources towards tailored community public health interventions with better uptake from the communities' they are meant to serve, shares power with those most affected by an issue to create more effective solutions, and offers a more transparent and accountable governance structure.

Hamilton Public Health is charged with leading the response to some of the most challenging and important health issues in our city – the year-over-year increase in deaths from the toxic drug supply, the ongoing COVID-19 pandemic and future pandemics, healthy childhood development, environmental health, and so much more. For these responses to meet the needs of all Hamiltonians, the Board of Health must have leadership from not only city councillors, but also experts in health equity, and representation from structurally vulnerable communities. I hope that city councillors realize this is an opportunity to create that legacy – of better, more equitable health outcomes - for generations of Hamiltonians to come; and vote in support of Councillor Kroetsch's motion.

Thank you for considering my submission.

Sincerely,



Claire Bodkin MD CCFP  
Ward 4 Resident, Hamilton

5 February 2023

## ATTN: HAMILTON CITY COUNCIL

**RE: MOTION TO AMEND HAMILTON'S BOARD OF HEALTH – LETTER OF SUPPORT**

I offer my staunch support for Councillor Kroetsch's motion to restructure Hamilton's Board of Health to include 6 members of Council, 6 members of community health professionals, and 1 education representative. As Dr. Ameil Joseph, Lyndon George, and Dr Madeleine Verhovsek called for in their open letter dated February 25, 2021, the COVID-19 pandemic highlighted the profound racial health inequities that exist in Canada and this must be addressed through structural changes in leadership and governance.

As a family physician and racialized woman myself, I know far too well the obvious racial disparities in health outcomes for racialized patients, of the anxiety my family members and racialized patients face when entering the health care environment, and mistrust of a system designed by and for white Canadians. As a researcher, my work focuses on racial differentials in attainment, and the appropriate collection and interpretation of race-based data. We know that health care is far from race-neutral. Rather, our political and health structures have been, and continue to be, shaped by our Colonial history.

Addressing structural inequities necessitates structural changes. Hamilton's Board of Health cannot continue to be compromised solely of elected members of council. Health outcomes are the result of complex interactions between our physiology, health system, politics, and socioeconomic statuses. Navigating such complexities should be done with the valuable input of local health experts. Representation matters, and racialization impacts the political attainment and representation of people from racialized and other equity seeking-communities in elected positions. I hope that my City Council would extend their equity-lens in understanding the importance of representation - as improving access to health care and increasing trust in such a system cannot be done without being informed by the lived experiences of our community members.

Sincerely,



Dr. Anjali Menezes

MBBS, MClined, CCFP  
Family Physician, McMaster Family Practice  
Family Medicine Postgraduate Anti-Racism Advisor, McMaster University  
Lead, DARE Group

**(i)(c)**

February 5, 2023

To Hamilton City Council,

re: Motion to Restructure Hamilton Board of Health

My name is Dr. Kassia Johnson and I was part of the original group that delegated to City Council in 2021 with a team of concerned citizens and healthcare supporters/providers. At that time, our team discussed that the Hamilton Board of Health needed to better represent the community it was serving such that the issues of racism, sexism, discrimination, inadequate housing, poor working conditions and a lack of protections could be discussed and understood differently. Scientific evidence shows that all of these issues impact health in our community but also that diverse thinking in decision making bodies also leads to better decisions being made. This systemic change will not only lead to better decisions but also better Public Health governance.

The motion that will be put forward by Councillor Kroetsch at February 8, 2023 city council meeting, provides a real opportunity to create a decision making framework from an EDI-lens with accessibility and inclusion principles embedded in the process.

Please receive this letter as a document in support of the motion that will be appearing as 7.1 on the City Council Meeting agenda for February 8, 2023.

Sincerely,



Dr. Kassia Johnson, MD, FRCPC (she/her/elle)  
Assistant Clinical Professor, McMaster University  
Developmental Pediatrics, Ron Joyce Children's Health Centre  
Director of Anti-Racism and Inclusion, Dept. of Peds, McMaster University  
Senior Medical Director Equity, Diversity, Inclusion – Hamilton Health Sciences  
Co-Physician Lead Canadian Paediatric Society Antiracism Initiative



February 6, 2023

FACULTY OF HEALTH  
School of Nursing

4700 Keele St.  
Toronto ON  
Canada M3J 1P3

Tel 416 736-5271  
Fax 416 736-5714  
nursing@yorku.ca

To: Mayor Horwath  
City of Hamilton Council Members  
71 Main Street South  
Hamilton, ON  
L8P 4Y5

Dear: Mayor Horwath and City of Hamilton Council Members

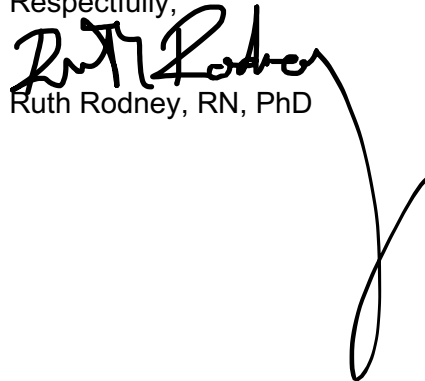
I am writing this letter in **full support** of Councillor Kroetsch's motion to **amend the composition of Hamilton's Board of Health to include community members and health care professionals**. As a registered nurse for almost 20 years, faculty member of York University's School of Nursing, and Hamiltonian, I am acutely aware of the complexities within our social and health systems that perpetuate inequitable access to health care across the city, particularly for low-income, racialized, women and gender-diverse individuals. We (as Hamiltonians) are always in a position to re-examine how and what we do to ensure Hamilton is a city that creates space for everyone to thrive. I believe reforming the Hamilton's Board of Health membership to include community members and health professionals enhances the expertise, lived experience, and diverse voices to better reflect Hamilton's growing population. While council may be faced with many difficult decisions, reforming the Hamilton Board of Health membership should not be one of them. Including health care workers on a Board of Health simply makes sense.

I am enthused that Councillor Kroetsch has recognized the importance of this issue and is bringing it forward once more for council to consider and pass. Prior to our delegation on March 22, 2021, <https://www.youtube.com/watch?v=1rKDIJulrq8&t=5475s>, Dr. Kassia Johnson and I spoke with Councillor Esther Pauls, Ward 7, and past Councillors Jason Farr, Ward 2, and Judi Partridge, Ward 15 to discuss the benefits of restructuring the Board of Health and better understand their hesitations, if any, to the suggested change in membership. We also attempted to discuss this issue with Councillor Tom Jackson, Ward 6, however his office declined. Our discussions with Councillor Pauls, Farr, and Partridge were fruitful and they acknowledged the usefulness of including health care providers on the Board of Health. Including health care workers on the Board of Health provides another measure of accountability as their knowledge and understanding of health issues, language, and terminology can counter what has been described as "*Bored of Health*" meetings. Moreover, my experience of logging on to delegate on March 22, 2021, and hearing defensive comments by some past council members before being alerted that delegates were on the call, including, "*McMaster wants to come and take over our Board*" meant that the motion was never given full consideration. Rather, it was viewed as an opportunity to exercise the power of their office in opposition of community members who brought forward a reasonable and practical improvement to the board of health membership.

Presenting the motion to reform the board of health was and is not about vilifying council members or the medical officer of health as it was originally described in 2021 [https://docs.google.com/forms/d/e/1FAIpQLScnXbqNCTJ81cfvUbn\\_vm9hFpMWTFpCQU6Vq0fSZE9i3AT\\_7A/viewform?fbclid=IwAR1gG8D-6JKs6FMc1UkhfPb1hfQf1Md3SJ\\_xGsLVy6J-GW\\_Z-z1nD48h3uY](https://docs.google.com/forms/d/e/1FAIpQLScnXbqNCTJ81cfvUbn_vm9hFpMWTFpCQU6Vq0fSZE9i3AT_7A/viewform?fbclid=IwAR1gG8D-6JKs6FMc1UkhfPb1hfQf1Md3SJ_xGsLVy6J-GW_Z-z1nD48h3uY) Rather, it is about improving health outcomes for Hamiltonians by recognizing that municipal public health decisions would benefit from greater engagement of local health care providers and community members. Moreover, municipal health boards that have similar membership models (i.e. City of Ottawa and Toronto) provide clear examples of the possibilities that await the City of Hamilton in better serving its constituency.

In closing, the foundation of great healthcare rests in the ability to practice with humility. This means consistently re-evaluating approaches and practices to care, listening to the needs of communities, and being courageous and willing to do things differently, especially when it means stretching outside of one's comfort zone. I ask that the Mayor and Council Members who, collectively, are in positions of power that impact the health outcomes of Hamiltonians support the motion to change the board of health membership and include community members and health care workers.

Respectfully,



Ruth Rodney, RN, PhD





**(i)(e)**

Dear members of the City of Hamilton Board of Health,

I am writing to express my support of Councillor Kroetsch's motion to restructure the Board of Health for the City of Hamilton. As a pediatric oncologist at McMaster Children's Hospital and a child health researcher, I have been able to see the impacts of the decisions of the Board of Health on children in our region. It is critical that these decisions are informed by and made in alignment with those of us who spend our days focused on the health and well-being of our community and include voices from equity-deserving groups.

The Boards of Health for Ottawa and Toronto, as examples, have included members of the community and health professions, and have been better able to have specific and community-based responses to some of the most pressing health issues facing their communities. I feel as though Hamilton can and should do the same. While I understand that some members may feel that unelected health professions members may be "unaccountable", please trust me when I say that we spend the majority of our lives accountable to the individual patients in front of us each day. We take our work home, and we are available at all hours. Being able to assist in setting policies that serve the health of these patients more broadly – rather than just providing band-aids for the impacts of poor policies in our clinics – would be incredibly rewarding, and it is an affront to our oath to suggest that we would not continue to be accountable to the health of our communities in this respect as well.

I would be happy to discuss further at any juncture.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey Marjerrison".

**Stacey Marjerrison, MD MSc FRCPC**

Associate Professor, Department of Pediatrics  
Associate Member, Department of Health Research Methods, Evidence & Impact  
Ronald Barr Professor in Pediatric Oncology  
McMaster University

Pediatric Oncologist and AfterCare Program Medical Director  
McMaster Children's Hospital

1200 Main St. W, Hamilton ON, L8N 3Z5  
Phone: 905-521-2100 x73622; Fax: 905-521-1703  
Email: marjersl@mcmaster.ca



Pediatrics

**Natasha Johnson**, MD, FAAP, FRCPC

Department of Pediatrics, McMaster University

McMaster Children's Hospital

3A36 Health Sciences Centre, Department of Pediatrics

1280 Main Street West, Hamilton, ON L8S 4K1

T: 905-521-2100 ext. 75658 • F: 905-308-7548 • natjohn@mcmaster.ca



February 7, 2023

**(i)(f)**

Attn: Hamilton Board of Health Members

**RE: Movement to Restructure the Board of Health to Include Community Members and Health Experts**

Dear Board of Health Members,

I am writing in support of Councillor Cameron Kroetsch's proposal to restructure the City of Hamilton's Board of Health to include expert and community voices among its membership. The COVID-19 pandemic has starkly illustrated the importance of having our public health policies be informed by health professionals. Hamilton is behind in including these critical perspectives among city health decisions makers compared to other Ontario cities, including Toronto and Ottawa. The strategic vision for Hamilton's health cannot be meaningfully informed or achieved without health experts on this board.

Furthermore, this restructuring should result in a membership that is more diverse by seeking and including community and health leaders from equity-deserving groups, including but not limited to: women, (in)visibly disabled people/people with (in)visible disabilities, Indigenous peoples, Black communities, racialized communities, 2SLGBTQIA+ folks, low-income communities, and newcomer communities. My colleagues and I in healthcare and anti-racist, anti-oppressive work have publicly called for a diversified, restructured board membership as crucial to addressing the impact of discrimination on health, seeking care, and health outcomes since 2021. Achieving progress towards equitable care requires equitable representation at policy- and decision-making tables.

I strongly support Councillor Kroetsch's motion and the echo the calls of my peers to restructure the Board of Health for the benefit of our city. By adopting this systemic change, we will ensure better health outcomes for residents, particularly the most vulnerable and oppressed members of our communities.

Yours sincerely,

**Natasha Johnson** (MD, FAAP, FRCPC)

Associate Chair, Equity, Diversity &amp; Inclusion

Associate Professor, Department of Pediatrics, McMaster University

McMaster Children's Hospital



**Ministry of Health**

Office of Chief Medical Officer  
of Health, Public Health

Box 12,  
Toronto, ON M7A 1N3

Fax: 416 325-8412

**Ministère de la Santé**

Bureau du médecin hygiéniste  
en chef, santé publique

Boîte à lettres 12  
Toronto, ON M7A 1N3

Télec. :416 325-8412

(ii)

February 6, 2023

Mayor Andrea Horwath  
Chair, Board of Health  
City of Hamilton, Public Health Services  
71 Main Street West  
Hamilton ON L8P 4Y5

Dear Mayor Horwath:

Thank you for your letter dated July 19, 2022 to the Honourable Sylvia Jones, Deputy Premier and Minister of Health, regarding the structure of the Board of Health for the City of Hamilton, Public Health Services.

I would first like to apologize for the delay in responding. A copy of the letter was provided to my office on November 30, 2022, when my staff reached out to the Medical Officer of Health for the City of Hamilton, Public Health Services to seek information about this issue. The ministry has no records of receiving the letter in July 2022.

Ontario's boards of health are established in three ways: those which are autonomous and established under section 49 of the *Health Protection and Promotion Act* (HPPA); those which are established as regional municipalities by regional-specific acts; and those which are established by city-specific acts, including the Board of Health for the City of Hamilton, Public Health Services. Under section 11 of the *City of Hamilton Act*, the City of Hamilton has the powers, rights and duties of a Board of Health under the HPPA (i.e., Hamilton City Council operates and functions as the Board of Health).

.../2



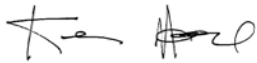
Mayor Andrea Horwath

If Hamilton City Council is considering moving from an all-council-member Board of Health model to one that also includes community members (like the Cities of Toronto and Ottawa), amendments would likely be required to the *Health Protection and Promotion Act* and the *City of Hamilton Act*.

As government/cabinet approval would be required, should you wish to pursue this approach, I suggest you initiate discussions with, or submit a detailed request/proposal to the Ministry of Health and the Ministry of Municipal Affairs and Housing. Alternatively, or in addition, the Board of Health could consider establishing ad-hoc/advisory committees which may include citizen representation to address specific issues of interest or otherwise provide advice to the Board. This local option would not require legislative amendments.

In the meantime, the ministry is also considering how to move forward with strengthening public health in order to make the important changes needed to address long-standing challenges, its role in the broader health care system, and incorporate lessons learned from the pandemic. The ministry will communicate any information as it becomes available.

Yours truly,



Dr. Kieran Michael Moore, MD, CCFP(EM), FCFP, MPH, DTM&H, FRCPC, FCAHS  
Chief Medical Officer of Health and Assistant Deputy Minister, Public Health

- c: Dr. Elizabeth Richardson, Medical Officer of Health, City of Hamilton
- Dr. Wajid Ahmed, Associate Chief Medical Officer of Health, Office of Chief Medical Officer of Health, Public Health
- Elizabeth Walker, Executive Lead, Office of Chief Medical Officer of Health, Public Health



OFFICE OF THE MAYOR  
CITY OF HAMILTON

July 19, 2022

**VIA:** Mail and Email

Hon. Sylvia Jones  
Minister of Health, Ontario  
College Park 5<sup>th</sup> floor, 777 Bay Street  
Toronto, ON M7A 2J3  
[Sylvia.Jones@pc.ola.org](mailto:Sylvia.Jones@pc.ola.org)

Dear Minister Jones,

I am writing on behalf of the Board of Health for Hamilton Public Health Services to request information regarding the feasibility of including members of the public on Hamilton's Board of Health.

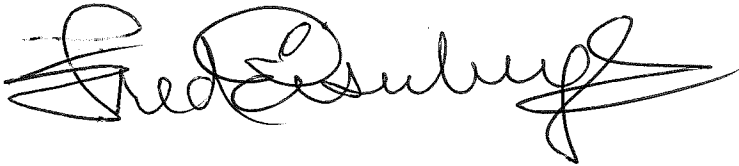
Currently, Hamilton has a single-tier governance structure whereby the City Council serves as the Board of Health. Over the past year, there were several delegations advocating for the inclusion of health experts and diverse community leaders on Hamilton's Board of Health. As a result, our Board of Health has endeavoured to learn more about governance and structural options. On September 20, 2021, Board of Health members participated in a governance education session facilitated by Karima Kanani, Lawyer and Partner, Miller Thompson Lawyers. This session provided an overview of the legal landscape of public health governance, principles of good governance, advancing diversity, equity and inclusion through governance, and alternate board of health structures.

Following that session, Board of Health members expressed interest in learning more about the semi-autonomous governance structure and staff reached out to Toronto and Ottawa Public Health for consultation. It is the Board's understanding that legislative change would be required under the *Health Promotion and Protection Act* as well as the *City of Hamilton Act* in order to include members of the public on Hamilton's Board of Health.

-2-

We would appreciate hearing more about the feasibility of including members of the public on the Board of Health for Hamilton Public Health, as well as steps that could be taken should the Board of Health choose to pursue this. Our Medical Officer of Health, Dr. Elizabeth Richardson, would be happy to meet with your staff to discuss this further as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Eisenberger". The signature is fluid and cursive, with a large initial "F" and "E".

Fred Eisenberger  
Mayor

**CC:**  
Dr. Kieran Moore, Chief Medical Officer of Health

**Pilon, Janet**

---

**Subject:** Board of Health

**From:** Nolan, Tim

**Sent:** February 15, 2023 10:25 AM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Cc:** Nolan, Tim

**Subject:** Board of Health

Hello

If the message below can be distributed to all members of City Council for their February 22, 2023 Council meeting it would be appreciated.

Please advise of any questions or other instructions in order to communicate directly with Council.

With appreciation,

Tim Nolan

Accessibility Hamilton Alliance

[accessibilityhamilton@gmail.com](mailto:accessibilityhamilton@gmail.com)

\*\*\*\*\*

February 15, 2023

To Mayor and Members of Council,

Re: Hamilton Board of Health

My name is Tim Nolan and I write on behalf of the Accessibility Hamilton Alliance (AHA) and its supporters. The AHA promotes full accessibility for seniors, persons with disabilities and taxpayers in the City of Hamilton and beyond.

AHA supports the position to put a pause on the conversion of the Hamilton Board of Health into a framework proposed by Councillor Kroetsch simply because it should look like that of Ottawa or Toronto.

Accessibility over the past few years has been subsumed under the Equity Diversity and Inclusion (EDI) framework. Yet the proposed Health Board conversion does little more for disability or accessibility than to permit the submission of a question for consideration of a Board selection panel. While other EDI classifications have been included in the current proposed framework by Councillor Kroetsch disability and seniors are noticeably absent.

Persons with disabilities and seniors rely upon the health care industry in many ways and for many reasons, not solely because of disability. As such, persons with disabilities and seniors are heavily vested in the health care industry. For this reason, and more, seniors and persons with disabilities must be represented at both the selection panel and at the Board of Health itself.

There is no question that, in the past, groups represented under the EDI framework have not been well represented at the community level, though that is changing. However, as EDI matters progress in their importance and representation disability is beginning to lag behind. Therefore, the Accessibility Hamilton Alliance is asking that:

Should Council move to have staff report on this subject, that persons with disabilities and seniors be fully consulted by staff on both the Board composition and selection process and that the staff report adequately reflect that consultation;  
OR,

Should Council decide to proceed with the motion of Councillor Kroetsch that this motion be amended to include persons with disabilities and seniors on both the selection panel and the Board of Health itself.

I would be more than pleased to respond to any questions or concerns you may have with this request.

Kind regards,

Tim Nolan  
Accessibility Hamilton Alliance  
[accessibilityhamilton@gmail.com](mailto:accessibilityhamilton@gmail.com)



# CITY OF HAMILTON

## MOTION

GOVERNANCE REVIEW SUB-COMMITTEE: March 27, 2023

**MOVED BY COUNCILLOR M. WILSON .....**

**SECONDED BY COUNCILLOR .....**

### **Budget Process Review**

WHEREAS, Ontario municipalities must prepare and adopt an annual budget that includes estimates of all of your municipality’s financial needs during the year (Sections 289 and 290 of the *Municipal Act, 2001*);

WHEREAS, budgets are powerful management tools. They help define levels of municipal services and identify how revenues will fund expenses. Budgeting involves prioritizing projects, programs and service levels in light of the available and potential financial resources;

WHEREAS, municipalities have flexibility regarding the format and level of detail of its budgets;

WHEREAS, while the operating and capital components of budgets are inter-related, some municipalities prepare them separately;

WHEREAS, Hamilton City Council approves 3 budgets annually (Water, Wastewater and Stormwater Rate Supported Budget, Tax Supported Capital Budget, and the Tax Supported Operating Budget);

WHEREAS, the City of Hamilton first embarked on multi-year budgeting in 2018 to help plan further out on day-to-day services and to provide justification for revenue and expenditure predications;

WHEREAS, City of Hamilton is dedicated to advancing and articulating City decision-making efforts by ensuring the process by which participants are provided information and are engaged is meaningful, clear, convenient, and accessible to all residents;

WHEREAS, City of Hamilton had two public delegation opportunities for residents to delegate either in-person or virtually during the 2023 budget process;

WHEREAS, City of Hamilton is currently creating a robust public engagement policy and administrative framework; and

WHEREAS, enhancing engagement throughout the budget process can inherently support high-level Term of Council Priorities including (1) Equity, Diversity and Inclusion; and (2) Trust and Confidence in City Government;

## THEREFORE, BE IT RESOLVED:

- (a) That staff be requested to report back on best practices as it relates to the timing of approval of the municipal budget(s);
- (b) That staff be requested to report back on best practices that prioritize resident engagement including access to, understanding of and participation in budget setting;
- (c) That staff be requested to report back on what an equity-responsive climate budget might look like in terms of principles and framework;
- (d) That staff be requested to report back on the inter-relatedness of the operating and capital budget and the potential to transition to 2 annual budgets (Water, Wastewater and Stormwater Rate Supported Budget, and a Tax Supported Budget);
- (e) That Staff within Financial Planning, Administration and Policy Division and Government Relations & Community Engagement Division work together to provide clear descriptions for the roles and responsibilities of Council, City staff, and the public in the City's public budget engagement processes through their report back;
- (f) That staff report back on ways to make the annual budget accessible, using clearing writing principles, and relevant throughout the year to provide updates on current budget status and updated council decisions to highlight budget impacts and decisions made by Council;
- (g) That staff be requested to report back on a process that will accelerate and consolidate the time allocated for budget presentations and Council's budget deliberations, with an emphasis on achieving long-term financial planning, transparency, strategic planning and continuous budget improvement; and
- (h) That staff report back on the above direction with a goal to transition to a new budget process for the 2025 budget year.