



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REVISED

Meeting #: 23-019
Date: December 7, 2023
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

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 November 16, 2023

5. COMMUNICATIONS

6. DELEGATION REQUESTS

*6.1 Board of Health Governance (for today's meeting)

*a. Kojo Dampney

*b. Lyndon George, Hamilton Anti-Racism Resource Centre (HARRC)

7. DELEGATIONS

8. STAFF PRESENTATIONS

- 8.1 Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) (Outstanding Business List Item)

Referred from Governance Review Sub-Committee, November 17, 2023

- 8.2 Equity, Diversity, and Inclusion Audit (AUD23013) (City Wide) - WITHDRAWN

9. CONSENT ITEMS

- 9.1 2023 Board of Health Self-Evaluation Results (BOH23040) (City Wide)

Referred from Governance Review Sub-Committee, November 17, 2023

- 9.2 Governance Review Sub-Committee Report 23-005 (November 17, 2023)

10. DISCUSSION ITEMS

- 10.1 Hamilton Public Notice Policy By-law FCS23080(a)

Referred from Governance Review Sub-Committee, November 17, 2023

- 10.2 Office of the Auditor General Work Plan 2023 to 2026 (AUD23012) (City Wide)

- 10.3 Compound Water Meter Billing Issues (FCS23110) (City Wide)

- 10.4 Hamilton Municipal Cemeteries Trust Fund Audit – Management Update (FCS23090 / PW23078) (City Wide)

- 10.5 Land Parcel Master Agreement (FCS23111) (City Wide)

- 10.6 2024 City Enrichment Fund Advance Payments and 2023 Payment Update (CM23030) (City Wide)

- 10.7 Indigenous Advisory Committee 2024 Budget Request (HSC23077) (City Wide)

- 10.8 Procurement Sub-Committee Report 23-001 (November 23, 2023)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1 Amendments to the Outstanding Business List

- a. Items Considered Completed and to be Removed

- a. Report on Recommendations for a Board of Health Advisory Committee

Added February 8, 2023 (Council Item 7.7)

Addressed as Item 8.1 on today's agenda

Referred from Governance Review Sub-Committee, November 17, 2023

- b. Public Notification

Added July 5, 2023 (Governance Report 23-003, Item (d)(ii))

Addressed as Item 10.1 on today's agenda

Referred from Governance Review Sub-Committee, November 17, 2023

14. PRIVATE AND CONFIDENTIAL

- 14.1 Auditor General Reporting of Serious Matters to Council (Case #56207)
(AUD23014) (City Wide)

Pursuant to Section 9.3, Sub-sections (b) and (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b) and (d) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City or local board employees and labour relations or employee negotiations.

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 23-017

9:30 a.m.

November 2, 2023

Council Chambers

Hamilton City Hall

Present: Councillors C. Kroetsch (Chair), J. Beattie, B. Clark, T. Hwang, M. Spadafora, M. Tadeson, A. Wilson and M. Wilson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Discussion Items (Items 10.1 to 10.4)

(i) (Hwang/A. Wilson)

That the following Discussion Items be approved as presented:

(a) 2024 Budget Submission Committee Against Racism (CM23026) (City Wide) (Item 10.1)

That the Committee Against Racism Advisory Committee 2024 base budget attached as Appendix "A" to report CM23026 in the amount of \$8,900, be approved and referred to the 2024 budget process for consideration.

(b) 2024 Budget Submission Hamilton Women and Gender Equity Advisory Committee (CM23024) (City Wide) (Item 10.2)

That the Hamilton Women and Gender Equity Advisory Committee 2024 base budget submission attached as Appendix "A" to Report CM23024 in the amount of \$3,500.00, be approved and referred to the 2024 budget process for consideration.

(c) 2024 Budget Submission Advisory Committee for Immigrants and Refugees (CM23023) (City Wide) (Item 10.3)

That the Advisory Committee for Immigrants and Refugees 2024 base budget submission attached as Appendix "A" to Report CM23023 in the amount of \$3,500.00, be approved and referred to the 2024 budget process for consideration.

(d) 2024 Budget Submission Mundialization Committee (CM23022) (City Wide) (Item 10.4)

That the Mundialization Committee 2024 base budget submission attached as Appendix "A" to Report CM23022 in the amount of \$5,890.00, be approved and referred to the 2024 budget process for consideration.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

2. Governance Review Sub-Committee Report 23-004, October 27, 2023 (Added Item 10.5)

(Hwang/Spadafora)

(a) Advisory Committee for Persons with Disabilities Logo (CM23029) (City Wide) (Outstanding Business List Item) (Item 9.1)

That Report CM23029, respecting Advisory Committee for Persons with Disabilities Logo, be received.

(b) City of Hamilton Flag and Sign Policy (CM23014) (City Wide) (Item 10.1)

- (i) That the City of Hamilton's Flag Protocol (Report 11-003 to Governance Review Sub-Committee) be repealed and replaced with the City of Hamilton Flag and Sign Policy in Appendix A to Governance Review Sub-Committee Report 23-004;
- (ii) That the City of Hamilton Flag and Sign Policy be posted on the City website to guide the raising and lowering of flags and lighting of the 3D Hamilton sign; and,
- (iii) That the City of Hamilton Flag and Sign Policy be brought forward for amendment at such time that the City adopts an official days of recognition policy.

(c) Review and Evaluation of Lobbyist Registry By-law (Added Item 11.1)

WHEREAS the City of Hamilton introduced a Lobbyist Registry By-law in 2015; and

WHEREAS the public interest would be served in having an updated review and evaluation of the Lobbyist Registry By-law, including its exemptions;

THEREFORE, BE IT RESOLVED:

The staff be requested to report back to Governance Review Sub-Committee in Q2 2024 with a review and evaluation of the City of Hamilton's Lobbyist Registry By-law including a scan of best practices in other municipal jurisdictions.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

10. DISCUSSION ITEMS

10.5 Governance Review Sub-Committee Report 23-004, October 27, 2023

(A. Wilson/Hwang)

That the agenda for the November 2, 2023 Audit, Finance and Administration Committee meeting, be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) October 19, 2023 (Item 4.1)

(Clark/Hwang)

That the Minutes of the October 19, 2023 meeting of the Audit, Finance and Administration Committee, be approved, as presented.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(d) ADJOURNMENT (Item 15)

(Spadafora/Tadeson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 9:39 a.m.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

Respectfully submitted,

Councillor Cameron Kroetsch, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

Bates, Tamara

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

Submitted on Tue, 12/05/2023 - 12:29

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Audit, Finance & Administration 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 Dampthey

Hamilton, Ontario

Preferred Pronoun
he/him

Reason(s) for delegation request
Delegating on Options for the City of Hamilton's Board of Health.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No

Bates, Tamara

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

Submitted on Wed, 12/06/2023 - 11:48

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Audit, Finance & Administration 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
Lyndon George
HARRC
1 James St. North, McMaster Continuing Education, HARRC office, Room 106
Hamilton, ON. L8N 1B7
lyndon@harrc.ca
905-525-9140 ext 20464

Preferred Pronoun
he/him


Reason(s) for delegation request
board of Health -governance review

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No



CITY OF HAMILTON
PUBLIC HEALTH SERVICES
Office of the Medical Officer of Health

TO:	Chair and Members Governance Review Sub-Committee
COMMITTEE DATE:	November 17, 2023
SUBJECT/REPORT NO:	Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Rachel Harris (905) 546-2424 Ext. 4239 Nancy Sullivan (905) 546-2424 Ext. 5752 Ashley Vanderlaan (905) 546-2424 Ext. 4718
SUBMITTED BY:	Dr. Elizabeth Richardson, MD, MHSc, FRCPC Medical Officer of Health Public Health Services
SIGNATURE:	

RECOMMENDATION

- (a) That Council approve, in principle, a semi-autonomous Board of Health governance structure with features similar to the City of Toronto and City of Ottawa;
- (i) That Council direct staff to prepare and submit an application to the Province of Ontario for special legislation amending the *City of Hamilton Act, 1999* and the *Health Promotion and Protection Act* to authorize the City to implement a semi-autonomous Board of Health governance model, with features similar to the City of Toronto and City of Ottawa Board of Health governance structures; and,
- (ii) That Council direct staff to report back to the Public Health Committee, following approval of legislative changes with a plan to implement legislative changes and establish a semi-autonomous Board of Health for the City of Hamilton;
- (b) That as an interim solution until legal authorization is received to implement a semi-autonomous Board of Health governance model, a change be made to the membership of the Public Health Standing Committee to include six City Council members, six community representatives, and one education representative,

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: Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) - Page 2 of 12

using the City of Hamilton's existing selection processes, and that for the foregoing purposes staff be directed to report back to the Public Health Committee to; and,

- (i) Prepare any amendments to the Procedure By-law that shall create a new Public Health Standing Committee, which By-law shall be drafted to become effective not earlier than the date on which the existing Public Health Standing Committee has been dissolved by the Mayor pursuant to section 284.8(1) of the *Municipal Act*, and,
 - (ii) Prepare for approval the qualifications and criteria for the selection of the community representatives to ensure that the Public Health Standing Committee members represent the community and have the necessary skills and competencies.
- (c) That Item 2023-C, respecting a consultation with stakeholders to identify issues, opportunities, and options for Board of Health governance, be removed from the Public Health Committee Outstanding Business List.

EXECUTIVE SUMMARY

The City of Hamilton's Board of Health is currently comprised of all members of City Council. Beginning in March 2021, delegations were received from community members about restructuring the Board of Health so that it would also include community representatives. Delegates advocated that both City Council members and community representatives with health expertise and lived experience needed to be a part of public health decisions.

As directed via a motion at the February 8, 2023 City Council Meeting¹ and an amending motion at the April 12, 2023 City Council Meeting,² Public Health Services were asked to consult with appropriate City of Hamilton Advisory Committees, community partners, healthcare professionals, and members of the public about Hamilton's current Board of Health structure and alternate governance options. Options explored in the consultation included:

¹ City of Hamilton Council Meeting Minutes (February 8, 2023). Item 7.7: Motion on Recommendations for a Board of Health Advisory Committee. <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=352532>

² City of Hamilton Council Meeting Minutes (April 12, 2023). Revised Audit, Finance, and Administration Committee Report 23-005 Amended Item 6.0 (a)(ix): Restructuring the Board of Health Standing Committee. <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=361310>

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: Options for the City of Hamilton’s Board of Health Governance (BOH23039) (City Wide) - Page 3 of 12

- **Option 1: Advisory Committee**
Adding an Advisory Committee to advise on issues directed to them by the current Public Health Standing Committee, which would consist of community representatives and an education representative;
- **Option 2: Changing the Current Public Health Standing Committee**
Changing the current Public Health Standing Committee membership to include City Council members, community representatives, and an education representative; and,
- **Option 3: Semi-Autonomous Board of Health Structure**
Changing the structure and membership of the Board to Health so it is partially (i.e., semi-autonomous) or fully (i.e., autonomous) separate from City Council, with membership that includes City Council members, community representatives, and an education representative.

The consultation consisted of a public survey posted on the Engage Hamilton platform,³ key informant meetings and interviews, and a community-led public meeting. In total, 928 members of the public participated in the online survey, 63 key informant interviews and meetings were conducted with Advisory Committees, community partners, healthcare professionals, and City Council members, and approximately 50 community members attended the community-led public meeting. Appendix “A” to Report BOH23039 details the consultation methods, participants, and results.

Across the public survey, interviews, and meetings, there was strong support to change the structure and membership of the Board of Health. Consultation participants felt that while there are merits of the current governance structure, systemic change requires decision-making to be shared between elected members of City Council and community representatives with health expertise and lived experience. Consultation participants expressed the most support for a semi-autonomous Board of Health structure consisting of six City Council members, six community representatives with health expertise and lived experience, and an education representative (i.e., Option 3). This Recommendation will require changes to the *City of Hamilton Act, 1999*⁴ and potentially the *Health Protection and Promotion Act*.⁵ As such, changing the membership of the Public Health Standing Committee is recommended as an interim solution until these legislative changes are made.

³ City of Hamilton. (2023). Changing the Structure of the Board of Health.

<https://engage.hamilton.ca/bohgovernance>

⁴ City of Hamilton Act, 1999, S.O. 1999, c. 14, Sched. C. (1999).

<https://www.ontario.ca/laws/statute/99c14c>

⁵ Health Protection and Promotion Act, R.S.O. 1990, CHAPTER H.7. (1990).

<https://www.ontario.ca/laws/statute/90h07>

SUBJECT: Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) - Page 4 of 12

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Recommendation (a) Semi-Autonomous Board of Health Structure
Section 49 of the *Health Protection and Promotion Act* provides that each member of the Board of Health who is not a member of City Council is entitled to remuneration on a daily basis, as well as reasonable and actual expenditures. For reference, the two peer jurisdictions that currently function under a semi-autonomous Board of Health structure compensate their citizen members \$125-\$200 per meeting attended, as well as associated parking and mileage expenses.

Staffing: Not Applicable.

Legal: Recommendation (a): Semi-Autonomous Board of Health Structure
The *Health Protection and Promotion Act* is provincial legislation that creates Boards of Health and establishes Board of Health power and authority. Under Section 11 of the provincial *City of Hamilton Act, 1999*, the City has the “powers, rights and duties of a Board of Health under the *Health Protection and Promotion Act*”. In order to provide the legislative authority necessary to implement the recommended semi-autonomous Board of Health structure with membership that includes City Council members, community representatives, and an education representative, the *City of Hamilton Act, 1999* must be amended. The *Health Protection and Promotion Act* may also require amendments.

In order to amend provincial legislation, the City is required to submit an application to the Province of Ontario. Further discussions by City staff with representatives from the Ministry of Municipal Affairs and Housing and the Ministry of Health will be required to determine the best approach for implementing the necessary legislative changes. A local Member of Provincial Parliament will then be required to table a Bill in the Legislative Assembly of Ontario with the legislative amendments that will enable the establishment a new governance model for the Board of Health.

Following approval of legislative amendments, staff will be required to amend or develop appropriate by-laws and City policies to establish and implement the new Board of Health governance structure. Amendments will be dependent on final legislative changes, and staff will report back with an implementation plan at that time.

Recommendation (b): Change to the Membership of Public Health Standing Committee

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: Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) - Page 5 of 12

No legislative changes are required to implement this change. Pursuant to section 284.8(1) of the *Municipal Act*, the Mayor can dissolve the existing Public Health Standing Committee. Council has the power to establish a new Public Health Standing Committee that has a mixed Council and community member composition. Establishing a Public Health Standing Committee with changed membership can be implemented with amendments to City by-laws and corporate policies. Refer to Policy Implications and Legislative Requirements Section for details.

HISTORICAL BACKGROUND

Under Section 11 of the provincial *City of Hamilton Act, 1999* the City has the “powers, rights and duties of a Board of Health under the *Health Protection and Promotion Act*”. The City of Hamilton’s Board of Health uses a single-tier governance model, which means that the Board of Health is comprised of all members of City Council and the administrative structure of the public health unit is incorporated within the municipality. As such, City Council, when acting as the Board of Health, is responsible for making decisions related to public health in Hamilton and fulfilling the Ontario Public Health Standards⁶ and other legislative requirements under the *Health Protection and Promotion Act* as well as other Acts.

Hamilton and Haldimand-Norfolk are the only two public health units that use this single-tier governance model. Most (24 health units) of Ontario’s 34 health units are governed by autonomous Boards of Health, which means that the administrative structure of the public health unit is separate from the municipality or municipalities. Autonomous Boards of Health are comprised of elected officials appointed by the municipality or municipalities and citizen representatives that are appointed by the Province of Ontario. There are also six regional Boards of Health in Ontario, where the regional government serves as the Board of Health and the administrative structure of the public health unit operates under the regional government. Regional Boards of Health are comprised of elected representatives and have no community representatives or Provincial appointees. Lastly, two health units, Toronto Public Health and Ottawa Public Health, are governed by a semi-autonomous Board of Health. These Boards function administratively as single-tier governance models (i.e., the public health unit is part of the municipality) but their Board of Health consists of both City Council members and community representatives. In these semi-autonomous model, City Council may retain a limited authority to make certain decisions, such as budget and the appointment of Medical Officers.

⁶ Ministry of Health. (2021). Ontario Public Health Standards: Requirements for Programs, Services, and Accountability (Standards).
https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Ontario_Public_Health_Standards_2021.pdf

SUBJECT: Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) - Page 6 of 12

Procedurally, public health governance in Hamilton follows a two-step process. The governance and delivery of public health programs and services are first discussed at the Public Health Standing Committee, which is comprised of all members of City Council. Reports from these meetings are then submitted to City Council acting as the Board of Health for further consideration and decision-making. This approach has remained consistent since 2006, when changes were made following reviews of public health's response to the 2003 Severe Acute Respiratory Syndrome (SARS) outbreak in Ontario. At this time, City Council began meeting monthly as the Board of Health Standing Committee to discuss the governance and delivery of public health programs and services (now called the Public Health Standing Committee). Historically, Board members have generally agreed that the Board has the appropriate committee structure in place (see BOH20021(a), BOH18011(a), BOH16033).

While Hamilton's Board of Health governance model has remained consistent, discussions about effective public health governance have continued locally, provincially, and nationally. Several provincial and national reports between 2019 and 2023 have recommended that public health governance and decision-making be informed by evidence, public health expertise, local expertise, and community engagement.^{7,8,9,10} Locally, beginning in March 2021, Hamilton community members have delegated in support of restructuring the Board of Health. Delegates advocated for the need to include health expertise and the perspectives of community members from equity-deserving groups when making public health decisions (e.g., the perspectives of Black, Indigenous, racialized, and 2SLGBTQ+ communities, women, people with disabilities, and people living with low-income). Delegates shared that this was especially important in the context of the COVID-19 pandemic, since the pandemic disproportionately impacted racialized and low-income community members, as well as

⁷ Ministry of Health. (2019). Discussion Paper: Public Health Modernization. https://health.gov.on.ca/en/pro/programs/phehs_consultations/docs/dp_public_health_modernization.pdf

⁸ Public Health Agency of Canada. (2021). A Vision to Transform Canada's Public Health System. <https://www.canada.ca/content/dam/phac-aspc/documents/corporate/publications/chief-public-health-officer-reports-state-public-health-canada/state-public-health-canada-2021/cpho-report-eng.pdf>

⁹ Di Ruggiero, E., Bhatia, D., Umar, I., Arpin, E., Champagne, C., Clavier, C., Denis, J-L., & Hunter, D. (2022). Governing for the Public's Health: Governance Options for a Strengthened and Renewed Public Health System in Canada. <https://nccph.s3.amazonaws.com/uploads/2022/06/OCPHO-Report-Governance-2022-En.pdf>

¹⁰ Chief Medical Officer of Health of Ontario. (2023). Being Ready: Ensuring Public Health Preparedness for Infectious Outbreaks and Pandemics. <https://files.ontario.ca/moh-cmoh-annual-report-2022-en-2023-03-15.pdf>

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: Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) - Page 7 of 12

worsened existing health and social inequities.¹¹ Delegates also expressed support for the semi-autonomous governance models used by Ottawa Public Health and Toronto Public Health. Concurrent to these delegations, Karima Kanani, Partner at Miller Thomson LLP, provided a governance education session to Public Health Standing Committee members. This session outlined good governance principles, described how public health is governed across Ontario, and identified options, considerations, and implications for changing the City of Hamilton's Board of Health.¹²

Recognizing this local, provincial, and national context and direction was first provided via a motion at the February 8, 2023 City Council Meeting¹

- (a) That staff engage in consultation with appropriate City of Hamilton Advisory Committees, community partners, healthcare professionals, members of the public and other interested stakeholders to identify issues and opportunities with the current Board of Health's governance process;
- (b) That based on the results of the consultation, staff report back with options for the Board of Health's governance which will include as an option a dedicated Board of Health Advisory Committee as well as an option for a semi-autonomous board of health, and report back to the Governance Review Sub-Committee with recommendations prior to the end of Q3 of 2023;

And additional direction was provided via an amending motion at the April 12, 2023 City Council Meeting².

- (a) That the consideration of either a semi-autonomous or autonomous Board of Health and the following model for the Public Health Committee be put forward as a suggested model during the consultation: (i) through (iii)
- (b) That the following Selection Process for the appointment of the 6 community members and the 1 education representative to the Public Health Committee, be put forward as a suggested model during the consultation: (i) through (iv)

¹¹ City of Hamilton. (2023). Social Determinants of Health Data Collection (SDOH) in Hamilton during COVID-19. <https://www.hamilton.ca/people-programs/public-health/diseases-conditions/coronavirus-covid/covid-19-data#social-determinants>

¹² Kanani, K. (2022). Hamilton Board of Health Governance Education Session. <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=354790>

SUBJECT: Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) - Page 8 of 12

Through this direction, staff were asked to consult with Advisory Committees, community partners, healthcare professionals, and members of the public about issues and opportunities related to the Board of Health's governance, including exploring alternative governance models.

For reference, the following three alternative governance models were explored during this consultation. The options include:

- **Option 1: Advisory Committee**
Adding an Advisory Committee to advise on issues directed to them by the current Public Health Standing Committee, which would consist of community representatives and an education representative;
- **Option 2: Changing the Current Public Health Standing Committee**
Changing the current Public Health Standing Committee membership to include City Council members, community representatives, and an education representative; and,
- **Option 3: Semi-Autonomous Board of Health Structure**
Changing the structure and membership of the Board to Health so it is partially (i.e., semi-autonomous) or fully (i.e., autonomous) separate from City Council, with membership that includes City Council members, community representatives, and an education representative.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

As stated in the Legal Implications section above, if Council approves Recommendation (a) to Report BOH23039, to transition to a semi-autonomous Board of Health structure, amendments to the *City of Hamilton Act, 1999* will be required to provide the legal authority to implement a semi-autonomous Board of Health structure. The legislative authority for the semi-autonomous Board of Health structure in the Cities of Ottawa and Toronto is provided under Section 12 of the *City of Ottawa Act, 1999*¹³ and Section 405 of the *City of Toronto Act, 2006*.¹⁴ The sections of the two acts are very similar and can be used as a guide to inform the amendments to the *City of Hamilton Act, 1999*. The application to the Province will request that the *City of Hamilton Act, 1999* be amended to provide for and require the following:

- Provide for the establishment of the Board of Health for the City under the *Health Protection and Promotion Act*,

¹³ City of Ottawa Act, 1999, S.O. 1999, c. 14, Sched. E. (1999).

<https://www.ontario.ca/laws/statute/99c14e#BK16>

¹⁴ City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A. (2006).

<https://www.ontario.ca/laws/statute/06c11#BK555>

SUBJECT: Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) - Page 9 of 12

- Require the City to establish, by by-law, the Board's size in accordance with subsection 49(2) of the *Health Protection and Promotion Act*;
- Require the City to appoint all of the members of the Board of Health;
- Provide for the City as the Board of Health's area of jurisdiction;
- Provide for additional functions of the City in relation to the Board of Health: and,
 - The City will provide the employees to the Board of Health necessary to enable the Board to carry-out its functions and those employees are employees of the City; and,
 - The City will have the functions in respect of the appointment, re-appointment, or dismissal of the Medical Officer of Health, Associate Medical Officer of Health and its Auditor;
- Provide for additional functions of the Board of Health in relation to the City, in addition to its duties and responsibilities under the *Health Promotion and Protection Act* at the request of the City:
 - Make recommendations on any issues within the City's jurisdiction that involve public health considerations; and,
 - Provide an annual report to the City on Board operations.

As part of the Ontario Public Health Standards, Boards of Health are accountable for executing good governance practices and ensuring the effective functioning of Boards of Health and management of the public health unit. Currently, some of these requirements do not apply to the City of Hamilton's Board of Health due to its single-tier governance structure (e.g., requirements related to the selection of Board of Health members). Should Council approve Recommendation (a) to Report BOH23039 and subsequently receive legislative approval to transition to a semi-autonomous governance model, the City will need to ensure that it has the appropriate by-laws and corporate policies in place to comply with the Ontario Public Health Standards. Following legislative approvals, staff will prepare for Council approval the by-laws and corporate policies required to implement the legislative changes.

If Council approves Recommendation (b) to Report BOH23039 to change the membership of the Public Health Standing Committee, the Mayor would need to dissolve the existing Public Health Standing Committee before a new Standing Committee can be established by Council. Further, amendments will need to be made to By-law No. 21-021 a By-law to Govern the Proceedings of Council and Committees of Council.¹⁵ These include amending the Terms of Reference to change the composition of the Public Health Standing Committee to include six members of City Council, six community representatives with health expertise and lived experience and an education representative. Staff will return with final recommendations for the appointment process for community members, with the following considerations:

¹⁵ City of Hamilton. (2023). By-Law N.21-021 – By-law to Govern the Proceedings of Council and Committees of Council. <https://www.hamilton.ca/sites/default/files/2023-07/21-021-consolidation-july142023.pdf>

SUBJECT: Options for the City of Hamilton’s Board of Health Governance (BOH23039) (City Wide) - Page 10 of 12

- The existing selection process under Corporate Policy: Hamilton City Council – Appointment of Citizens to the City’s Local Boards,¹⁶ which is similar to the processes used by peer jurisdictions;
- The skills and competencies outlined in the Amending Motion, feedback received during the consultation, and the Ontario Public Health Standards which included criteria such as having an interest or background in issues affecting municipal public health programs and services, having an understanding of diversity, equity, inclusion, anti-racism, anti-oppression, and health equity, and having interest or skills in planning and policy development;
- Requesting that the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board nominate one or more qualified candidate(s) to be considered for as the one education representative to be appointed to the Public Health Standing Committee; and,
- Requesting that the Advisory Committee for Persons with Disabilities and other listed Advisory Committees in the Amending Motion, if resumed, submit confidential interview questions for applicants to help identify qualified candidates.

RELEVANT CONSULTATION

MASS LBP, a public policy firm with governance and consultation expertise, was contracted to undertake this consultation. In May 2023, MASS LBP began consulting with Advisory Committees, community partners, healthcare professionals, City Council members, and members of the public. The consultation methods included a public survey, a series of interviews and meetings, and a community-led public meeting hosted by the Hamilton Anti-Racism Resource Centre and the Hamilton Centre for Civic Inclusion.

In total, 928 members of the public participated in the online survey, 63 key informant interviews and meetings were conducted with Advisory Committees, community partners, healthcare professionals, and City Council members, and approximately 50 community members attended the community-led meeting to provide their feedback. MASS LBP, along with Hamilton Public Health Services, reviewed the consultation results with the Hamilton Anti-Racism Resource Centre and the Hamilton Centre for Civic Inclusion to ensure the findings from the community-led meeting and previous organizational delegations about restructuring the Board of Health were accurately described in the final report. Appendix “A” to Report BOH23039 details the consultation methods, participants, and results.

¹⁶ City of Hamilton. (2023). Corporate Policy: Hamilton City Council – Appointment of Citizens to the City’s Local Boards. https://www.hamilton.ca/sites/default/files/2023-02/Corp-policy_Appointment-of-Citizens-to-the-City'-Local%20Boards-Policy.pdf

SUBJECT: Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) - Page 11 of 12

In the course of carrying out the consultation and preparing the report, Legal and Clerks were consulted and provided advice on the legal implications of the Recommendations. In addition, the Office of the Chief Medical Officer of Health of Ontario was consulted, and indicated they were supportive of the Recommendations subject to legislative approval. The Office of the Chief Medical Officer of Health also indicated they would support coordination with the Ministry of Municipal Affairs and Housing and the Ministry of Health and facilitate the legislative changes. It is anticipated there will be opportunity to make changes to the *City of Hamilton Act, 1999* and the *Health Protection and Promotion Act* in 2024.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Overall, consultation with Advisory Committees, community partners, healthcare professionals, City Council members, and members of the public revealed there is substantial and widespread support for changing the membership and structure of the Board of Health to a semi-autonomous structure that includes six City Council members, six community representatives with health expertise and lived experience, and one education representative. Consultation participants felt that while there are merits of the current governance structure, systemic change requires decision-making to be shared between elected members of City Council and community representatives with health expertise and lived experience. Appendix "A" of Report BOH23039 fully details the consultation findings.

Making these changes to the structure and membership of Hamilton's Board of Health will require amendments to the *City of Hamilton Act, 1999* and potentially the *Health Protection and Promotion Act*. As a result, key informants suggested that making changes to the membership of the Public Health Standing Committee could be undertaken as a first step, since these changes are within the purview of the City of Hamilton.

Key informants also outlined considerations for implementing changes to either the Public Health Standing Committee or Board of Health governance structure. Participants shared that there needed to be a transparent selection process for the Public Health Standing Committee and/or the Board of Health to ensure that members had the necessary competencies. Participants generally agreed that the selection process should consist of best practices, a skills matrix, demographic data to ensure representation, and community consultation. Other considerations for more effective public health governance included providing Board of Health members with training and education, building trust between the Board and the community through stronger collaboration and partnerships, and increasing the Board's accountability and reporting.

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: Options for the City of Hamilton's Board of Health Governance
(BOH23039) (City Wide) - Page 12 of 12**

ALTERNATIVES FOR CONSIDERATION

Instead of making the interim changes to the Public Health Standing Committee composition, focusing solely on advancing the legislative changes required to transition to a semi-autonomous Board of Health could be considered. While this would not immediately include health expertise, lived experience, and an education representative in public health discussions, it could potentially avoid duplicating nomination and selection processes should changes to the *Health Protection and Promotion Act* and the *City of Hamilton Act, 1999* be made quickly.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report BOH23039

MASS LBP Hamilton Board of
Health Governance What We
Heard Report

Hamilton Public Health Services: **Board of Health Governance Models What We Heard Report**

Prepared by MASS LBP for Hamilton Public Health Services

July 25, 2023

Appendix “A” to Report BOH23039 Page 2 of 31

Introduction

In the Summer of 2023, Hamilton Public Health Services contracted MASS LBP, a public policy firm with governance and consultation expertise, to gather and summarize perspectives concerning the governance structure currently used by Hamilton’s Board of Health. This report consolidates the perspectives, concerns and ideas raised by members of City Advisory Committees, healthcare professionals, community partners, City Council members, as well as members of the public. Based on what was learned from a community survey, an extensive series of interviews and meetings, as well as one community-organized public meeting, the report suggests that there is strong support to update the Hamilton Board of Health governance structure.

Context

Hamilton Public Health Services offers a range of services and supports to improve and protect the health and well-being of Hamilton’s population and reduce health inequities. This includes immunization and screening for communicable diseases, education programs, family, child and youth health services, population health assessment, sexual health services, air quality monitoring, school services, dental services, food and water safety, injury prevention, and public health inspections.

In Hamilton, the Board of Health is responsible for setting the strategic direction of public health in the city through the governance of Hamilton Public Health Services. This includes approving the Annual Service Plan and Budget and making major policy decisions. The board is also responsible for appointing the Medical Officer of Health and Associate Medical Officers of Health.

From March 2021 to 2023, Hamilton community members delegated to City Council in support of restructuring the Board of Health to include both City Council and community members, similar to the governance structure used by Ottawa Public Health and Toronto Public Health. Delegates also described the impact of worsening health inequities from the COVID-19 pandemic, and the need to include the perspectives of community members with health expertise and/or with lived experience of marginalization when making public health decisions.

Models

There are four options that this consultation explored, some of which are used to govern other public health units in Ontario. These options and their features are explained below.

Current Model

In Hamilton, all members of City Council are members of Hamilton’s Board of Health. Members of Council meet monthly as the Public Health Standing Committee to discuss topics such as the delivery of programs, services or to review or revise public health policies. Recommendations from these meetings are submitted to Hamilton City Council who, acting in their role as the Board of Health, make the final decision to approve or reject the recommendation.

Appendix “A” to Report BOH23039 Page 3 of 31

CURRENT MODEL



This option ensures that all elected councillors have a say in important decisions related to public health matters. However, other municipalities in Ontario use different governance structures that include a mix of elected and appointed members. This helps to ensure that medical or other professional forms of expertise, as well as community perspectives, contribute to the governance of the Public Health Unit.

Option 1: Add an Advisory Committee to advise the Public Health Standing Committee

Hamilton’s City Council could establish a volunteer Advisory Committee to advise the Public Health Standing Committee whose scope and terms of reference would be defined by the Board of Health. This Advisory Committee would consider and raise issues and refer their advice to the Public Health Standing Committee. If added to Hamilton’s current governance structure, these recommendations would be reviewed by all members of Council acting in their capacity as the Public Health Standing Committee, and decisions would continue to be made by all members of Council acting in their capacity as the City’s Board of Health.

OPTION 1: ADD A COMMUNITY ADVISORY COMMITTEE



Some interview respondents suggest that this option allows for greater participation from community members, while deliberation and decision-making remain with elected members of Council.

Option 2: Appoint community members to the Public Health Standing Committee

Appendix “A” to Report BOH23039

Page 4 of 31

Another option is that Hamilton could appoint both councillors and community representatives to the Public Health Standing Committee which can make policies and other recommendations that are then referred to the Board of Health, made up of all members of Council, for a final decision. Community representatives on the Public Health Standing Committee could represent a range of professional and community perspectives and are appointed for a fixed term by City Council.

OPTION 2: APPOINT COMMUNITY MEMBERS TO THE PUBLIC HEALTH STANDING COMMITTEE



Some interview respondents suggest that this option helps to ensure more substantive involvement from both health professionals and community members in public health matters, while also ensuring that the final decision on public health matters remains with elected members of Council.

Option 3: Change membership of the Board of Health

The final option that Hamilton could consider is changing the membership of the Board of Health so that it is comprised of both appointed community members and elected members of Council. This is the structure used by Toronto Public Health and Ottawa Public Health and is similar to the governance structures of other public health units in Ontario. In this option, the Board of Health has authority defined by provincial legislation and can make decisions that set public health policies affecting the City and the public health unit. In this option, with the agreement of the Province, City Council could either delegate or retain the decisions regarding the public health budget, as well as the appointment of the Medical and Associate Medical Officers of Health.

OPTION 3: CHANGE MEMBERSHIP OF THE BOARD OF HEALTH



Appendix “A” to Report BOH23039 Page 5 of 31

Some interview respondents suggest that this option, used in cities like Toronto and Ottawa, affords greater independence to the Board of Health and supports evidence-based decision-making that is also responsive to community needs and the perspective of elected members of Council.

Methodology: Data collection

Following advocacy from community members and local organizations for a reorganization of the Board of Health, the City Council tasked HPHS with reviewing the current governance structure. HPHS was also mandated to investigate optimal strategies to guarantee effective local public health governance. To facilitate this research and engage with Advisory Committees, community partners, healthcare experts, and the general public, HPHS contracted MASS LBP, an Ontario-based firm with expertise in governance and public engagement.

Over the Summer of 2023, MASS LBP, with review from Hamilton Public Health Services used the following formats to broadly consult with the community:

- **Survey** (see appendix A): An online public opinion survey was conducted that was accessible for a period of 47 days. It was promoted through Engage Hamilton, the city's public engagement platform, as well as through word of mouth and paid advertisements. These advertisements also appeared on social media, City-owned billboards, and in various newsletters and websites. The survey, which was voluntary and anonymous, collected demographic information to understand the preferences of different constituencies. The survey asked questions to gauge respondents' opinions on good governance principles, perceptions of the Board of Health's responsiveness, and preferences among the three alternative governance options.
- **Interviews** with Advisory Committees, community partners, healthcare professionals, previous delegates, and members of City Council (see appendices B and C): Under the guidance of Hamilton Public Health Services (HPHS), the Consultant extended invitations to these key individuals, organizations, and Advisory Committees to share their insights during individual or group calls. This method facilitated a more in-depth exploration of their views on good governance principles, potential issues with the existing governance structure, perspectives on the proposed options, as well as suggestions for enhancing governance. An initial list of health system and community partners was generated from reviewing the membership of the former Vaccine Readiness Network, the former Hamilton COVID-19 Response Table, and the Greater Hamilton Health Network. Health system and community partners with governance expertise (e.g., Toronto Public Health, Ottawa Public Health, Hamilton's Chamber of Commerce, and the Hamilton Community Legal Clinic) were also invited to participate. Participants were also encouraged to refer colleagues and community members to the Consultants, a method known as snowball sampling. This helps ensure more diverse perspectives are captured and is one way to help mitigate the digital divide since other methods mainly relied on e-mail communication or online survey participation. A complete list of those consulted is included in Appendix C.
- **Community-led Workshop**: On July 20, 2023, the Hamilton Anti-Racism Resource Centre and the Hamilton Centre for Civic Inclusion hosted a two-hour in-person workshop to provide information about the consultation and facilitate feedback from members who are often disproportionately represented and adversely impacted by the current health system. The Consultants attended the workshop and the views of the participants are reflected in the

Appendix “A” to Report BOH23039
Page 6 of 31

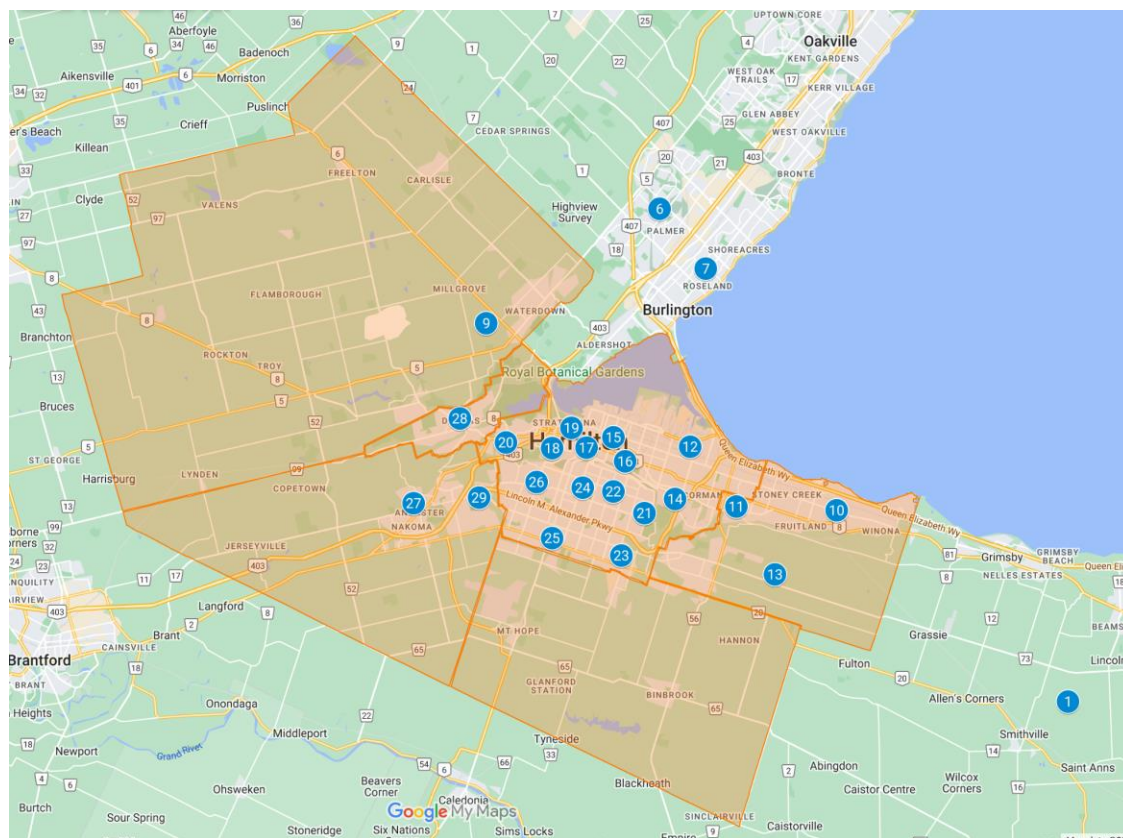
findings of this report. A report summarizing the views of the participants at this event appears in the appendix to this report.

Appendix “A” to Report BOH23039 Page 7 of 31

What we heard

Survey Results

The survey received 928 responses. See Appendix A for a copy of the survey shared with the public.



Of the 928 survey respondents:

- 736 provided postal codes (FSA) from within Hamilton
- 140 respondents provided postal codes from outside of Hamilton but may work in or access services in Hamilton
- 45 did not provide postal codes
- 7 provided incorrectly formatted postal codes and the location cannot be determined
- This map shows 876 postal codes (FSAs) that could be mapped

Survey Findings

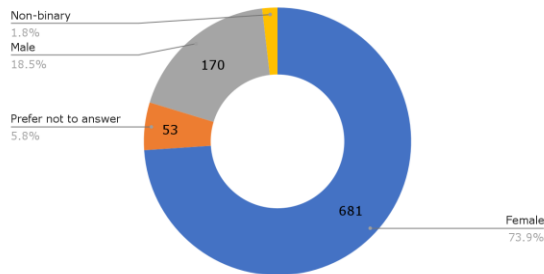
Across all demographics, the survey results demonstrate strong support for changing Hamilton’s Board of Health governance structure. Among the governance attributes most preferred, respondents identified ‘impartiality,’ ‘accountability,’ and ‘high ethical standards’ as critical qualities that should characterize Hamilton’s Board of Health. Overall, respondents prefer representatives who have relevant health expertise, are familiar with the needs of diverse communities, and who have experience

**Appendix “A” to Report BOH23039
Page 8 of 31**

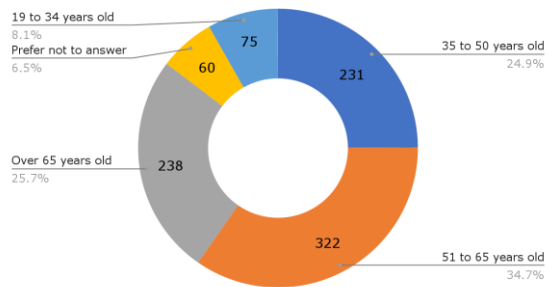
governing organizations. The survey indicates that twice as many respondents strongly support Option 3 as support either Option 1 or Option 2. This suggests that a strong majority of survey respondents believe that Hamilton Public Health Services would be best governed by a Board of Health composed of both elected and appointed representatives.

Respondent Demographics

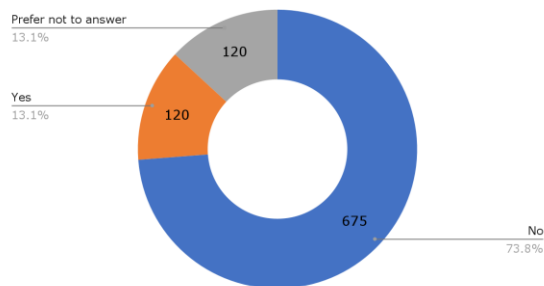
What is your gender?



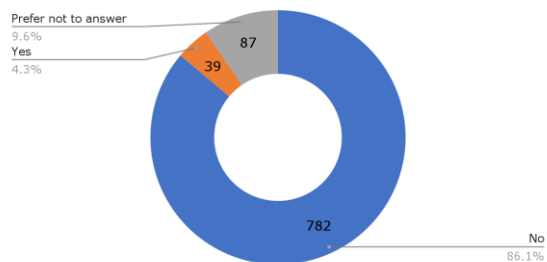
What is your age range?



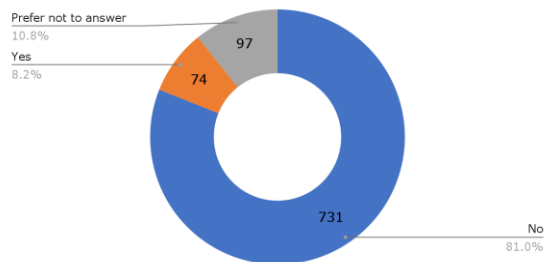
Do you identify as a member of a racialized group?



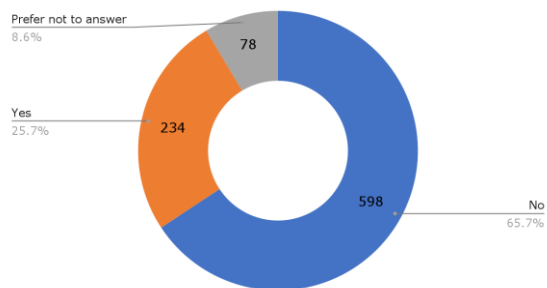
Do you identify as First Nations, Métis, and/or Inuk/Inuit?



Do you identify as a member of the Two Spirit and LGBTQIA+ community?



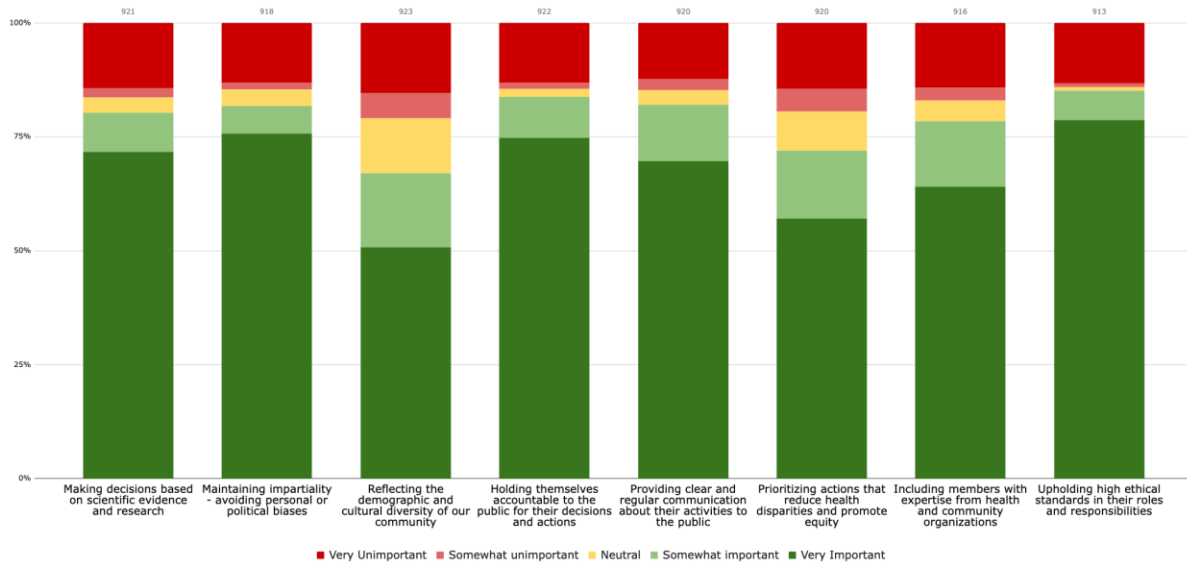
Do you identify as a person with a disability?



Appendix “A” to Report BOH23039 Page 9 of 31

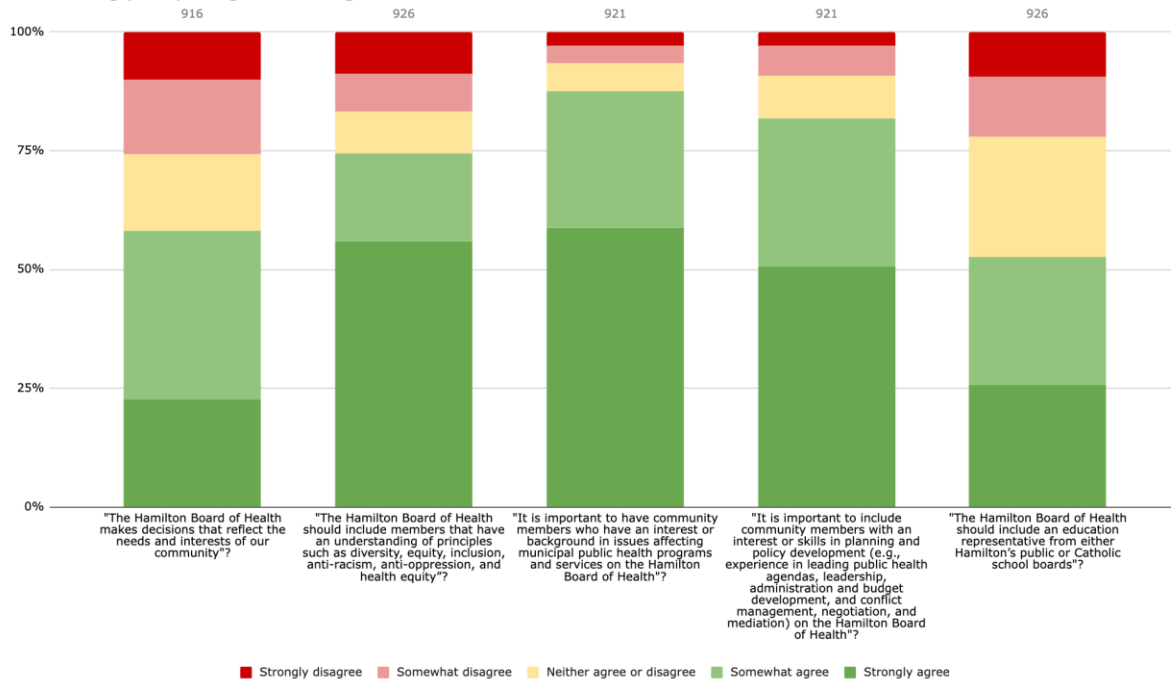
Elements of good governance

Please rate how important you believe each of the following qualities are for the Hamilton Board of Health



Attributes of representatives

How strongly do you agree or disagree with these statements:

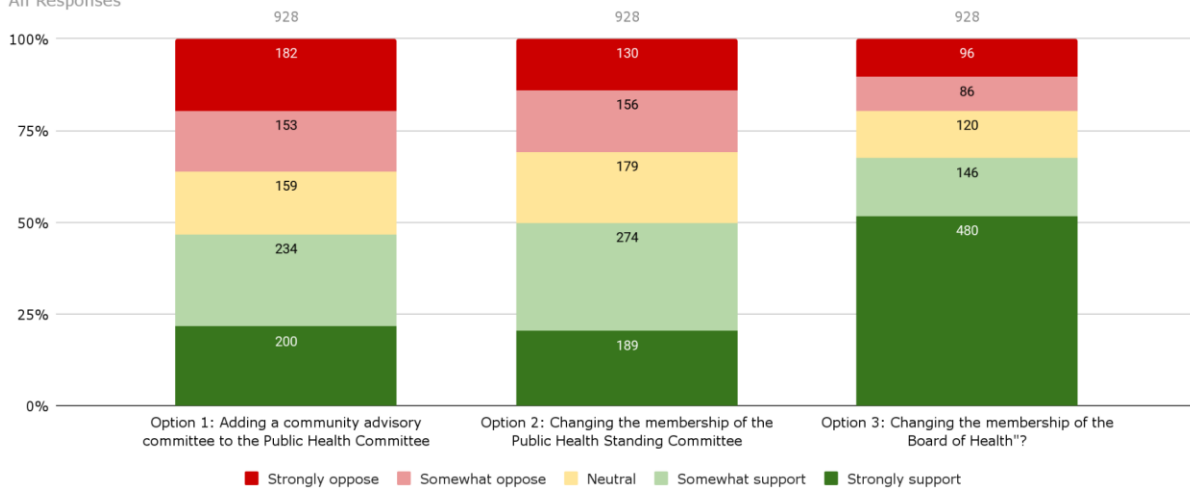


Appendix “A” to Report BOH23039
Page 10 of 31

Support for Different Options

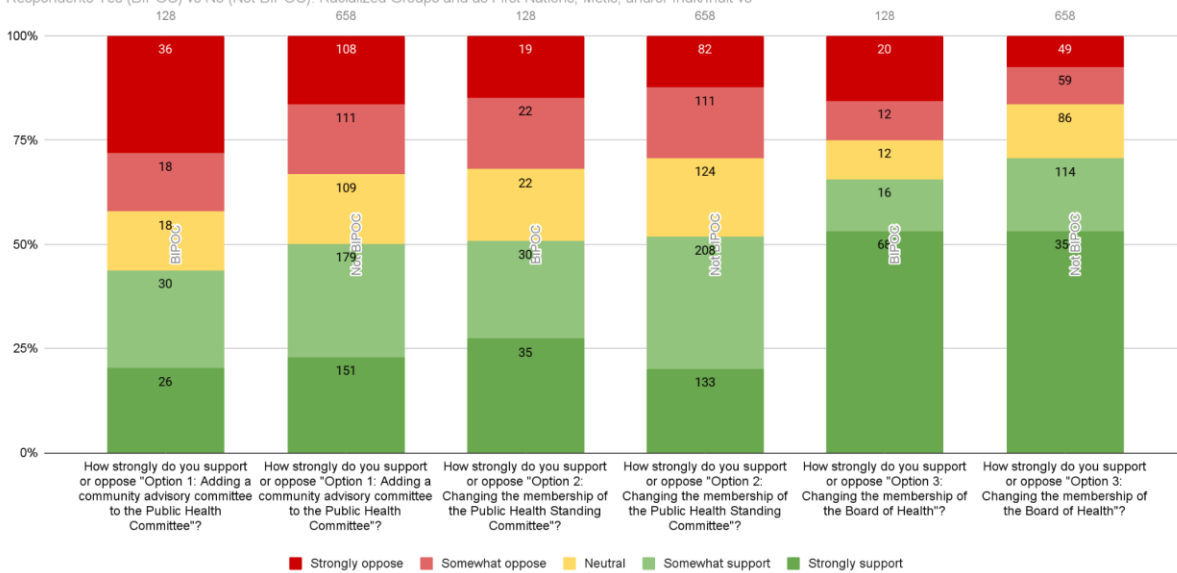
How strongly do you support or oppose each option?

All Responses



How strongly do you support or oppose each option?

Respondents Yes (BIPOC) vs No (Not BIPOC): Racialized Groups and as First Nations, Métis, and/or Inuk/Inuit vs



* BIPOC (Black, Indigenous and People of Colour)

Interview Findings

The Consultants carried out a total of 63 key informant interviews. The majority were with community organizations and health system representatives, and also included nearly all members of Council. For a detailed list of organizations interviewed and the questions posed, refer to appendices B and C.

Recurring themes

Respondents value professional expertise and diverse backgrounds

Most participants (81%) emphasized the importance of the Board of Health reflecting the community it serves. This means having members with different backgrounds, experiences, viewpoints, and ways of thinking.

Many participants noted that some groups face structural barriers and other difficulties accessing public health services in Hamilton. These groups may include Indigenous, Black, senior, newcomer, 2SLGBTQ+ individuals, as well as those people experiencing poverty or unstable housing or homelessness, people with disabilities, and/or people who use drugs. The participants emphasized that the Board of Health must be aware of these unique experiences and needs, as the decisions they make can greatly affect these individuals and communities.

Additionally, many participants believe that the Board of Health should have a mix of health and social expertise as well as other professional skill sets like accounting and law. Participants noted the value of having Board members with expertise in mental health, primary care, hospital care, long-term care, and epidemiology.

Participants frequently noted that a Board made up of diverse members can more effectively respond to the community. Understanding the unique needs and health concerns of the people they serve allows the Board to gather the right information and make decisions that truly reflect the community's best interests.

A minority of participants disagreed with the need to enhance diversity and suggested that councillors are best equipped to speak for and understand the needs of the communities they are elected to represent.

Respondents believe accountability to community members is essential

Just over a third of participants highlighted that an effective Board of Health is one that is accountable to its community. This means that the Board is transparent and maintains clear lines of communication with the public. The public can dissect information and the reasoning behind policy and funding decisions. They understand the governance structure and decision-making process. Governance roles and responsibilities are clearly defined and there is authentic engagement to ensure that community voices are heard.

Appendix “A” to Report BOH23039
Page 12 of 31

Participants added that accountability requires involving community at the decision-making level. This includes using evidence-based approaches, evaluating decisions and reporting back to the community, and individual accountability to anti-oppressive and inclusive governance practices.

Other participants believe that accountability flows from the electoral process and believe that members of the Board of Health are most accountable when they face periodic elections.

Respondents believe the Board must consider systemic Inequities

Almost one third of respondents noted the importance of using evidence-based approaches to guide the Board of Health's decision-making. By incorporating perspectives that focus on social determinants of health, anti-discrimination, cultural awareness, intergenerational challenges, and disability considerations, the Board can develop more comprehensive and effective health strategies. These approaches, grounded in empirical research and best practices, aim to alleviate long standing systemic challenges.

Participants conveyed that by understanding and addressing these areas, the Board would be more equipped to design policies that are both forward-thinking and cognizant of the diverse needs within the community. Furthermore, it was noted that such an approach would not only prevent potential oversights but also be more efficient in the long run, mitigating the need for policy adjustments due to unforeseen implications.

Respondents value evidence-based decision making

Almost a fifth of participants believe that an effective public health governance option should prioritize evidence-based decision making and minimize influence from political considerations. While some highlighted the importance of clear roles and impartiality, others recognized the value of elected representatives but stressed the need to balance this with input from health and community experts.

It was commonly agreed that the Board should adhere strictly to ethical and financial standards. Stability, consensus-building, rotating membership, timely actions, and efficient decision-making were emphasized as crucial.

Additionally, 10% of participants pointed out the importance of the Board understanding its primary role. They defined this as focusing on high-level decisions, which include legal and fiduciary responsibilities, without getting involved in specific actions or daily operations. They believe such a board should think ahead and provide consistent support and guidance.

Indigenous Perspectives on Public Health Governance in Hamilton

For Indigenous Peoples in Hamilton and across Canada, the historic and ongoing impacts of colonialism have contributed to health inequities. Indeed, there are specific factors such as colonialism, self-determination, and community cohesion that function as key determinants of Indigenous health outcomes, which are known as the Indigenous determinants of health. Recognizing these Indigenous determinants of health and the principle of Indigenous self-determination in health, public health is mandated to engage with Indigenous communities and organizations to decrease health inequities, as

outlined by the 'Relationships with Indigenous Communities Guideline, 2018.'

Indigenous individuals and organizations, which participated in this consultation as members of the Circle of Beads (Hamilton Indigenous Consultation Circle), emphasized the importance of public health governance being community-centred, accountable, and autonomous. Additionally, the Circle also emphasized the important expertise in health and knowledge of local interests, including Indigenous ones. The principle of "nothing about us without us" was reiterated, as was the need for opening lines of communication, and greater overall awareness of the health needs of urban Indigenous peoples in Hamilton. Participants expressed concern that the existing governance model does not provide for expertise in public health issues, and worried that there remains a lingering stigma towards the public health needs of Indigenous residents. These participants noted Canada's long history of medical racism that needs to be overcome. For better engagement, community voices must be heard, and decision-making should be transparent.

Consequently, most participants support Option 3, calling for a governance change that includes at least two dedicated Indigenous community representatives selected through community consultation. Overall, the sentiment was for urgent, comprehensive reform that prioritizes Indigenous perspectives.

Perspectives on the Current Governance Model

When asked about their views on the current governance option compared to their ideal vision, just over a third felt it met expectations. However, the majority, nearly 80%, acknowledged its merits but emphasized considerable shortcomings.

In evaluating the current governance structure, some respondents recognized the value of incorporating elected officials and ensuring diverse viewpoints are presented to the City Council. Approximately 6% felt that having councillors participate at different stages contributes to consistent and effective decision-making.

The primary concern raised by respondents was the noticeable absence of representation, both from diverse communities and in terms of health expertise. They pointed out that the current governance structure lacks individuals with comprehensive health system knowledge. Many respondents highlighted that having wide-ranging representation results in policies that proactively address community needs. Adopting greater diversity not only minimizes potential harms to marginalized groups but can also prove to be more efficient than revising decisions in response to subsequent advocacy.

Regarding the perceived representation deficit, 15% of respondents underscored the absence of necessary health expertise within the current governance structure. They raised questions about the capability of current board members to critically explain the origin, relevance, and timeliness of the data and recommendations presented by staff. A few voiced concerns about the sole reliance on a single health authority (Hamilton Public Health Services) for guidance, stressing the need for multiple health viewpoints. Other respondents emphasized that representation from the healthcare sector is crucial for correctly interpreting the data and ensuring informed decision-making.

Appendix “A” to Report BOH23039 Page 14 of 31

One challenge in accessing or understanding pertinent data appears to stem from a perceived gap between the community's experiences and the Board of Health's knowledge. One fifth of participants indicated a trust deficit between the community and the Board. This sentiment of being overlooked intensifies when outreach or engagement efforts don't lead to tangible changes. A few participants pointed out the redundancy of this consultation, noting it covers ground already addressed by community leaders since March 2021. Furthermore, a few observed sporadic or superficial interactions between the Council and its Advisory Committees. To bridge these gaps, participants emphasized the importance of enhanced communication, transparency, and accountability to the community.

One in ten participants observed that the existing structure, wherein identical members report across participate at the Public Health Standing Committee, the Board of Health and City Council, can lead to redundant conversations, potentially delaying decisions. A similar proportion raised concerns about the potential for public health issues to be influenced by political considerations within the prevailing option. These participants also pointed to what they perceive as a dated, top-down culture within the Board of Health that hasn't been receptive to diverse viewpoints.

Proposed Models and Moving Forward

Interview participants were given the opportunity to select the Hamilton Public Health Services governance option they thought would be most suitable for Hamilton. The responses were as follows:

- More than two thirds of respondents favoured significant change and indicated a preference for either the second or third option — with many suggesting that the second option might be an interim solution until provincial support for a fully semi-autonomous Board could be obtained.
- Of the more than two thirds of respondents favouring change, more than half of respondents believe that the third option is the best choice. In this option, the Board of Health would balance representation from City Council with health professionals and the community.
- The balance of respondents who endorsed change preferred the second option that would adjust the composition of the Public Health Standing Committee to include health professionals and community members.
- Fewer than 10% of all respondents endorsed the current option with all citing their openness to adding an advisory committee.
- Most respondents who favour change agree that the inclusion of an education representative is prudent, given the strong involvement of Hamilton Public Health Services with children and schools.

Option 1 Commentary

The minority of respondents who advocated adding an Advisory Committee to the Public Health Standing Committee believe that this approach would best preserve Council accountability and democratically elected representation. Respondents endorsing this approach generally believe the

Appendix “A” to Report BOH23039
Page 15 of 31

existing option works appropriately and provides effective governance. However, all respondents who prefer the status quo agree that the addition of an Advisory Committee would enhance wider community representation.

Most respondents, however, held a contrary view. While acknowledging that an advisory committee might widen participation and help to influence the decisions of the Public Health Standing Committee, many respondents suggested that an advisory committee was not sufficient to strengthen the independence and representativeness of public health governance in Hamilton. Those who are concerned about a trust gap between the Board of Health and community believe this option would not be sufficient to bridge the divide.

Option 2: Considerations

While many respondents view the second option as an improvement, most characterized it as a half measure towards greater Board of Health independence. Some respondents expressed concern that the Board of Health could simply overrule Committee recommendations and that the two bodies could come into conflict. Others believed this was less likely since Council would continue to vet and approve appointments to the Committee which would both widen the range of voices on the Committee but diminish the likelihood of outright opposition.

Many — often reluctantly — characterized option 2 as a potential basis for compromise because the Board of Health would continue to be made up exclusively of members of Council, while the Public Health Standing Committee could share its seats between councillors, and health, education and community representatives. Others rightly observed that although the third option requires the agreement of the Province and a change to the City of Hamilton Act, the second option could be implemented directly by Council without the involvement of the Province.

Option 3: Considerations

The majority of respondents identified Option 3, which advocates for restructuring the Board of Health, as the most promising model. This preference stems from the belief that systemic change is only attainable when decision-making authority is collaboratively held by councillors, community members and health professionals. Several proponents of Option 3, however, noted a potential vulnerability: during emergency situations, like the COVID-19 pandemic, the public health unit should strive to sustain the support of the wider public. Even though emergency decisions are vested with the Medical Officer of Health, he or she still benefits from the legitimacy and support of the members of the Board of Health.

Among the respondents who supported the third option, there was a range of views concerning the composition of the Board of Health. A little more than one fifth of respondents proposed an equal split between councillors and community representatives or else a three-way split among councillors, community members, and health professionals. Many noted, however, that individuals may hold concurrent identities — representing both the perspective of a community and a profession. Only one tenth of respondents contended that the Board should exclusively consist of community representatives

**Appendix “A” to Report BOH23039
Page 16 of 31**

and health professions and exclude elected councillors altogether. Proponents of this model argue that maximum independence would be beneficial, and that City Council could still retain the power to set Hamilton Public Health Services’ budget and appoint its Medical Officer of Health. Providing a different perspective, fifteen percent of respondents believed that councillors should remain on the Board but constitute a narrow minority, with the majority of seats being filled by appointed community, health and education representatives.

Additional Considerations

In addition to identifying which governance options they preferred, respondents provided ideas to incorporate into the new option moving forward. One quarter of respondents proposed the need for a transparent selection process for the Public Health Standing Committee and/or Board of Health to ensure that membership, whether councillors or community members, had the competencies necessary to serve on a committee or board. Competencies identified included a combination of lived experience, health expertise, financial and legal knowledge, and collaboration and strategic planning skills.

Some participants expressed concern with how to determine which community voices are added and who might be excluded. Participants generally agreed that the selection choices should be based on best practices, a skills matrix, demographic data for representation, and community consultation. In addition to the selection process, several participants proposed membership training and education to ensure that the governing body is familiar with public health concepts and expertise.

Slightly less than a quarter of respondents also emphasized the need for stronger collaboration and partnership with the community to build trust and make better decisions. There are many community organizations and institutions, in health care and intersecting fields, that are applying new approaches to work more closely with equity-deserving groups. In partnership with such organizations, the Board of Health can better target historical, systemic, and ongoing health inequities.

Participants also suggested ideas for better accountability and reporting. Some ideas centered on access to information, such as collecting identity-based data, utilizing community knowledge and perspectives shared through consultation processes, and creating an aggregate public health indicators dashboard. For example, Hamilton Public Health Services and the Board of Health should closely collaborate with the Greater Hamilton Health Network for access to information. Using community knowledge and relevant data means that the Board should understand that decisions cannot always be made on neat timelines, as good decisions require consulting with best practices and the community. In addition to information and data practices, participants advocated for reporting and evaluation.

Recommendation

Our consultation concludes that a significant majority of survey respondents, interview respondents and community workshop attendees support major structural changes to update and improve Hamilton’s public health governance model. Option 3 was the preferred option of most respondents overall, with softer support voiced for Option 2. Very few respondents believe that the current model should be preserved or that the addition of an advisory committee can meet the wider desire to see more voices and professional expertise participate in public health governance in Hamilton.

**Appendix “A” to Report BOH23039
Page 17 of 31**

Changing the composition of Hamilton Public Health Services’ governance model to include more voices would bring Hamilton into line with peer jurisdictions like Ottawa and Toronto, among many others across Ontario.

Acknowledgments

We wish to express our appreciation to the individuals and organizations who took time to share their perspectives on this important issue.

MASS LBP, 2023

Appendices

Appendix “A” to Report BOH23039
Page 19 of 31

Appendix A: Survey

We are asking you to complete a survey to provide feedback on the structure of the City of Hamilton's Board of Health, which governs Hamilton Public Health Services (HPHS). The results from this survey will be used to help develop options and recommendations for potential changes to the Board of Health's governance structure. These options and recommendations will be shared with the City of Hamilton's Governance Review Sub-Committee in Fall 2023.

This survey is being conducted by MASS LBP on behalf of HPHS. The responses you provide are anonymous. No information that could be used to identify you will be collected. This survey will take approximately 10 minutes to complete. Looking for a translated version? In the top right corner of this website, you can "Select Language" to set your preferred language to translate the page and survey. All fields marked with an asterisk (*) are required.

1. Rate how important you believe each of these qualities are for the Hamilton Board of Health.

	Very Un- important	Somewhat unimportant	Neutral	Somewhat Important	Very Important
Making decisions based on scientific evidence and research					
Maintaining impartiality, avoiding personal or political biases					
Reflecting the demographic and cultural diversity of our community					
Holding themselves accountable to the public for their decisions and actions					
Providing clear and regular communication about their activities to the public					
Prioritizing actions that reduce health disparities and promote equity					
Including members with expertise from health and community organizations					
Upholding high ethical standards in their roles and responsibilities					

2. How strongly do you agree or disagree with the statement: "**The Hamilton Board of Health makes decisions that reflect the needs and interests of our community**"?

Appendix “A” to Report BOH23039
Page 20 of 31

Choose an option: Strongly agree, Somewhat agree, Neither agree or disagree, Somewhat disagree, Strongly disagree

3. How strongly do you agree or disagree with the statement: **"The Hamilton Board of Health should include members that have an understanding of principles such as diversity, equity, inclusion, anti-racism, anti-oppression, and health equity"?**

Choose an option: Strongly agree, Somewhat agree, Neither agree or disagree, Somewhat disagree, Strongly disagree

4. How strongly do you agree or disagree with the statement: **"It is important to have community members who have an interest or background in issues affecting municipal public health programs and services on the Hamilton Board of Health"?**

Choose an option: Strongly agree, Somewhat agree, Neither agree or disagree, Somewhat disagree, Strongly disagree

5. How strongly do you agree or disagree with the statement: **"It is important to include community members with an interest or skills in planning and policy development (e.g., experience in leading public health agendas, leadership, administration and budget development, and conflict management, negotiation, and mediation) on the Hamilton Board of Health"?**

Choose an option: Strongly agree, Somewhat agree, Neither agree or disagree, Somewhat disagree, Strongly disagree

6. How strongly do you agree or disagree with the statement: **"The Hamilton Board of Health should include an education representative from either Hamilton’s public or Catholic school boards"?**

Choose an option: Strongly agree, Somewhat agree, Neither agree or disagree, Somewhat disagree, Strongly disagree

Exploring Public Health Governance Structures

The City of Hamilton is exploring three other public health governance structures:

- **Option 1:** Adding an advisory committee made up of community representatives to the Public Health Standing Committee that this committee could consult. The Public Health Standing Committee would consider this advice in their recommendations to the Board of Health. Final decisions would continue to be made by the Board of Health, which consists of only City Council members.
- **Option 2:** Changing the membership of the Public Health Standing Committee to include both councillors and community representatives to provide recommendations to Council as the Board of Health. Final decisions would continue to be made by the Board of Health, which consists of only City Council members.

Appendix “A” to Report BOH23039
Page 21 of 31

- **Option 3:** Changing the membership of the Board of Health, which would mean final decision making is shared between councillors and the community members.
7. How strongly do you support or oppose “**Option 1: Adding a community advisory committee to the Public Health Committee**”?*

Choose an option: Strongly support, Somewhat support, Neutral, Somewhat oppose, Strongly oppose

8. How strongly do you support or oppose “**Option 2: Changing the membership of the Public Health Standing Committee**”?*

Choose an option: Strongly support, Somewhat support, Neutral, Somewhat oppose, Strongly oppose

9. How strongly do you support or oppose “**Option 3: Changing the membership of the Board of Health**”?*

Choose an option: Strongly support, Somewhat support, Neutral, Somewhat oppose, Strongly oppose

Tell Us About Yourself

In our society, people are often described by their race or racial background. Although race is not based in science, race influences the way we are treated by individuals and institutions. Along with race, other individual factors such as gender, age, sexuality, and disability also impact the way we are treated by individuals and institutions which affects one’s health and well-being. We’re asking you these questions to help ensure this survey captures the diversity of Hamilton.

10. What is your gender?

Choose an option: Male, Female, Non-binary, Prefer not to answer

11. What is your age range?

Choose an option: Less than 18 years old, 18 to 34 years old, 35 to 50 years old, 51 to 65 years old, Over 65 years old, Prefer not to answer

12. What are the first 3 characters of your postal code?

13. Do you identify as a member of a racialized group?

Choose an option: Yes, No, Prefer not to answer

14. Do you identify as First Nations, Métis, and/or Inuk/Inuit?

Choose an option: Yes, No, Prefer not to answer

15. Do you identify as a member of the Two Spirit and LGBTQIA+ community?

Choose an option: Yes, No, Prefer not to answer

Appendix “A” to Report BOH23039
Page 22 of 31

16. Do you identify as a person with a disability?
Choose an option: Yes, No, Prefer not to answer

Submit

Appendix B: Interview Questions

Interview Questions for BOH Governance Structure

Group interviews: 45-50 minutes
 Individual Interviews: 20-30 minutes

What does Hamilton Public Health Services (HPHS) do?

HPHS offers a range of services and supports to improve and protect the health and wellbeing of Hamilton’s population and reduce health inequities. This includes immunization and screening for communicable diseases, education programs, family, child and youth health services, population health assessment, sexual health services, air quality monitoring, school services, dental services, food and water safety, injury prevention, and public health inspections. Nurses, doctors, public health inspectors, social workers, health promoters, epidemiologists, analysts, dental hygienists and other trained public health professionals work with community partners to address the growing and changing health needs of our community.

What does the Board of Health do?

The Board of Health governs HPHS. This includes approving the Annual Service Plan and Budget and major policy decisions. The Board is also responsible for the hiring of the Medical Officer of Health and Associate Medical Officers of Health.

In Hamilton, City Council acts as the Board of Health for HPHS. Currently, all City Council members meet monthly as the Public Health Standing Committee to discuss the governance and delivery of public health programs and services, as well as major policy issues. Reports from these meetings are submitted to Hamilton City Council acting in their role as the Board of Health for consideration and final decision making.

1. What do you believe are the elements of an effective governance option for Hamilton’s Board of Health?
2. To what extent does the existing option fulfil what you believe are important elements?
3. What changes would you make to strengthen the Hamilton Board of Health’s governance option?
4. There are three alternative governance options being explored for the City of Hamilton:
 - a. Adding a community advisory committee to the Public Health Committee
 - b. Changing the membership of the Public Health Committee
 - c. Changing the membership of the Board of Health.

Which do you think is best suited for Hamilton?

Appendix C: Interview Participants

Below is a list of organizations that participated in consultations, either through group discussions or individual interviews with their representatives.

- Accessibility Hamilton Alliance
- ACORN Hamilton Chapter
- Advisory Committee for Immigrants and Refugees
- Advisory Committee for Persons with Disabilities
- AIDS Network
- Canadian Mental Health Association – Hamilton
- Chamber of Commerce (Hamilton)
- Circle of Beads / (Indigenous Consultation Circle)
- City Councillors
- Committee Against Racism
- Compass Community Health Centre
- De dwa da dehs nye>s Aboriginal Health Centre
- Delegates from McMaster University
- Good Shepherd Hamilton
- Greater Hamilton Health Network
- Greater Hamilton Health Network - Health Equity Council
- Hamilton Anti-Racism Resource Centre
- Hamilton Black Health Community Leaders Forum
- Hamilton Centre for Civic Inclusion
- Hamilton Community Foundation
- Hamilton Community Legal Clinic
- Hamilton Trans Health Coalition
- Hamilton Urban Core Community Health Centre
- HamOntYouth Steering Committee
- Housing and Homelessness Advisory Committee
- Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Advisory Committee
- McMaster Family Health Team & Dept of Family Medicine
- Seniors Advisory Committee
- Social Planning & Research Council
- St. Joseph's Healthcare Hamilton
- Thrive Group
- Former Medical Officers of Health
- Women and Gender Equity Committee

Invited, but not Interviewed

The below organizations were not interviewed due to scheduling conflicts, time constraints, or no response.

- alPHa Executive
- Centre de Santé Communautaire Hamilton/Niagara
- Coalition of Hamilton Indigenous Leadership

Appendix “A” to Report BOH23039
Page 25 of 31

- Conseil scolaire Viamonde
- Disability Justice Network of Ontario
- Environment Hamilton
- Hamilton Family Health Team
- Hamilton Immigration Partnership Council (HIPC)
- Hamilton Indigenous Advisory Committee
- Hamilton-Wentworth Catholic District School Board
- Hamilton-Wentworth District School Board
- MonAvenir Catholic School Board
- Refuge Newcomer Health
- Shelter Health Network
- United Way Halton & Hamilton

Appendix “A” to Report BOH23039
Page 26 of 31

**Appendix D: Response to Hamilton’s Board of Health Governance Structure - Public
Consultation (July 20, 2023)**

Response to Hamilton’s Board of Health Governance Structure - Public Consultation (July 20, 2023)

The Hamilton Anti-Racism Resource Centre (HARRC) and the Hamilton Centre for Civic Inclusion (HCCI) put forward our joint submission to the City of Hamilton’s public consultation on reviewing Hamilton Public Health’s governance model. Our organizations continue to lead the work to promote equity, anti-racism, diversity, anti-oppression, and inclusion in Hamilton.

Access to health or lack thereof is political.

We believe that people who are socially marginalized and discriminated against are also at risk of being politically marginalized, with their unique needs not being considered by policymakers. We believe that by supporting marginalized populations, we can improve the overall health and well-being of our entire community in Hamilton.

We welcome the opportunity to provide feedback on the public consultation. This process has been a long-time in the making - many of us have stood in front of Hamilton City Council over the past few years through deputations and public calls for change. We hope Hamilton City Council will review our feedback and move well beyond the consultative process to take decisive action.

Community engagement

On July 20th, 2023, we held a community consultation to ask people how they envisioned a governance model that best serves the needs of Hamiltonians from diverse and marginalized backgrounds. Approximately 50 community members participated in our consultation event at the Hamilton Central Public Library. Our participants were representative of the diversity of our community, from a spectrum of racial and socio-economic identities, and included: physicians, nurses, community service providers, students, seniors, recent immigrants, community organizations, and others who live and work in Hamilton.

We structured our consultation event to begin by providing our participants with some foundational background knowledge of the scope of practice of public health and the responsibilities of Hamilton’s Board of Health.

We then heard from a panel of health experts who live and/or work in Hamilton. Dr. Kassia Johnson, Dr. Ruth Rodney, Ms. Lisa Nussey and Dr. Natasha Johnson gave their evidence-informed feedback on why we need to see changes to Hamilton’s Board of Health to address the systemic inequities that too many of our community members experience. We also heard directly from Hamilton’s Medical Officer of Health, Dr. Elizabeth Richardson, who met with community members and shared her insights on the role of public health in Hamilton.

Appendix “A” to Report BOH23039
Page 28 of 31

Finally, we walked through the set of questions that served to guide the consultation process as well as a number of questions we posed to participants to help understand their feedback through a health equity lens.

The message we received was loud, clear, and unified: Participants said they want to see changes to Hamilton Public Health’s governance that enable community members and healthcare experts to have seats at the decision-making table so they can collaboratively develop and implement decisions that support our city’s population health needs.

The need for change

We believe that the current governance structure for Hamilton Public Health does not allow it to successfully administer its standards, policies, and programs through a strong health equity lens. The current structure is inherently set up to become a conflict of interest when decision-makers are in both positions as, 1) elected officials who create policies that may exacerbate health inequities and 2) elected officials who authorize the public health direction in Hamilton. The lack of diversity and health experience of the current Board of Health governance structure limits the board’s ability to address systemic inequities.

For example, some members at our community consultation spoke about their unsuccessful advocacy to Council during the height of the COVID-19 pandemic even though it was apparent that people in distress needed additional resources and support, such as public washrooms and shelter. Others shared their personal health care and self-advocacy experiences, revealing a common narrative that their experiences were misinterpreted by people in positions of authority. Participants believed that this propensity of misinterpreting experiences is why an ad-hoc advisory group will not be strong enough to confront and resolve health inequities.

The impact of COVID-19 pandemic is still being felt and will be felt for years to come. It is evident that there are, and will continue to be, instances when political decisions do not align with strong public health measures. Hamilton’s Board of Health must have the ability and courage to put forward strong public health measures even when these measures are unpopular.

For these reasons, participants at our community consultation - residents of Hamilton and those who serve social and healthcare frontlines - recommended that an effective governance model must include community members and health experts with an understanding of health equity on the board to inform our city’s strategic vision for public health.

Strength in community voices

We asked participants what kind of governance structure they believed would best support Hamilton’s public health needs. First, participants felt it was important to point out that the current Board of Health does not reflect our city’s diverse background. Participants noted that

Appendix “A” to Report BOH23039
Page 29 of 31

this major gap in representation negatively impacts how Hamilton Public Health sets and rolls out its priorities.

Participants pointed out that the COVID-19 pandemic made this discrepancy apparent because we finally had data that revealed the health inequities that so many community members have been experiencing for years. When decision-makers do not understand or live with the systemic inequities that exist or have the healthcare expertise to understand these issues, they cannot develop comprehensive public health solutions that meet the needs of our communities.

We saw these systemic inequities play out in real time during the height of the COVID-19 pandemic. In 2020, the Office of the Medical Officer of Health issued an important report, the Social Determinants of COVID-19¹, that revealed startling data:

- There was a higher rate of COVID-19 cases amongst visible minorities even though majority of our population identify as white (according to 2016 census data, 81.0% of the population is white and 19.0% is a visible minority but more than 50% of COVID-19 cases at the time occurred amongst visible minorities
- COVID-19 cases were more likely to occur in low-income households
- Visible minorities were three times more likely to live in low-income households

Community members and organizations worked alongside healthcare experts and institutions to address these challenges. In June 2022, Hamilton’s Vaccine Readiness Network issued a report identifying several lessons learned from the COVID-19 pandemic that show public health and government officials how we can work collaboratively to reduce systemic inequities that led low-income and visible minorities to be disproportionately affected by COVID-19.²

For these reasons, participants overwhelmingly favoured option 3 because they believed direct community representation and shared decision-making will strengthen Hamilton Public Health’s outcomes. Participants reviewed options 1 and 2 in the governance proposals but felt that they were too weak because they do not directly allow community members to input their advice, expertise, and skills in decision-making on Hamilton’s public health strategies.

Participants did not have a specific type of role that community members must belong to. Instead, they suggested community members could have many different backgrounds, such as:

- People with lived experience of the social, political and health inequities that are experienced across the city
- Healthcare experts
- People who provide social and health supports on the frontlines
- People from diverse demographic, socio-economic, and cultural backgrounds

¹ Social Determinants of COVID-19. Office of the Medical Officer of Health. Presented to Board of Health, October 19, 2020.

² Community Impact on Equitable Vaccine Delivery in Hamilton. Stories and lessons learned from the Vaccine Readiness Network. June 2022.

The path forward

Based on the Ontario government’s priorities, it is clear that Hamilton Public Health will likely undergo governance and/or structural changes, whether or not Council is in favour of change. We need to ensure that the path forward focuses on protecting Hamilton’s autonomy and flexible responses to our city’s unique population needs.

The Ontario government’s proposal to modernize public health and potentially replace public health units with 10 regional agencies is an urgent reason why we need to establish a governance model that enables the City of Hamilton to have a **strong local voice** in developing and implementing public health policies and programs that reflect our city’s unique needs. It is irresponsible to suggest that we should not proceed with governance changes if the Ontario government is going forward with its modernization plans.

We need to ensure that community concerns are not lost or ignored as the province looks to centralize decision-making in public health. We can look to past and current public health crises in Ontario - Walkerton³ and the COVID-19 pandemic⁴ - as instances where the need for local authority and community feedback influenced how public health authorities responded to emerging public health issues.

The City of Hamilton is still recovering from the COVID-19 pandemic. We know from Hamilton Public Health’s reports that marginalized groups have been disproportionately impacted by policies that failed to consider who was at the highest risk for getting sick. Public health data revealed that Hamilton’s neighbourhoods with the highest proportion of racialized individuals faced some of the highest rates of COVID-19. Consequently, the city faced (and continues to face) additional strain on our acute healthcare systems, shelters, and emergency resources to resolve issues that we could have mitigated if we listened to community members in the first place.

We need to heed the pandemic’s lessons by establishing a new governance model that allows us to hear directly from people who are in the community and have a pulse on emerging public health issues. We must ensure that Hamilton Public Health can effectively carry out its responsibilities as the provincial public health system is expected to move further away from autonomy and towards centralizing decision-making. Unilateral decisions cannot achieve strong public health outcomes.

³ Report of the Walkerton Inquiry: The Events of May 2000 and Related Issues. Government of Ontario. http://www.archives.gov.on.ca/en/e_records/walkerton/report1/index.html#full

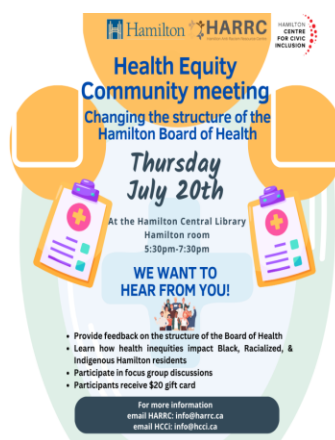
⁴ Public Health Services COVID-19 Situation Report & Organizational Update. Hamilton Board of Health. February 19, 2021. <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=261256>

Immediate actions:

Participants at our community consultation noted that as community members and health experts, they were accustomed to providing feedback on health and community issues in Hamilton. However, their feedback has not necessarily translated into policy changes. Without a direct line towards advocating for public health policies alongside members of Council, we will see the city stagnating under the same status quo structure.

Based on our community engagement process, we have put forward four immediate actions that Council can take when they return to session in Fall 2023:

- 1) Support Option 3 to create a new Board of Health that includes community members
- 2) Prioritize Council's agenda to call on the Ontario government to support the required regulatory and legislative changes to enable changes to our governance model
- 3) Ensure that the new governance model enshrines - in regulatory and legislative provisions - the principles of equity, anti-racism, diversity, anti-oppression, and inclusion so that they are reflected in public health strategy, policies, and programs
- 4) Implement race-based health data collection to help monitor, evaluate, and mitigate health inequities in public health policies and programs





OPTIONS FOR THE CITY OF HAMILTON'S BOARD OF HEALTH GOVERNANCE

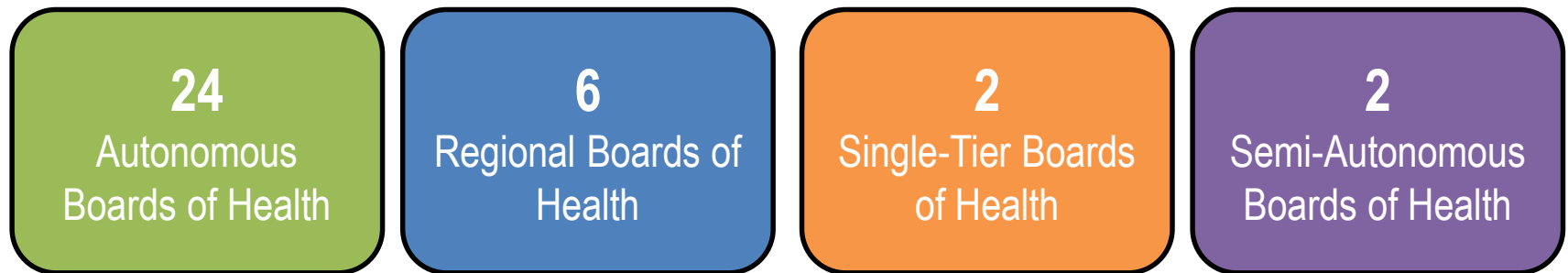
Governance Review Sub-Committee
November 17, 2023

Key Message

- There is substantial and widespread support to change the City of Hamilton's Board of Health to a semi-autonomous governance model that consists of six City Council members, six community representatives with health expertise and lived experience, and one education representative.

Background

- Hamilton City Council operates and functions as the Board of Health, which is referred to as the “single-tier” governance model
- There are four different Board of Health governance models across Ontario, and each model both determines the Board’s composition and reflects how the public health unit is situated relative to the municipality, municipalities, or region



3

- Since 2006, public health governance in Hamilton has followed a two-step process:
 1. Public Health Standing Committee meets monthly to discuss public health programs and services
 2. Recommendations from these meetings are submitted to City Council, who, acting in the role as the Board of Health, decides whether to approve these recommendations
- Beginning in March 2021, delegations and correspondence were received in support of restructuring the Board of Health to include community representatives with health expertise and lived experience

Consultation Overview

- Two City Council motions directed a consultation to identify issues and opportunities with the current Board of Health, and specified alternative models for consideration
- MASS LBP, an independent public policy firm with governance and consultation expertise, was contracted to lead the consultation, which included:
 - **A public survey** posted to the Engage Hamilton platform, which was promoted to residents through social media and digital advertisements
 - **Key informant interviews and meetings** with Advisory Committees, community partners, healthcare professionals, and City Council members
 - **A community-led public meeting** hosted by the Hamilton Anti-Racism Resource Centre and the Hamilton Centre for Civic Inclusion

Consultation Participants

- **928 survey responses** to the Engage Hamilton survey
- **63 key informant interviews and meetings** with Advisory Committees, community partners, healthcare partners, previous delegates, and City Council members
- **Approximately 50 attendees at the community-led meeting** hosted by Hamilton Anti-Racism Resource Centre and the Hamilton Centre for Civic Inclusion

Consultation Participants

The following Advisory Committees, individuals, and organizations participated through group consultation and/or one-on-one meetings:

- Accessibility Hamilton Alliance
- ACORN Hamilton Chapter
- Advisory Committee for Immigrants and Refugees*
- Advisory Committee for Persons with Disabilities
- AIDS Network
- Canadian Mental Health Association – Hamilton
- Chamber of Commerce (Hamilton)
- Circle of Beads (Indigenous Consultation Circle)
- City Councillors
- Committee Against Racism
- Compass Community Health Centre
- De dwa da dehs nye>s Aboriginal Health Centre
- Delegates from McMaster University
- Former Medical Officers of Health
- Good Shepherd Hamilton
- Greater Hamilton Health Network
- Greater Hamilton Health Network - Health Equity Council
- Hamilton Anti-Racism Resource Centre
- Hamilton Black Health Community Leaders Forum
- Hamilton Centre for Civic Inclusion
- Hamilton Community Foundation
- Hamilton Community Legal Clinic
- Hamilton Trans Health Coalition
- Hamilton Urban Core Community Health Centre
- HamOntYouth Steering Committee
- Housing and Homelessness Advisory Committee*
- Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Advisory Committee*
- McMaster Family Health Team & Department of Family Medicine
- Seniors Advisory Committee
- Social Planning & Research Council of Hamilton
- St. Joseph's Healthcare Hamilton
- Thrive Group
- Women and Gender Equity Committee*

*denotes Advisory Committees where a meeting was not held and individual members participated in the consultation

Alternative Governance Options

In addition to maintaining the current governance structure, the three alternative options explored in this consultation were:

1. **Adding an Advisory Committee to advise on issues directed to them by the current Public Health Standing Committee**, which would consist of community representatives with health expertise and lived experience and an education representative
2. **Changing the membership of the Public Health Standing Committee** to include City Council members, community representatives with health expertise and lived experience, and an education representative
3. **Changing the structure and membership of the Board of Health** so that it is partially (i.e., semi-autonomous) or fully (i.e., autonomous) separate from City Council, with membership that includes City Council members, community representatives with health expertise and lived experience, and an education representative

Consultation Results

- The majority of consultation participants felt that **Option 3: Changing the Structure and Membership of the Board of Health** was the governance option most suitable for Hamilton
 - This transition to a semi-autonomous Board of Health will require changes to the *City of Hamilton Act, 1999* and potentially the *Health Protection and Promotion Act*
- Many interview and meeting participants suggested that **Option 2: Changing the membership of the Public Health Standing Committee** could be an interim solution, since these changes could be implemented by City Council and do not require any legislative changes

Consultation Results

- Key informants provided other ideas to incorporate into the changed governance structures, including:
 - The need for a transparent selection process for the Public Health Standing Committee and/or Board of Health to ensure that membership had the necessary competencies, and that selection was based on best practices, skills, demographic data for representation, and community consultation
 - Membership training and education about public health concepts
 - Stronger Board collaboration, partnerships, accountability, and reporting

Recommendations

- (a) **That Council approve, in principle, a semi-autonomous Board of Health governance structure with features similar to the City of Toronto and City of Ottawa;**
- (i) That Council direct staff to prepare and submit an application to the Province of Ontario for special legislation amending the *City of Hamilton Act, 1999* and the *Health Promotion and Protection Act* to authorize the City to implement a semi-autonomous Board of Health governance model, with features similar to the City of Toronto and City of Ottawa Board of Health governance structures; and,
- (ii) That Council direct staff to report back to the Public Health Committee, following approval of legislative changes with a plan to implement legislative changes and establish a semi-autonomous Board of Health for the City of Hamilton;

Recommendations

- (b) **That as an interim solution until legal authorization is received to implement a semi-autonomous Board of Health governance model, a change be made to the membership of the Public Health Standing Committee to include six City Council members, six community representatives, and one education representative, using the City of Hamilton's existing selection processes, and that for the foregoing purposes staff be directed to report back to the Public Health Committee to:**
- (i) Prepare any amendments to the Procedure By-law that shall create a new Public Health Standing Committee, which By-law shall be drafted to become effective not earlier than the date on which the existing Public Health Standing Committee has been dissolved by the Mayor pursuant to section 284.8(1) of the *Municipal Act*; and,
 - (ii) Prepare for approval the qualifications and criteria for the selection of the community representatives to ensure that the Public Health Standing Committee members represent the community and have the necessary skills and competencies.

Steps for Implementation

1. Initiate process to prepare an application to the Province for special legislation amending the *City of Hamilton Act, 1999* and the *Health Promotion and Protection Act* to authorize the implementation of a semi-autonomous Board of Health

2. For the purpose of implementing changes to the Public Health Standing Committee:
 - Develop qualifications and criteria for the selection of the community representatives and education representative to ensure Public Health Standing Committee members represent the community and have the necessary skills and competencies
 - Amend By-Law 21-021 (By-Law to Govern the Proceedings of Council and Committees of Council)
 - Amend Corporate Policy: Hamilton City Council – Appointment of Citizens to the City’s Local Boards (if required)



QUESTIONS?




Hamilton

THANK YOU



CITY OF HAMILTON
OFFICE OF THE AUDITOR GENERAL

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	December 7, 2023
SUBJECT/REPORT NO:	Equity, Diversity, and Inclusion Audit (AUD23013) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lyn Guo CIA, CMA (US) (905) 546-2424 Ext. 5560 Brigitte Minard CPA, CA, CIA, CGAP, CFE (905) 546-2424 Ext. 3107 Charles Brown CPA, CA (905) 546-2424 Ext. 4469
SUBMITTED BY:	Charles Brown CPA, CA Auditor General Office of the Auditor General
SIGNATURE:	

RECOMMENDATION

- (a) That Appendix "A" attached to Report AUD23013, respecting Equity, Diversity, and Inclusion Audit be received;
- (b) That the Management Response, as detailed in Appendix "B" to Report AUD23013 be approved; and
- (c) That the City Manager be directed to implement the Management Responses (attached as Appendix "B" to Report AUD23013) and report back to the Audit, Finance and Administration Committee by December 2024 on the nature and status of actions taken in response to the audit report including the provision of expected completion dates for all items that have completion dates listed as "unknown".

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.

EXECUTIVE SUMMARY

On February 19, 2019, Hamilton City Council passed a motion containing seven directions to City staff, including “staff be directed to prepare a report on the steps that would be required to implement an equity-diversity-and-inclusion lens framework to City policy and program development, practices, service delivery, budgeting, business planning and prioritization...”

This motion complemented the 2018-2022 Term of Council Priorities which included Equity, Diversity, and Inclusion (EDI) with the stated goal of “equity-seeking communities will feel safe, supported and have an enhanced sense of belonging through strengthening community capacity, City responsiveness and creating inclusive engagement opportunities.” This priority was also aligned with the 2016-2025 Strategic Plan high-level priorities of Community Engagement & Participation and Culture and Diversity.

The Office of the Auditor General (OAG) performed an audit that evaluated and assessed the management of progress made on EDI efforts at the City of Hamilton resulting from this Council direction.

The audit included the following three areas:

- Internal EDI assessed the EDI Framework and work related to its implementation within the organization by the Human Resources’ Division’s Talent and Diversity’s Section (HR EDI).
- External EDI (Community EDI) assessed EDI-related efforts led by the Office of Government and Community Relations in Hamilton, with a focus on community engagement, e.g. supporting Urban Indigenous Strategy implementation and citizen advisory groups such as the Committee against Racism.
- Service Delivery assessed whether EDI has been embedded into City services delivered to residents and businesses.

Overall, the OAG sought to answer the question “Is the City set up for a successful implementation of EDI throughout the organization?”.

We sought to answer this question by focusing our work in three areas, 1-internally, as an employer, 2-when engaging with the community in community and public engagement, and 3-in City service delivery.

SUBJECT: Equity, Diversity, and Inclusion Audit (AUD23013) (City Wide) –**Page 3 of 5**

The OAG finds that the City is not currently set up for assured success. Some progress has been made, but more needs to be done, particularly for some fundamental items that are required as the foundation of EDI efforts at the City of Hamilton.

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None.

Staffing: None.

Legal: None.

HISTORICAL BACKGROUND

The Office of the Auditor General (OAG) had a Diversity, Equity and Inclusion Audit on the 2019-2022 Term of Council Work Plan (AUD19007).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11

Human Rights Code, R.S.O. 1900, c. H.19

RELEVANT CONSULTATION

Appendix “B” to Report AUD23013 includes responses from management responsible in the Human Resources Division and the Office of Government and Community Relations, both of which are part of the City Manager’s Office Department.

Various other staff and management across all departments were consulted as required for this audit.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The audit objective was to assess whether the City has a sound plan and strategy, as well as management of the tools and resources to support and achieve the EDI goals as stated in 2018-2022 Council Terms of Priorities, that “equity-seeking communities will feel safe, supported and have an enhanced sense of belonging through strengthening community capacity, City responsiveness and creating inclusive engagement

SUBJECT: Equity, Diversity, and Inclusion Audit (AUD23013) (City Wide) –
Page 4 of 5

opportunities.” At the time of audit fieldwork, the 2023-2026 Term of Council Priorities had not yet been finalized.

The Office of the Auditor General found that though there are many examples of good efforts towards EDI implementation throughout the organization in all areas reviewed by OAG, they tend to lack clear objectives and purpose, are disparate, and often siloed. It is our view that the City needs a sound strategy and project plan in place to implement EDI across the organization including: as an employer, in community and public engagement efforts, and in the delivery of city services to residents and businesses.

However, there have been numerous good efforts made by staff across the organization that forms the foundation for further EDI work, which will be strengthened with the provision of clear corporate direction including the development of objectives and executable strategies, and the provision of effective tools and resources.

The Audit Report summarizing our findings can be found at Appendix “A” to Report AUD23013.

The OAG made 33 recommendations to strengthen EDI processes at the City of Hamilton, these can be found in Appendix “B” to Report AUD23013.

Management agreed with all 33 recommendations, however, the Office of the Auditor General finds that the management responses were more focused on past, rather than future actions that will be taken and is looking forward to seeing more future-oriented plans in the status update that is expected to be provided by December 2024.

The OAG also takes issue with the characterization in Appendix “B” that our recommendations are indicative of a Level 5 in the relevant maturity model. The OAG does not prescribe or assume any particular level in making its recommendations. We believe that regardless of the level of maturity that is selected for implementation, the fundamentals that our findings are based on: good governance, sound project management, proactive risk assessment, and robust change management are gaps to be addressed, with the recommendations we have provided, and no matter the desired level of maturity.

The Recommendations and Management Responses can be found in Appendix “B” to Report AUD23013.

ALTERNATIVES FOR CONSIDERATION

None.

SUBJECT: Equity, Diversity, and Inclusion Audit (AUD23013) (City Wide) –**Page 5 of 5**

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.

Healthy and Safe Communities

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

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report AUD2301 – Equity, Diversity, and Inclusion Audit Report

Appendix “B” to Report AUD23013 – Recommendations and Management Responses



Hamilton

OFFICE OF THE
AUDITOR GENERAL

Equity, Diversity, and Inclusion Audit



December 7, 2023

Office of the Auditor General

Lyn Guo, Senior Audit and Investigation Specialist

Nancy Hu, Senior Audit and Investigation Specialist

Brigitte Minard, Deputy Auditor General

Charles Brown, Auditor General

Contents

Executive Summary	3
Introduction and Background.....	5
Audit Objective	11
Audit Scope	11
What We Did	11
How We Did It	12
What the Scope Did Not Include	12
Key Terms	12
Detailed Findings.....	13
Governance and Risk Management - Who is Responsible?	13
Internal EDI	14
Other Considerations for Internal EDI implementation	25
Current State	32
Overall Analysis of EDI at the City of Hamilton.....	35
Recommendations	40
Conclusion.....	40

Executive Summary

- 1 On February 19, 2019, Hamilton City Council passed a motion containing seven directions to City staff, including "staff be directed to prepare a report on the steps that would be required to implement an equity-diversity-and-inclusion lens framework to City policy and program development, practices, service delivery, budgeting, business planning and prioritization..."
- 2 This motion complemented the 2018-2022 Term of Council Priorities which included Equity, Diversity, and Inclusion (EDI) with the stated goal of "equity-seeking communities will feel safe, supported and have an enhanced sense of belonging through strengthening community capacity, City responsiveness and creating inclusive engagement opportunities." This priority was also aligned with the 2016-2025 Strategic Plan high-level priorities of Community Engagement & Participation and Culture and Diversity.
- 3 The Office of the Auditor General (OAG) performed an audit that evaluated and assessed the management of progress made on EDI efforts at the City of Hamilton resulting from this Council direction.

The audit included the three areas below:

- Internal EDI assessed the EDI Framework and work related to its implementation within the organization by the Human Resources' Division's Talent and Diversity's Section (HR EDI).
 - External EDI (Community EDI) assessed EDI-related efforts led by the Office of Government and Community Relations in Hamilton, with a focus on community engagement, e.g. supporting Urban Indigenous Strategy implementation and citizen advisory groups such as the Committee against Racism.
 - Service Delivery assessed efforts to ensure EDI has been embedded into City services delivered to residents and businesses.
- 4 The most significant issues identified by the OAG in this audit were governance, lack of risk assessment and change management in the planning and implementation of EDI. For Community EDI and Service Delivery there are not any overarching strategies and objectives on how or what to achieve.
 - 5 Overall, the OAG sought to answer the question "Is the City set up for a successful implementation of EDI throughout the organization?". We sought to answer this question by focusing our work in three areas, 1-internally, as an employer, 2-when engaging with the community in community and public engagement, and 3-in City service delivery. The OAG finds that the City is not currently set up for assured success. Some progress has been made, but more needs to be done, particularly for some fundamental items that are required as the foundation of EDI efforts at the City of Hamilton.

- 6 A Corporate EDI Framework has been developed and is in the process of being implemented; however, there is no fully developed Project Management Plan (PMP) for the implementation of the EDI (now IDEA) framework.
- 7 The work done to date is good, but the efforts need to be executed in a more systematic and methodical way. As such, the City's data collection and metrics are still in the early stages and need to more meaningfully inform the City on the barriers to equity, diversity, and inclusion and/or its progress towards addressing these issues.
- 8 For EDI efforts, EDI implementation and governance should not be the responsibility of the HR EDI team alone. HR EDI should use the established Framework to help guide the individual Departments and other Divisions with their own, specific EDI-related goals. HR's EDI work should focus on their purview (recruitment, promotion, retention, etc.), and be a resource for EDI (e.g. provide training), but the responsibility for implementing EDI in the organization should be with the individual Departments and Divisions and could be overseen by a formal Steering Committee supported by HR EDI.
- 9 The HR EDI team proposed and implemented a form of EDI Steering Committee to help with EDI implementation but in its current deployment, it does not function as a conventional steering committee. It is more of a liaison group or departmental advisory committee. One of the duties of a steering committee is to oversee and support a project to ensure the attainment of its goals. Having the right governance structure ensures accountability and oversight of initiatives / strategies that impact more than one department or division. This would also address the concern where several staff in various service delivery areas have said Corporate support is needed to help service and program areas to develop their own strategy for embedding EDI in business processes.
- 10 We found the initiative lacks a comprehensive, corporate project plan, strategy and direction to City Departments and Divisions for achieving EDI goals. There are very limited tools and resources to support achieving the organization's EDI goals, particularly for Community EDI and Service Delivery.
- 11 That being said, we do recognize some service areas have made efforts towards the goals, such as having retained or intending to retain an equity specialist whose job would be developing EDI strategy for their service areas; and embedding EDI in its 5-year Economic Development Action Plan, etc. Further, these efforts have laid the foundation so the City can continue to build up the strategies, project plan and corporate direction to move the City towards its EDI goals. Without an effective corporate governance model for EDI efforts, Departments and Divisions will continue in their service delivery efforts without clear corporate direction and EDI efforts will be less effective than they could be.
- 12 In late 2022, EDI was rebranded as IDEA (Inclusion, Diversity, Equity and Accessibility) to include the Accessibility work done by the HR Talent & Diversity team. As EDI was the term when the audit started and was the focus of the audit, we use the term EDI in this audit report.

- 13 Overall, OAG has made 33 recommendations in the Recommendation Report (Appendix "B" to Report AUD23013) which will address the key audit findings, with a focus on EDI implementation from a project management perspective.

Introduction and Background

The City of Hamilton's Equity, Diversity, and Inclusion Actions

- 14 Some demographic data for Hamilton per the Statistics Canada 2021 Census is below:

Figure 1: City of Hamilton Demographic Data

Demographic Category	Hamilton, 2021	
	Total Population	Population 15+ in Labour Force
Men	49.2%	52.0%
Women	50.8%	48.0%
Indigenous	2.2%	2.1%
Visible Minority	25.1%	24.7%
Persons w/a Disability	39.1%	35.8%

Source: Data is derived from custom tabulations of Statistic Canada's 2021 Census obtained by the City of Hamilton as a consortium member of the Canadian Community Economic Development Network (CCEDNet) Community Data Program.

Below is data from the Employment Equity Survey as reported by Human Resources showing the make-up of the City of Hamilton's employee population in 2021 (note: response rate to this survey was below 80%).

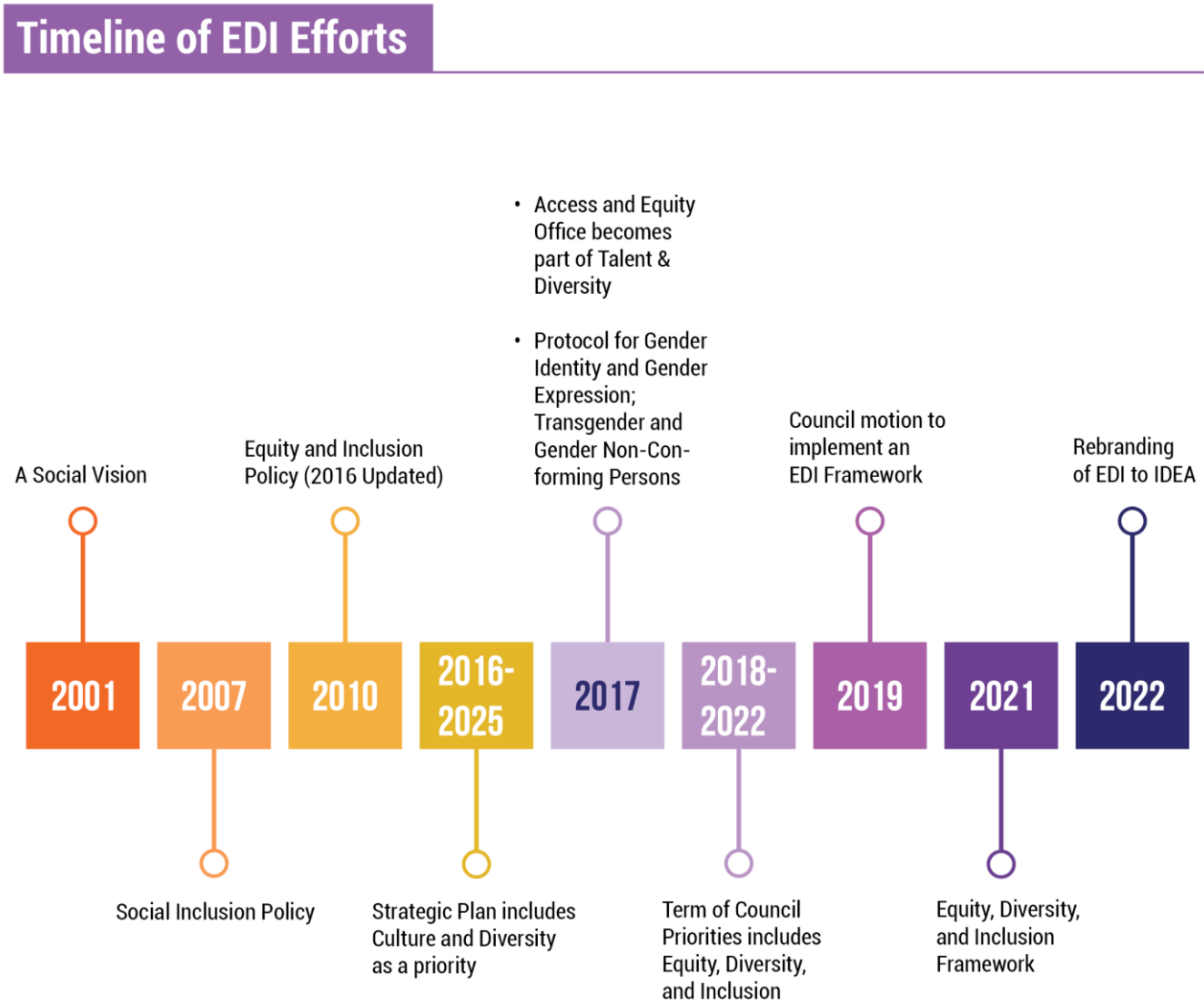
Employment Equity Data	Self-Identifies as			
	Woman	Aboriginal/ Indigenous	Visible Minority/ Racialized	Person with a Disability
City of Hamilton Staff Survey (ACTIVE RESPONDENTS (2021))	48.8%	2.2%	12.0%	5.6%

Source: Report to Council [HUR19019 \(c\) Appendix B](#), from November 30, 2022.

- 15 There have been previous efforts in the City of Hamilton (the City) to attempt to address equity, diversity, and inclusion. Starting in 2001 with "A Social Vision" which was a Social Development Strategy document for the City of Hamilton that included a description of Hamilton as "a vibrant community which promotes support for basic needs as well as inclusion and learning for all. Inclusion involves recognition of respect for diversity."
- 16 In 2007 a Social Inclusion Policy was proposed with the intent of acknowledging the impact that social barriers like poverty, language, ability, racism, and classism have on the ability of a

person to participate fully in life within a community. The OAG could not find any evidence of an actual policy and/or its implementation.

Figure 2: Timeline of EDI Efforts



17 One of the earliest City policies regarding equity, diversity, and inclusion was the Equity and Inclusion Policy created in 2010. The Policy was developed “to enhance and strengthen Council’s decisions and to apply the principles to all City of Hamilton’s processes, policies, practices, programs, services, opportunities, actions, corporate strategic plans and departmental goals in ensuring beneficial outcomes and improved quality of life for all of the City’s internal and external stakeholders.”

18 There are three principles that underpin this City policy:

- The principle of Equity which reflects the City’s inherent belief in the human rights of all persons.

- The principle of Inclusion which creates a sense of belonging.
- The principle of Diversity that validates the sum total of potential found in any group of people.

- 19 The administration of this policy fell under the Access and Equity Office, which became part of the Talent and Diversity office in 2017. The Talent and Diversity Office includes the current Diversity and Inclusion Section within the Human Resources Division (HR EDI).
- 20 This policy was updated in 2016 to include the term "Gender Expression." It is currently being revised as part of the ongoing internal EDI implementation work by HR EDI.
- 21 In 2016, the ten-year Strategic Plan (2016-2025) for the City was approved by City Council and there were seven priorities, including Culture and Diversity: "Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated."
- 22 A trigger event that brought diversity and inclusion into the spotlight was the legal settlement in 2016 between the City and a transgender woman respecting a human rights application after the woman was denied entry to the woman's washroom and instead, was offered a universal washroom at one of the City's facilities.
- 23 The settlement included an agreement to codify specified City practices with regards to the protected grounds of gender identity and gender expression and the rights of transgender and gender non-conforming persons. The Protocol for Gender Identity and Gender Expression: Transgender and Gender Non-conforming was created to meet this obligation and was approved by Council in 2017. Additionally, Transgender Protocol training is mandatory for all new employees.
- 24 In 2017, a Diversity and Inclusion Strategic Plan was developed by HR's Diversity and Inclusion office. The strategic plan is at a very high level. The Diversity and Inclusion Strategic Plan set the priorities of the Diversity and Inclusion team as follows:
- Legislative and policy compliance
 - Education
 - Workplace diversity
 - Database and metric tracking
 - Workplace inclusion
- 25 The Diversity and Inclusion Strategic Plan objectives were:
- To ensure all aspects of our City are built on the principle of human rights, diversity and inclusion
 - To create, foster, support and ultimately sustain a City culture whereby all people feel a strong sense of inclusion, empowerment and opportunity to develop and growth.

- 26 In 2018, Equity, Diversity, and Inclusion was included in the 2018-2022 Term of Council Priorities. The priority states, "The City is committed to creating and nurturing a city that is welcoming and inclusive."
- The goal of this priority is that "Equity-seeking communities will feel safe, supported and have an enhanced sense of belonging through strengthening community capacity, city responsiveness and creating inclusive engagement opportunities."
- 27 This priority was aligned to the ten-year Strategic Plan priorities of Community Engagement & Participation, Culture and Diversity, and Our People & Performance.
- 28 A motion approved by City Council in February of 2019 was the most recent effort to address EDI for the City. In 2019, as part of the Council-approved motion, staff was directed to look into what would be required to implement an "equity-diversity-and-inclusion lens framework to City policy and program development, practices, service delivery, budgeting, business planning and prioritization."
- 29 One item in the 2019 Council-approved motion stated that "the City's Internal Audit services conduct an Equity, Diversity and Inclusion (EDI) Audit, city-system wide, to establish the baseline as it relates to City policy, program development, hiring and staff development practices, service delivery, budgeting, business planning and prioritization by which to measure progress annually." As a result, an audit of EDI implementation by the City was put on the 2019-2022 Audit Workplan.
- 30 In September 2021, Ernst and Young (EY) and the HR Director of Talent and Diversity presented to Council an EDI Framework, which was approved by Council. This framework and the work to implement it was reviewed as part of this audit.
- 31 To support the implementation, a Senior Project Manager (SPM) EDI was hired in Q2 2022, and an EDI Human Resources Business Partner (BP) was hired in Q3 2022.

Community EDI Implementation

- 32 In 2019, community priority population programs/services that used to be within the Community Initiatives portfolio under Healthy and Safe Communities were restructured. While most work in the portfolio remained within the Healthy and Safe Communities Department, the 25-year Community Vision – Our Future Hamilton, Strategic Public Engagement and Community Initiatives, together with 2 Full Time Equivalent (FTE) employees were transferred to the City Manager's Office. In 2021 this work was moved, reporting to the Director of the Office of Government and Community Relations. Today, the community relations work performed and overseen by this Office includes:
- Corporate-wide Public Engagement
 - Hate Mitigation & Prevention Action Plan

- Distribution, development coordination, programming and funding of the City Enrichment Fund
- Overseeing the funding and service agreement with Hamilton Anti-Racism Resource Center (HARRC)
- Community inclusion objectives such as fostering community partnerships and relationships on behalf of the City of Hamilton (including inclusion campaigns – Hamilton for All, Salam Hamilton, representation on various community working groups and network tables.
- Ongoing Support and Oversight of five Citizen Advisory Committees:
 - Mundialization Committee
 - Immigrants and Refugees
 - Women and Gender Equity
 - Committee Against Racism
 - Advisory Committee for Persons with Disabilities
 - LGBTQ Committee – moved to the Healthy and Safe Communities Department in early 2023 to align with the Community, Safety & Well-being Plan

- 33 The Office also provided collaborative support to the Urban Indigenous Strategy and Community Safety and Well-being Plan that were developed in consultation with community partners and whose creation was led by teams from the Healthy and Safe Communities Department.
- 34 In 2020, resulting from Council direction, Sage Solutions Inc was engaged for consulting work to:
- Review the City's draft policy, procedures and Trespass By-law on hate mitigation and provide advice based on best practices and public input.
 - Engage the community and garner input from residents, equity-seeking groups, and other key community stakeholders on current hate-mitigation policies and strategies.
 - Produce and present public consultation findings on hate-mitigation policies and procedures, as well as other broader ideas to combat hate.
- 35 In August 2021, 18 recommendations were presented to Council (at the General Issues Committee-GIC) at the conclusion of Sage Solutions' work, of which four of the recommendations were considered out of the jurisdiction of the City.
- 36 The 18 recommendations were grouped in the following four themes:
- **Proactive Leadership** included four recommendations, called for the City to take the lead condemning hate activities and promote positive values, establishing a well-informed response to stand against hate, resource and implement an action plan to confront systemic racism, oppression and other forms of discrimination.

- **Centring Communities** included seven recommendations, called for collaboration with community partners and stakeholders to initiate convergent strategies to combat hate, focus on prevention, increase diverse representation at decision-making tables and invest in safe community spaces.
- **Education and Early Intervention** included two recommendations, called for early education starting from school curriculum on prevention of racism and hate, equity, diversity, inclusion, justice and belonging, partnership with school boards and community organization. Invest in placemaking initiatives that encourage diverse community interactions across groups.
- **Regulations and Enforcement** included five recommendations, called for standing against hate beginning on City properties, build a coordinated community reporting system and collaborate with Police Services.

37 The Office of Government and Community Relations proposed seven action plans to address these recommendations.

EDI in Service Delivery

38 One of the motions from the February 2019 Council meeting referenced above was that an implementation of the equity, diversity, and inclusion lens begin in the City's Housing & Homelessness Strategy and service delivery. To address this, the Housing and Homelessness Action Plan (HHAP) developed by Housing Services in 2013 was reviewed and revised in 2019 and 2020. According to the 2020 version of HHAP, a formal equity, diversity, and inclusion framework and Gender Based Analysis Plus (GBA+) are to be developed to ensure they are effectively meeting the specific needs of the people who need them.

39 Most of the progress the City of Hamilton has made so far was in response to legislative requirements. Examples include:

- Accessible transportation (DARTS, transit infrastructure).
- Accessible facilities (park benches, braille in City buildings).
- Inclusion programming in Recreation Centers operated by the City.

40 The Economic Development Action Plan (EDAP) included two actions to address EDI as a result of recognizing the importance of the contribution of immigrants to economic growth and the labour force in Hamilton. The Planning and Economic Development Department also manages the Placemaking Pilot Grant program which encourages community interaction to embrace EDI.

41 In addition to the six permanent program areas of funding under the City Enrichment Fund, a pilot grant program for digital equity was added and aimed to be operationalized in 2023/2024. In addition, a set of new EDI questions was included in the grant application intake process to inform grant award decision making.

Audit Objective

- 42 The objective of the audit was to assess whether the City has a sound plan and strategy, as well as the management of tools and resources to support and achieve the EDI goals as stated in 2018-2022 Council Terms of Priorities, that "equity-seeking communities will feel safe, supported and have an enhanced sense of belonging through strengthening community capacity, City responsiveness and creating inclusive engagement opportunities." At the time of audit fieldwork, the 2023-2026 Term of Council Priorities had not yet been finalized.

Audit Scope

- 43 The scope of the audit included reviewing the HR EDI framework, current strategies, project management activities, roadmap and action plans in both Human Resources and the Office of Government and Community Relations, and EDI implementation in the City of Hamilton's service delivery.

What We Did

- 44 To address City Council's February 19, 2019 motion to perform an audit "to establish the baseline as it relates to City policy, program development, hiring and staff development practices, service delivery, budgeting, business planning and prioritization by which to measure progress annually," the OAG divided the audit into the following areas of focus.
- Internal EDI led by Human Resources Talent & Diversity's EDI team (HR EDI)
 - External (Community) EDI led by Office of Government and Community Relations
 - EDI implementation in service delivery for the following areas:
 - Children's and Community Services, Housing Services, Recreation, and Family Health in the Healthy and Safe Communities Department
 - Transit, Parks and Cemeteries in the Public Works Department
 - Tourism and Culture, Planning, Small Business and Business Investment in the Planning and Economic Development Department
 - CityHousing Hamilton
- 45 For these three areas OAG performed the following procedures:
- Gained an understanding of the history of EDI efforts in the City.
 - Gained an understanding of the work completed to-date and in progress on the Internal and External (Community) EDI implementation as well as what is being done in City service delivery.

- Reviewed the work and recommendations of consultants, as applicable, in the three areas.
- Performed relevant testing and review of policies and procedures to verify/validate progress made to date on EDI implementation.
- Assessed the City's procedures and structures in place to implement and manage EDI implementation.

How We Did It

- 46
- Reviewed documentation such as strategic and project management plans, policies and procedures, contracts, RFPs, and Council Reports related to current EDI implementation efforts.
 - Reviewed webpages with information related to EDI implementation including Divisional webpages regarding services and programs.
 - Interviewed relevant staff, including over 60 staff members across the organization in the three areas, including four current General Managers (GM).
 - Reviewed available data, metrics, and performance measures, as applicable.
 - Researched EDI literature, websites, and other municipalities' work.

What the Scope Did Not Include

- 47
- This audit did not include a review of all service areas in all Departments, a sample of service areas were selected for review for the audit.

Key Terms

- 48
- The definitions below were provided by Human Resources Talent & Diversity group from the Corporate New Employee Orientation (CNEO) Equity, Diversity and Inclusion (EDI) training available to new employees.

Accessibility - Inclusive practice of ensuring everyone along the continuum of human ability and experience can acquire the same information, engage in the same interactions, and enjoy the same services in an equally effective and integrated manner with substantially equivalent ease of use.

Diversity - A term used to encompass the acceptance and respect of various dimensions such as race, gender, sexual orientation, ethnicity, socio-economic status, religious beliefs, age, physical abilities, place of origin, and education.

Equity - A condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences.

Inclusion - The extent to which diverse members of a group feel valued and respected. It is often referred to as a sense of belonging.

The definitions below were provided the Office of Government and Community Relations:

Community Engagement - Community engagement refers to a strategic process, intention, or action with the goal of facilitating interactions, building relationships, and working collaboratively with identified groups of people, whether they are affiliated by a geographic location (community of place), a community of similar interest, or a community of affiliation or identity, to affect positive change.

Public Engagement - Public engagement or public participation is viewed as any intentional process that involves the public in problem solving or decision-making and uses public input to inform decisions.

Barrier - A barrier is anything that keeps an individual or group from participating fully in an activity. A barrier can be visible, invisible, environmental, physical, economic, social, or political. Barriers prevent full communication, working together, and progress or achievement.

Equity-Seeking Groups - Equity-seeking groups are those that identify barriers to equal access, opportunities and resources due to disadvantage and actively seek social justice and reparation.

The definition below is taken from Statistics Canada:

Visible Minority - refers to whether a person is a visible minority or not, as defined by the *Employment Equity Act*. The *Employment Equity Act* defines visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour". The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Arab, Latin American, Southeast Asian, West Asian, Korean and Japanese.

Detailed Findings

Governance and Risk Management - Who is Responsible?

- 49 A greater focus on change management at the organizational level is needed to prepare, equip, and support staff in moving towards embedding EDI in day-to-day work at the City and in the way the City delivers its services.
- 50 Additionally, a formal risk assessment has not been performed for EDI implementation. A risk assessment helps management identify goals, obstacles, and gaps along the way (risks), and determine strategy to mitigate the risks. For a long-range project as EDI implementation, it

would help in determining what the goals are in the short-term and what the goals are for the long-term, and subsequently how resources can be prioritized to meet these short term and long-term goals. It can help to realistically assess what can be achieved in the short- term and how much the City can commit to on an annual basis to help relieve the pressure on the organization and manage stakeholder expectations throughout this journey.

- 51 Further, the City of Hamilton budget process has yet to formally embed EDI considerations in the budgeting process, nor is there a budget set aside to support embedding EDI in service delivery. Having said that, some areas have funded or intend to fund an EDI specialist, which is important. Budgeting with EDI considerations in service delivery would help to address the issue of equitable provision of services and programs to diverse groups and enable the City to measure and track the investments it makes in embedding EDI into the City's service delivery.

Internal EDI

EDI Framework Development

- 52 OAG reviewed the work done by Ernst & Young (EY) which informed the EDI Framework being implemented and the related systemic initiatives. We did find some issues with the deliverables that pose challenges in the development of the Framework and initiatives.
- 53 The cultural assessment survey, on which EY's assessment of City culture and subsequent recommendations were based, was not representative of City staff. For example, the 43% response rate is of those who were sent the survey link via email. There are a large group of employees without City email addresses. The OAG estimates that the survey responses represented only 27.5% of the total employees at the time.
- 54 From a review of the cultural survey results, it is not clear to the OAG how or whether the tool rigorously gauged equity or diversity. The only item the OAG noted was a question that asked: do you think we have a diverse workforce? The survey had more questions regarding day-to-day general work environment/culture and broadly gauges inclusivity. The OAG finds it to be similar to the City's Our People Survey which was sent out four months later.
- 55 An Executive Leadership Assessment (ELA) was done with the Senior Leadership Team (SLT) team at the time. The ELA is a one-on-one consultant-led assessment with SLT members to provide tailored development plans for areas and ownership for driving behaviour changes related to EDI. This along with the cultural assessment was meant to be done annually but were not. These were intended to be measures of progress/impact of our EDI implementation progress.
- 56 Additionally, EY proposed six systemic initiatives which were recommended as part of the Framework to implement EDI within our organization. The initiatives and key activities are shown in Figure 3 (Summary of EDI Roadmap):

Figure 3: Summary of EDI Roadmap

Summary of EDI Roadmap – Summary of Systemic Initiatives

Following data collection and analysis from multiple sources – EDI diagnostic survey, Leader Interviews, Focus Groups, and a Senior Leadership Team Workshop – the following systemic initiatives were recommended in the EDI Framework

1

BUSINESS CASE

Create EDI business case to outline the benefits of EDI and how it impacts business performance and the City's overall objectives

Key Activities:

- Assemble the EDI business case team
- Define the business case
- Implement business plans and set up review cycle
- Communicate business case

2

COMMUNICATIONS PLAN

Create an organization-wide communications plan that includes an EDI calendar, campaign and community events

Key Activities:

- Broadcast Leadership's commitment to EDI
- Create EDI communications campaign strategy
- Create EDI communications calendar
- Spread awareness of EDI learning events

3

STRUCTURED PERFORMANCE MANAGEMENT

Implement targeted approaches to help retain employees and progress all employees fairly

Key Activities:

- Assemble performance management and career progression subcommittee
- Enhance performance appraisal process
- Create targeted talent development programs
- Enhance talent mapping and succession planning
- Measure impact

Summary of EDI Roadmap – Summary of EDI Cultural Behaviours

Following data collection and analysis from multiple sources – EDI diagnostic survey, Leader Interviews, Focus Groups, and a Senior Leadership Team Workshop – the following EDI cultural behaviours were recommended in the EDI Framework.

4

LEADER COMMITMENT

Improve Senior Leadership communication to better cascade priorities to various levels within the organization

Key Activities:

- Engage team with EDI content
- Define behavioural sprint, implement, reflect and engage, report back and iterate

5

INCLUSIVE COLLABORATION

Actively seek out opportunities to involve others and regularly seek feedback on how to team more inclusively

Key Activities:

- Encourage feedback
- Incorporate the use of inclusive language
- Break down silos
- Define behavioural sprint, implement, reflect and engage, report back and iterate

6

BETTER RECOGNIZE AND PROMOTE EMPLOYEES

Lead with an open-mind to drive more employee recognition

Key Activities:

- Increase recognition
- Foster a work environment where varying opinions and ideas are welcome
- Define behavioural sprint, implement, reflect and engage, report back and iterate

- 57 At a high-level, the six initiatives recommended by EY as well as the EDI Framework (see Figure 4) are reasonable to move the City towards its objective to implement the EDI Framework, but they lack specific details on how to operationalize them. There is not much detail regarding what should specifically be done and to what end for each of the six initiatives. It is not clear what the short-term objectives are and how, specifically, will these objectives contribute to addressing equity, diversity, and inclusion at the City of Hamilton.
- 58 The EDI Framework sets up an administrative/HR support structure but the path to meaningful, systematic organizational change is much more difficult to achieve than fulfilling the six proposed initiatives. HR EDI needs to fill in the details. The somewhat rudimentary nature of the recommendations (e.g. "create business case") is also indicative that EDI as a concept was/is not mature at the City of Hamilton.
- 59 With the substantive use of consultants in EDI implementation work, the City should be more directive and/or have more scrutiny of the work of consultants. As it was noted above, one of the inputs for the EDI Framework was informed by a survey that was not representative of the City's staff, and EY provided high-level guidelines but little in the way of details that can be operationalized, the City of Hamilton should consider how to ensure consultants are providing us with recommendations that are actionable and whether they will have a lasting impact given the cost for engaging consultants.

Project Management of EDI Framework Implementation

- 60 With respect to project management fundamentals, OAG found there is no fully developed Project Management Plan (PMP) for the implementation of the EDI Framework. OAG asked HR EDI staff for a PMP and was provided a Gantt chart, which is a project management tool that illustrates work completed over a period of time in relation to the time planned for the work. The chart provided included start and end dates of specific tasks, but it was very rudimentary (e.g. no dependencies-one task can only start once another is completed, no project milestones, no critical path, etc.). Per HR EDI staff, the PMP is a work in progress and still being developed. It is noted that the Senior Project Manager (SPM) EDI was hired in Q2 2022.
- 61 Typically, a Project Management Plan has 5 key items:
1. Project Charter (Business Objectives & Process Success Criteria)
 2. Project Requirements
 3. Work Breakdown Structure (defines scope in terms of deliverables)
 4. Plan (includes risk, budget, resources, schedule, quality assessment, procurement, etc.)
 5. Communications (identifying stakeholders and what information to share, who should get it, how to distribute, and when to share).
- 62 These five items are typically developed in sequential order.

Source: [pmi.org](https://www.pmi.org)

- 63 Though HR EDI is still in early stages of the EDI Framework implementation, work has been done on several of the initiatives without having a fully developed PMP. This is likely the reason for the lack of objectives and goals (short- and long-term) related to the EDI Framework implementation to date (see related Findings below).

Status of EDI Road Map and Implementation to Date

- 64 The OAG reviewed and documented HR EDI's progress to date on the implementation of the six initiatives noted above to support the EDI Framework.
- A **Business Case** was written by EY for the City of Hamilton
 - The **Communication Plan** for EDI framework is still in progress. However, there are not clear objectives and goals of what the Communication Plan will be achieving and what the communications should be about.
 - **Structured Performance Management:** Some succession planning work has been proposed but this is still in development. Some draft documents were provided to the OAG and the succession planning objectives included: "consider diversity of candidates," and the end goal of succession planning was to "provide a continuous flow of diverse talented high potential employees ready to move into key positions." There was no information on how "diverse" is defined in this context or what may be considered adequately "diverse".
 - **Leader Commitment:** Some short videos have been filmed by the Senior Leadership Team (SLT), but still need to be edited and finalized. The plan is for the videos to be included in new employee orientation sessions. SLT Performance Accountability and Development (PAD) goals include Harvard ManageMentor training completion rates and Employment Equity survey completion rates.
 - **Inclusive Collaboration:** More EDI (IDEA) training modules are being developed. There is a proposal for a Leadership Allies group for IDEA work which would include training leaders on how to have impactful IDEA discussions with their staff.
 - **Better Recognize and Promote Employees:** The HR Organizational Learning & Development Section has a proposal to create a framework to set minimum guidelines for employee recognition events. Based on the OAG's review of this work, it is not clear how this will further EDI work for this initiative.
- 65 Some of the six components of the framework should work in progression and/or piggy-back off each other. For example, the first step is a business case which should be the driver for EDI. The business case should help inform the Communication Plan objectives (why the City is doing this, why is it important, etc.), which should drive what data the City collects. Demonstrated ownership drives action plans (and possibly vice versa). Action plans should also drive the performance measures the City maintains. HR EDI seems to be putting efforts

towards each component separately and/or independently. As such, it is difficult to track the true progress of the Framework's implementation. This also contributes significantly to why the City does not have meaningful metrics linked to action plans at this time.

- 66 The work completed to date are steps towards embedding EDI in the organization. However, because of the lack of specific objectives and goals, there is not a systematic or methodical approach to this important work.

Figure 4: EDI Framework



Source: [Report to Council HUR19019 \(b\) Appendix A](#), from September 22, 2021

EDI Steering Committee

- 67 The EDI Steering Committee (SC) was formed prior to the creation of the current EDI Framework. The Steering Committee was approved by Council as proposed in the September 18, 2019 General Issues Committee-GIC report, (HUR19019) to be comprised of representatives from all departments and across all levels of the organization.
- 68 In our view, the EDI Steering Committee that was eventually formed is more of an Advisory Committee comprised of staff liaisons between the HR EDI team and their respective Departments/areas. Though they have done some of the work that was originally proposed, they do not function as a conventional steering committee. The first Steering Committee met in September 2020 and the members participated in the focus groups EY put together to inform the subsequent EDI Framework.
- 69 A steering committee is meant to be a governing body tasked with overseeing and supporting a project.
- 70 They provide guidance and support to achieve project objectives and goals throughout the term of the project. This is not the current function of the EDI Steering Committee.
- 71 A steering committee usually includes stakeholders and representatives from departments with a significant stake in the project's success. For example, in the case of the City, this would include:
- General Managers as well as heads of Divisions.
 - Subject matter experts from Departmental areas already doing EDI work.
 - Employees with substantial project management expertise.
- This is not the current make up of the EDI Steering Committee.
- 72 The original Steering Committee was comprised of 18 members. General Managers (GMs) were asked to nominate individuals from their Departments to participate in the Steering Committee. The criteria for nominations were/are:
- Strong performance and high potential in their current role
 - Succession planning candidates that would benefit from participation in an organizational project of this scope
 - Viewed as influencers within their current teams/workgroups who can be early adopters of EDI
 - Various and diverse perspectives and lived experiences to enhance the decision outcomes
- 73 Further, nominees had to possess the "Ability to devote the required time to participate in this initiative, which is anticipated to be approximately two hours of meeting time per month along with quarterly half day sessions for the next two to three years."

- 74 The original Committee members included staff from each of the five Departments (Corporate Services, Healthy and Safe Communities, Planning and Economic Development, Public Works, and the City Manager's Office).
- 75 At the time of OAG's fieldwork there were 15 EDI Steering Committee members (four Managers, one supervisor, and ten staff). OAG interviewed ten of the members. Of the members OAG interviewed, many seemed to have been appointed (based on their knowledge) as a professional development opportunity (later corroborated by GM interviews as well) and time availability criteria, but few mentioned lived experiences. Some members did volunteer/ask to participate because they were already doing EDI work in their area and had a passion for the work. Three of the four criteria above emphasize members who have been identified in their department as potential leaders rather than lived experiences or knowledge/work done in EDI.
- 76 In our consultations with HR, they felt that it was not necessary for the members to be knowledgeable about EDI because members of the Steering Committee would receive training. It was more important that the members be influencers/future leaders that could take the training they receive and help embed the knowledge in their respective Departments.
- 77 These EDI Steering Committee nominations were made before any unconscious bias training was provided to management and was during the early stages of the City's Employment Equity Data collection. The OAG also noted that the City does not collect demographic data on LGBTQ2SIA+ staff. Of the ten Steering Committee members interviewed, only one confirmed to OAG they identified as a visible minority.
- 78 In our opinion, the established criteria are not the most effective criteria for a committee to help implement and embed EDI. Criteria for the Committee should be based on what would help best achieve the objectives and goals of the Committee. Lived experience should have a greater emphasis and the criteria not just limited to staff member's demographic self-identification. A white male could have a spouse or children that come from the four groups and/or identify as LGBTQ2SIA+. There should be more inclusive and equitable criteria as well as documentation as to why someone was nominated. Having individuals with lived experiences involved in EDI implementation would help embed the cultural and behavior elements needed for success. There should also be a criterion for individuals already doing EDI work in service areas (e.g., Paramedics and Public Art have already embedded elements of EDI in the work they are currently doing.).
- 79 Further, the emphasis on succession planning and future leaders is a criterion that could be seen as a barrier as the City currently does not have (and did not have at that time) succession plan guidance on how to identify and/or recruit a more diverse pool of candidates for future leadership.
- 80 Regarding the work done to date by the current Steering Committee, a common issue mentioned during the SC interviews was that the committee seemed to languish for the first year or so. It took a long time to develop the Terms of Reference (TOR) to understand what their purpose as a Steering Committee member was. Even now some members still feel there is a lack of understanding of objectives and purpose amongst some of them.

- 81 This year, Steering Committee members were asked to create individual workplans for Education (training) and Communication to execute in their departments and/or areas. Some members mentioned it was not clear what about EDI they should be communicating. The OAG was provided with two SC workplans as examples to review and saw very disparate approaches to communications. Some of this was due to the two areas being different and having unique communication methods (e.g., televisions in common areas vs. email, etc.) but there was not a cohesive rollout of EDI communications, including messaging. There was no evidence of any guidance from HR EDI regarding inclusive language or accessibility considerations in their delivery. This is not surprising as the Communication Plan as part of the EDI Framework implementation has not been finalized.
- 82 One of the risks with this disparate approach to EDI communications is communication fatigue and communications are perceived as performative (emails about holidays and events) and not cohesive and substantial. By the time the City of Hamilton has more substantial communications, people may not take notice.
- 83 Also mentioned by some Steering Committee members was the feeling there is not full support by all levels of management within their Department and/or Division and they feel lost as to how to go about working within their Division to support EDI efforts. The Steering Committee members have been questioned as to the value and purpose of what they are doing for the time spent. This is likely a result of the overall lack of objectives and goals for the Committee as well as the function being more of a group of advisory liaisons for their respective areas without enough reach for other Divisions and their entire Department.
- 84 The current structure and strategy for the EDI Steering Committee is not conducive to creating substantial change to embed EDI in the organization.

Data Collection and Performance Measurement

- 85 The Employment Equity Survey (EES) was launched in January 2020. Through the Employment Equity Survey (EES), staff (including new hires) and applicants are asked if they self-identify as a Woman, Aboriginal (Indigenous), Visible Minority/Racialized, or Person with a Disability. The data collected follows demographic data collection requirements per the Employment Equity Act for federal and federally regulated organizations. The requirement does not apply to the City (The City is not a federal or federally regulated organization). However, HR EDI started to use this requirement and follow the guidance as a basis to start collecting some Employment Equity data. Also, as noted below, the City's PeopleSoft system was already configured for this.
- 86 In reviewing the process, we found that the data collected is very basic and the survey response options are limited. For example, it does not offer individuals an option to self-identify as a member of the LGBTQ2SIA+ community. According to HR EDI, they are currently limited in what they can collect regarding demographics as there are system limitations as to what data can be stored in the PeopleSoft HR system. The collection of the four demographic groups was done because PeopleSoft was already set up for it. Any additional data collection

or storage would require additional modules or further customization in the existing system. Additional modules and customizations would require a funding source/budget.

- 87 The EES data was collected to inform the metrics that track if City of Hamilton staff and job applicants are reflective of the community they serve. To date, HR EDI staff has simply periodically reported the collected data with the data available from the 2016 Census on Hamilton Labour Market Availability (LMA) and the Canadian LMA to show progress towards being reflective of the community. The survey results have been reported to Council regularly, with the most recent report provided on November 30, 2022 as Appendix B with HR’s report HUR19019 (c). The OAG has also included the 2021 Census Data for informational purposes below (Figure 5, “Demographic Category”) and again later on in the report (Figure 6), as there have been changes between the 2016 and 2021 census data.

Figure 5: Demographic Category

Employment Equity Data	Self-Identifies as			
	Woman	Aboriginal/ Indigenous	Visible Minority/ Racialized	Person with a Disability
City of Hamilton Staff Survey (ACTIVE RESPONDENTS (2022))	47.7%	2.2%	12.4%	5.5%
City of Hamilton Applicant Pool (2022 YTD October 31, 2022)	54.4%	2.1%	29.6%	4.2%
City of Hamilton New Hires (2022 YTD October 31, 2022)	81.7%	2.0%	27.4%	5.6%

Statistics Canada Census Data	Self-Identifies as			
	Woman	Aboriginal/ Indigenous	Visible Minority/ Racialized	Person with a Disability
Hamilton Population (2016)**	51.1%	2.3%	19.0%	29.1% ⁺
Hamilton LMA (2016)**	48.3%	2.0%	17.6%	n/a
Canada LMA (2016)***	48.2%	4.0%	21.3%	9.1% ⁺

** Based on total population, including children and others not seeking work.

***Refers to the number of people in the workforce from which employer can hire.

+Disability data is from 2017 Canadian Survey on Disability

Source: Report to Council [HUR19019 \(c\) Appendix B](#), from November 30, 2022.

Demographic Category	Hamilton, 2021		Canada 2021	
	Total Population	Population 15+ in Labour Force	Total Population	Population 15+ in Labour Force
Women	50.8%	48.0%	50.6%	47.9%
Indigenous	2.2%	2.1%	5.0%	4.2%
Visible Minority	25.1%	24.7%	26.5%	27.2%
Persons w/a Disability	39.1%	35.8%	35.7%	33.6%

Source: Data is derived from custom tabulations of Statistic Canada’s 2021 Census obtained by the City of Hamilton as a consortium member of the Canadian Community Economic Development Network (CCEDNet) Community Data Program.

- 88 Additionally, the legislative guidance for the Employment Equity Act recommends an 80% return and response rate (even if the response is "choose not to answer"). The City's overall response rate as of the end of fieldwork (June 2023) was around 61%. Also, the City of Hamilton has not reached the 80% response rate in all Departments. The Departments that have not yet met this are Healthy & Safe Communities and Public Works. These are the two largest Departments with a high percentage of staff that historically have not had a work email address. According to HR EDI staff, in addition to challenges relating to having staff without a work email address access and having the time to take the survey (either through an email link sent to a personal email address or paper surveys), another struggle is that some staff included in the overall headcount may be on leave and cannot be contacted to take the survey.
- 89 Because the City has not achieved the minimum 80% response and return rate in all Departments, the data is not used to inform any EDI actions or plans (e.g., regarding staff diversity).
- 90 There has been significant progress made in recent months, within Departments, to achieve the 80% response and return rate and that is due to the combined efforts of HR EDI staff and Department management.
- 91 HR EDI staff did provide some reports that they are in the early stages of developing and validating that would capture some additional information such as salary, promotions, and terminations, but even these reports are based on the four demographic groups data collected from the EES. So, the same issues would apply (no LGBTQ2SIA+ data and return and response rate).
- 92 In our view, utilizing EES data to gauge if the City is making progress towards having City staff being more reflective of the community falls short of what is needed. A more fulsome and nuanced approach is needed. There is other information that should be reviewed (such as exit demographic information, information from exit interviews-qualitative data, positions held, promotions, etc.).
- 93 This goal could be better-defined and have more specific, tailored objectives. For example, is the goal to be reflective of the community the City serves considered to be met if the percentages are reached but women, visible minority/racialized, Aboriginal (Indigenous), and persons with disabilities are in lower-level positions and not represented at leadership levels? This is a policy issue and would ultimately be a Council decision.
- 94 There are some departments that have met the 80% return and response rate. For these departments, the metrics collected via the EES are not yet used at the department level to consider changes (as needed) to address the diversity of their workforce. Currently, HR EDI has not analyzed the demographics in each Department against the Hamilton and Canadian LMA data and has not reported to Council on it. Work has yet to be done to develop plans linked to the use of the data provided. Demographic make-up goals should be department specific and linked to strategies and/or service needs.
- 95 Without rigorous and reliable data collection, the City will not be able to develop performance measures to inform the City's progress towards its goals. As part of the work relating to the

creation of the EDI Framework, EY provided HR with recommendations for an EDI Dashboard. Included were legally and culturally accepted demographic data collection questions and "Commonly Tracked EDI Metrics". This information should help guide improvements to the City's data collection and metrics tracking.

- 96 HR EDI's resource challenges regarding data collection are not only the PeopleSoft HR system limitations. Currently, HR EDI's core team is made up of a Senior Project Manager EDI and EDI Human Resources Business Partner (there is also a Training Coordinator position open as well), but another key resource would be a data analyst. The data and metrics component for EDI is very important and should be developed in conjunction with rolling out action plans or initiatives on what data can be collected and how it is collected can be considered. It will almost be impossible for data collection and analysis to be successful without data analyst capabilities being assigned to this work.
- 97 Because of the City's limited data collection, the organization does not have meaningful performance measures for the implementation of the EDI Framework. As noted above, the data the City collects is not linked to action plans. Because the EDI Framework is not fully implemented in the organization the City is far from establishing performance measures. The data and metrics the City currently collects and reviews does not inform anything about the City's EDI efforts or potential barriers to employment and/or promotions.

Other Considerations for Internal EDI implementation

EDI Resources

- 98 Another item that was part of Council's February 19, 2019 motion was to have the "Equity, Diversity & Inclusion toolkit (Handbook)" that was "developed to support existing work by staff, be reviewed, edited and revised as required following consultations with internal and external stakeholders and made available as a resource to City staff and the community." Although a handbook was developed, according to the HR Team, it will not be rolled out as a resource. According to HR, there were concerns with the EDI Handbook - it was produced by a consultant that a former Mayor's Office engaged, so HR EDI does not own the document and cannot make the required revisions to bring it into alignment with the Framework.
- 99 Currently, there is nothing to replace the "Handbook". Originally, and per the Council motion, the intention was to revise it to bring it in alignment with the EDI Framework. As part of EY's work to develop the EDI Framework and implementation they provided recommendations on how to do this. The revisions were not made, and the Handbook was never rolled out.
- 100 Per HR EDI staff, the newly launched (July 2023) IDEA Landing Page will be a resource for IDEA (Inclusion, Diversity, Equity, Accessibility) information for all employees. HR plans for the site to be updated regularly with new training, resources, tools, and communication as they become available. As of July 25, 2023, the resources and tools were limited (the few resources included Steering Committee page with a list of members, EDI Framework graphic, new IDEA logo, calendar of EDI events, etc.). Further, the IDEA Landing Page was launched before being

fully developed as a resource. Since it is a HOWI landing page (accessed by employee login only), it is not intended to be a community resource. The original Handbook was intended to be both a City staff and community resource. So, there is still no community resource. Also, as of the launch date, OAG did not see any announcement of the launch of the IDEA Landing Page for staff to be aware of it.

- 101 Though the page is still being developed and more updates are to come, there is a risk associated with an undeveloped resource. Staff may not see it as a useful resource and may not come back to it if it is perpetually in development.

EDI in Recruiting

- 102 OAG observed that the City has done limited targeted recruiting. In the November 30, 2022 report to GIC, HUR19019 (c), HR outlined efforts undertaken to help increase the number of Persons with Disabilities as they identified this as an area where the City is still lagging per the EES data. Their efforts are significant and should be acknowledged. However, the City of Hamilton is also still below the LMA for Hamilton and Canada for Visible Minority/Racialized staff. HR has also done some targeted recruiting related to Indigenous/Aboriginal populations, but with the percentage of staff at 2.2% and Hamilton LMA at 2.0% and Canadian LMA at 2.3%, City staff demographics for this group is tracking closely to the community. The percentage of women on staff (47.7%) were tracking very close to the Hamilton and Canadian LMA of 48% as well. Refer to Figure 5 for full details.
- 103 In the above report, HR acknowledged that the City of Hamilton is still behind in Visible Minority/Racialized demographic by saying "While our current employee population of Visible Minority/Racialized staff are still below the Labour Market Availability, our applicant and new hire data indicates that we are attracting candidates and hiring above the levels indicated by the Labour Market Availability." However, the City is not currently reporting on the EES data of staff that are leaving the City so the new hire applicant data alone does not give the complete picture (and new hire data is also included in current staff data) of what progress is being made regarding Visible Minority/Racialized staff.
- 104 OAG obtained the 2021 Census data for the EES demographic groups from Children and Community Services staff (see Figure 5). OAG noted the biggest change in the Hamilton and Canada LMA has been in the Visible Minority/Racialized LMA. The Hamilton LMA increased from 17.6% (in 2016) to 24.7%. The Canadian LMA, increased from 21.3 % (in 2016) to 27.2%. The City is already behind for this group in staff representation.
- 105 The 9.1% Persons with a Disability for Canadian LMA as reported in the HUR19019 (c) Appendix B, from November 30, 2022 (see Figure 5) comes from the 2017 Canadian Survey on Disability (CSD) and is not from the 2016 Census data (as it was labeled in the report). The Statistics Canada Census data does collect Persons with a Disability LMA, but the criteria may be broader than the CSD. The CSD was conducted again in 2022 but this data has yet to be released. The numbers in OAG's Figure 6 are from the 2021 Statistics Canada Census data.

Figure 6: Statistics Canada 2021 Census Data

Demographic Category	Hamilton, 2021		Canada 2021	
	Total Population	Population 15+ in Labour Force	Total Population	Population 15+ in Labour Force
Women	50.8%	48.0%	50.6%	47.9%
Indigenous	2.2%	2.1%	5.0%	4.2%
Visible Minority	25.1%	24.7%	26.5%	27.2%
Persons w/a Disability	39.1%	35.8%	35.7%	33.6%

Source: Data is derived from custom tabulations of Statistic Canada's 2021 Census obtained by the City of Hamilton as a consortium member of the Canadian Community Economic Development Network (CCEDNet) Community Data Program.

- 106 When HR last reported the data to GIC in November 2022 (see Figure 5) the 2021 Census data was not published and has only recently become available. HR plans to report to GIC with the 2021 Census data in Q4 of 2023.
- 107 HR management stated they do not undertake targeted recruitment for visible/racialized minorities. However, OAG believes there is room to take a more inclusive approach to recruiting.
- 108 For example, the OAG was provided with a spreadsheet by the HR Director Talent & Diversity of their "Diversity Recruitment Resources" which contained a list of various job posting sites. OAG looked at each of the resources listed with websites and found one City of Hamilton position on an Indigenous job board and it was for the Director of Indigenous Relations for the City of Hamilton. This was not targeted recruiting to increase Indigenous staff within the City overall, this was targeted recruiting to attract a pool of Indigenous candidates for the Indigenous Relations position. This is understandable, but in contrast, right above it, McMaster University had a posting for a position for their Associate Vice President and Chief Financial Officer.
- 109 OAG also checked the PinkJobs.com website listed in their file. The website is a free diversity and inclusion focused job board that serves North America (including Canada), Australia, and Europe. Pink Jobs is headquartered in Manchester, United Kingdom, but employers in Canada can list unlimited job postings for both full-time and part-time roles on Pink Jobs and view candidate resumes." Pink Jobs was originally created over 10 years ago to list LGBT friendly roles and has grown to focus all aspects of diversity and inclusion. There did not appear to be any City of Hamilton jobs on the website. OAG noted that the Region of Peel and the City of Toronto had posted several jobs.
- 110 Though there is a cost associated with some of these sites, several listed were free. HR Talent & Diversity should take a more inclusive approach to recruiting if the City's stated goal is to have City staff be more reflective of the community it serves. In addition to helping with recruiting a diverse staff, it also sends a message to job seekers that the City of Hamilton is an inclusive employer.

EDI in Corporate Policies

- 111 OAG found that HR EDI have yet to meet with the Corporate Policy Review Group (PRG) to discuss how the group can incorporate the EDI Framework into their policy review process. This is a part of the HR Strategic Plan. Per one of the co-chairs of the PRG, the HR EDI team have not been able to attend their meetings and they are scheduled to meet in the Fall of 2023. After fieldwork on this audit was completed, OAG confirmed that in late September 2023, HR EDI met with the PRG and presented "Embedding IDEA into Policy Guide" and requested feedback.

EDI Champions

- 112 In general, the OAG finds that the City has a top-down approach for EDI implementation and communications. SLT and management have been the initial focus for training with the Harvard ManageMentor. In their September 18, 2019 GIC report on the EDI Framework (HUR19019), HR recommended that the City Manager "be identified as the Diversity and Inclusion Champion for the City of Hamilton." As noted above, videos of SLT speaking about EDI have been recorded with the intention they will be included in new employee training.
- 113 In the 2021 Our People Survey, one of the Bottom 5 drivers for staff were the availability/accessibility of Senior Leadership and Two-Way Communication. From the OAG's interviews with GMs and the City Manager, they all seem genuinely supportive of EDI work. However, if staff see SLT as inaccessible and two-way communication is lacking between themselves and supervisors, the top-down approach may seem superficial or they may not feel they are being heard. If most of the diversity of the City's workforce is at the staff level, this approach by itself, may not work.
- 114 As noted in the Community and Service Delivery EDI work below, despite a lack of a governance structure and overall strategy, there is a lot of good work on EDI being done thanks to the dedicated and knowledgeable staff at the City. Many staff have education, training, and work experience working with equity, diversity, and inclusion challenges. They should be the champions. The SLT and City Manager should champion the work of these particular individuals in their newsletters and videos in addition to speaking broadly about their own commitment to EDI. This sets up a two-way communication flow regarding EDI efforts and commitment in the City.

Use of the Term "EDI lens"

- 115 The term "lens" is still being used in EDI discussions despite EY's recommendation (and HR EDI's agreement) to not use it. It is not clear that this information and the reason was shared with City staff. This was included as a recommendation for revisions to the Handbook that were part of EY's work related to the development of the EDI Framework. Since the Handbook was never revised, there has been no direction on alternative ways to express this.

Community EDI

- 116 The Office of Government and Community Relations (OGCR) was leading the City's public engagement efforts at the time of the audit. In a broad sense, public engagement should include leading and supporting citizen advisory committees, working with community partners and engaging the public in resolving prominent issues and seeking feedback in the way the City operates, etc. Among many benefits of public engagement are: enhanced understanding of public interests, concerns and priorities, and public engagement helps build resident's trust and confidence in City government.
- 117 Community relations work supporting and overseeing community groups and volunteer advisory committees is an important component of EDI efforts at the City. The OAG did not locate a framework or a clearly documented objective of what is to be achieved in working with community groups and volunteer advisory committees. We noted work with these groups tends to be issue driven. Further, each community group and volunteer advisory committee has its own agenda and mandate. Per the OGCR, there are 21 citizen advisory committees at the City, five are supported and overseen by the Office of Government and Community Relations. Other groups are either supported by the Community Strategies (formerly Community Initiatives) team in Healthy and Safe Communities or other departments across the Corporation. As the activities of many of the volunteer advisory committees in the City will be undergoing a review, we feel the review should consider finding a common objective or goal, as well as an executable strategy to lead the volunteer advisory committees, and a consistent methodology to monitor the progress of their work. This approach would reduce the amount of work imposed on the team who leads and supports these groups and enable reportable results.
- 118 Regular communication with public is one way to keep public informed of what is going on. From a public trust point of view, the OAG finds that the City could have done better in communicating with the public for some of the commitments that were made. On February 27, 2019, Council approved a motion that included seven actions the City was to take to address EDI. The motion was made public in a Media Release the next day. However, we confirmed some of the seven actions did not happen (e.g., an EDI Summit). In addition, terms such as "Mayor's Roundtable on Diversity and Inclusion" and "Diversity Advisory Committee" appeared in a Council report, which is public information. Staff confirmed that the Mayor's Roundtable and Diversity Advisory Committee either was never formed or was deferred. We were unable to locate any information with regards to if there was an explanation or discussion with the public on the commitment not being fulfilled.
- 119 Upkeeping the commitments that the City made and being transparent in everything the City does is key to maintain the trust and confidence of residents. When a commitment made cannot be achieved, it is a good strategy to provide an explanation to the public on why the commitment was not kept.
- 120 Sage Solutions consultants previously made 18 recommendations on anti-hate and discrimination mitigation strategies. The majority of these recommendations are very high-level and will require a collaborative approach across the organization and with community stakeholders. The OGCR team alone is simply not able to address all of them. From the OAG's

point of view, no single Division can effectively mitigate hate and discrimination without actions across the organization. Examples of these recommendations are:

- Accelerate decisive and well-informed City responses to stand against hate.
- Incorporate more diverse representation at decision-making table.
- Invest in more safe community spaces.

121 The OGCR developed an action plan in December 2021 that outlined seven actions to be taken in two phases. As four of the seven actions are recurring in nature, even though the actions to date can be considered completed, these efforts should continue. Examples of such ongoing efforts include engaging with stakeholders and advocating to higher levels of government. Due to lack of oversight authority, the team can only address those recommendations within their control.

122 For the value of the consulting work to be fully achieved, and for the hate mitigation and anti-racism strategy to be effective, collaborative actions are required from other City Divisions and community partners. When the recommendations are not acted upon, the money spent on hiring a consultant has not achieved its intended value.

123 We noted some of the work under this Office are similar in nature to those in other areas, for example the Urban Indigenous Strategy (UIS) implementation under Indigenous Relations Section and the Community Safety and Well-being Plan implementation with the Community Strategies Section. OAG believes it is important to review and streamline the work in these areas to avoid redundancy, and to create synergies and maximize the amount of progress that can be achieved with existing resources.

124 The Outstanding Business List (OBL) is maintained by the Office of the City Clerk to ensure Council directions are recorded as formal Council business, and when Council directions have been fulfilled, ensure they are reported back to Council. The current process is that only items specifically requiring a report back to Council are placed on the OBL. While the 2019 Council-approved motion (Council Minutes 19-004, Item 7(b)) on EDI implementation contained seven actions, only two of the actions (steps to implement EDI and EDI framework) were required to report back to Council. The remaining actions were not required to report back (per the approved motion), therefore never made it on to the OBL. As a result, there was no regular Council or staff line of sight on these other action items.

125 These six actions were:

- **Housing** - That implementation of the equity, diversity and inclusion lens begin in the City's Housing & Homelessness Strategy and service delivery;
- **EDI Toolkit** - That the attached draft Equity, Diversity & Inclusion toolkit, developed to support existing work by staff, be reviewed, edited, and revised as required following consultations with internal and external stakeholders and made available as a resource to City staff and the community;

- **EDI Summit** - That the City Manager, in partnership with the various Volunteer Advisory Committees representing equity seeking groups, be directed to plan and execute an Equity, Diversity and Inclusion Summit through which members of Council and the public can hear directly from subject matter experts and the community on equity practices and how an equity, diversity and inclusion lens could be integrated and incorporated into public policy and service delivery;
- **EDI Summit Budget** - That the costs associated with the Hamilton Equity, Diversity and Inclusion Summit be funded from the Mayor's Office, up to a maximum of \$5,000;
- **Participating upper-level government EDI initiatives** - That as part of ongoing efforts to develop and advance the equity, diversity and inclusion analysis, staff participate in relevant, Provincial and Federal equity, diversity and inclusion related initiatives; and
- **Audit of EDI** - That the City's Internal Audit services conduct an Equity, Diversity and Inclusion (EDI) Audit, city-system wide, to establish the baseline as it relates to City policy, program development, hiring and staff development practices, service delivery, budgeting, business planning and prioritization by which to measure progress annually.

¹²⁶ The OAG notes that an EDI Audit was included on the 2019-2022 Term of Council Audit Work Plan (AUD19007) that was approved by Council in September 2019, subsequent to the motion.

¹²⁷ Overall, the lack of tracking of these items could expose the City to significant reputational risk regarding items that were ultimately not tracked and actioned. It could also call into question how serious the City is with regards to implementing EDI.

EDI Implementation in Service Delivery

¹²⁸ OAG concluded EDI has not been fully embedded in service delivery business processes at the City of Hamilton, nor has there been an adequate project management plan or governance structure in place to enable consistent implementation across the organization. However, that does not mean that there are not EDI efforts underway at the City of Hamilton. Currently, in some service areas accessibility and inclusion concepts and principles are being applied during service planning and delivery. Primarily these efforts are to meet various compliance requirements for that particular service area or due to Council direction. Examples we noted are accessibility in transit services and inclusion programming in recreation centres owned and operated by the City.

¹²⁹ We found that the City's current EDI work tends to be reactive to legislation requirements. Accessibility, one element of EDI or IDEA, has been implemented in all areas Accessibility for Ontarians with Disabilities Act (AODA) governs. City buses and bus-stops, parks and recreation centers and city facilities have been made accessible. Under Council direction, an inclusion program was developed and implemented in City owned recreation centers to support people with disabilities. The City as a whole strives to be in full compliance with AODA by 2025.

¹³⁰ The audit did not review every service or program provided by the City. The ones that were selected for review were primarily outward facing services provided to general public by

departments/boards: CityHousing Hamilton, Healthy and Safe Communities, Planning and Economic Development and Public Works. There were some limitations of information available due to many staff changes and regular webpage renewal and updating.

- 131 The methodology utilized in reviewing EDI in service delivery included interviews with frontline staff of the selected areas, research of department / division websites regarding services and programs, and review of policies and procedures for delivering services. To ensure consistency, we developed a standard set of questions, and adapted them as needed. We also interviewed four General Managers of these departments to gain an understanding of how senior management is directing EDI implementation in their own areas.

Current State

- 132 For the services selected for review by the OAG in this audit, and based on the available information, we were unable to locate a framework, nor a high-level plan or overall strategy that provides corporate standards for the implementation of EDI at the individual service delivery level. This situation ties back to the need for an governance structure to provide directions, strategies and oversee the implementation.
- 133 No business area has a budget set aside for EDI implementation. Interviews with senior management of Corporate Services confirmed our view that the City's current budgeting processes does not have specific considerations for equity.
- 134 Based on the interviews with over 40 staff members from all departments, and our research of their services, EDI has not been formally embedded in business processes. However, as a starting point, some areas have recruited an EDI specialist such as Children Services, but actual EDI work is yet to be developed, while in other areas EDI work is less advanced. Other areas have included EDI in their action plans such as the 2021-2025 Economic Development Action Plan.
- 135 Most staff we interviewed were passionate about EDI and expressed a strong desire to do more, but they were unclear where to start and what to do. A strong message we received is there is a need for Corporate direction, standards, and guidelines. This need is not only because there is a shortage of experience and skill in implementing EDI, but also because consistency in service delivery across the organization is almost impossible without an established governance structure.
- 136 Below is a summary of the OAG's findings of EDI efforts in each City Department. A sample of programs and services were selected for review to determine whether EDI has been or is planned to be embedded in each Department.

Planning and Economic Development Department (PED)

- 137 Divisions with the following services were selected for review. Sustainable Community Planning, Commercial and Small Businesses, Business Development and Immigration Partnership, Heritage Resources, Cultural Development, Placemaking and Public Art.
- 138 We found that being in compliance with AODA requirements is one of the key considerations in planning for services in the Planning and Economic Development Department. Some informal EDI considerations were applied in public consultation meetings held by the Department; however, there were no policies or procedures that speak to embedding EDI in the service planning and delivery process.
- 139 The Economic Development Action Plan 2021-2025 is the guiding document for the City's Economic Development Division, as well as for Hamilton business communities. The Plan recognizes the importance of EDI in Hamilton's economic growth and the contribution of immigrants to the local labour force and have included two actions to address EDI in the Action Plan.
- 140 The Placemaking Grant Pilot Program started in 2021, and through 2023 aimed to enliven public spaces in Hamilton. The Program awarded 13 projects in 2021, of which 3 projects were either led by community groups or designed with inclusivity being considered. The Art Sector Review Panel and Final Jury for Hamilton Arts Awards included people from EDI backgrounds. PED staff did note there is a shortage of EDI knowledge and experience in PED staff. To support Indigenous heritage, Civic Museums have co-funded a contract employee, an Indigenous Specialist, with the Indigenous Relations Section in the Healthy and Safe Communities Department.

Public Works Department

- 141 Two divisions were selected for review: Transit, and Parks, Open Spaces and Cemeteries.
- The priority has been to ensure City properties and facilities such as parks, buses and bus stops are in full compliance with AODA accessibility requirements.
- 142 In addition to the existing DARTS service, EDI is newly built into the six principles that will guide the work of Transit however neither a strategy nor action plans are fully developed to embed EDI into Transit service delivery.
- 143 The six principles of the Transit Division are: 1. Customer experience is at the heart of what we do; 2. We honor equity, diversity and inclusion; 3. We deliver on our promises; 4. We connect, innovate and go forward; 5. We engage with our employees to improve customer experience; 6. We make a positive impact on communities, environment and economy. Management has played a strong role in advocating and embracing diversity and reducing hate and discrimination incidents on City of Hamilton Transit.

- 144 Other items noted by Public Works included: training of staff who work on different shifts and different locations within a 7-day operation has been challenging. For parks and open spaces, with the existing budget, staff tried to apply EDI on items such as arm rests on benches to help getting up; wheelchair accessible swings and picnic tables; rubber surfaces for play structures; wayfinding signage on trails, focusing on pictographs, etc. in a limited number of parks and open spaces. For Cemeteries, burial supports for special income and a variety of interment options are offered. There is no budget for items such as universal washrooms on City properties to accommodate the diverse needs of the community.

Healthy and Safe Communities Department

- 145 The following services in Healthy and Safe Communities Department were selected for review: Indigenous Relations, Community Initiatives (now Community Strategy), Health Equity (Public Health Services), Children Services/Early Years, and Housing Services as well as Recreation.
- 146 The implementation of the Community Safety and Well Being Plan (CSWBP) and the Urban Indigenous Strategy (UIS) resides with two teams in the Healthy and Safe Communities Department: Community Strategy, Indigenous Relations. It appears there was some overlapping work with that of the Office of Government and Community relations. There is a need to review the location of the work within the organization and streamline the work as part of reviewing governance of EDI in the organization.
- 147 Both CSWBP and UIS are corporate initiatives requiring collaboration across the organization. The two teams do not appear to have the oversight authority needed to fully and successfully implement these initiatives.
- 148 In Recreation, an Inclusion Program is in place to accommodate persons with disabilities in City operated/owned recreation centres to comply with AODA requirements as well as Council direction. Fee subsidy is available for low-income families to access the City's recreation facilities. Universal changerooms and recreation program brochures in languages other than English are available.
- 149 Public Health Services' Health Equity Plan was in the development stage at the time of our fieldwork. The plan is required under Health Equity Guidelines, 2018. Barriers were identified in current recruitment processes in attracting racialized and Indigenous applicants to Public Health Services.
- 150 An Equity Specialist has been recruited and will be a shared resource in the Children and Community Services Division for equitable service delivery. However, strategy and action plans are yet to be developed. The OAG was told that inclusive measures supporting families and children with special needs are in compliance with *Child Care and Early Years Act, 2014*.
- 151 The Housing and Homeless Action Plan (HHAP) was developed in 2013 and reviewed and revised in both 2019 and 2020. The 2020 version of the Action Plan stated "*The HHAP will always be implemented through a person-centred approach to equity that acknowledges the unique needs of each individual...*" Housing Services is currently in the process of developing

an EDI framework for the housing system, which will require corporate guidelines and support to ensure consistency with Corporate EDI Framework.

CityHousing Hamilton

- 152 The mission of CityHousing Hamilton is to *"provide affordable housing that is safe, well maintained, cost effective and that supports the diverse needs of our many communities."*
- 153 The 2023-2027 Strategic Plan of CityHousing Hamilton included two action plans to implement EDI, of which the first one is to recruit an Equity Specialist. Per the Strategic Plan, CityHousing is to first undertake a tenant need assessment and perform analysis which would serve as the starting point of EDI strategy. The Equity Specialist is yet to be recruited to develop the strategy and lead the work of EDI implementation.

Overall Analysis of EDI at the City of Hamilton


- 154 Implementing a City-wide EDI plan requires a solid foundation consisting of a governance structure, communications, planning, clear objectives, strategies, and metrics. The leadership and staff OAG spoke with are committed to embedding EDI in the organization, in the work they do, and in the services they provide to the community. However, the City of Hamilton needs a more robust foundation in the form of such elements as governance structure, project plans, risk management tools, performance measures and benchmarks, defined objectives, and detailed strategies.
- 155 We have noted a lack of governance in several sections of this report, in particular, there is not an overall strategy or oversight body for implementing Community EDI and embedding it in all service delivery. The current EDI Framework being implemented by HR EDI only addresses EDI within the organization, primarily as an employer. Much of the service delivery related EDI work to date has been driven by or has been implemented in reaction to legislation (e.g. AODA requirements). There is no systematic framework for implementing EDI principles across the entire organization in service delivery. To do so, resources and a high degree of collaboration across the organization would need to occur.
- 156 In addition, what staff have implemented or applied with respect to EDI in delivering services to residents and business (where it exists) is fragmented. Each area is doing what they believe is right. However, there is no leveraging of synergies or communication amongst them to standardize EDI language, utilize common approaches, achieve efficiencies, and avoid duplication of efforts and/or costs. Corporate support is needed for EDI development and implementation in both Community EDI work and in City service delivery to ensure they are consistent with a Corporate framework and expectations. The City as a whole, in all areas, should be sending a consistent message and have a consistent approach.
- 157 In our view, EDI implementation in all three areas will require more than a framework to be effectively embedded in the organization. "HR Diversity initiatives should address three levels of organizational change: structural, cultural, and behavioral."¹. Governance structures, frameworks, succession plans, etc. are the structural elements but culture and behavioral

change is also required. For example, equitable hiring practices, performance evaluations, and advancement policies and plans may remove barriers to the participation of women, Visible Minorities/Racialized people, Indigenous/Aboriginal people, and Persons with Disabilities but if the City's culture does not support their hiring and advancement, EDI principles will not be achieved or embedded in the organization. To this end, the training being rolled out by HR EDI is helpful but in and of itself will not change the culture. In our opinion, much more than a top-down approach is needed.

¹ Holvino, Ferdman, Merrill-Sands, Creating and sustaining Diversity and Inclusion in Organization: Strategies and approaches.

- 158 In addition, when consultants are relied upon to provide advice and make recommendations, the City should more rigorously review the consultant's deliverables and their recommendations. Consultant recommendations should be suited specifically for the City of Hamilton's needs and be actionable (e.g. sufficiently detailed on how to operationalize and/or identify who will be responsible) instead of being generic to municipalities or organizations in general.
- 159 Keeping commitments made to the public is also important to enable and maintain public confidence in the City. Unrealistic assessment of resources (people, systems, time commitments, etc.) and efforts regarding what may be needed to embed EDI in the organization may lead to unrealistic commitments being made, which may result in the City and/or Council not being able to keep its commitments. When this happens, communication with public on what is going on is required to demonstrate the City's seriousness about its commitment to Equity, Diversity, and Inclusion. Without this fundamental piece, the successful implementation of EDI in the organization is at risk.
- 160 As part of EY's report to the City regarding the EDI Framework, they performed an assessment of the current state of EDI within the City. Using a maturity model that shows increasing levels of proficiency with regard to the extent to which EDI is embedded within an organization, the City was in the early stages of EDI maturity (Figure 7).

Figure 7: Summary of Results – EDI Maturity Model

Summary of Results – EDI Maturity Model					
	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
	We are compliant	We are all the same	We encourage everyone to be themselves	EDI is part of everything we do	EDI is who we are, not what we do
What issues are you tackling?	<p>People can be judgemental about cultural differences</p> <p>Our workforce is disillusioned</p> <p>Don't have the right EDI data</p>	<p>We have one size fits all approach</p> <p>We struggle to identify the gaps and set targets</p> <p>We don't know how to start the conversation</p> <p>We don't have leadership commitment</p>	<p>We know where the barriers to progression are</p> <p>We tend to focus on traditional interventions that don't tackle the barriers systemically</p> <p>We have a strategy but it isn't followed through</p>	<p>We're very focused on EDI but it is not yet a part of our everyday culture</p> <p>We have clear accountability, but not everyone contributes</p> <p>Struggle to manage this against other strategic priorities</p>	<p>We can articulate the ROI of our investment and we want to do more to evidence non financial value to a broad set of stakeholder</p> <p>We want to use our progress to influence others and change the world</p>
What is the business doing?	<ul style="list-style-type: none"> Focus policy only on regulatory requirements 	<ul style="list-style-type: none"> Collect limited diversity data (gender, age and ethnicity) but don't proactively analyse 	<ul style="list-style-type: none"> Strategy in place with leadership commitment, but limited follow through Interventions in place but not always targeted or prioritized Bias awareness Limited metrics & tracking Networks and groups drive change 	<ul style="list-style-type: none"> Leadership are accountable Can demonstrate progress against objectives Collect diversity and EX data that shapes the approach Business case for diversity is part of strategic and operational activities 	<ul style="list-style-type: none"> Cultural evolution is core to business strategy Progress and evolution is evaluated and lessons learned are fed back into every part of the business All employees are empowered to influence Dedicated budget and clear ROI
What is the impact?	<ul style="list-style-type: none"> High attrition, absenteeism Employees are cynical mistrustful of leadership 	<ul style="list-style-type: none"> 'Don't ask, don't tell' culture stifles team spirit and creativity Employees disengaged 	<ul style="list-style-type: none"> Positive impact on productivity Employees feel valued and teams perform well 	<ul style="list-style-type: none"> Better engagement scores Senior management is more diverse Employees seek mentors and take responsibility for career development 	<ul style="list-style-type: none"> Higher profit margins Employees are passionate brand ambassadors Influencing broad set stakeholders and re-shaping corporate expectations Voice in the market
Where are you now and where do you want to get to?	 <p style="text-align: center;">CURRENT STATE</p>				

Source: [Report to Council HUR19019 \(b\) Appendix F](#), from September 22, 2021.

161 Based on OAG's review, the City has made some progress in individual elements but still lies somewhere between Levels 2 and 3. "EDI is part of everything we do" is the descriptor for Level 4. Even though it has been almost two years since the EDI Framework was approved by Council, resources were not hired until 2022, and more substantive progress will take time.

162 Related to this, we note that the new 2023-2026 Term of Council Priorities do not include EDI as a stand-alone priority. OAG reached out to Corporate Initiatives staff in the City Manager's Office regarding this observation:

"The discussion and individual feedback noted that it was more of a lens that should always be applied to how the City approaches our work and deliver City services, rather than an individual priority."

It is the OAG's opinion that the City of Hamilton, in its current state, is not yet mature enough to reliably achieve this based (as noted above, see Figure 7). The City is at risk of not successfully implementing EDI throughout the organization.

163 We note that the Report on Council Priorities states that "All of these priorities will be applied with an equity and accessibility lens, ensuring this maximum benefit for the people of Hamilton". A realistic appraisal of the current situation is needed, including the resources required to successfully embed EDI in City service delivery.

164 In 2017-2018, the City's Diversity staff participated in the Regional Roundtable on Diversity forum facilitated by external consultants. An internal environmental scan was performed on the EDI conditions in the City. An environmental scan is the process of gathering information about factors that may impact an organization's internal and external environments. The basic purpose of environmental scanning is to help management understand their current state and determine the future direction of the organization.

165 The details of the assessment were reported to the GIC on September 18, 2023 (HUR19019 Appendix C, City of Hamilton Internal Environmental Scan). The assessment was done on eight domains –

- Planning & Policy
- Organizational Culture
- Education & Training
- Human Resources
- Community Capacity Building
- Service Planning & Development
- Client Engagement
- Service Provision

166 Based on the scan the three domains where the organization was the strongest with regards to equity, diversity, and inclusion were Education & Training, Community Capacity Building, and Planning & Policy. The three domains where the organization required improvement were Client Engagement, Service Planning and Development, and Human Resources. The results of the scan led to the implementation of the collection of the EES data, diversity competencies in management's PAD process, and community engagement at Festival and Events. This same assessment or similar assessment could be done annually and kept as an annual benchmark for the City.

- 167 From an external point of view, environmental scan comparators could include benchmarking against other municipalities (Ottawa and Toronto are among the 2023 top 100 of "Canada's Best Diversity Employers."), reviewing regulatory changes impacting IDEA, and understanding shifts in the City's population prior to Census data every five years. The results of these scans could be reported to Council every two years.
- 168 When reporting to Council, HR EDI should present a road map of then to now and report on how exactly efforts and implemented action plans address equity, diversity, and inclusion (and accessibility) and their outcomes. EES data could be presented again until the 80% response and return rate has been met and at that time, a detailed action plan associated with what it will be used for should be presented.
- 169 Though there are many examples of good efforts towards EDI implementation throughout the organization in all areas reviewed by OAG, they tend to lack clear objectives and purpose, are disparate, and often siloed. It is our view that the City needs a sound strategy and project plan in place to implement EDI across the organization including: as an employer, in community and public engagement efforts, and in the delivery of city services to residents and businesses. However, there have been numerous good efforts made by staff across the organization that forms the foundation for further EDI work, which will be strengthened with the provision of clear corporate direction, including the development of objectives and executable strategies, and the provision of effective tools and resources.
- 170 The OAG found a number of indicators that the existing team lacks the capacity to implement the EDI Framework and bring it to a more robust maturity level. To address this, we recommend that they formally assess their resources and needs for the future.
- 171 In an initiative of this size and scope, the challenges for change management are significant. To create the cultural and behavioural change to make EDI the norm for what the City does, the organization may need to step back and reorganize to make it happen. A large part of the cultural and behavioural change is organizational commitment, including management buy-in. Though the GMs have shown their support by participation in the ELA and in filming EDI videos, more ingrained efforts beyond this in each Department need to be part of the day-to-day work and strategic objectives. As previously stated, there were indications through the course of the audit that the City's current capacity for implementation has, and may, be insufficient to address the gaps identified in this report at a level of maturity and comprehensiveness that is desired by management and within reasonable timelines.

Recommendations

- 172 Please refer to Appendix "B" to Report AUD23013 for a list of Recommendations and the related Management Responses that will address the key audit findings, with a focus on EDI implementation from project management and governance perspective, data collection and metrics, and related process improvements.

Conclusion

- 173 The OAG has brought forward 33 recommendations to strengthen EDI processes at the City of Hamilton.
- 174 The OAG would like to thank the Human Resources Talent & Diversity team, and, the members of the EDI Steering Committee, the Office of Government and Community Relations team, as well as staff across the organization who we interviewed and provided information for their help throughout this audit. We look forward to following up with management in the future to see the progress of their action plans and their impact on improving EDI at the City of Hamilton.

Office of the Auditor General

Charles Brown, CPA, CA
Auditor General

Brigitte Minard, CPA, CA, CIA, CGAP, CFE
Deputy Auditor General

Lyn Guo, CMA (US), CIA
Senior Audit and Investigation Specialist

Nancy Hu, CFE, CIA
Senior Audit and Investigation Specialist

Phone: 905-546-2424 ext. 2257

Email: auditorgeneral@hamilton.ca

Website: hamilton.ca/audit

Copies of our audit reports are available at: hamilton.ca/audit

Alternate report formats available upon request.



Hamilton
OFFICE OF THE
AUDITOR GENERAL

Equity, Diversity, and Inclusion Audit

Recommendations and Management Responses

December 7, 2023

Office of the Auditor General

Lyn Guo, Senior Audit and Investigations Specialist

Nancy Hu, Senior Audit and Investigations Specialist

Brigitte Minard, Deputy Auditor General

Charles Brown, Auditor General

Introduction

The following 33 recommendations will help improve the governance and management of Equity, Diversity, and Inclusion (EDI) implementation in the City in all three areas reviewed. They will help ensure the successful embedding of EDI as part of the ingrained culture in everything the City does.

Recommendation 1

We recommend a governance structure that helps ensure proper oversight and accountability for EDI initiatives be created. This could be set up within the current organizational structure using a conventional Steering Committee or by creating a standalone Diversity Office (Appendix A, para. 155-157).

Management Response

Agree.

This Recommendation will be subject to review and concurrence by Senior Leadership Team and Council approval as it will require additional resources in terms of people and financial support. It should be noted that the recommendation of a standalone Diversity Office was presented to Council in 2019 for consideration. It was noted in HUR19019 that the standalone option would:

- 1) Clearly communicate the priority this work has within the organization
- 2) Allow for dedicated resources and focus on Diversity and Inclusion work
- 3) Increase the effectiveness and timeliness of the deliverables

At that time, Council was not supportive of additional structure for this work and directed the work to remain with the Human Resources division.

Estimated Completion Date: Unknown at this time.

Recommendation 2

We recommend management consider having the Steering Committee include at least one representative from all Departments including the City Manager's office and CityHousing Hamilton, and key corporate functions.

Members should be made up of the Corporate Leadership Team (CLT) comprised of Directors and above. This level is between middle-managers and Senior Leadership and has a broader range of influence across their Departments and Divisions. The Committee should also prioritize the inclusion of

members with public engagement expertise. This would also help address the fractured and siloed approaches to EDI within the City (Appendix A, para. 155-157).

Management Response

Agree.

This Recommendation will be subject to review and concurrence by Senior Leadership Team as it will require additional resources in terms of people and financial support. This Recommendation changes the intent of the original Steering Committee which was to provide future leaders an opportunity to learn and develop competencies and capacity in relation to EDI/IDEA. The original committee approved by Council was never intended to form a governance structure when created. The recommended commitment of time and resources to have CLT and above participation may prove challenging to resource adequately given competing priorities.

Estimated Completion Date: Unknown.

Recommendation 3

We recommend, to support the Steering Committee, each Department and/or Division consider creating their own EDI advisory committees. These could include the current members of the HR EDI Steering Committee. The oversight of the advisory committees would be within the Departments and Divisions and could be formed according to each Department and Division's unique needs.

HR could be the knowledge lead (set the standard for resources, policies, language, training, etc.) but the implementation would be done by each Department in conjunction with the input of the Divisions (Appendix A, para. 49-50, para. 67-78).

Management Response

Agree.

This Recommendation will be subject to review and concurrence by Senior Leadership Team as it will require additional resources in terms of people and financial support. This Recommendation would greatly expand involvement in terms of number of skilled resources required to staff the number of committees as outlined above.

Estimated Completion Date: Unknown.

Recommendation 4

We generally recommend a risk assessment be performed prior to the launch of a major long-range project like EDI implementation. This should also be done as a part of setting up the governance structure (consider people, process, and technology). Aside from operational and compliance risks, reputational risks and related legal risks should be considered as well (Appendix A, para. 50).

Management Response

Agree.

This Recommendation will be subject to available financial resources to conduct an EDI/IDEA risk assessment as those skills are not currently available in-house. This would require Council approval for additional funding as outlined in a Recommendation Report to be presented at a later date.

Estimated Completion Date: 12 – 18 months subject to Council approval of funds.

Recommendation 5

We recommend that EDI implementation in all areas be executed and managed as a large-scale multi-year project, that is led by a project management team who should be accountable to the governance structure discussed in Recommendation 1 (Appendix A, para. 50, para. 60-63).

Management Response

Agree.

This Recommendation will be subject to review and concurrence by Senior Leadership Team and Council as it will require significant additional resources in terms of people and financial support. This would require Council approval for additional funding as outlined in a Recommendation Report to be presented at a later date.

Estimated Completion Date: Q4 2025.

Recommendation 6

With the frequent use of consultants in the EDI implementation work, we recommend management have more scrutiny of the quality of the work and/or deliverables of the consultants they engage to ensure maximum value for money is achieved. This includes if the recommendations are specific enough (to the City of Hamilton vs. any municipality) and feasible to operationalize and if it will make a long-lasting impact and/or meaningful change (Appendix A, para. 59, 121, 158).

Management Response

Agree.

In the initial stages of EDI work, the scope and recommendations were often broad by design and, at times, as requested by Council. As we continue to gain clarity and increased focus on specific operational items, i.e., Training, we are better able to refine expected outcomes accordingly in RFP documents. From an HR perspective, the one challenge noted in the Audit was in relation to EY survey completion rates. We elected to conduct the survey in 2021, despite the global pandemic, rather than delay the work for an unknown period. As such, we recognized the ability to reach all employees would be hampered by limited access to employees without email. This has been addressed in partnership with IT who have provided all employees with email addresses since that time.

Completion Date: Completed Q1 2024.

Recommendation 7

Where consultants have recommendations that impact multiple areas, the City should ensure a collaborative approach with areas impacted to address recommendations from consultants. Such a collaborative approach should be initiated by the leading area who retained the consultant and brings all areas impacted on board to take actions. The value for money spent on retaining a consultant is only achieved when consultant's recommendations are acted upon (Appendix A, para. 120-122).

Management Response

Agree.

The consultants' recommendations were informed through extensive community consultation efforts with equity-deserving groups, people with lived experience of hate and discrimination as well as residents and other impacted parties. A collaborative approach was used to execute the consultants' recommendations.

A Hate Prevention, Mitigation and Community Initiatives Action Plan was developed to coordinate both cross-departmental and community-driven efforts to address and action eighteen Council-approved recommendations as outlined in the consultants' final report.

There are many collaborative corporate-wide initiatives that have actioned and continue to further advance these recommendations including the following: City Enrichment Fund; select Citizen Advisory Committees (i.e., Committee Against Racism; LGBTQ Advisory Committee); Community Safety and Well-being Plan; Economic Development Action Plan; Hamilton Immigration Partnership Council; Hamilton Police Services (Hate Crime Review Team); Housing and Homelessness Action Plan; One-Time CEF Grant Relief Program; Placemaking Grant Program; Public Engagement Policy and Administrative Framework; Urban Indigenous Strategy; and Youth Engagement Strategy.

Outcomes of collaborative cross-departmental efforts that have addressed the consultants' recommendations include:

- Amended Sign By-Law 10-197 banning hate flags and symbols from public property
- Hamilton4All Community Inclusion campaign
- Salam Hamilton Anti-Islamophobia campaign
- Transit "Speak Up, Speak Out" campaign
- Municipal Anti-Hate Symposium
- We Are Hamilton: Black History Remembered campaign
- No Hate in the Hammer Coalition
- Hamilton Police Services Hate Crime Review Team
- Hamilton Police Services Hate Crime Symposium
- Anti-Hate Tool Kit
- Building Safer Communities Multi-Year Plan
- Community Safety and Wellbeing Plan
- Hamilton Anti-Racism Resource Centre
- We Support Hamilton – Community Online Hate Reporting Tool
- City-Approved Days and Months of Recognition

Note: Hate is an ongoing issue in our city. While the key deliverables outlined within the Hate Prevention, Mitigation, and Community Initiatives Action Plan have been completed, ongoing cross-departmental collaborative initiatives will continue to support this work.

Completion Date: Completed Q4 2023.

Recommendation 8

We recommend that management evaluate if there is still value in paying a consultant to have the cultural assessment and ELA completed each year. It was not done in 2022. Senior Leadership asked that the ELA not be done due to other priorities.

These activities are in addition to the City's Our People Survey (OPS) Survey every three years. They were intended to be used to collect metrics. The OPS survey is essentially a cultural assessment of the City. It could be done more frequently than 3 years and in lieu of the Cultural Assessment (Appendix A, para. 52-55).

Management Response

Agree.

The Cultural Assessment was undertaken in 2021 as the regularly scheduled OPS survey was delayed due to the pandemic. These questions will be implemented in the next OPS survey scheduled for 2024. With respect to the ELA, it was determined not to repeat the following year due to the significant changes in Senior Leadership Team composition (GM Healthy and Safe Communities and GM Public Works) as well as competing priorities during the pandemic and Emergency Response.

Completion Date: Completed November 2023.

Recommendation 9

We recommend that management should consider incorporating some of the KBI/KPI's (Key Behavioural Indicators/Key Performance Indicators) in EY's recommendations of what to measure such as, "Employee perception of leadership accountability as it relates to EDI," "Employee perception of leadership transparency as it relates to EDI," "Feedback provider perception of leadership commitment to EDI," into the City's internal staff survey, the Our People (OPS) survey (Appendix A, para. 97).

Management Response

Agree.

These questions will be incorporated into the next iteration of the Our People Survey.

Estimated Completion Date: Q4 2024.

Recommendation 10

We recommend criteria for the Department EDI Advisory Committees described above, that prioritize staff with lived experiences and/or staff already doing EDI work for their Departments or Divisions. Consideration should be made regarding the skills of the individual as to how they could contribute to project implementation (e.g. an experienced project manager or data analyst with lived experiences would be ideal) (Appendix A, para. 76-79).

Management Response

Agree.

This is subject to Recommendation #3 above and would require Senior Leadership Team review and concurrence. It is agreed that staff already doing work in EDI and those with lived experiences bring significant value to the Advisory Committee, it is also important to create opportunities to develop capacity and competencies in those identified on Succession Planning Slates to ensure future leaders are confident in the EDI/IDEA realm.

Estimated Completion Date: Unknown.

Recommendation 11

We recommend that management, in addition to designating the City Manager or SLT to be champions of EDI, they should regularly highlight the work of those staff already doing EDI work in the City (Appendix A, para. 112-114).

Management Response

Agree.

We have developed an IDEA poster which includes an option for employees to submit success stories to the Diversity team for inclusion in an upcoming newsletter or City Manager and General Manager communications. We recently held a recognition event for the inaugural EDI Steering Committee upon completion of their three-year term. We are also highlighting EDI efforts on Closed Circuit television where available. The goal of regular communication highlights will be incorporated into the 2024 PADs for Senior Leadership Team.

Expected Completion Date: Q1 2024.

Recommendation 12

We recommend management explore alternatives to the existing PeopleSoft system for data collection to allow for more robust data collection, and consideration be given to acquiring the competencies of a data analyst for EDI. This should be in conjunction with other HR areas which may also benefit from enhanced data collection and storage (Appendix A, para. 85-86).

Management Response

Agree.

Fully support the Recommendation that enhanced capabilities are required for data collection, compilation, and analysis. The need for a new HRIS has been established and work is underway with Deloitte to source best option. It is important to note that this will require a significant undertaking of both people and financial resources to bring to fruition and is a massive project due to scope. This will require financial support from Council over a period of several years.

Estimated Completion Date: Q4 2028.

Recommendation 13

We recommend HR EDI consider the collection of legally and culturally accepted demographic data, including gender identity/expression data, and Commonly Tracked Metrics provided by EY as part of the OPS survey (Appendix A, para. 95).

Management Response

Agree.

We can include the additional questions on demographics as outlined in the Recommendation, however, there are limitations on use given that the OPS survey responses are anonymous and not tied to individual employees by design and to encourage a high response rate.

Expected Completion Date: Q4 2024.

Recommendation 14

We recommend for Departments where Employment Equity Data has already met or exceeded the 80% response and return rate, that management consider reviewing the data (including exit/termination demographic data) in collaboration with HR to establish objectives and/or goals related to diverse and inclusive recruitment, retention, and promotion in alignment with departmental strategic plans and initiatives. Once established, management should consider discussing targeted recruiting, retention, and promotional (succession) plans with HR to meet these goals (Appendix A, para. 94).

Management Response

Agree.

The ability to do comprehensive data analysis is an ongoing challenge with our current system limitations. This detailed analysis and targeted goal setting will take place once a new HRIS system is implemented.

Estimated Completion Date: Q4 2028.

Recommendation 15

We recommend an immediate priority be placed on providing clear directions, expectations, and objectives regarding the use of the IDEA Framework to internal departments, divisions, services, and programs areas with regarding the use of the Framework (Appendix A, para. 155).

Management Response

Agree.

We are in the process of hosting information sessions at all Departmental Management Team meetings to engage managers and above on the use of the IDEA Framework. Additionally, a resource document has been developed for implementation on how to revise policies to embed IDEA. This has been shared with the HR Policy Review Group for feedback and will be disseminated to all policy makers across the organization. Each department will then undertake the application of the Framework on their respective scope of work.

Expected Completion Date: Q2 2024.

Recommendation 16

We recommend annual reporting on EDI implementation efforts should include what tangible and significant progress was made towards goals and initiatives (Appendix A, para. 168).

Management Response

Agree.

We have been providing annual updates to both Senior Leadership Team and Council on an annual basis since the introduction of the Diversity and Inclusion Strategic Plan in 2017. The most recent update was provided on November 15, 2023, at GIC.

Completion Date: Completed November 2023.

Recommendation 17

We recommend management consider relaunching the IDEA page in HOWI (or any successor technology) at later date, once it is fully developed as a resource, and notify staff of its launch at that time (Appendix A, para. 100-101).

Management Response

Agree.

The HOWI landing page was launched in July 2023 and is an ongoing effort to further develop resources and tools for staff. A broader Communications plan will require support from Corporate Communications team.

Estimated Completion Date: Q4 2024.

Recommendation 18

We recommend the IDEA page include a definition of Equity, Diversity, Inclusion, and Accessibility on the IDEA landing page in HOWI, as the definitions, as well as information such as the alternative terminology for "lens," should be known to all staff (Appendix A, para. 100-101, 115).

Management Response

Agree.

The definitions have been added to HOWI as of November 2023.

Completion Date: Completed November 2023.

Recommendation 19

We recommend management consider more inclusive recruiting practices. Positions, including those at the SLT level, should be posted on websites that target equity seeking groups (Appendix A, para. 108-109).

Management Response

Agree.

We continue to post on a wide variety of sites, however, those efforts can be expanded at additional cost. SLT positions are recruiting using an Executive Search firm who has experience in attracting diverse candidate pool. There are numerous sites these positions are posted to ensure a robust and diverse candidate pool.

Expected Completion Date: Q1 2024.

Recommendation 20

Consider having a recruitment budget to enable posting of City of Hamilton jobs on sites that may have a more diverse reach but require a fee (Appendix A, para. 110).

Management Response

Agree.

This would be subject to Council approval for enhanced recruitment budget through the budget process.

Expected Completion Date: Q2 2024.

Recommendation 21

We recommend management track how many of the applicants that come to the City of Hamilton are from diversity-specific job posting websites versus non-diversity specific sites (Appendix A, para. 108-110).

Management Response

Agree.

This Recommendation is subject to the acquisition of a new Talent Management System as part of the overall HRIS. Our current system has limited opportunity to capture this data without placing additional requirements on candidates to complete lengthy questionnaires. This has not been pursued due to the adverse impact on the candidate experience at this time.

Estimated Completion Date: Q4 2028.

Recommendation 22

We recommend that, for the four demographic groups from the EES that are challenging for the City to improve, management consider identifying key positions (including leadership) that could incorporate criteria such as having people with lived experiences who understand barriers to employment and career progression. This could help facilitate the recruitment of a more diverse staff and help remove barriers (Appendix A, para. 102-107).

Management Response

Agree.

This recommendation was made to SLT in February 2023 as part of an enhanced Succession Planning program which would identify key development roles throughout the organization. SLT deferred this recommendation until the Organizational Review work, as recommended by consultant Optimus SBR and approved by Council in Q1 2023, is completed in 2024.

Estimated Completion Date: Q4 2024.

Recommendation 23

We recommend management consider a more inclusive recruitment/retention approach.

Consider for entry-level and junior roles, candidates who may have skills and life experiences or perspectives that may contribute to EDI. The City can invest in a less experienced person for an EDI role through training. This may also help with retention (Appendix A, para. 102-110).

Management Response

Agree.

We are currently working with various agencies such as the Hamilton Disability Employment Network and CNIB to source candidates with relevant and transferable skills for entry level jobs, such as Crossing Guards. These agencies evaluate the skills, education, and experiences of job seekers and match them to our available job postings which we provide on a weekly basis.

Completion Date: Completed September 2023.

Recommendation 24

We recommend management review work related to the community strategy in both Children and Community Services Division and Office of Government and Community Relations to identify work that can be shared, simplified and combined. Streamlining similar work not only reduces duplicated efforts but also harnesses potential synergies (Appendix A, para. 123).

Management Response

Agree.

The Government and Community Relations Division has been actively engaged with the Children & Community Services Division regarding existing work and common objectives that are shared which can be simplified and combined. Both teams are deeply committed to working together to deliver on a variety of objectives for the benefit of community in Hamilton. Since Fall 2022, Staff in both divisions initiated consistent meetings to ensure duplication was avoided and to work collaboratively to identify relevant leads and potential synergies for these ongoing and communal shared initiatives.

Between the Government and Community Relations team and Children & Community Services Division an initial environmental scan occurred, where

positions within each team were evaluated based on existing job descriptions and titles to ensure relevant work was tasked to the current team member within the appropriate division.

As a result, specific actions were taken to address this such as the shifting of responsibilities for the staff liaison role and support of the LGBTQ+ Advisory Committee from Government & Community Relations to Children & Community Services Division in early 2022.

Due to similar equity deserving groups in community being supported by both divisions, this work will continue to be on-going with a collaborative approach being taken in an effort to avoid duplication. Where there is duplication, each team will seek to achieve any mitigation measures to streamline tasks and maintain efficiency.

Estimated Completion Date: Q1/Q2 2024.

Recommendation 25

We recommend that clear objectives be defined for EDI work with citizen advisory committees and community partners, and a further strategy / plan be developed to systematically guide the work with these stakeholders. The strategy should consider all equity seeking groups and what they are interested in to avoid a siloed approach (Appendix A, para. 117).

Management Response

Agree.

A recent motion from Council, brought forward at Audit, Finance and Administration on July 13, 2023, referenced the City Manager's Office and Corporate Services being directed to report back to the Audit, Finance and Administration Committee with recommendations on the following:

- (i) best practices that prioritizes resident engagement including access to, understanding of and participation in community engagement;
- (ii) review and provide recommendations to Council as informed by existing partnerships with local community-based organizations and networks to help shape and advise decision-making efforts on City initiatives, programs, services, policies, and by-laws;
- (iii) existing community-based engagement methods inclusive of the Volunteer Advisory Committees to fulfil the priorities of Council aligned with the Term of Council priorities 2022 – 2026; and

- (iv) a resource list of local equity-deserving groups doing community and grassroots organizing that can be contacted for engagement and feedback on City Wide processes and policies.

In September 2023, through the City Manager, the Office of the Government & Community Relations reported back on this initiative with an intention to work with the Corporate Services division to undergo a comprehensive review of Citizen Advisory Committees. The following was deemed to be "in scope":

- Conduct a best practice scan of municipal Voluntary Advisory Committees and related alternatives, including a comparative analysis across other jurisdictions
- Consultation with Council members, advisory committee members, and staff liaisons to better understand current challenges and needs
- A review of financial and human resources required in the current advisory committee structure
- Assess current state of meetings including attendance, meeting frequency, turnover, etc.
- Scan of other advisory tables that the City actively consults with for advice and feedback, including community-based task forces, steering committees, and working groups
- Review external community-based organizations, and their methodology, that support similar work provided by Voluntary Advisory Committees
- Consider the role of advisory committees within the forthcoming Public Engagement Framework and Policy

As a result, Staff will be reporting back to Council at the end of Q1/early Q2 with clear objectives for citizen advisory committees and community partners, inclusive of future recommendations as to how best to engage with residents and equity deserving groups. The strategy will consider the lived experience of equity deserving residents, previous members of volunteer advisory committees, local community groups and what they are interested in to avoid a siloed or duplicative approach.

Expected Completion Date: Q2 2024.

Recommendation 26

We recommend Department management consider collecting an inventory (listing and responsible staff) to understand the work already going on in their respective areas and to understand if there may be synergies to be had. This can be shared with other areas in other Departments through a steering committee or other governance structure as previously recommended (Appendix A, para. 156).

Management Response

Agree.

This Recommendation would be subject to Senior Leadership Team review and approval and available resources.

Estimated Completion Date: Q4 2025.

Recommendation 27

We recommend that as the City moves to revamp the budgeting process, that the updated budget process consider EDI principles as part of the budget ranking and prioritization criteria, and that performance outcomes specific to EDI be measured in corporate performance measurement (Appendix A, para. 51).

Management Response

Agree.

This Recommendation would be subject to Senior Leadership Team and Council review and approval. For 2024, as outlined in CM23020, one of this Council term's Measure of Success is:

Transition to a revised budget process that emphasizes long-term financial planning, asset management, public engagement and climate principles.

The Government Finance Officers released a research report in July 2023 which highlights the importance of "Budgeting for Equity". This recommendation will be referred to Corporate Services.

Estimated Completion Date: Unknown.

Recommendation 28

We recommend management consider conducting regular internal and external environmental scans related to IDEA implementation. The results of these scans could be reported to Council every two years (Appendix A, para. 164-167).

Management Response

Agree.

This Recommendation is subject to Senior Leadership Team review and approval. There would be financial resources required to perform these environmental scans on an ongoing basis.

Estimated Completion Date: Q4 2026.

Recommendation 29

We recommend that management consider incorporating EDI costs into budget processes in an identifiable manner so that these investments are known and tracked by the organization. This may include cost for training of staff, cost for EDI related facilities such as universal washrooms in the park, prayer/worship room within City Hall, cost for upgrading IT systems to enable data collection as discussed in Recommendation 13, etc. During future budgeting processes revamp, equity-based budgeting as a budgeting methodology could also be considered (Appendix A, para. 52-55, 86, 170).

Management Response

Agree.

Similar to Recommendation #27 above, this Recommendation would be subject to Senior Leadership Team and Council review and approval. There may also be a needs assessment to determine if current systems are capable of details required. Refer to Corporate Services for follow up.

Estimated Completion Date: Unknown.

Recommendation 30

We recommend that management put in place a robust, long-range strategic project plan for EDI implementation throughout the entire organization that covers all aspects of EDI (as an employer, for community engagement and for service delivery). This means there should be a plan for what the short-term EDI objectives are and what the long-term EDI objectives are, how these objectives

can be achieved. Furthermore, there should metrics to demonstrate what success looks like at each phase (Appendix A, para. 40, 57, 60-63, 168).

Management Response

Agree.

This Recommendation would require Senior Leadership Team review and approval and/or Council direction and resource support.

Estimated Completion Date: Unknown.

Recommendation 31

It is our understanding that the EDI Framework is also the guideline for incorporating EDI principles into the delivery of City services. We recommend such expectations of implementing EDI Framework in service delivery be clearly communicated to each service and program area. Individual services and program areas should develop their own plan to apply EDI in their business processes while applying the concepts and principles in the Framework (Appendix A, para. 156).

Management Response

Agree.

This Recommendation is subject to Senior Leadership Team's review and approval as well as allocation of resources (people and financial) to achieve if approved.

Estimated Completion Date: Unknown.

Recommendation 32

We recommend a corporate direction that brings more focus to external service delivery, and that support be provided to better enable service delivery areas in developing their own EDI framework such as Housing Services or in embedding EDI in the business processes to deliver services such as Transit. Such support should ensure the message to internal staff, and to the community is consistent and in line with the corporate EDI Framework (Appendix A, para. 154-155).

Management Response

Agree.

This Recommendation is subject to Senior Leadership Team's review and approval as well as approval of additional resources to complete.

Estimated Completion Date: Unknown.

Recommendation 33

We recommend that in consideration of the recommendations herein, that a needs assessment be completed to determine what resources are required for their successful implementation. It should include an assessment of what resources are available and what resources are needed to achieve the City's objectives for each phase (Appendix A, para. 169-170).

Management Response

Agree.

Similar to Recommendation #30, this would be subject to Senior Leadership Team review and approval and/or Council direction and resources to conduct both the project plan and needs assessment.

Estimated Completion Date: Unknown.

Overall Management Response:

In reviewing the EDI Audit Report, it is important to note that, while all Recommendations are agreed to, the gap between the current state of the organization versus the desired future state as outlined in the Audit Recommendations is quite significant.

Recommendation Report HUR19019 as of September 2019 highlighted that based on the data collected and environmental scan performed, the City of Hamilton was at a Level 2 overall on the following Diversity and Inclusion Maturity Matrix.

In 2021, EY's assessment concurred that the City of Hamilton at the upper edge of Level 2 as indicated in Figure 7 on page 37 in the Audit Report. It should be noted that the pandemic resulted in staff redeployments which also impacted delivery of EDI efforts during the period between evaluations.

The Audit Recommendations are reflective of an organization at a Level 5. This transition from Level 2 to Level 5 is a massive shift that would typically take place over a period of many years. While we fully support the Recommendations made, our concern is that they are not achievable in a short period of time, but rather can only be achieved with extensive people and financial resources over a prolonged timeframe.

Our focus has always been on meeting the organization where it is and making year over year improvements, which have been fully supported by Senior Leadership Team and as directed by Council. The recommended Audit changes are far reaching given our current state, system and data limitations, and resources. To successfully achieve the Recommendations, it will require an enduring commitment and investment by the organization.

As a result, many of the Management Responses indicate a need for Senior Leadership Team and/or Council review and approvals. There will be a need to prioritize the Recommendations to determine what is fiscally feasible and how quickly the organization can allocate the necessary resources to achieve given other critical priorities currently facing the City of Hamilton.

It is suggested a follow up report back to Council as of Q4 2024 be undertaken to confirm the level of commitment and resources available.

Report AUD23013



Hamilton

OFFICE OF THE
AUDITOR GENERAL

Equity, Diversity, and Inclusion Audit

December 7, 2023

Lyn Guo

Senior Audit and Investigations Specialist

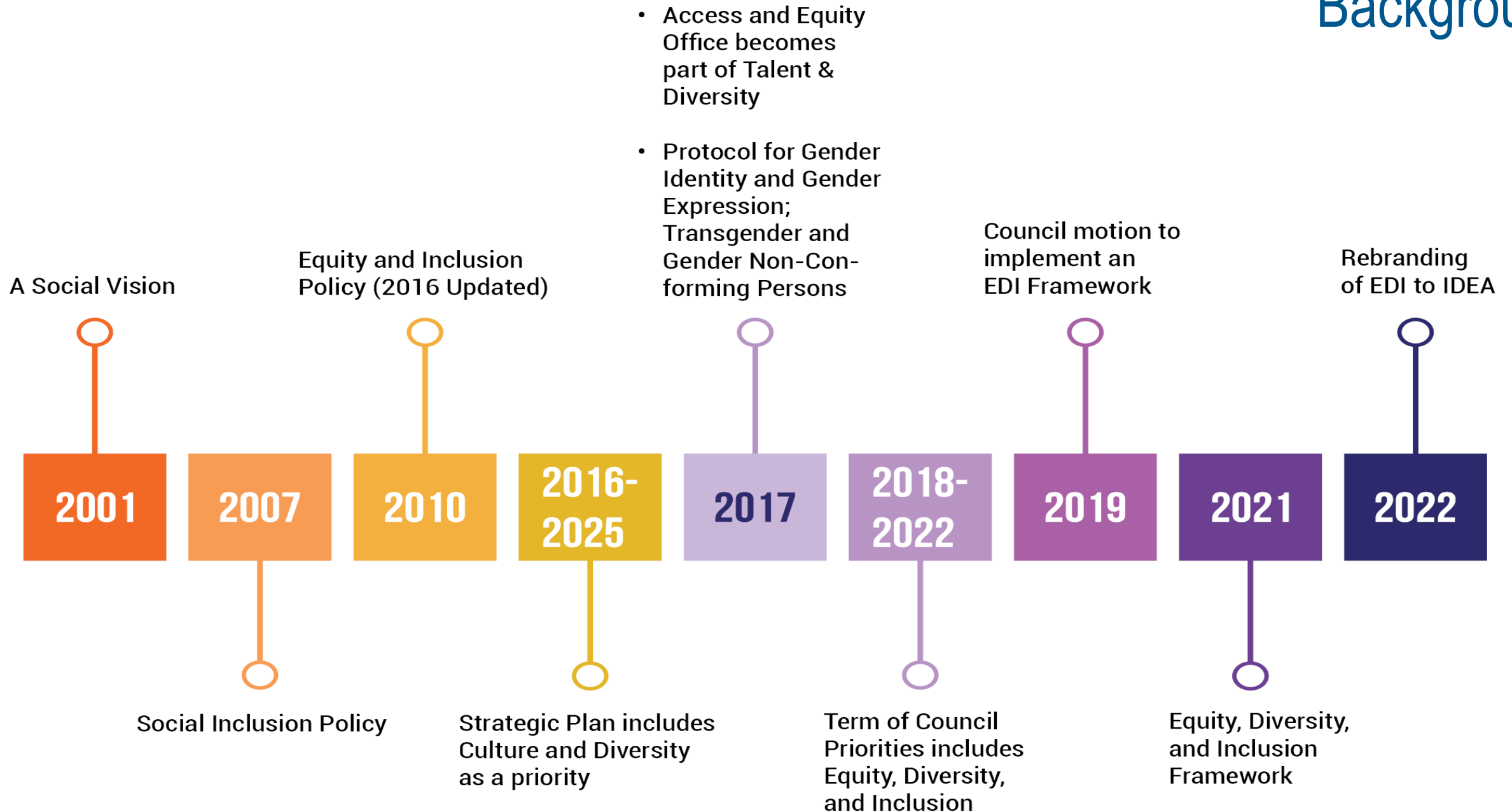
Brigitte Minard

Deputy Auditor General

Charles Brown

Auditor General





- Council motion passed in February 2019 that provided direction to staff to develop and implement an Equity, Diversity, and Inclusion (EDI) Framework.
- In 2021 the City of Hamilton's EDI Framework was launched.
- EDI was rebranded to be IDEA (Inclusion, Diversity, Equity and Accessibility) in late 2022.

EDI Framework



To assess whether the City has a sound plan and strategy, as well as the management of tools and resources to support and achieve the EDI goals as stated in 2018-2022 Council Terms of Priorities, that:

“equity-seeking communities will feel safe, supported and have an enhanced sense of belonging through strengthening community capacity, City responsiveness and creating inclusive engagement opportunities.”

Note: At the time of audit fieldwork, the 2023-2026 Term of Council Priorities had not yet been finalized.

- Performed an audit that evaluated and assessed the management of progress made on EDI efforts at the City of Hamilton resulting from Council direction.
- We sought to answer the following question:

“Is the City set up for a successful implementation of EDI throughout the organization?”

- We sought to answer this question by focusing our work in three areas:
 - 1) internally, as an employer;
 - 2) when engaging with the community in community and public engagement; and
 - 3) in City service delivery.

- Reviewed EDI implementation related documentations, Council reports, contracts, Requests for Proposals (RFPs), policies and procedures.
- Researched EDI literature, websites and EDI work of other municipalities.
- Reviewed webpages of outward-facing services provided to public.
- Interviewed over 60 staff members across the organization.

Is the City set up for a successful implementation of EDI throughout the organization?

Some progress has been made; however, we find that the City is not currently set up for assured success.

More needs to be done, particularly for some fundamental items that are required as the foundation of EDI efforts at the City of Hamilton.

What We Found – Significant Issues

The significant issues identified were:

- Governance
 - Significant need for corporate direction and guidelines for service delivery
- Lack of Risk Assessment in planning and implementation
- Lack of Change management in planning and implementation
- Absence of overarching strategies and objectives for Community EDI and Service delivery

What We Found – Some Progress Made

Internal EDI:

- EDI Framework and Roadmap were developed
- EDI training rolled out to Supervisors and above
- Collecting basic employment equity data to inform decision making
- Some resources are in place, two EDI specialists on board to lead EDI implementation
- Staff participation in Steering Committee

What We Found – Some Progress Made

Community EDI:

- Various citizen volunteer committees and advisory groups
- 18 consultant recommendations on hate reduction and anti-racism strategy
 - Some of the 18 recommendations were actioned
- Collecting EDI data to inform City Enrichment Fund decision making

What We Found – Some Progress Made In Service Delivery

Healthy and Safe Communities Department

- Updated Housing and Homeless Action Plan
- Shared resources/equity specialist on board in Children Services
- Urban Indigenous Strategy implementation and Community Safety and Well-being Plan
- Inclusion program in Recreation Centers

Planning and Economic Development Department

- Economic Development Action Plan 2021-2025 include actions to address EDI
- Placemaking Grant Pilot program

Public Works Department

- Accessible transportation and DARTS
- Accessible City facilities and properties

CityHousing Hamilton

- 2023-2027 Strategic Plans includes two actions on EDI

What We Found – Areas Needing Improvement

Internal EDI

- EDI Framework and Roadmap lacks details to operationalize
- Unclear short-term vs. long-term goals, what to achieve and resource requirements
- Current Steering Committee structure does not support effective governance
- More robust, rigorous data collection and analysis is needed
- More diverse and inclusive recruitment strategy would be advantageous

What We Found – Areas Needing Improvement

Community EDI

- Lack of overarching objectives and strategy for EDI citizen advisory groups
- Upkeep of commitments made to the public and keeping the public informed
- Further collaboration needed to address consultant recommendations
- Reviewing areas of potential duplication to harness synergies
- Better tracking and actioning of Council direction received

What We Found – Areas Needing Improvement

EDI In Service Delivery

- Lack of robust project planning for EDI implementation
- EDI considerations not formally embedded in business processes
- Moving from being reactive to legislative requirements and Council direction to proactively embedding EDI in service delivery
- Lack of dedicated budgets for EDI and/or equity-based budgeting
- Significant need for corporate directions and guidelines

- **To improve governance**, we recommend a governance structure be created and an inventory of EDI work be compiled and shared with the broader organization.
- **To ensure EDI is operationalized and embedded**, we recommend further data collection and incorporating EDI principles into the budget.
- **To improve project management**, we recommend a risk assessment be performed, a long-range strategic plan for EDI implementation be put into place and there be further emphasis on performance measurement.
- **To ensure EDI is set up for success**, we recommend the EDI framework be used consistently and a needs assessment be completed to determine resource requirements.

- Overall, 33 recommendations were made to Management
 - Management agreed with all recommendations.
- Management is currently working on implementing their management responses.
- OAG is recommending that Council directs Management to report back with a status update by December 2024, and that as part of this update, all items with “unknown” completion dates have a date provided.



Hamilton

THANK YOU



INFORMATION REPORT

TO:	Chair and Members Governance Review Sub-Committee
COMMITTEE DATE:	November 17, 2023
SUBJECT/REPORT NO:	2023 Board of Health Self-Evaluation Results (BOH23040) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Konrad Lisnyj (905) 546-2424 Ext. 5452 Nancy Sullivan (905) 546-2424 Ext. 5752
SUBMITTED BY:	Dr. Elizabeth Richardson, MD, MHSc, FRCPC Medical Officer of Health Public Health Services
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

The purpose of this information report is to provide an update on the Board of Health's self-evaluation process and results for 2023. As per the 2022 Annual Performance and Accountability Report (Report BOH23024), Public Health Services staff committed to bringing forward results and recommendations of the 2023 Board of Health's self-evaluation in Q3 2023; this report fulfils this commitment.

Regular self-evaluation is a best practice in good governance. It aligns with the five areas of focus outlined in the City of Hamilton's Our People and Performance Plan, including:

1. Effective leadership;
2. Healthy, respectful, and supportive workplace;
3. Continuous learning;
4. Performance excellence and accountability; and,
5. Enabling communications.

In addition to being a valuable continuous improvement tool, the Board of Health is accountable for implementing the Ontario Public Health Standards. The Ontario Public

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: 2023 Board of Health Self-Evaluation Results (BOH23040) (City Wide)
- Page 2 of 3

Health Standards include a Public Health Accountability Framework and Organizational Requirements to ensure that boards of health have the necessary foundations within the four domains of program and service delivery, financial management, governance, and public health practice to successfully implement the Ontario Public Health Standards. Under the Good Governance and Management Practices Domain, boards of health are required to have a self-evaluation process of its governance practices and outcomes that is completed at least every other year. The self-evaluation process must also include an analysis of the results, board of health discussion, and implementation of feasible recommendations for improvement, if any.

The Board of Health has engaged in a self-evaluation process every other year since 2014 (Report BOH14001). The most recent Board of Health self-evaluation was conducted in 2020 (Report BOH20021(a)). The self-evaluation that was scheduled for 2022 was postponed due to the municipal election and instead took place between June and August 2023, in which it was integrated into the broader community consultation process directed to staff at the Council Meeting on February 8, 2023 to explore options and recommendations for formulating potential changes to the Board of Health's governance structure.

Overview of the 2023 Board of Health Self-Evaluation Process and Results

On behalf of Public Health Services, an external public policy consulting firm called MASS LBP led a stakeholder and community consultation to explore options for an effective governance structure for the Board of Health. As part of this process, MASS LBP emailed all 16 Board of Health members to request their participation as key informants in qualitative, semi-structured interviews to gather insights on good governance for local public health, including Board of Health strengths, challenges, and opportunities for improvement. 14 Board of Health members (88%) participated in the interviews, which were conducted individually from June to August 2023.

To complete the self-evaluation, Board of Health members were posed with an additional question: "What issues do you identify with the Hamilton Board of Health's current governance model that prevent it from fulfilling the tenets of good governance?" Responses to this interview question fulfilled the requirements of the biennial Board of Health self-evaluation process. Please refer to Appendix "A" to Report BOH23040 for MASS LBP's report highlighting the detailed findings of the Board of Health's self-evaluation.

Most of the Board of Health's self-evaluation findings focused on the governance structure of the Board of Health and the Public Health Standing Committee. As such, MASS LBP considered these results in their stakeholder and community consultation report entitled "MASS LBP Hamilton Public Health Services: Board of Health Governance Models What We Heard Report", which is Appendix "A" of Report BOH23039. As such, these self-evaluation findings can be discussed as part of the

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: 2023 Board of Health Self-Evaluation Results (BOH23040) (City Wide)
- Page 3 of 3

conversations surrounding the “Options for the City of Hamilton’s Board of Health Governance” Recommendation Report BOH23039.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report BOH23040

MASS LBP Hamilton Board of Health
Self-Evaluation Report

Hamilton Board of Health Self-Evaluation Report

Date: Aug 2, 2023

Subject: Summary of Feedback on Hamilton Board of Health's Functioning

Prepared by: MASS LBP

Participants: 14 members of the Hamilton Board of Health

Purpose: To assess the current state, challenges, and potential areas for improvement in the Hamilton Board of Health's governance model.

EXECUTIVE SUMMARY

The members of the Hamilton Board of Health have expressed diverse opinions and concerns regarding the functioning of the Board. The feedback has been collated from individual interviews to present a comprehensive understanding of the perceptions of the Board members, focusing primarily on the question: What issues do you identify with the Hamilton Board of Health's current governance model that prevent it from fulfilling the tenets of good governance?

Methodology

MASS LBP, an independent public policy consulting firm, was retained to conduct consultations regarding the Hamilton's Board of Health governance model. As part of their interviews with City Councillors, the interviewers also asked councillors, who serve as the Board of Health, to comment on their experience during a qualitative, semi-structured interview. The interviewers took notes with the understanding that they would not attribute specific responses and that the purpose of the interview was to collect information based on the councillors' experience which would later be summarized in a short report.

SUMMARY OF FEEDBACK

Collegial Tone and Need for Diverse Perspectives

The Board of Health's meetings were consistently described by members as being characterized by a collegial tone, reflecting a healthy culture of collaboration and professionalism among the Board members. This respectful environment fosters open dialogue and encourages constructive engagement on crucial health matters. However,

some Board members voiced a need to hear from more diverse perspectives and expressed a desire to be better versed in certain topics. They recognize the importance of being well-informed in their decision-making processes and see the inclusion of additional viewpoints as vital to enhancing the Board's understanding of complex health issues.

Social Determinants of Health

Several board members believe that the Board should be more engaged in issues related to health equity and the social determinants of health. They point to discrepancies in health outcomes across the city which are concentrated in specific wards that typically report higher numbers of low-income renters, lower life expectancy, and during the COVID-19 pandemic, also reported lower levels of vaccine uptake. Other Board members believe the Board and Hamilton Public Health Services should expand its focus and take on more work related to extreme heat, climate change and environmental contamination. Of note, some members expressed skepticism regarding claims that structural inequities in the community necessarily lead to unfair health outcomes.

Political Influences and Non-Partisanship

Some members emphasized the need for non-partisan processes and expressed dissatisfaction with what they characterized as ‘ideologically-driven’ perspectives on both the left and the right which can undermine evidence-based decision making. Other members expressed concern that they did not feel sufficiently knowledgeable on public health matters to make a strong contribution to the review of public health policies.

Support for the Medical Officer of Health and Her Team

A resounding sentiment among Board members was the strong support and trust in the Medical Officer of Health and her dedicated team. The members commended her professionalism and leadership, expressing confidence in her ability to guide the public health agenda in Hamilton. Recognizing the challenges of public health governance, the members emphasized that the MOH's evidence-based approach and commitment to community well-being were integral to the success of the Board's efforts. This faith in the MOH and her team was seen as a unifying factor within the Board, fostering a collaborative environment conducive to achieving the health goals of the community.

Structural Concerns and Accountability

A significant number of Board members raised concerns regarding the existing structure of the Board of Health. Critics of the current structure cite the absence of community voices or those with relevant health expertise and point to other jurisdictions which have adopted different models to address these perceived deficiencies. Many of these Board members also believe that more should be done to ensure that the Board reflects the

community and is more viscerally engaged in questions of diversity, equity, and inclusion. In contrast, some members believe that the Board's current structure is functioning well, referring to the adoption of the Board of Health 20 years ago as an appropriate and sufficient reform. Supporters of the current model believe that it is important that all members of Council continue to serve on the Board and argue that any change to include appointed members could dilute the influence of elected representatives and reduce the Board's accountability to voters.

Challenges of COVID-19 and Support for the Team's Performance

The COVID-19 pandemic emerged as a salient topic in the feedback, reflecting the global challenge that has tested public health systems. Board members broadly commended the Medical Officer of Health's team for their performance during this difficult and unprecedented period in Hamilton. They recognized the complex and rapidly changing landscape that the team had to navigate and appreciated the diligence, responsiveness, and professionalism demonstrated. While some participants expressed concerns about perceived overreach during the pandemic, they also acknowledged that the local public health unit was often implementing provincial directives. The tone of the comments was overall positive, highlighting an understanding of the constraints and pressures faced and a recognition of the team's efforts to protect the community's health and safety during a crisis of significant magnitude.

Conclusion

The feedback from the Hamilton Board of Health members provides some insights into the strengths, challenges, and aspirations of the Board. The collegial and respectful tone reflects a healthy culture that fosters collaboration and open dialogue, even though some members seek a broader diversity of perspectives and deeper knowledge in certain areas. There is a generally shared commitment to addressing health equity and social determinants of health, balanced with diverse opinions on the scope of the Board's responsibilities and the influence of political perspectives.

A unifying thread in the feedback is the support for the Medical Officer of Health and her team. This admiration for her professionalism and leadership is coupled with an appreciation for the team's performance during the COVID-19 crisis, a period that has challenged public health systems globally.

Concerns about the current structure of the Board and its accountability mechanisms reflect differing views on how best to represent the community's interests, with a significant number of members seeking change while others advocate for maintaining the status quo. (For more information, please see the Hamilton Board of Health Governance Model: What We Heard report.)

Taken together, these reflections provide a roadmap for continued dialogue and potential evolution of the Board of Health in Hamilton. The feedback underscores the

Appendix “A” to Report BOH23040

importance of evidence-based decision-making, community representation, and the collective desire to enhance public health outcomes. It highlights both the Board's successes and the areas where growth and adaptation may further align its efforts with the complex and ever-changing landscape of public health.



Hamilton

**GOVERNANCE REVIEW SUB-COMMITTEE
REPORT 23-005**

Friday, November 17, 2023

9:30 a.m.

**Room 264, 1st Floor
Hamilton City Hall**

Present: Councillors T. Hwang (Chair), J.P. Danko, C. Kroetsch, and M. Wilson

**Absent
with Regrets:** Councillor N. Nann – City Business, Councillor B. Clark - Personal

**THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 23-005 FOR
INFORMATION:**

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Kojo Dampthey, respecting Options for the City of Hamilton's Board of Health (for today's meeting)
- 6.2 Lyndon George, Hamilton Anti-Racism Centre, respecting Hamilton Board of Health -governance restructuring – ***subsequently WITHDRAWN***

8.1 STAFF PRESENTATIONS

- 8.1 Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) – ***DEFERRED until immediately following Item 9.1, 2023 Board of Health Self-Evaluation Results (BOH23040) (City Wide) on today's agenda.***

The November 17, 2023 Agenda of the Governance Review Sub-Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) October 27, 2023 (Item 4.1)

The Minutes of the October 27, 2023 meeting of the Governance Review Sub-Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Kojo Damphey, respecting Options for the City of Hamilton's Board of Health (for today's meeting) (Added Item 6.1)

The Delegation Request from Kojo Damphey, respecting Options for the City of Hamilton's Board of Health, was approved, for today's meeting.

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

(e) DELEGATIONS (Item 7)

(i) Kojo Damphey, respecting Options for the City of Hamilton's Board of Health (Added Item 7.1)

Kojo Damphey, addressed Committee respecting Options for the City of Hamilton's Board of Health.

The Delegation from Kojo Damphey, respecting Options for the City of Hamilton's Board of Health, was received.

(ii)

That, in anticipation of losing quorum, the following items were referred to the Audit, Finance and Administration Committee meeting of December 7, 2023:

- (1) Options for the City of Hamilton's Board of Health Governance (BOH23039) (City Wide) (Outstanding Business List Item) (Item 8.1)
- (2) 2023 Board of Health Self-Evaluation Results (BOH23040) (City Wide) (Item 9.1)

- (3) Hamilton Public Notice Policy By-law FCS23080(a) (Item 10.1)
- (4) Amendments to the Outstanding Business List (Item 13.1)
 - (a) Items Considered Completed and to be Removed (Item 13.1(a))
 - (i) Report on Recommendations for a Board of Health Advisory Committee (Item 13.1(a)(1))
 - (ii) Public Notification (Item 13.1(a)(2))

(f) ADJOURNMENT (Item 15)

There being no further business, the Governance Review Sub-Committee meeting was adjourned at 10:00 a.m.


Respectfully submitted,

Councillor T. Hwang, Chair
Governance Review Sub-Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
CORPORATE SERVICES
Office of the City Clerk

TO:	Chair and Members of the Governance Review Sub-Committee
COMMITTEE DATE:	November 17, 2023
SUBJECT/REPORT NO:	Hamilton Public Notice Policy By-law FCS23080(a)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon, (905) 546-2424 Ext. 4304
SUBMITTED BY:	 Janet Pilon Acting City Clerk

RECOMMENDATION

That the Hamilton Public Notice Policy By-law, attached as Appendix “A” to Report FCS23080(a), be passed and enacted.

EXECUTIVE SUMMARY

On July 5, 2023, the Governance Review Sub-Committee referred Report FCS23080 respecting the Hamilton Public Notice Policy By-law back to staff to prepare a version of the by-law that illustrates the revisions being made.

As per Committee’s direction, staff have prepared Appendix “B”, which illustrates the proposed revisions to the notice provisions as set out in Schedule “A” to By-law No. 07-351, A By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice (in force and effect since January 1, 2008) and Appendix “C”, which illustrates the revisions being made to the body of the By-law.

Communications, Clerks and Information Technology staff were also directed to provide and promote the mechanism for the public to be notified respecting notices and changes to By-Laws.

On October 10, 2023, Communications announced a [newsletter service](#) allowing residents to have City updates delivered directly to their inboxes.

This service, listed as the number one way residents wanted to receive information in the recent citizen survey, will allow residents to receive regularly scheduled updates (weekly or monthly) on a number of topics, including:

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: Hamilton Public Notice Policy By-law FCS23080(a) (City Wide)**Page 2 of 4**

- Updates about the City's transit system
- City news updates
- Council and Committee Updates (directly sends links to Council and Committee agendas to subscribers)
- Employment opportunities, as well as event listings.

Communications will also make available a notice/alert subscription list where residents can receive real-time notices related to emergencies, weather, public notices, service disruptions, road closures, etc.

The City's existing Public Notice Policy By-law, being By-law No. 07-351 (the "**Public Notice By-law**") was enacted in 2007 and has not been amended since that time. The Public Notice By-law requires modernizing to reflect current methods of providing notification. Attached as Appendix 'A', to Report FCS23080, is a revised Public Notice By-law (the "**Revised Public Notice By-law**") which continues to set out the minimum standards for public notice and also sets out the form, duration and manner in which notice will be provided, which in most instances, will be on the City's website, except where required otherwise by law.

Since the publishing of public notices on the City's website is a change to the City's current practice, the Revised Public Notice By-law also includes a requirement that the Clerk publish information on how to access the City's Website to locate Public Notices and the related City documents, such as a report or a by-law, at least annually.

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

Financial: The costs associated with providing public notice as required under the Public Notice By-law will be significantly reduced through the publishing of notices on the City's website as proposed by the Revised Public Notice By-law.

Staffing: Staff will be advised of the changes in the current process.

Legal: Legal Services has prepared the Revised Public Notice By-law for the Committee's consideration.

HISTORICAL BACKGROUND (Chronology of events)

The City's current Public Notice By-law was approved in 2007 and sets out the form and manner in which public notice is provided, which in most instances, is by publication in the newspaper. The Public Notice By-law has not been amended or updated since its enactment in 2007.

On August 29, 2018, the Governance Review Sub-Committee considered Report CL18012/LS18051 respecting the Hamilton Public Notice Policy By-law and referred it

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: Hamilton Public Notice Policy By-law FCS23080(a) (City Wide)**Page 3 of 4**

back to staff for further information respecting the costs associated with the notices that the City is not required to advertise for in the newspaper.

On July 5, 2023, the Governance Review Sub-Committee was advised that between 2018 and June 23, 2023, the City published notices totalling approximately \$763,265 in the newspaper. Staff have determined that savings could be achieved by eliminating newspaper notices where there is no legal requirement to advertise in that manner. By way of example, notices respecting amendments to the Procedural By-law alone, which were not required to be published in the newspaper, were published at a cost to the City of \$18,592 (for 20 public notices). Dispensing with newspaper publication except where legislation requires it, would generate significant savings in the future.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Paragraph 270(1)4 of the *Municipal Act* provides that the City of Hamilton shall adopt and maintain a policy with respect to the circumstances in which it shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

RELEVANT CONSULTATION

Departmental staff who are responsible for the publishing of notices were consulted and their comments have been incorporated into the proposed Revised Public Notice By-law, attached as Appendix "A".

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

As hardcopy newspaper readership declines and more and more residents opt for digital sources of information, staff feel it is appropriate to move away from publication of notices in the newspaper, except where required by law, and move towards publication of notices in digital environments such as on the City's website where public notices can be obtained without any cost to the reader.

Many municipalities in Ontario (i.e. Burlington; Oakville; Toronto; Mississauga; London and Kingston) have moved towards publication of notices on their website, either exclusively or in conjunction with optional or mandatory newspaper publication.

Changes to the *Municipal Act* and the *Ontario Heritage Act*, since 2007 when the City's existing Public Notice By-law was enacted have resulted in more discretion to municipalities in terms of when public notice should be given, as well as the form and manner in which notice is provided. As such, the City can opt to publish public notices on its website and implementing such a process will reduce advertising costs substantially.

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: Hamilton Public Notice Policy By-law FCS23080(a) (City Wide)**Page 4 of 4**

The proposed Revised Public Notice By-law will continue to require compliance with all legislated requirements but will provide greater flexibility to the municipality by allowing notice to be given on the City's website [Public Notices | City of Hamilton](#) and through the [Council and Committee Meetings](#) page. Moreover, while the Revised Public Notice By-law prescribes minimum requirements respecting public notice, Council can always direct staff to provide extended notice (including notice in the newspaper) and staff can also exercise their discretion to provide extended notice where circumstances warrant.

Staff currently submit requests for uploading public notices to the City's website via an electronic form with standardized form fields to maintain quality and consistency across all entries.

Hard copies of notices will be made available in the Clerk's Office, by request and when the website is not available.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Hamilton Public Notice Policy By-law

Appendix "B" - Comparison of the Public Notice Required in By-Law 07-351 (Schedule A to By-Law 07-351) and the Proposed Hamilton Public Notice Policy By-law (Appendix "A" to this report)

Appendix "C" – Comparison of Body of By-law 07-351 and Appendix "A" to this report

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.

Authority: Item ____, Audit, Finance and
Administration Committee
Report 23-020 (Governance Review Sub-
Committee Report 23-005)
CM: December 13, 2023
City Wide
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 23-

A By-law to Adopt and Maintain a Policy with respect to providing Public Notice and to repeal By-law No. 07-351

WHEREAS paragraph 4 of subsection 270(1) of the *Municipal Act, 2001* provides that the City of Hamilton shall adopt and maintain a policy with respect to the circumstances in which it shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;

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

Definitions

1. In this By-law:

“**Committee**” means a Standing Committee of the Council of the City of Hamilton;
and,

“**Council**” means the Council of the City of Hamilton.

Application

2.(1) This By-law is the City of Hamilton’s policy with respect to providing public notice.

(2) Notice shall be provided in accordance with this By-law unless:

- (a) notice is otherwise prescribed by statute, regulation or other provincial enactment, in which case notice shall be given in accordance with the statute, regulation or enactment;
- (b) notice is otherwise prescribed by a City of Hamilton by-law or policy, in which case notice shall be given in accordance with the other by-law or policy;

A By-law to Adopt and Maintain a Policy with respect to providing Public Notice and to repeal By-law No. 07-351

- (c) Council directs that other notice is to be given as Council considers adequate; or,
- (d) the City Manager determines that an urgent situation exists, in which case the City Manager may waive the prescribed notice in this By-law.

Notice

- 4.(1) Notice of a matter to be considered by Committee or Council at a regularly scheduled meeting is sufficiently provided as an item on a Committee or Council agenda posted on the City of Hamilton's website a minimum of five days preceding the Committee or Council meeting where the matter is first considered.
 - (2) Notice of a matter to be considered by Committee or Council at a special meeting is sufficiently provided as an item on the Special Committee or Council agenda posted on the City of Hamilton's website a minimum of 2 days preceding the special Committee or Council meeting where the matter is first considered.
 - (3) When notice is provided in accordance with subsection 4(1) and (2), no additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by a Committee or Council.
- 5.(1) Where notice is prescribed by statute, regulation or other provincial enactment or by a City of Hamilton by-law or policy, but:
- (a) the manner of the notice is not prescribed, posting the notice on the City of Hamilton website is sufficient;
 - (b) the form of the notice is not prescribed, the notice shall contain:
 - (i) a general description of the matter;
 - (ii) where the matter relates to a particular location, a description of the location; and,
 - (iii) instructions on how to obtain additional information about the matter;or,

A By-law to Adopt and Maintain a Policy with respect to providing Public Notice and to repeal By-law No. 07-351

- (c) the timing of the notice is not prescribed, the Clerk in consultation with the management staff responsible for the matter shall determine timing that is reasonable in the circumstances.
6. Any notice required under the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("*Ontario Heritage Act*") to be published in a newspaper having general circulation in the Municipality shall be given by the posting of notice on the City's website as soon as possible following Council's decision for a minimum of 30 days and such notice shall comply in all other respects with the requirements in the *Ontario Heritage Act*.
 7. Notice of a matter on the City of Hamilton website is sufficiently provided even if there are times during the notice period when the City of Hamilton's website is not available.
 8. Notices posted on the City's website in accordance with this By-law will be made available in an alternative format, upon request.
 9. The notice requirements under this By-law are minimum requirements and notice may be provided to the public in an extended manner if, in the opinion of the management staff responsible for the matter, the extended manner is reasonable in the circumstances.
 10. At least once a year the City Clerk shall cause a notice to be published in a newspaper having general circulation setting out information on how to access the City's Website to locate public notices and the related City documents such as a report or a by-law.

General

11. Time periods set out in this By-law shall be counted by excluding the day of the period on which notice is first given and including the day of the period on which the meeting or other event takes place.

A By-law to Adopt and Maintain a Policy with respect to providing Public Notice and to repeal By-law No. 07-351

12. This By-law may be cited as the "Public Notice Policy By-law" or the "Hamilton Public Notice Policy By-law".
13. City of Hamilton By-law No. 07-351 is repealed on December 13, 2023.
14. This By-law comes into force on December 13, 2023.

PASSED this 13th day of December, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Appendix "B" to Report FCS23080(a)

**COMPARISON OF THE PUBLIC NOTICE REQUIRED AS PER SCHEDULE 'A' TO BY-LAW
07-351 AND THE PROPOSED BY-LAW (Appendix A to Report FCS23080(a))**

CIRCUMSTANCES	EXISTING PUBLIC NOTICE REQUIREMENTS	PROPOSED PUBLIC NOTICE REQUIREMENT
<p>Budget - Adopting Rate or Tax Budget</p>	<p>Notice re. consideration of rate or tax budget is provided when:</p> <ul style="list-style-type: none"> - published in a newspaper - minimum of 14 days prior to the Committee meeting where council will consider the enactment of the by-law. 	<p>Notice re. consideration of a rate or tax budget is provided when:</p> <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the Special meeting where the matter is first considered <p><i>*The Municipal Act does not require/prescribe public notice of a Rate or Tax Budget</i></p>
<p>Enactment of a Fee or Charge Bylaw</p>	<p>Notice re. consideration of a fee or charge by-law is provided when:</p> <ul style="list-style-type: none"> - published in a newspaper - minimum of 14 days prior to the Committee meeting where council will consider the enactment of the by-law. 	<p>Notice re. consideration of a fee or charge by-law is provided when:</p> <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the Special meeting where the matter is first considered <p><i>*The Municipal Act does not require/prescribe public notice of enactment of a fee or charge by-law.</i></p>
<p>Seizure of Personal Property - Public Auction</p>	<p>Notice of a public auction is provided when:</p> <ul style="list-style-type: none"> - published in a newspaper - minimum of 14 days prior to the auction - notice sent by regular pre-paid mail, mailed to the sheriff, bailiff, 	<p>Notice of a public auction is provided when:</p> <ul style="list-style-type: none"> - posted on the City of Hamilton's website for a period as determined by the Clerk in consultation with

Appendix "B" to Report FCS23080(a)

**COMPARISON OF THE PUBLIC NOTICE REQUIRED AS PER SCHEDULE 'A' TO BY-LAW
07-351 AND THE PROPOSED BY-LAW (Appendix A to Report FCS23080(a))**

CIRCUMSTANCES	EXISTING PUBLIC NOTICE REQUIREMENTS	PROPOSED PUBLIC NOTICE REQUIREMENT
	assignee, liquidator, trustee or licensed trustee in bankruptcy - minimum of 21 days prior to the auction	management staff responsible *Section 351(8) of the <i>Municipal Act</i> requires the notice to include the time and place of the auction and the name of the person whose personal property is to be sold
Proposal to Restructure Municipality	Notice of public meeting re. proposal to restructure the municipality is provided when: <ul style="list-style-type: none"> - published in a newspaper - minimum of 14 days prior to the public meeting held before a vote on the proposal 	Notice of public meeting re. proposal to restructure the municipality is provided when: <ul style="list-style-type: none"> - posted on the City of Hamilton's website for a period as determined by the Clerk in consultation with management staff responsible *Section 173(3) of the <i>Municipal Act</i> requires notice of and to hold at least one public meeting
Change of Name of Municipality	Notice re. consideration of a change of name of the municipality is provided when: <ul style="list-style-type: none"> - published in a newspaper - minimum of 14 days prior to the Committee meeting to consider enactment of a by-law to change municipality's name 	Notice re. consideration of a change of name of the municipality is provided when: <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the Special meeting where the matter is first considered *The <i>Municipal Act</i> does not require/prescribe public notice of a change of name of municipality.

Appendix "B" to Report FCS23080(a)

**COMPARISON OF THE PUBLIC NOTICE REQUIRED AS PER SCHEDULE 'A' TO BY-LAW
07-351 AND THE PROPOSED BY-LAW (Appendix A to Report FCS23080(a))**

CIRCUMSTANCES	EXISTING PUBLIC NOTICE REQUIREMENTS	PROPOSED PUBLIC NOTICE REQUIREMENT
Dissolution or Change to Local Board	Notice re. consideration of dissolution or change to local board is provided when: <ul style="list-style-type: none"> - sent by regular prepaid mail, mailed to the local board - minimum of 14 days prior to the Committee meeting to consider the enactment of a by-law to dissolve or change local board 	Notice re. consideration of dissolution or change to a local board is provided when: <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the Special meeting where the matter is first considered <p><i>*The Municipal Act does not require or prescribe public notice of dissolution or change to Local Board.</i></p>
Changes to Composition of Council	Notice re. consideration of changes to the composition of council is provided when: <ul style="list-style-type: none"> - published in a newspaper - minimum of 14 days prior to the Committee meeting to confirm the enactment of a by-law changing the composition of Council 	Notice of re. consideration changes to the composition of council is provided when: <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of five days preceding the Committee of Council meeting where the matter is first considered or a minimum of 2 days preceding the Special Committee or Council meeting where the matter is first considered <p><i>*The Municipal Act does not require or prescribe public notice of enactment of a By-law changing the composition of Council.</i></p>

Appendix "B" to Report FCS23080(a)

**COMPARISON OF THE PUBLIC NOTICE REQUIRED AS PER SCHEDULE 'A' TO BY-LAW
07-351 AND THE PROPOSED BY-LAW (Appendix A to Report FCS23080(a))**

CIRCUMSTANCES	EXISTING PUBLIC NOTICE REQUIREMENTS	PROPOSED PUBLIC NOTICE REQUIREMENT
<p>Establishment of Wards</p>	<p>Notice re. consideration of by-law dividing or re-dividing into wards or dissolving wards is provided when:</p> <ul style="list-style-type: none"> - published in a newspaper - minimum of 14 days prior to the Committee meeting <p>Notice of the passing of by-law dividing or re-dividing into wards or dissolving wards is provided when:</p> <ul style="list-style-type: none"> - published in a newspaper - within 15 days of the passing of the by-law specifying the last date for filing a notice of appeal 	<p>Notice re. consideration of by-law dividing or re-dividing into wards or dissolving wards is provided when:</p> <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the Special meeting where the matter is first considered <p>Notice of the passing of by-law dividing or re-dividing into wards or dissolving wards is provided when:</p> <ul style="list-style-type: none"> - posted on the City of Hamilton's website for a period as determined by the Clerk in consultation with management staff responsible <p>*Section 222(3) of the <i>Municipal Act</i> requires notice within 15 days after the by-law is passed and that the notice include the last date for filing a notice of appeal</p>
<p>Enactment of a Procedure By-law</p>	<p>Notice re. consideration of a procedure by-law is provided when:</p> <ul style="list-style-type: none"> - published in a newspaper - minimum of 14 days prior to the Committee meeting when the by-law will be considered 	<p>Notice re. consideration of a procedure by-law is provided when:</p> <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the

Appendix "B" to Report FCS23080(a)

**COMPARISON OF THE PUBLIC NOTICE REQUIRED AS PER SCHEDULE 'A' TO BY-LAW
07-351 AND THE PROPOSED BY-LAW (Appendix A to Report FCS23080(a))**

CIRCUMSTANCES	EXISTING PUBLIC NOTICE REQUIREMENTS	PROPOSED PUBLIC NOTICE REQUIREMENT
		<p align="center">Special meeting where the matter is first considered</p> <p>*The <i>Municipal Act</i> does not require/prescribe public notice of enactment of a Procedure By-law.</p>
Enactment of a Business Licensing By-law	<p>Notice re. consideration of a business licensing by-law is provided when:</p> <ul style="list-style-type: none"> - notice published in a newspaper - minimum of 7 days prior to the Committee meeting when the by-law will be considered 	<p>Notice re. consideration of a business licensing by-law is provided when:</p> <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the Special meeting where the matter is first considered <p>*The <i>Municipal Act</i> does not require/prescribe public notice of enactment of a Business Licensing By-law.</p>
Naming or Re-Naming a Private Road	<p>Notice re. intention to pass a by-law naming or renaming a private road is provided when:</p> <ul style="list-style-type: none"> - notice published in a newspaper - minimum of 7 days prior to the Committee meeting when the by-law will be considered 	<p>Notice re. of intention to pass a by-law naming or renaming a private road is provided when:</p> <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the Special meeting where the matter is first considered <p>*Section 48 of the <i>Municipal Act</i> requires public notice of the</p>

Appendix "B" to Report FCS23080(a)

**COMPARISON OF THE PUBLIC NOTICE REQUIRED AS PER SCHEDULE 'A' TO BY-LAW
07-351 AND THE PROPOSED BY-LAW (Appendix A to Report FCS23080(a))**

CIRCUMSTANCES	EXISTING PUBLIC NOTICE REQUIREMENTS	PROPOSED PUBLIC NOTICE REQUIREMENT
		municipalities intention to pass a by-law to name or change the name of a private road
Highway Closure or Permanent Alteration - Access Denied to any Property	Notice re. consideration of a highway closure or permanent alteration of a highway when such closure or permanent alteration would deny access to a property is provided when: <ul style="list-style-type: none"> - notice sent by registered mail, mailed to the last known address of all affected property owner(s) - minimum of 14 days prior to the Committee meeting 	Notice re. consideration of a highway closure or permanent alteration of a highway when such closure or permanent alteration would deny access to a property is provided when: <ul style="list-style-type: none"> - listed as an item on a Committee or Council agenda - posted on the City of Hamilton's website for a minimum of 5 days preceding the meeting where the matter is first considered or a minimum of 2 days preceding the Special meeting where the matter is first considered <p>*The <i>Municipal Act</i> does not require/prescribe public notice of enactment of a By-law to close or permanently alter a highway.</p>

~~Authority: Item 10, Audit & Administration
Committee Report 07-015
(CL07009)
CM: December 12, 2007~~

Bill No. 351
Authority: Item _____, Audit, Finance and Administration
Committee
Report 23-018 (Governance Review Sub-
Committee Report 23-004)
CM: November 8, 2023
City Wide
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 23-

A By-law to Adopt and Maintain a Policy with respect to providing Public Notice and to repeal By-law No. 07-351

~~A BY-LAW TO ADOPT AND MAINTAIN A POLICY WITH RESPECT TO THE PROVISION OF PUBLIC NOTICE~~

WHEREAS paragraph 4 of subsection 270(1)4 of the *Municipal Act, 2001*, ~~S.O. 2001, c. 25~~ provides that ~~a municipality~~ the City of Hamilton shall adopt and maintain a policy with respect to the circumstances in which it shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;

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

~~4.~~ **Definitions**

1. In this ~~by~~By-law:

- a) ~~_____~~ "Committee" means a ~~committee~~ Standing Committee of the ~~municipal council of the City of Hamilton;~~
- b) ~~"Council"~~ means the municipal council of the City of Hamilton; and 1.

~~e) "newspaper" means a printed publication in sheet form, intended for general circulation in the City of Hamilton, published regularly at intervals of not longer than a week, and consisting in great part of news of current events of general interest.~~

"Council" means the Council of the City of Hamilton.

~~2.~~ **Application**

~~a) 2.(1) This ~~by~~By-law, including Schedule "A" which is attached to and forms part of it, is the City of ~~Hamilton~~Hamilton's policy with respect to ~~the provision of~~ providing public notice.~~

~~2~~

b) ~~(2) Notice shall be provided in the circumstances indicated in Column 1 of Schedule "A" and in the form and manner and at the times indicated in Column 3 of Schedule "A", accordance with this By-law~~ unless:

i) ~~(a) notice is otherwise prescribed by statute or regulation or other provincial enactment, in which case notice shall be given in accordance with the statute or regulation or enactment;~~

ii) ~~(b) notice is otherwise prescribed in another by a City of Hamilton by-law or policy, in which case notice may shall be given either in accordance with this by-law or with the other by-law or policy;~~

iii) ~~(c) Council directs that other notice is to be given as Council considers adequate; or,~~

iv) ~~(d) the City Manager determines that an emergency urgent situation exists, in which case he or she the City Manager may waive the notice prescribed notice in this by-By-law.~~

c) ~~No notice is required to be provided in circumstances other than those indicated in Column 1 of Schedule "A", unless:~~

i) ~~notice is otherwise prescribed by statute or regulation, in which case notice shall be given in accordance with the statute or regulation;~~

ii) ~~notice is otherwise prescribed in another by-law, in which case notice shall be given in accordance with the other by-law; or~~

~~Council directs that~~ **Notice**

~~4.(1) Notice of a matter to be considered by Committee or Council at a regularly scheduled meeting is sufficiently provided as an item on a Committee or Council agenda posted on the City of Hamilton's website a minimum of five days preceding the Committee or Council meeting where the matter is first considered.~~

~~(2) Notice of a matter to be considered by Committee or Council at a special meeting is sufficiently provided as an item on the Special Committee or Council agenda posted~~

~~3~~

on the City of Hamilton's website a minimum of 2 days preceding the special Committee or Council meeting where the matter is first considered.

~~iii) (3) When notice is to be given as Council considers adequate.~~

~~e) Not provided in accordance with subsection 4(1) and (2), no additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by Council or by a Committee or Council.~~

5.(1) Where notice is prescribed by statute, regulation or other provincial enactment or by a City of Hamilton by-law or policy, but:

(a) the manner of the notice is not prescribed, posting the notice on the City of Hamilton website is sufficient;

(b) the form of the notice is not prescribed, the notice shall contain:

(i) a general description of the matter;

(ii) where the matter relates to a particular location, a description of the location; and,

(iii) instructions on how to obtain additional information about the matter;
or,

(c) the timing of the notice is not prescribed, the Clerk in consultation with the management staff responsible for the matter shall determine timing that is reasonable in the circumstances.

6. Any notice required under the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("*Ontario Heritage Act*") to be published in a newspaper having general circulation in the Municipality shall be given by the posting of notice on the City's website as soon as possible following Council's decision for a minimum of 30 days and such notice shall comply in all other respects with the requirements in the *Ontario Heritage Act*.

7. Notice of a matter on the City of Hamilton website is sufficiently provided even if there are times during the notice period when the City of Hamilton's website is not available.

8. Notices posted on the City's website in accordance with this By-law will be made available in an alternative format, upon request.

~~=4=~~

- e) ~~9.~~ The notice requirements under this ~~by~~By-law are minimum requirements and ~~the City Clerk is authorized to give~~ notice may be provided to the public in an extended manner if, in the opinion of the ~~City Clerk and management staff responsible for the~~ **General** ~~Manager of the City Department concerned with the~~ matter, the extended manner is reasonable ~~and necessary~~ in the circumstances.
- ~~10.~~ At least once a year the City Clerk shall cause a notice to be published in a newspaper having general circulation setting out information on how to access the City's Website to locate public notices and the related City documents such as a report or a by-law.

General

~~3.~~ ~~11.~~ **Time Periods**

~~The time~~ periods set out in ~~Schedule "A" to this~~ ~~by~~By-law shall be counted by excluding the day of the period on which notice is first given and including the day of the period on which the meeting or other event takes place.

~~The short title of this by~~

4. ~~12.~~ This By-law ~~shall~~may be cited as the ~~"~~"Public Notice Policy By-law" ~~or the~~
"Hamilton Public Notice Policy By-law".

5. ~~13.~~ City of Hamilton By-law No. ~~06-27807-351~~ is repealed on November 8,
2023.

6. ~~14.~~ This ~~by~~By-law comes into force ~~and effect on January 1, 2008~~on November
8, 2023.

PASSED this ~~12th~~8th day of ~~December, 2007.~~November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk



Hamilton

CITY OF HAMILTON
Office of the Auditor General

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	December 7, 2023
SUBJECT/REPORT NO:	Office of the Auditor General Work Plan 2023 to 2026 (AUD23012) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Charles Brown CPA, CA (905) 546-2424 Ext. 4469 Brigitte Minard CPA, CA, CIA, CGAP, CFE (905) 546-2424 Ext. 3107
SUBMITTED BY:	Charles Brown CPA, CA Auditor General Office of the Auditor General
SIGNATURE:	

RECOMMENDATION(S)

That Appendix "A" to Report AUD23012, respecting the Office of the Auditor General Work Plan 2023 to 2026, be approved.

EXECUTIVE SUMMARY

The Office of the Auditor General (OAG) develops a work plan which outlines the scope of work the Office intends to conduct during a defined time period. This is a four-year, term of Council work plan for 2023-2026.

Data from the Fraud and Waste Hotline, fraud and waste investigation results, input from Council members, consultation with senior management and staff, observations made by OAG staff during other audits and reviews of audits conducted in other municipalities are also taken into consideration. Various risk factors and related criteria were considered to prioritize the various projects.

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

- Value for Money Auditing
- Special Investigations (Fraud and Waste, Whistleblower)

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: Office of the Auditor General Work Plan 2023 to 2026 (AUD23012)
(City Wide)**

Page 2 of 5

- Occasional Compliance Audits

Please refer to the attached Appendix “A” for a description of each of the above services.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The recommendation in this Report has no financial impact beyond the amount provided in the Office of the Auditor General’s previously approved 2023 budget request. If speciality, external expertise is needed, requests for Council approval will be submitted as required, or these costs will be charged back to the applicable department as per the Fraud Policy and Protocol.

Staffing: The Work Plan has been developed based on the current approved complement.

Legal: None.

HISTORICAL BACKGROUND

According to the current Council-approved Audit Charter, the Auditor General is required to prepare a Work Plan for Council approval. The Plan describes projects and related work that is proposed to carry out the Auditor General’s mandate. It also provides City Council with an overview of how resources in the Office of the Auditor General will be used during 2023-2026.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Municipal Act, sections 222.19 to 223.23

Office of the Auditor General Charter (AUD23005, Appendix A)

City of Hamilton By-law 19-180 (Auditor General By-law)

City of Hamilton Fraud Policy and Protocol

City of Hamilton By-law 19-181 (Whistleblower By-law)

RELEVANT CONSULTATION

Members of Council, departmental management and OAG staff were asked to provide input for the work plan.

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.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Management Responsibility and Council Oversight

Management is primarily responsible for designing, implementing, monitoring, and reporting on controls. However, Council, through the Audit, Finance and Administration Committee, is ultimately responsible for ensuring management fulfils these responsibilities.

The Office of the Auditor General assists Council and management in meeting their governance, oversight, and internal control responsibilities by carrying out audits and investigations with the goal of enhancing internal controls and operational efficiency and effectiveness of City programs and services. The City's capacity to respond to recommendations arising from any audits and make improvements to its management practices is where the real benefit to the taxpayers will come.

Reporting to Council as Part of Effective Oversight

Reporting audit results, a summary of investigative results, and management action plans to the Committee is an important step in the Committee's role for the effective oversight of the control environment and culture and promotes accountability and transparency with City Council.

Follow up of recommendations are also important to ensure that management has taken appropriate action to implement recommendations identified in previous reports and improvements have been realized as a result. Auditing standards generally require that an audit follow up process to determine the status of outstanding audit recommendations be administered. However, the methodology, timing and frequency are not prescribed. A portion of the available time is set aside to conduct follow up audits for reports issued within the last 12-36 months. This process provides management and Council with a snapshot of the progress of implementation.

Since the launch of the Fraud and Waste Hotline in 2019 within the existing staffing complement, the OAG has a significantly reduced ability to complete follow up audits. The OAG completes follow up audits on a risk-based basis (contingent on staffing availability), however since mid-2021 the OAG has incorporated an additional method for management to be accountable for their management responses to the audits. In each audit, it is recommended that Council directs staff report back to the Audit, Finance and Administration Committee within a specified time period (typically 6-12 months). With this Council direction enacted, an Outstanding Business List item is generated, which hold staff accountable for the timely reporting back Committee with a status update regarding the implementation progress for their management responses to the audit.

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.

Flexibility of Work Plan

Due to the nature of work that the Office performs, special investigations and high priority audits can arise without notice, so it is important for the work of the Office of the Auditor General to remain flexible in order to provide the timeliest service to Council. At the same time, there should be a logically structured work plan to focus scarce resources on major areas of concern and risk, and to balance coverage across the types of services delivered. The Work Plan serves as a standard against which to measure the performance of the Office.

If Demand Exceeds Available Resources

Should the special requests and investigations exceed the level estimated for the work plan, it will be necessary to defer the timelines of projects included in the work plan. However, should scheduling and resources allow, projects from the “B” list (Appendix “B” to Report AUD23012) would be considered for additional completion or substitution in the 2013-2026 work plan, or the timing of projects may be earlier than indicated in the plan.

The extent of completion of the projects will be dependent on the approval of the Office’s budget as submitted, the number of special requests by City Council and management, the level of investigation activity, OAG staff vacancies and other issues which may emerge during the years.

Impact of Fraud and Waste Hotline

The Fraud and Waste Hotline launched in July 2019. The OAG now has four years’ worth of data. There has been an increasing volume of cases for the past three years, with 159 reports received and assessed in the most recent reporting period. Fraud and Waste work has been significant and has comprised close to 50% of the OAG’s portfolio. It is the same pool of staff that handles fraud and waste hotline assessment and intake and completes audit work.

Plan will Improve Overall Operations of the City

The Office of the Auditor General believes that the proposed work plan provides a balance of work that, once completed, will result in improving the overall operations of the City by proactively identifying and assessing risks, strengthening management controls, improving accountability and transparency, and helping the Audit, Finance and Administration Committee with its governance and internal control oversight role.

Prior Work Plans

Projects that were unable to be completed as part of the 2019-2022 Work Plan were considered in the development of this work plan and are included in the Work Plan or

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: Office of the Auditor General Work Plan 2023 to 2026 (AUD23012)
(City Wide)****Page 5 of 5**

the B-list where the OAG considered the project to still be relevant. Certain projects are no longer able to be performed by the OAG due to Council's approval in March 2023 to transition the OAG from the hybrid internal audit/auditor general model to an auditor general model. Any projects from prior year work plans not included in this work plan are no longer part of the OAG's planned future work.

Changes to the Audit Work Plan

The current Audit Charter requires that Council indicate its approval of the work plan. Once approved, a majority of at least two-thirds the total members of Council present are required to make any changes to the work plan. Any significant changes resulting in increased time commitments may require a reallocation of staff resources. In addition, circumstances may require the substitution of a planned audit project with a new project which is at the discretion of the Auditor General. However, these requirements do not preclude Council from directing, through motion passed, a special audit or investigation.

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 AND SCHEDULES ATTACHED

Appendix "A" to Report AUD23012 - Office of the Auditor General Work Plan 2023 to 2026

Appendix "B" to Report AUD23012- Proposed Projects for Subsequent Years

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

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

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

CITY OF HAMILTON OFFICE OF THE AUDITOR GENERAL WORK PLAN 2023 to 2026

PROJECTS COMPLETED

The following audit that Council directed in early 2023 was already reported to the Audit, Finance and Administration Committee in Q2 2023:

- Elections Administration Audit

The following audits from the 2019-2022 Work Plan were recently reported to the Audit, Finance and Administration Committee in Q4 2023:

- Stormwater Asset Management – Investigation of Recent Sewage Leaks
- Equity, Diversity, and Inclusion Audit

PROJECTS IN PROGRESS

The following projects are in progress:

- Real Estate – Leases and Licensing Audit
- Transfer Payments and Grants
- Quality Management of Road Construction in New Development
- Personal Use of City Vehicles

PROPOSED PROJECTS FOR 2024 to 2026

- Asset Management - Bridges
- Employee Benefits Administration
- Housing Services (One harmonized audit planning phase to be completed, and 1-2 audits to be completed on a risk-based approach, based on the audit planning findings, remainder to become part of the "B"-list)
 - Homeless and Shelter Programs (Value for Money Audit)
 - Service Manager Administration of Housing Programs
 - Capital Programs (including Housing Partnerships)
 - Rent Supplement Programs
 - Wait List Management
- CityHousing Hamilton
 - Vacancy Management
 - Property Management

- Freedom of Information Process and Records Management
- By-law Enforcement
- Development Approvals
- Building Permit Approvals and Building Inspections
- Organic Waste Management and Recycling
- Administration of Contract Payments to DARTS
- Storm Water Asset Management
- Drinking Water Supply Compliance/Conformance

ONGOING PROJECTS THROUGHOUT 2023 to 2026

- Follow Up of Recommendations from Previous Audit Reports (Audit)

WORK PLAN DETAILS

Background

The risk-based Office of the Auditor General Work Plan for the current Council Term (2023-2026) was developed using a risk assessment process that combined information from many sources, including:

- Data from the Fraud and Waste Hotline
- Input/insights from Council
- Input from Management
- Current and emerging risks in the Local Government Sector
- High profile issues in other Municipalities
- Themes from previous audits

Types of Work Performed

The Office of the Auditor General performs the following types of work:

Audits (Value for Money and Compliance)

Audits are designed to add value and improve an organization's operations. Audits help an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve risk management, control, governance processes and examine the efficiency, effectiveness and economy of operations to add value and improve the City of Hamilton's service delivery.

Special Investigations (Fraud, Waste and Whistleblower) and Hotline Administration

In addition to these planned activities the OAG is responsible for providing oversight of all special investigations conducted by the City to ensure quality and independence. Special investigations are not planned activities but are responsive to need. They are undertaken by the OAG pursuant to authorities given under the Whistleblower By-law (19-181) and the operation of the City of Hamilton's Fraud and Waste Hotline, pursuant to the Fraud Policy and Protocol. These include reviews or investigations of matters of alleged or suspected wrongdoing, per the Whistleblower By-law or fraud, waste or other similar activities reported by employees or residents through the Fraud and Waste Hotline or other mechanisms.

Follow Up Audits

A random spot-checking approach will be taken to validate a selection of management's progress in implementing audit recommendations. The approach will be based on the OAG's assessment of key organizational risks and themes found in audits. Follow up work may be conducted for individual audits, or may be done on an annual basis, this will be dependent on the volume of hotline reports received and the resultant number of investigations.

Staffing and Available Hours

This plan reflects the current Council-approved funding and assumes no vacant positions on the Office of the Auditor General team. Value for money audits take longer to complete than compliance audits, so fewer projects are included on this work plan compared to previous plans.

The portfolio of work executed includes work plan projects, special investigations, administration of the Fraud and Waste Hotline, emerging issues audit research, maintaining the Office of the Auditor General's work methodology and audit planning.

Experience has shown that throughout the year unanticipated requests for audit resources arise from Council and management, along with spontaneous audits that are launched due to Fraud and Waste Hotline tips and trends. The work plan sets a portion of time aside to meet such requests. Time is also set aside to conduct fraud/waste/whistleblower assessments and investigations, as the same pool of staff that carries out the projects in the work plan carry out such work.

For any audit or investigation, if management does not provide information in a timely manner or does not otherwise fully cooperate, the project will take more effort to complete.


CITY OF HAMILTON OFFICE OF THE AUDITOR GENERAL PROPOSED PROJECTS FOR SUBSEQUENT YEARS

Projects for the 2023 to 2026 Office of the Auditor General Work Plan are listed on "Appendix A". However, there are many service areas which should be addressed but, due to the limitations in available staff hours, could not be accommodated in the 2023 to 2026 work plan. These projects will be re-evaluated annually to ensure continued relevance and priority and will be considered in subsequent years. Should 2023 to 2026 scheduling or resources allow, the projects noted below would be considered for possible completion in the current term of Council. Any projects previously included on a previous Work Plan or "B" List but not included on this list are no longer considered priority areas for work.

- Absenteeism and Attendance Management (Fire, EMS, Transit)
- Accounts Payable and Accounts Receivable
- Capital Project Management - Construction Contract Audits
- Capital Works Projects - Quality Management
- City-wide Vehicle Fleet Management
- EMS/Fire Resource Management
- Financial Sustainability
- Growth Planning: Coordination Across City of Hamilton Departments
- Hamilton Waterfront Trust
- HR Talent and Succession Planning
- Information Technology
 - Cybersecurity Part II - IOT (Internet of Things Technology)
 - IT Service Desk
- Payroll
- Procurement and Vendor Performance Management Processes
- Recreation Leases, Licenses and Usage Agreements
- Real Estate Acquisitions and Disposals
- Security and Safety at City Facilities
- Sick Leave/Disability Payments and Case Management
- Snow Clearing Contract Management
- Social Services (OW, Support Services, Discretionary Benefits) - Intake and Payment Processes
- Use of Consultants



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	December 7, 2023
SUBJECT/REPORT NO:	Compound Water Meter Billing Issues (FCS23110) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Katie Black (905) 546-2424 Ext. 6415 John Savoia (905) 546-2424 Ext. 7298
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the General Manager, Finance and Corporate Services, be authorized to enter into a deferred payment arrangement with a 24-month repayment period commencing in December 2023, pertaining to water and wastewater / storm charges for a total amount of \$135,167 regarding Alectra Utilities (Alectra) account number 3901671300 and service address of 265 Melvin Avenue, Hamilton; and
- (b) That the General Manager, Finance and Corporate Services, be authorized to enter into a deferred payment arrangement with a 24-month repayment period commencing in December 2023, pertaining to water and wastewater / storm charges for a total amount of \$132,137.82 regarding Alectra account number 788081300 and service address of 121 Hunter Street West, Hamilton.

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: Compound Water Meter Billing Issues (FCS23110) (City Wide) –
Page 2 of 7**

EXECUTIVE SUMMARY

The City utilizes a variety of water meter types to accurately measure customers' water consumption for the purposes of billing for water and wastewater / storm services. "Compound" meters are often installed for customers that use large quantities of water and have wide variations in water use: hospitals, golf courses, large public buildings, apartment buildings and industries. There may be times during a day when water demand in such facilities is high and other times when there is little or no use. The meters used in these conditions must be accurate at low and high flow rates. The City currently has approximately 680 compound meters in service.

A compound meter is designed to accurately measure high and low flow rates and, as such, has two measuring elements (one for low flows and one for high flows) so that two "odometer" readings are obtained for each billing cycle and commonly referred to as the "high" and "low" sides of the compound meter.

Nearly all the water meters employed by the City measure water flow by mechanical means, and thus, are subject to wear. As meters age, they eventually lose the ability to correctly measure and record flow. In some cases, the meter will actually stop and no longer measure and record flow. When meter reads are obtained that reflect zero consumption, Alectra flags such circumstances and issues a service order to Hamilton Water to have the meter replaced. Until the meter is replaced, Alectra is to continue to bill based on estimated consumption.

In the case of compound meters, readings for the "high" and "low" sides are obtained with the combined consumption used for billing purposes. Recently, it has been discovered that Alectra's billing system has not been identifying circumstances where one side of a compound meter is stopped. Consequently, service orders may not have been issued in a timely fashion (or not at all) and most significantly, the ongoing billings were based on zero usage as the estimated consumption was not occurring and, in effect, grossly underbilling the account.

The City's Water and Wastewater / Storm Back-billing Policy (Back Billing Policy) provides staff the authority to back-bill charges not previously billed for related to service that was delivered to the customer during a period before the current billing cycle where the original billings are discovered to be too low (under-billed). Accounts found to have been under-billed will be back-billed for the correct amount for the period of the under-billing but not to exceed 24 months.

Five significant billing adjustments associated with stopped "low side" of compound meters have recently been identified amounting to approximately \$442 K in debit adjustments (refer to the Historical Background section of Report FCS23110 for details).

**SUBJECT: Compound Water Meter Billing Issues (FCS23110) (City Wide) –
Page 3 of 7**

In March 2017, Council approved the Water and Wastewater / Storm Billing Payment Arrangement Policy which requires that all water and / or wastewater / storm deferred payment arrangements exceeding \$100 K be referred to the Audit, Finance and Administration Committee for approval (for details refer to Report FCS17029).

As such, Report FCS23110 is provided for the recommended authorization of a deferred payment arrangement with a 24-month repayment period for:

- Alectra account number 3901671300 regarding 265 Melvin Avenue, Hamilton. The water and wastewater / storm bills are charged to Argyle Apartments which is a multi-residential complex. The low side of the compound meter had stopped in April 2019. A back bill (limited to 24 months) for the October 2021 to October 2023 for unbilled water consumption amounted to \$135,167, a significant amount that would represent an undue financial hardship for the property owner if payment is required in its entirety immediately.
- Alectra account number 788081300 regarding 121 Hunter Street West, Hamilton. The water and wastewater / storm bills are charged to Effort Trust which is a multi-residential complex. The low side of the compound meter had stopped in July 2020. A back bill (limited to 24 months) for the October 2021 to October 2023 for unbilled water consumption amounted to \$132,137.82, a significant amount that would represent an undue financial hardship for the property owner if payment is required in its entirety immediately.

The Payment Arrangement Policy allows for customers to request to enter into an optional payment arrangement to address water and / or wastewater / storm billings.

As the property owners were not at fault for the unbilled consumption, staff supports payment arrangements on an interest-free basis as permitted by the Policy.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Water and wastewater / storm revenue recovery related to significant underbilled consumption amounting to approximately \$442 K will be realized in a reasonable timeframe. Due to the two-year limitation on back billing, foregone revenue amounted to almost \$295 K associated with three accounts.

Staffing: N/A

**SUBJECT: Compound Water Meter Billing Issues (FCS23110) (City Wide) –
Page 4 of 7**

Legal: The City's ability to recover water and wastewater / storm revenue is not impaired by entering into a deferred payment arrangement with the customer. In the event a deferred payment instalment becomes delinquent, the outstanding balance would be immediately transferred to the property tax roll. In such circumstances, the fees and charges added to the tax roll will have priority lien status as described under Section 1 of the *Municipal Act, 2001*.

HISTORICAL BACKGROUND

The City utilizes a variety of water meter types to accurately measure customers' water consumption for the purposes of billing for water and wastewater / storm services. "Compound" meters are often installed for customers that use large quantities of water and have wide variations in water use: hospitals, golf courses, large public buildings, apartment buildings and industries. There may be times during a day when water demand in such facilities is high and other times when there is little or no use. The meters used in these conditions must be accurate at low and high flow rates. The City currently has approximately 680 compound meters in service.

A compound meter is designed to accurately measure high and low flow rates and as such, has two measuring elements (one for low flows and one for high flows) so that two "odometer" readings are obtained for each billing cycle and commonly referred to as the "high" and "low" sides of the compound meter.

Nearly all the water meters employed by the City measure water flow by mechanical means, and thus, are subject to wear. As meters age they eventually lose the ability to correctly measure and record flow. In some cases, the meter will actually stop and no longer measure and record flow. When meter reads are obtained that reflect zero consumption, Alectra flags such circumstances and issues a service order to Hamilton Water to have the meter replaced. Until the meter is replaced, Alectra is to continue to bill based on estimated consumption.

In the case of compound meters, readings for the "high" and "low" sides are obtained with the combined consumption used for billing purposes. Recently, it has been discovered that Alectra's billing system has not been identifying circumstances where one side of a compound meter is stopped. Consequently, service orders may not have been issued in a timely fashion (or not at all) and most significantly, the ongoing billings were based on zero usage as the estimated consumption was not occurring in effect grossly underbilling the account.

Alectra has advised that a report providing accounts billed out at zero consumption is being developed which is to include zero usage on either side of a compound meter.

**SUBJECT: Compound Water Meter Billing Issues (FCS23110) (City Wide) –
Page 5 of 7**

The new monthly report will be reviewed so that the zero consumption accounts would be estimated and a service order would be sent to Hamilton Water to address a stopped meter.

The City's Back Billing Policy provides staff the authority to back-bill charges not previously billed for related to service that was delivered to the customer during a period before the current billing cycle where the original billings are discovered to be too low (under-billed).

In accordance with the City's Water and Wastewater / Storm Back-billing Policy:

- Any utility account found to be under-billed or over-billed shall be corrected immediately.
- Accounts found to have been under-billed will be back-billed for the correct amount for the period of the under-billing but not to exceed 24 months.

Hamilton Water initiated a thorough examination of consumption data for both the high and low sides of all compound meters in service. The purpose of this endeavor is to proactively address and prevent any future reoccurrence of such an issue. A new monthly verification report has been developed that will flag compound meters which are reading zero on the low or high end. This report serves as a valuable tool for identifying potential anomalies and trigger investigations into any stopped meters.

Consequently, five significant billing adjustments associated with stopped "low side" of compound meters have recently been identified amounting to approximately \$442 K in debit adjustments:

- 265 Melvin Avenue, Hamilton (Account 3901671300). Argyle Apartments is the account holder. The low side of the compound meter had stopped in April 2019 resulting in a back bill (limited to 24 months) for October 2021 to October 2023 for a total debit adjustment of \$135,167. The customer has requested a payment arrangement with a twenty-four month repayment term. Foregone revenue for April 2019 to October 2021 amounted to approximately \$156 K.
- 121 Hunter Street West, Hamilton (Account 788081300). Effort Trust is the account holder. The low side of the compound meter had stopped in July 2020 resulting in a back bill (limited to 24 months) for October 2021 to October 2023 for a total debit adjustment of \$132,137.82. The customer has requested a payment arrangement with a twenty-four month repayment term. Foregone revenue for July 2020 to October 2021 amounted to approximately \$72 K.

**SUBJECT: Compound Water Meter Billing Issues (FCS23110) (City Wide) –
Page 6 of 7**

- 175 Longwood Road South, Hamilton (Account 9765281300). McMaster Innovation Park is the account holder. The low side of the compound meter had stopped in February 2020 resulting in a back bill (limited to 24 months) for October 2021 to October 2023 for a total debit adjustment of \$83,472.08. Foregone revenue for February 2020 to October 2021 amounted to approximately \$66 K.
- 525 Glover Road, Hamilton (Account 8721991300). Fibracast is the account holder. The low side of the compound meter had stopped in November 2022 resulting in a back bill for November 2022 to October 2023 for a total debit adjustment of \$59,566.40.
- 187 Park Street South, Hamilton (Account 7643011111). Homestead Land Holdings Ltd. is the account holder. The low side of the compound meter had stopped in July 2023 resulting in a back bill for July to October 2023 for a total debit adjustment of \$30,805.87. Customer has paid full amount.

In March 2017, Council approved the Water and Wastewater / Storm Billing Payment Arrangement Policy which requires that all water and / or wastewater / storm deferred payment arrangements exceeding \$100 K be referred to the Audit, Finance and Administration Committee for approval (for details refer to Report FCS17029).

As such, Report FCS23110 is provided for the recommended authorization of a deferred payment arrangement with a 24-month repayment period for:

- Alectra account number 3901671300 regarding 265 Melvin Avenue, Hamilton. The water and wastewater / storm bills are charged to Argyle Apartments which is a multi-residential complex. The low side of the compound meter had stopped in April 2019. A back bill (limited to 24 months) for the October 2021 to October 2023 for unbilled water consumption amounted to \$135,167, a significant amount that would represent an undue financial hardship for the property owner if payment is required in its entirety immediately.
- Alectra account number 788081300 regarding 121 Hunter Street West, Hamilton. The water and wastewater / storm bills are charged to Effort Trust which is a multi-residential complex. The low side of the compound meter had stopped in July 2020. A back bill (limited to 24 months) for the October 2021 to October 2023 for unbilled water consumption amounted to \$132,137.82, a significant amount that would represent an undue financial hardship for the property owner if payment is required in its entirety immediately.

The Payment Arrangement Policy allows for customers to request to enter into an optional payment arrangement to address water and / or wastewater / storm billings.

**SUBJECT: Compound Water Meter Billing Issues (FCS23110) (City Wide) –
Page 7 of 7**

As the property owners were not at fault for the unbilled consumption, staff supports the payment arrangements on an interest-free basis as permitted by the Policy.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

As the amounts proposed for deferred payment arrangements exceeds \$100 K, the City's Water and Wastewater / Storm Billing Payment Arrangement Policy is applicable.

RELEVANT CONSULTATION

Alectra Utilities has provided detailed water billing information related to the water accounts associated with stopped compound meters. Alectra will have customers formally enter into payment arrangements upon approval of the Recommendations of Report FCS23110.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

There have been several significant catch-up or back billed water and / or wastewater / storm billings in the past particularly with large-use customers where deferred payment arrangements have been requested by customers. However, there have only been five circumstances since 2008 where staff has required Council approval for an arrangement exceeding \$100 K. Deferred interest-free payment arrangements are a reasonable measure to ensure the City recovers water and wastewater revenue without creating undue hardship for customers.

The Policy allows for customers to request to enter into an optional payment arrangement to address water and / or wastewater / storm billings.

As the property owners with stopped compound meters were not at fault for the unbilled consumption, staff supports payment arrangements on an interest-free basis as permitted by the Policy.

ALTERNATIVES FOR CONSIDERATION

N/A



APPENDICES AND SCHEDULES ATTACHED

N/A

JS/KB/dt



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division
and
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	December 7, 2023
SUBJECT/REPORT NO:	Hamilton Municipal Cemeteries Trust Fund Audit – Management Update (FCS23090 / PW23078) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joanna Manganiello (905) 546-2424 Ext. 5124 Kara Bunn (905) 546-2424 Ext. 4334
SUBMITTED BY: SIGNATURE:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department 
SUBMITTED BY: SIGNATURE:	Cynthia Graham Director, Environmental Services Public Works Department 

RECOMMENDATION(S)

- (a) That the 17 Recommendations proposed by the Office of the City Auditor attached in Appendix “A” to Report (FCS23090 / PW23078), continue to be implemented in order to strengthen program governance, controls and financial reporting; and
- (b) That the amendment to By-law No. 12-151, being a By-law respecting the City of Hamilton’s Cemeteries, be amended, attached as Appendix “B” to Report FCS23090 / PW23078, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

SUBJECT: Hamilton Municipal Cemeteries Trust Fund Audit – Management Update (FCS23090 / PW23078) (City Wide) – Page 2 of 4

EXECUTIVE SUMMARY

The overall objection of Hamilton Municipal Cemeteries Trust Funds Audit (Report AUD23001) was to gain an understanding of the current processes relating to the revenue collected by the City of Hamilton Cemeteries Administrative Office and the financial processes to record the revenues and trust funds allocations and evaluate the compliance with the *Funeral, Burial and Cremation Services Act (FBCSA)* with regard to the management of trust monies.

The Office of the City Auditor (OCA) made 17 Recommendations to strengthen program governance, controls and financial reporting. Staff has reviewed the recommendations and is sharing an update on the status of each item herein.

Recommendation 10 in Appendix “A” to Report FCS23090 / PW23078 outlines the need to update the City’s Cemetery By-laws to include a policy for refunds for lots / graves or niches / columbaria to ensure compliance with the *Funeral Burial and Cremation Services Act*.

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On January 19, 2023, Council directed the General Managers of Public Works and Corporate Services to implement the Management Responses contained within the Hamilton Municipal Cemeteries Trust Funds Audit (Report AUD23001) and report back to Audit, Finance and Administration Committee by December 2023 on the nature and status of actions taken in response to the Report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)* and Regulations made thereunder establish the legislation respecting funerals, burials, cremations and related services within the Province of Ontario. The FBCSA, Sections 51 to 60 and Ontario Regulation 30/11, Sections 76 to 95, establish the legislation pertaining to trust funds and management. Portions of the recommendations of the Hamilton Municipal Cemeteries Trust Funds Audit (Report AUD23001) are related to the requirements of the Act and the management actions bring the City into compliance with this Act.

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: Hamilton Municipal Cemeteries Trust Fund Audit – Management Update (FCS23090 / PW23078) (City Wide) – Page 3 of 4

RELEVANT CONSULTATION

- Corporate Services Department – Legal and Risk Management Services Division, Legal Services Section and Financial Services Division, Accounting Services Section
- City Manager’s Office – Office of the City Auditor

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

A working group has been established, representing the Environmental Services Division in Public Works, as well as, the Financial Planning, Administration and Policy Division and the Financial Services Division in Corporate Services.

An implementation plan for the audit recommendations has been developed and work is underway in completing the various action items. A summary of the progress to date is attached to Report FCS23090 / PW23078 as Appendix “A”. Please note, The Office of the City Auditor has not validated the information contained in Appendix “A” to Report FCS23090 / PW23078.

Implementation of the recommendations will ensure compliance with the *Funeral, Burial and Cremation Services Act* (FBCSA), improve governance and controls, incorporate industry best practices and support continuous improvement.

The implementation plan includes standard operating procedures that will form part of the Environmental Services Quality Resource Centre. The Environmental Services Quality Resource Centre (ES QRC) is a framework that documents processes, procedures and responsibilities to ensure compliance as it relates to the *Funeral, Burial and Cremation Services Act* and Accounting Principles and Practices.

Per the Auditor’s recommendation, an update to the City’s Cemetery By-Laws has been recommended to include a policy for refunds for lots / graves or niches / columbaria to ensure compliance with the *Funeral, Burial and Cremation Services Act*. The Cemeteries Section is recommending that there be no cancellation of Interment Rights or Scattering Rights after 30 days of signing. Notwithstanding this Section 5.12, an Interment Rights Holder or a Scattering Rights Holder may re-sell their Interment Rights or Scattering Rights to a third party in accordance with Section 5.9 and 5.10 of the By-law and in accordance with the *Funeral Burial and Cremation Services Act* and the Regulations made thereunder.

As required, a subsequent report will be provided to the Audit, Finance and Administration Committee which will include a further status update on the progress implementing the Recommendations from the Hamilton Cemeteries Trust Funds Audit (AUD23001).

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: Hamilton Municipal Cemeteries Trust Fund Audit – Management
Update (FCS23090 / PW23078) (City Wide) – Page 4 of 4**

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED






Appendix “A” to Report FCS23090 / PW23078 – Hamilton Cemeteries Trust Funds Audit Deliverables


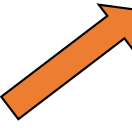
Appendix “B” to Report FCS23090 / PW23078 – Amendment to By-law No. 12-151

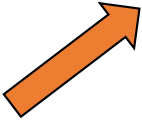



JM/KB/dt

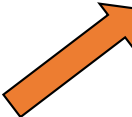



**CORPORATE SERVICES DEPARTMENT / PUBLIC WORKS DEPARTMENT
CEMETERY TRUST AUDIT DELIVERABLES - AUD23001**

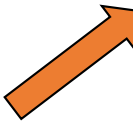



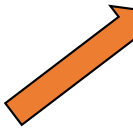

Completion Status Legend:

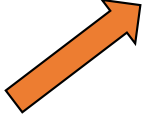
- Ongoing/ On Target 
- Progressing but delayed 
- Incomplete 
- Not started / Pending 
- Complete 

Recom. No.	Audit Recommendation	Agree / Disagree	Management Response	Expected Completion Date	Completion Status	Status Update
						Q3 2023 (AUD23001)
1	<p>We recommend that a review of prior year trust allocations (as far back as there are available records) for completed Prepayment Plan (PPP) contracts be considered and an adjustment made to ensure all applicable money collected from cemetery sales is allocated to the correct trusts. All adjustments and support should be reviewed by FPAP management. A one-time adjustment should be made to bring any currently active PPP contracts into compliance with the Funeral Burial and Cremation Services Act (FBCSA) by moving all applicable trust amounts into the respective trusts. As the responsible party for recording the financial activity for Cemeteries, FPAP should have the authority to make the decision on the amount to record.</p> <p>Office of City Auditor Comment: In addition to interest adjustments, trust principal amounts collected and not properly allocated to the applicable trusts (incorrectly put into the operating account) should be adjusted. As noted in our report, the impact of not having the principal amounts properly allocated is estimated to have resulted in \$214K in lost interest.</p>	Agreed	It is recognized that the old process that was being used was incorrect and has been corrected for 2021 onward. By the time the audit report is approved in 2023, most active PPPs will be closed so there will not be many open contracts (estimated at \$25,000). Interest adjustments identified in other recommendations in this report and management responses will be considered.	Complete		Completed for 2022 year end
2	<p>To meet the record-keeping requirements of the FBCSA for the Pre-Need Trust, consider moving the trusts to individual trusts and tracking. If our current banking provider, does not provide this service, there are other financial institutions that currently offer the service. Alternatively, a process could be put in place to more accurately calculate the interest earned on the Pre-Need trust amounts. Currently, CAO staff calculates and provides an amount to be taken out of the trust and transferred to the operating account to FPAP when Pre-Need services are needed. This calculation should be done by FPAP staff and reviewed by FPAP management.</p>	Agreed	<p>Collaborative FPAP/CAO Response: Best practices from other municipalities will be researched. The processes to setup and manage individual Pre-Need Trust accounts with a financial institution will be reviewed and assessed against the current processes. The current processes include a separate database in a Microsoft Excel spreadsheet where individual trusts and accumulated interest are tracked. FPAP staff and Cemetery Office staff can implement new procedures immediately to update the interest rate and reconcile the spreadsheet to external sources.</p>	<p>Revised Completion Date Q4 2024</p> <p>Original AUD23001, Completion: Q2 2023</p>		Current/existing contracts are not recommended to transition to individual accounts. EAM is in the process of being configured to incorporate interest rate calculations. An interim process is being implemented until this process has been configured in EAM. Staff to explore if new contracts can have individual accounts.

Recom. No.	Audit Recommendation	Agree / Disagree	Management Response	Expected Completion Date	Completion Status	Status Update
						Q3 2023 (AUD23001)
3	There is no oversight or involvement from FPAP for the annual BAO regulatory reporting for the Cemetery Trusts. We recommend that it be clearly defined who is to be involved in the collection and validation of the information and who has the authority to complete this type of annual reporting on behalf of the City. The reporting is a combination of annual sales detail and trust amounts collected. It is recommended that Cemeteries and Finance staff work together to gather the information and the report be reviewed by both Cemeteries and Finance management prior to submission. The final submission should be approved by Finance.	Agreed	A Standard Operating Procedure (SOP) will be created to define roles and responsibilities between FPAP and Cemetery Office staff. An annual meeting to review the report prior to submission will be part of the SOP and scheduled with defined staff and management. SOP to be completed by July 1, 2023, and annual meeting to be held thereafter.	Revised Completion Date Q4 2023 Original AUD23001, Completion: Q2 2023		Standard Operating Procedures to define roles and responsibilities is underway and are expected to be completed by December 31, 2023.
4	We recommend that FPAP in conjunction with Financial Services (FS) review all current and prior year revenue recognition for transactions related to Cemeteries operations and trusts. Consider consulting the City's external auditors regarding the process to restate prior year revenues. Additionally, current processes should be updated to ensure proper revenue recognition in the future.	Agreed	FPAP staff and Cemeteries Office staff will review the revenue recognition requirements under the FBSCA financial reporting and municipal financial reporting. Staff will update processes and procedures. Staff will analyze old transactions to adjust trust fund revenues, City municipal revenues for cemeteries and other accounts. Staff will consult with the External Auditors on the process to restate prior year revenues.	Complete		Completed for 2022 year end.
5	We recommend that work continue to determine why the \$1.2M Due From the City of Hamilton (COH) to the Cemeteries Trust exists and to ensure any amounts which should go to the Cemeteries Trusts are properly allocated to the applicable trust. This issue may be related to Recommendation 6.	Agreed	Initial analysis up to 2021 already started, on the Due From the City of Hamilton to Cemeteries Trusts, will be restarted. With creation of the new City of Hamilton in 2001, transactions back to 2000 should be available for analysis but, depending on the volume of transactions, the exercise may be time consuming. Interest adjustments identified in other recommendations in this report and management responses will be considered. Current practices have already been corrected to prevent a repeat of this issue once required adjustments are made.	Completion Date Q4 2023		All items are reconciled with the exception of a net balance of \$115K which is being investigated with the assistance of Acctg Services to determine how to finalize. Once all entries are complete, bank transfers will be requested and appropriate journals completed.
6	We recommend that FPAP include the impact of the Inter-Business Unit Balancing transaction that was part of the journal voucher to record Special Income C&M Trust amounts to determine if these are part of the total that makes up the Due From amount owed to the C&M Trust. Additionally, since adjustments to move the Special Income portions of the C&M Trust amount were needed to move those amounts to the trust, FPAP should also review to determine if an adjustment needs to be made to the years prior to 2014 to bring the C&M Trust up-to-date and to be in compliance with the FBSCA requirements. Related to this, standard operating procedures need to be developed to document the current procedure to book the Special Income revenue and C&M Trust amounts. The procedures should include the process in the OW's Division to pay for the Special Income burial services and graves including any limitations which may exist for covering this expense. The procedures should include a process to communicate to FPAP if this should happen.	Agreed	The analysis of past transactions in other recommendations affecting the Due from City to Cemeteries Trust will include Special Income Transactions. The appropriate SOP's will be updated too.	Completion Date Q4 2023		The Due To/ From balance owing to the Special Income C&M Trust amounts has been reconciled and journalled, including amounts prior to 2014.

Recom. No.	Audit Recommendation	Agree / Disagree	Management Response	Expected Completion Date	Completion Status	Status Update
						Q3 2023 (AUD23001)
7	We recommend the processes and procedures in CAO and FPAP be improved to address the risks identified in the audit report prior to the customizing of these processes in the City's new Enterprise Asset Management (EAM) system. This would ensure we are making the best and most efficient use of the customizations available for the new system. For example, consideration should be made when the switch to EAM is implemented to allow for reports to be run so Finance can independently pull financial transactions for booking transactions. Finance should also be involved in the EAM development. Cemeteries may also want to consider obtaining subject matter expertise of cemeteries management software and FBCSA to help build the EAM system for them. Additionally, we recommend a risk assessment be performed with IT Security to ensure all risks with using an unsupported version of HMIS on a limited-supported server are known and considered in the event of delays to the implementation.	Agreed	The EAM business case that was presented to Council prior to the project being approved is based on eliminating non-value-added activities from the business. The project will therefore improve, standardize and optimize processes for the business areas as the processes are configured into the system. The EAM system is highly configurable and does not require or involve customization. In the next stage of the project, the EAM team will be working with Cemeteries to elaborate and drill down on their required area specific workflows. These sessions will be held with Cemeteries, Finance, subject matters experts and other project team members including technical resources. Furthermore, current manual processes not included in HMIS, such as Trust Management, will be configured within the EAM system enabling the reduction of errors and cycle time. Finance will have access to the system so that they may adjust as required. The project will also be able to handle and, if desired, automate the month end requirement that is currently conducted in Excel, and trigger an email to happen under prescribed parameters. The EAM team welcomes a Subject Matter Expert (SME) of cemeteries management software and FBSCA to inform the configuration. A Risk Assessment will be completed with IT security in order to better understand the unsupported version of HMIS and the limited support server.	Revised Completion Date Q4 2024 Original AUD23001, Completion: Q3 2023		Staff from both FPAP and CAO have been included in the configuration of the EAM system and as such are ensuring the process built into the system is compliant and efficient. A Service Request has been submitted to IT to initiate a risk assessment. (October 13, 2023)
8	We recommend that the CAO charge the Council-Approved user fees for all transactions. Any price changes should be submitted as part of the annual budget process for Council approval. Cemeteries staff do not have the authority to waive or reduce fees.	Agreed	Agree, once prices are set only Council can approve waiving or reducing fees that are within the City's authority to set; some fees are legislated, and should a change occur the CAO would need to comply and neither Council or the CAO can waive or change those fees. Staff are currently charging the approved fees.	Complete		Completed for 2022 year end
9	We recommend that a standard operating procedure be implemented for non-resident fees. It should include both validation and record retention requirements.	Agreed	The creation of a Standard Operating Procedure (SOP) is underway with some progress to date. The matter of non-resident fees is complicated by Hamilton's ownership of Woodlands Cemetery, that falls within the boundaries of Burlington. Staff will prepare a recommendation report for Council consideration on how to address non-resident fees for Hamilton-owned Cemeteries.	Revised Completion Date Q4 2024 Original AUD23001, Completion: Q2 2023		Underway; need to determine what a "non resident" is especially for Woodland cemetery that is within the boundary of another municipality. CAO staff will investigate and analyze various options to see if it makes sense to keep a non resident fee or consider removing it and bring forward recommendations for consideration by General Manager of Public Works. This item will be considered as part of the business and land needs service delivery review to be started in Early 2024.
10	We recommend that the City's Cemetery By-Laws be updated to include a policy for refunds for lots/graves or niches/columbarium's to ensure compliance with the FBCSA. The City can decide if it will refund a purchase or not, but the decision should be documented in the By-laws and, the contract clause in the contract for refunds should be updated accordingly.	Agreed	The By-law will be updated and submitted to BAO for approval in order to become compliant with this recommendation and the legislation. When the legislation changed a few years ago, it was determined that Hamilton would not buy back lots/graves or niches/columbarium's, however the By-law was not updated at that time. It is anticipated that a staff report will be brought to Public Works Committee in Q2 2023. Once the By-law is approved by Council, it requires BAO review and approval, which staff estimate will take an additional 2-3 months. If changes are required by the BAO, a revised By-law and report to committee will be required.	Complete		By-law amendment submitted as part of Report FCS23090/PW23078

Recom. No.	Audit Recommendation	Agree / Disagree	Management Response	Expected Completion Date	Completion Status	Status Update
						Q3 2023 (AUD23001)
11	We recommend that the CAO address the issues identified in the Cash Handling portion of the audit (as listed in Confidential Appendix "C" to Report AUD23001) to be compliant with the Council-approved City-Wide Cash Handling Policy and Guidelines.	Agreed	Management agree that separation of duties to ensure proper oversight of cash and financial matters is important. However, separation of duties is a challenge with Cemeteries office because there are not many staff in the administration area to provide layers of approval. The Supervisor of Cemeteries does now ensure management review and sign-off of contracts and other documents where changes are required. This ensures documentation is clear for approvals. Additionally, updates to Standard Operating Procedures (SOP's) and creation of new SOP's to reflect the requirements of the cash handling policy is ongoing.	Revised Completion Date Q4 2023 Original AUD23001, Completion: Q3 2023		Cash handling SOP for the Cemeteries Administration Office is underway and is expected to be completed by December 31, 2023. The SOP addresses all issues identified at the Cemeteries Administration Office as documented on Confidential Appendix "C" to Report AUD23001. Police background checks for current staff are underway and are pending results. Safe is on order but has not yet been delivered.
12	We recommend that the CAO and FPAP Division document standard operating procedures for their respective processes for their current processes around cemetery sales and trust administration. The processes should ensure that compliance requirements are addressed and there is adequate segregation of duties. Included in the procedures should be more management oversight over processes (e.g. management review over any adjustments to the trusts, a periodic review of deposits and refunds, etc.).	Agreed	Management agree that Standard Operating Procedures (SOP's) be updated or created where there are none, to ensure management oversight and segregation of duties is clear and compliant. This is being addressed in Recommendation 11 as well as others related to SOP's to define roles and responsibilities between Cemeteries and Finance interactions.	Completion Date Q4 2023		CAO Standard Operating procedures are underway with target completion November 2023. FPAP are expected to begin late October 2023 and be complete by December 2023.
13	We recommend that the Council-approved investment policy either be updated to allow for security lending for trusts or this practice be discontinued for trusts to comply with the current policy. While completing the above, the risks of securities lending should be assessed for all trusts which earn income in this manner.	Agreed	While the inclusion of securities lending is missing from section 5 of the Statement of Investment Policies and Procedures (SIPP, Appendix "A" to Report FCS19074), securities lending is permitted in the custodian agreements through a separate securities lending agreement. Securities lending revenue is minimal. The existing agreement will be reviewed for the impact of cancelling and ceasing lending of cemetery trust securities.	Complete		Agreements with RBC Investor Services Trust have been authorized. Changes to the Statement of Investment Policies and Procedures (SIPP) will be made in the next SIPP report to Council in Q4 2023.
14	We recommend that Legal Services review the current Securities Lending Agreement and determine if there could be more advantageous or transparent terms which could be negotiated in addition to updating the terms to be current (e.g. update the list of Security Borrowers, etc.).	Agreed	Under recommendation 13, FPAP staff are looking to cease lending of cemetery trust securities so Legal Services will not be needed to negotiate terms for a new agreement.	Complete		Completed for 2022 year end.
15	We recommend that FPAP determine the purpose of the allocation of revenue to specific cemeteries and include this in their standard operating procedures. If there is no impact to financial reporting or budgeting, discontinue this to streamline the financial reporting process. This should also extend to the refund process.	Agreed	FPAP staff will discuss with CAO Manager/Superintendent to understand if there is requirement to have separate cost centers or Dept IDs for each cemetery or general cemetery costs and revenues.	Revised Completion Date Q2 2024 Original AUD23001, Completion: Q4 2023		FPAP staff are meeting late October 2023 to review options and will present recommendations to CAO Management. Completion anticipated with the 2024 budget load, Spring 2024.
16	We recommend that Cemeteries staff ensure copies of BAO reports and all contract file information is saved electronically and that Finance ensures that journal entries in PeopleSoft include applicable attachments, particularly for any one-time entries or adjustments to financial records.	Agreed	Cemeteries staff are working on the transition to digital filing and good progress is being made. All contracts are digital and reporting to the BAO is now digital per the BAO processes. Cemeteries records are nearing completion of transition to digital with scanning of archive files. FPAP staff will ensure supporting documents are saved with PeopleSoft journals.	Complete		Completed for 2022 year end.

Recom. No.	Audit Recommendation	Agree / Disagree	Management Response	Expected Completion Date	Completion Status	Status Update
						Q3 2023 (AUD23001)
17	<p>On the BAO website, there is a Compliance Self-Evaluation Checklist for Cemetery Operators that covers the breadth of the FBCSA requirements over all of cemeteries management. OCA recommends that Cemeteries and Finance review this checklist to understand what other areas or processes applicable to the COH cemeteries that may require improvements to be in compliance with the FBCSA.</p> <p>Additionally, Finance should consider reaching out to the BAO directly for any questions and being less reliant on Cemeteries staff to make inquiries. This could help develop a relationship with the BAO independently of the Cemeteries staff.</p>	Agreed	<p>Management agree to undertake the self-assessment and follow any recommendations. Finance staff and Cemetery staff can have specific independent discussions with the BAO as required to clarify process and ask questions. It will be a priority to ensure ongoing collaboration and coordination between Cemetery and Finance staff, to be clearly defined through Standard Operating Procedure (SOP) to be created per Recommendation 3.</p>	<p>Revised Completion Date Q4 2023</p> <p>Original AUD23001, Completion: Q2 2023</p>		<p>Checklist is completed for Cemeteries. Only a few minor changes needed to be compliant. Finance review underway with one item that is being investigated.</p>

CITY OF HAMILTON**BY-LAW NO. 23-XX****To Amend By-law No. 12-151, being a By-law Respecting the City of Hamilton's Cemeteries, as amended**

WHEREAS Council enacted a By-law Respecting the City of Hamilton's Cemeteries being By-law 12-151;

AND WHEREAS By-law 12-151 was amended by By-law 22-024;

AND WHEREAS this amending by-law amends By-law 12-151, as amended with respect to cancellation rights;

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

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That section 5.12 to By-law No. 12-151 be amended by repealing section 5.12 and replacing it with the following:

"5.12 No Cancellation of Interment Rights After 30-Days:

An Interment Rights or Scattering Rights contract may not be cancelled after 30 days of signing. Notwithstanding this Section 5.12, an Interment Rights Holder or a Scattering Rights Holder may re-sell their Interment Rights or Scattering Rights to a third party in accordance with section 5.9 and 5.10 of this By-law and in accordance with the Act and the Regulations made thereunder.

3. This By-law shall come into force on the day the Registrar approves it.
4. That in all other respects By-law 12-151, as amended, is confirmed.


PASSED this ____ day of _____, 2023

A. Horwath
Mayor

J. Pilon
Acting City Clerk



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Information Technology Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	December 7, 2023
SUBJECT/REPORT NO:	Land Parcel Master Agreement (FCS23111) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Fred Snelling (905) 546-2424 Ext. 6059 Matt Pietryszyn (905) 546-2424 Ext. 7096
SUBMITTED BY:	Doug Kay Director, Information Technology (Interim) Corporate Services
SIGNATURE:	

RECOMMENDATION

That staff be directed to negotiate and enter into an Agreement, satisfactory to the City Solicitor, with Teranet Inc. under Procurement Policy #11 – Non-competitive Procurements to provide all land parcel/property information, automated delivery, daily and on-demand instead of every two months.

EXECUTIVE SUMMARY

Teranet is the sole provincially authorized agency for creation and distribution of all parcel/property information in the Province of Ontario that is collected by the Ontario Land Registry Office. This data is used in mapping applications for the public as well as planning processes and engineering services in Public Works and Planning and Economic Development departments, respectively.

The existing contract provides the City of Hamilton (“City”) with bi-monthly updates to the land parcel data. By entering into a new 5-year Agreement the expected cost for license, data delivery and support fee is less than \$80k per year for 5 years. This will provide daily updates to our land parcel data as opposed to the current bi-monthly updates. Along with receiving on-demand and up to date property data, there are exciting new developments that will be offered from Teranet, such as Aerial Imagery (Air Photography) and LiDAR data that the city will investigate the viability of sourcing from this vendor in the future.

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: Land Parcel Master Agreement (FCS23111) (City Wide) - Page 2 of 3

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial:

Staffing: Reduction of staff time by automating the data delivery and data processing.

Legal: Legal Services will be engaged to assist in review and preparation of an Agreement between Teranet Inc. and the City of Hamilton

HISTORICAL BACKGROUND

Teranet is the sole provincially authorized agency for creation and distribution of all parcel/property information in the Province of Ontario that is collected by the Ontario Land Registry Offices. This data is used in mapping applications for the public as well as planning processes and engineering services in Public Works and Planning and Economic Development departments, respectively.

The City has had an Agreement with Teranet Inc. (Teranet) since 1991 for the provision of land parcel data with the most recent Agreement being signed in April of 2020.

Teranet provides the City with property mapping and ownership data which is used extensively by the Data Services section of IT for mapping purposes generally by Geographic Information Systems/Spatial Solutions staff for mapping applications. The current contract which ends April 30, 2025 provides a bi-monthly update of property data.

Teranet has recently implemented the technology to provide land ownership and property data daily on-demand, allowing IT staff to provide data on-demand and share daily updates to the public and internal departments. The ability to have more timely and accurate data, along with the automated delivery process, is the rationale for recommending amending our current Agreement and negotiating a new five-year contract with Teranet.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Procurement Policy #11 – Non-Competitive Procurements requires the approval of Council for any single-source procurement exceeding \$250K.

RELEVANT CONSULTATION

The Procurement Division has been engaged to ensure staff are abiding by the requirements set out for single-source procurements as per the City's Procurement Bylaw.

SUBJECT: Land Parcel Master Agreement (FCS23111) (City Wide) - Page 3 of 3

ANALYSIS AND RATIONALE FOR RECOMMENDATION

This new Agreement is being proposed to ensure the City is providing timely and accurate data to internal and external users. Currently the data is updated on a bi-monthly basis, this new Agreement provides daily updates and on-demand access to the most accurate and up to date data, with automated transmissions. Saving the City hours of manual data processing and enabling automated data updates to our internal partners in Public Works, Planning & Economic Development, as well as our external users via the City's web portal is the key driver and rationale behind this recommendation.

ALTERNATIVES FOR CONSIDERATION


As Teranet is the sole provincially authorized agency for the creation and distribution of all parcel/property information in the Province of Ontario collected by the Ontario Registry Offices no alternatives are being suggested.

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Government Relations & Community Engagement

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	December 7, 2023
SUBJECT/REPORT NO:	2024 City Enrichment Fund Advance Payments and 2023 Payment Update (CM23030) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Monique Garwood (905) 546-2424 Ext. 3991 Andrea Carvalho (905) 546-2424 Ext. 6797
SUBMITTED BY:	Morgan Stahl Director, Government Relations & Community Engagement City Manager's Office
SIGNATURE:	

RECOMMENDATION

- (a) That effective January 1, 2024, an advance of City Enrichment Fund funding be provided to the organizations specified in Appendix "A" attached to Report CM23030;
- (b) That any outstanding arrears due to the City of Hamilton by the organizations (as shown in the Appendix "A" attached to Report CM23030) be first applied against the approved City Enrichment Fund grant, including advances until the debt is satisfied, prior to that organization receiving the balance of any approved payment, and;
- (c) That the City Enrichment Fund requirement for audited financial statements for the Winona Peach Festival be waived on a one-time basis and that their 2023 approved funding be released.

EXECUTIVE SUMMARY

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 City Enrichment Fund Advance Payments and 2023 Payment Update (CM23030) (City Wide) - Page 2 of 4

The City Enrichment Fund (CEF) is the overall name for the City of Hamilton's (City) municipal investment in a wide range of program areas that support the City's Strategic Plan and 25-year Community Vision priorities. CEF invests in Hamilton-based local charities, not-for-profit and grassroots organizations across seven unique sectors: Agriculture, Arts, Communities, Culture and Heritage, Community Services, Environment, Sports and Active Lifestyles, and the Digital Equity program area (operating for a two year pilot during 2023 & 2024).

For the organizations listed in the report (Appendix "A" attached to Report CM23030), the City follows a policy which ensures that grant payments are not made until outstanding arrears owing to the City of Hamilton are paid.

In 2023, the Winona Peach Festival submitted unaudited financial statements which does not meet CEF guidelines, as a result their funding has been held. Beginning in the 2024 CEF cycle, the Winona Peach Festival has committed to providing audited financial statements.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Based on Council approval of the 2024 total City Enrichment Fund envelope and overall funding levels, the remaining payments to the organizations listed in Appendix "A" attached to Report CM23030 would be adjusted to ensure that total payment amounts do not exceed the 2024 Council approved budget and funding level, which is expected by June 2024. There is no additional change to existing Council approved budget or City Enrichment Fund 2023 payments.

Staffing: None

Legal: None

HISTORICAL BACKGROUND

In 2015, Council approved the launch of the new City Enrichment Fund. Organizations that were previously funded through Boards and Agencies were transitioned over to the new program under a similar model. To avoid undue hardship to their operations, it was felt that the advances should continue ahead of the approval of the 2024 budget. For the organizations listed in the report (Appendix "A" attached to Report CM23030), the City follows a policy which ensures that grant payments are not made until outstanding arrears owing to the City are paid off.

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 City Enrichment Fund Advance Payments and 2023 Payment Update (CM23030) (City Wide) - Page 3 of 4

All applicants to CEF with requests of \$30,000 or greater are required to submit their most recent audited financial statements as part of their application package.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City has been supporting various Boards and Agencies with operational funding through the CEF since 2015. Since these organizations depend on the City to fund their operational expenditures, past practice has been to provide regular on-going payments pending the approval of the City Budget for each year. The proposed payment schedule for 2024 closely follows that of 2023.

Recommendation (c) to Report CM23030 proposes waiving the requirement for audited financial statements for Winona Peach Festival in 2023. The requirement as stated in the General Guidelines reads: Audited Financial Statements are required for grant requests greater than or equal to \$30,000.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

To be consistent with prior years, staff is seeking Council Approval to continue funding as of January 2024, for those organizations that receive CEF funding Appendix "A" attached to Report (CM23030) on a monthly basis, pending approval of the 2024 budget. The funding is based on the previous year's budget and is adjusted if necessary, when the current year's budget receives Council Approval.

2023 Payment Update

Applicants are required to provide their legal names when they differ from their program/project name within their CEF application. The applicant legal name is presented for Council approval and ensures the payment of approved funds can occur. Due to an error through the grant portal, four funding requests were approved by the project name and not the provided legal name(s). As a result, the grantees were unable to receive payment through the approved project names. In consultation with the Corporate Services Department, CEF staff released the grant payments to the legal names that were provided in their applications at the time of submission.

Four impacted applicants:

Ref #	Grant Amount	Project Name	Legal Name
ART-D18	\$ 3375	Without Mass	Tor Lukasik-Foss
ART-D24	\$ 2379	Lost Boys Unlimited	Cal Trute
ART-D25	\$ 1830	Marion House Production	Dylan Picket-Fallis
ART-D27	\$ 1830	West Park Productions	Derek Lukosius

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 City Enrichment Fund Advance Payments and 2023 Payment Update (CM23030) (City Wide) - Page 4 of 4

The 2023 approved funding, CCH-A41 Rotary Club of Waterdown, had been held pending additional information of their program, Oh Canada Ribfest. The applicant worked with staff to provide information that demonstrated the event as a community fundraiser. Although, the Oh Canada Ribfest does engage the public and celebrate community identity – the people, places and things that make up Hamilton, as a fundraiser it no longer meets the CEF eligibility requirements. In order to provide time for the organization to adjust operations moving forward, staff released their 2023 grant and has transitioned them out of the CEF program.

On May 27, 2016 the Director leading the CEF was delegated the authority to amend all CEF forms, guidelines and program areas as needed and reporting any and all changes annually to the Grants Sub-Committee. In 2023, the Director approved an extension to the funding agreement submission deadline in order to accommodate ten approved grants for community benefit.

The 2023 funding recommendation of \$60,695 for CCH-A42 Winona Peach Festival was held pending additional information due to their submission of unaudited financial statements that did not meet the CEF program guidelines. Staff performed a review of the submitted 2021 unaudited financial statements and application budget and found the organization to be in a satisfactory fiscal position according to CEF guidelines.

Beginning in the 2024 CEF cycle, the Winona Peach Festival has made a commitment to meeting the guideline requirements and providing audited financial statements with their CEF application. With this commitment, staff are recommending waiving the policy one time, allowing for the release of the 2023 grant.

ALTERNATIVES FOR CONSIDERATION

Not Applicable.

APPENDICES AND SCHEDULES ATTACHED

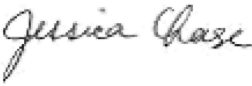
Appendix “A” to CM23030 – 2024 City Enrichment Fund Advance

City Enrichment Fund (CEF)
Requiring Advance Payments in 2024

Agency	Advance Payment Schedule for 2024	# of Payments (advance)	2023 Approved Annual CEF Funding	2024 Advance Payment Amount (Monthly)	2024 Advance Payment Amount (5 Payments)
Art Gallery of Hamilton	1st of each month	5	\$1,000,000.00	\$83,333.33	\$416,666.67
Theatre Aquarius	1st of each month	5	\$262,500.00	\$21,875.00	\$109,375.00
Hamilton Philharmonic Orchestra	1st of each month	5	\$210,000.00	\$17,500.00	\$87,500.00
Brott Music Festival	1st of each month	5	\$150,000.00	\$12,500.00	\$62,500.00
Total			\$1,622,500.00	\$135,208.33	\$676,041.67



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Children's and Community Services Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	December 7, 2023
SUBJECT/REPORT NO:	Indigenous Advisory Committee 2024 Budget Request (HSC23077) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Beth Dockstator (905) 546-2424 Extension 4071 Jennifer DiDomenico (905) 546-2424 Extension 5596
SUBMITTED BY:	Jessica Chase Director Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION

That the Indigenous Advisory Committee base budget submission attached as Appendix "A" to Report HSC23077 in the amount of \$3,552.00 be approved and referred to the 2024 budget process for consideration.

EXECUTIVE SUMMARY

In accordance with the process for submission of budgets for the Volunteer Advisory Committees, the Indigenous Advisory Committee Budget for 2024 in the amount of \$3,552.00 is being submit for review and consideration, with the recommendation that it be approved. This base budget request is the same amount as the 2023 requested and approved budget.

Alternatives for Consideration – Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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: Indigenous Advisory Committee 2024 Budget Request (HSC23077)
(City Wide) - Page 2 of 3**

Financial: The base budget requested for 2024 is in keeping with the approved 2023 budget for the committee. No additional funds are being requested.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Annually, the Volunteer Advisory Committees are funded through the levy to support activities related to their mandates. At its February 2, 2023 meeting, the Indigenous Advisory Committee considered its budget needs for 2024. Their budget submission is attached as Appendix "A" to Report HSC23077. The budget includes both incidental costs to support the Committee, as well as additional costs for specific events, programs, and community initiatives.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Volunteer Advisory Committees can put surplus funds from each year into a reserve, for future purposes and request the use of those funds, in future years, for specific activities. This provides the Committee with an opportunity to plan to undertake specific projects or initiatives in future years, while minimizing increases in their budgets. The committee has not yet determined all its activities for 2024. Should additional funding for the Indigenous Advisory Committee be required, requests for reserve funding will be made at the appropriate time.

RELEVANT CONSULTATION

The Indigenous Advisory Committee discussed its 2024 budget needs at its February 2, 2023 Committee meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The recommendation will provide funding for the operations of the Volunteer Advisory Committee to enable them to continue to fulfil their terms of reference and committee mandate.

The Indigenous Advisory Committee assists the City to honour and engage its Indigenous citizens by providing advice and/or recommendations, through the appropriate Standing Committee of Council, that enhance the wellbeing of Indigenous people and/or resolve municipal issues.

**SUBJECT: Indigenous Advisory Committee 2024 Budget Request (HSC23077)
(City Wide) - Page 3 of 3**

The Committee supports the City of Hamilton's Urban Indigenous Strategy and the successful and meaningful implementation of its Strategic Actions.

ALTERNATIVES FOR CONSIDERATION

An alternative would be not to fund the operations of the Advisory Committees. This is not recommended as they provide valuable service and advice to both Council and staff of the City and bring voices to deliberations that might otherwise not be heard.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC23077: 2024 Advisory Committees' Budget Submission
Form for the Indigenous Advisory Committee

CITY OF HAMILTON

2024

ADVISORY COMMITTEES

BUDGET SUBMISSION FORM

“Indigenous Advisory Committee”

PART A: General Information

ADVISORY COMMITTEE MEMBERS:

Marilyn Wright (Chair)	
Connie Bellamy	
Allan Loft	
Scott Cruickshank	
Patty Lawlor (non-voting)	

MANDATE:

The Indigenous Advisory Committee assists the City of Hamilton to honour and engage its Indigenous citizens in the pursuit of the City's vision by providing advice and/or recommendations, through the appropriate Standing Committee of Council, that enhance the wellbeing of Indigenous people and/or resolve municipal issues.

The Committee supports the City of Hamilton's Urban Indigenous Strategy and the successful and meaningful implementation of its Strategic Actions.

The Committee envisions a future where Hamilton is an inclusive and culturally-aware community, where issues of importance to Indigenous peoples living here are addressed proactively, effectively and respectfully on the municipal agenda.

PART B: Strategic Planning

STRATEGIC OBJECTIVES:

- to assist the City in achieving and demonstrating progress or positive change in support of the equitable economic, social, health and overall wellbeing of Indigenous citizens;
- to provide a forum and mechanism for coordinated dialogue and consultation between and among Indigenous leaders and other stakeholders, acting as a catalyst for the development of positive relationships and open, transparent dialogue between and among the City and these stakeholders; and,
- to offer input, advice and recommendations, through the Audit, Finance & Administration Committee, informed by stakeholder consultation, to support the City in determining effective municipal strategies and/or policies on issues of importance to Indigenous peoples.

ALIGNMENT WITH CORPORATE GOALS:

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

PART C: Budget Request

INCIDENTAL COSTS:

Monthly meeting expenses (refreshments, advertising, signage, postage, photocopying etc.)	
SUB TOTAL	\$1,000.00

SPECIAL EVENT/PROJECT COSTS:

To include: <ul style="list-style-type: none"> - National Indigenous Peoples Day and National Day for Truth and Reconciliation/Orange Shirt Day <ul style="list-style-type: none"> o Banner displays o NIPD recognition day event - Support and participation in events co-hosted with the Indigenous Relations team - Support Hamilton's local Indigenous community initiatives where applicable. 	
SUB TOTAL	\$2,552.00
TOTAL COSTS	\$3,552.00
Funding from Advisory Committee Reserve (only available to Advisory Committees with reserve balances)	\$0.00
TOTAL 2024 BUDGET REQUEST (net of reserve funding)	\$3,552.00
PREVIOUS YEAR (2023) APPROVED BUDGET (2023 Request \$3,552.00)	\$3,552.00

CERTIFICATION:

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

Representative's Name:

Signature:

Date:

Telephone #:



Hamilton

**PROCUREMENT SUB-COMMITTEE
REPORT 23-001**

Thursday November 23, 2023
2:00 p.m.
Room 264, 2nd Floor
City Hall, Hamilton

Present: J.P. Danko (Chair), A. Wilson (Vice-Chair), M. Wilson, T. Hwang, C. Kroetsch

Absent: Councillor C. Kroetsch – City Business

**THE PROCUREMENT SUB-COMMITTEE PRESENTS REPORT 23-001 AND
RESPECTFULLY RECOMMENDS:**

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Moe Bachi, Seawaves Development Services Inc., respecting Item 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) (For today's meeting)

14. PRIVATE AND CONFIDENTIAL

- 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide)

The agenda for the November 23, 2023 Procurement Sub-Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) September 12, 2022

The Procurement Sub-Committee Minutes of the September 12, 2022 Meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) **Moe Bachi, Seawaves Development Services Inc., respecting Item 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) (For today's meeting) (Added Item 6.1)**

The delegation request from Moe Bachi, Seawaves Development Services Inc., respecting Item 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) was approved for today's meeting.

(e) DELEGATIONS (Item 7)

(i) **Moe Bachi, Seawaves Development Services Inc., respecting Item 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) (For today's meeting) (Added Item 7.1)**

Moe Bachi, Seawaves Development Services Inc., addressed the Committee respecting 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide).

The delegates were granted an additional five minutes for their delegation.

The delegation from Moe Bachi, Seawaves Development Services Inc., addressed the Committee respecting 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide), was received.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee moved into Closed Session, respecting Items 14.1 pursuant to Section 9.3, Sub-sections (e) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(i) Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) (Item 14.1)

- (a) That the Closed Session recommendations (a), (b) and (c), be approved;
- (b) That the Closed Session recommendations (a), (b) and (c) be released publicly following approval by the Procurement Sub-Committee;
- (c) That the contents of Report FCS23112 remain confidential; and
- (d) That the directions provided to staff in Closed Session, be approved.

As the Procurement Sub-Committee approved the release of the Closed Session recommendations (a), (b) and (c) publicly following the Procurement Sub-Committee's approval (1 (a) above), Closed Session recommendations (a), (b) and (c) are as follows:

- (a) That pursuant to Policy 1, Section 4.1(10) and an impairment of the commercial relationship between the City of Hamilton and Seawaves Development Services Inc., an interim ban be imposed upon Seawaves Development Services Inc. and any of its related corporate or individual entities from competing on or being awarded any City contract until and including November 22, 2024;
- (b) That in imposing an interim ban, staff be directed to reject any current and future bids, proposals or quotations received from Seawaves Development Services Inc., or any of its related corporate or individual entities until and including November 22, 2024; and,
- (c) That the City of Hamilton not enter into any contract with Seawaves Development Services Inc., or any of its related corporate or individual entities, until and including November 22, 2024.

(h) ADJOURNMENT (Item 15)

There being no further business the Procurement Sub-Committee was adjourned at 3:01 p.m.

Respectfully submitted,

John-Paul Danko, Chair
Procurement Sub-Committee

Aleah Whalen
Legislative Coordinator
Office of the City Clerk