



Hamilton

REPORT 12-001

Accountability and Transparency Sub-Committee

Monday, January 23, 2012

3:30 p.m.

Room 264

Hamilton City Hall

71 Main Street West

Present: Councillors L. Ferguson (Chair), J. Partridge (Vice-Chair),
J. Chapman, D. Arbuckle, D. Broom and L. Ryan

Absent with Regrets: Mayor B. Bratina
Councillor T. Whitehead

Also Present: C. Murray, City Manager
P. Barkwell, City Solicitor
L. Pasternak, Senior Solicitor
A. Pekaruk, Director of Audit Services
R. Caterini, City Clerk
V. Robicheau, Legislative Coordinator

THE ACCOUNTABILITY AND TRANSPARENCY SUB-COMMITTEE PRESENTS REPORT 12-001 TO THE GENERAL ISSUES COMMITTEE AND RESPECTFULLY RECOMMENDS:

1. **Revision of Subsection 15.1 of the Council Code of Conduct and Comparison of Mississauga Judicial Inquiry Council Code of Conduct Recommendations to the Council Code of Conduct (City Wide) (LS12002) (Item 6.2)**
 - (a) That the amending by-law, attached hereto as Appendix A, deleting and replacing subsection 15.1 of Appendix H (Council Code of Conduct) of the Council Procedural By-law No. 10-053, be enacted;
 - (b) That Council receive the information contained in Report LS12002, respecting 1. Revision of Subsection 15.1 of the Council Code of

Conduct and Comparison of Mississauga Judicial Inquiry Council Code of Conduct Recommendations to the Council Code of Conduct.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following additions to the Agenda:

NEW BUSINESS

7.1 Verbal Update with respect to visits from the Integrity Commissioner of Ontario and the Lobbyist Registrar of the City of Toronto

7.2 Integrity Commissioner's Contract Review

The Agenda for the January 23, 2012 meeting of the Accountability and Transparency Sub-Committee, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the December 7, 2011 Accountability and Transparency Sub-Committee, were approved.

(d) DISCUSSION (Item 6)

(i) Verbal Update – Code of Conduct for Employees Policy for Political Staff (Item 6.1)

The Sub-committee was informed that the issue is being managed by another committee and it will be brought forward to Council for

ratification as political staff fall under the Code of Conduct for Employees Policy.

The verbal update respecting, Code of Conduct for Employees Policy for Political Staff, was received.

(ii) Revision of Subsection 15.1 of the Council Code of Conduct and Comparison of Mississauga Judicial Inquiry Council Code of Conduct Recommendations to the Council Code of Conduct (City Wide) (LS12002) (Item 6.2)

Discussion included, but was not limited to that of closed meeting investigations and the role of the Ombudsman and Integrity Commissioner. Discussion also included having the City of Hamilton's Integrity Commissioner as the closed meeting investigator. The Sub-committee was notified that there would need to be changes to the Integrity Commissioner By-law to allow him to be a closed meeting investigator and currently the role of closed meeting investigator is default to the *Municipal Act* requirement.

Mr. Barkwell indicated that he will follow up with a communication respecting the ability to impose penalties for inappropriate closed session meetings.

Item 6.2 CARRIED on the following vote:

Yeas: Ferguson, Partridge, Broom, Arbuckle, Ryan
Total 5
Nays: Chapman
Total: 1
Absent: None
Total: 0

For disposition on this Item, refer to item 1.

(e) NEW BUSINESS (Item 7)

(i) Verbal Update with respect to visits from the Integrity Commissioner of Ontario and the Lobbyist Registrar of the City of Toronto (Item 7.1)

Staff indicated that the Integrity Commissioner of Ontario and the Lobbyist Registrar of the City of Toronto would be willing to attend a meeting of the Accountability and Transparency Sub-Committee to make a presentation and answer questions related to managing a lobbyist registry.

Discussion regarding possible topics of interest included, but was not limited to the following:

- Examples of situations/investigations of the lobbyist registrar;
- Strengths and weaknesses of having a lobbyist registry;
- What is a lobbyist and when does one have to register as a lobbyist? When does the definition become blurry?
- Where do charitable/not-for-profit organizations fall?
- Is a lobbyist a term for the individual who contracts themselves out for their client?
- Is the registry online?
- How does a lobbyist comply?
- How do they manage relationships with councillors, citizens or lobbyists that haven't registered?
- Is their model passive (once they've received the complaint), or do they monitor the minutes and council meetings to identify lobbyists and ensure compliance?

The verbal update respecting, visits from the Integrity Commissioner of Ontario and the Lobbyist Registrar of the City of Toronto, was received.

The City Clerk is to provide Sub-Committee members with background reports on the creation of the current voluntary lobbyist registry.

(ii) Integrity Commissioner's Contract Review (Item 7.2)

Discussion regarding possible revisions included, but was not limited to the following:

- Engage citizen complainants;
- Ensuring the website's navigation is user friendly;
- Utilizing the literacy counsel to ensure it is user friendly;
- Creating an educational aspect to the website;
- Under what conditions an inquiry may be contracted out.

The Integrity Commissioner's Contract is to be amended to include the following provisions:

- (a) That the initial point of contact be from the Integrity Commissioner to Councillors when a complaint is filed;
- (b) That a notice of receipt and a 36-hour time frame for responses from the Integrity Commissioner be established for both citizen and Councillor inquiries.

The review of the Integrity Commissioner's Contract is to be held at the next meeting of the Accountability and Transparency Sub-Committee on April 24, 2012.

(f) ADJOURNMENT

There being no further business, the Accountability and Transparency Sub-Committee was adjourned at 4:31 p.m.

Respectfully submitted,

Councillor L. Ferguson
Chair, Accountability and
Transparency Sub-Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
January 23, 2012

Authority: Item:
Committee
Report (LS12002)
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend By-law No. 10-053, the Council Procedural By-law.

WHEREAS Council of the City of Hamilton enacted a by-law to govern the proceedings of Council and Committees of Council being By-law No. 10-053, the Council Procedural By-law;

AND WHEREAS this By-law deletes and replaces subsection 15.1 of Appendix H (Council Code of Conduct) of the Council Procedural By-law;

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

1. Subsection 15.1 of Appendix H (Council Code of Conduct) of By-law No. 10-053 is deleted and replaced with the following new subsection 15.1:

15.1 Members of Council shall observe the terms of all policies and procedures established by City Council, provided that a member of Council's failure to observe the rules of procedure as set out in sections 1 to 8 and Appendices A to G and I of the Procedural By-law is deemed not to be a contravention of this Code of Conduct. The rules of procedure set out in sections 1 to 8 and Appendices A to G and I are in the control of the Chairs of Committees and Council and members of Committees and Council. In addition, investigations of closed meetings, which are addressed in section 8, are under the jurisdiction of either the Ombudsman appointed under the *Ombudsman Act* or such closed meeting investigator as may be appointed by the City under section 239.2 of the *Municipal Act, 2001*.

2. This By-law comes into force on the day it is passed.

PASSED this day of , 20 .

R. Bratina
MAYOR

R. Caterini
CITY CLERK