



Hamilton

REPORT 12-002

Accountability and Transparency Sub-Committee

Thursday, March 29, 2012

2:00 p.m.

Room 192

Hamilton City Hall

71 Main Street West

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- Present:** Councillors L. Ferguson (Chair), J. Partridge (Vice-Chair),
T. Whitehead
J. Chapman, D. Broom and L. Ryan
- Absent with Regrets:** Mayor B. Bratina
D. Arbuckle
- Also Present:** 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 12-002 TO THE GENERAL ISSUES COMMITTEE AND
RESPECTFULLY RECOMMENDS:**

1. **Review of the Integrity Commissioner's Contract Renewal (Verbal)
(Item 6.1)**
 - (a) That the Integrity Commissioner's Contract be amended to include the following provisions:
 - (i) That the Integrity Commissioners contract be amended in Schedule "A", to include under the sub-section "service", to include the following words, "that the Integrity Commissioner be available for up to three meeting invitations annually from community groups, with only out of pocket expenses being reimbursed.";

- (ii) That the initial point of contact be from the Integrity Commissioner to Councillors when a complaint is filed;
 - (iii) 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.”
- (b) That By-law No. 08-154, To Establish The Office Of the Integrity Commissioner, be amended to include the following provisions:
- (i) That Section 22.(1) of the By-law be amended and that the contract be amended to include that, “the Integrity Commissioner is to report back to Council within 60-days of receipt of a complaint, unless the Integrity Commissioner makes application for an extension.”;
 - (ii) That the by-law be amended to include a statement indicated that a media blackout be upheld from when the complaint is filed to when the final ruling is presented to Council. Should the complainant speak to the media, the complaint will be immediately dismissed;

2. Closed Meeting Investigations (LS12008) (City Wide) (Item 6.2)

That Report LS12008, Closed Meeting Investigations, be received.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

None.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the January 23, 2012 Accountability and Transparency Sub-Committee, were approved.

(d) DISCUSSION (Item 6)

(i) Review of the Integrity Commissioner's Contract Renewal (Verbal) (Item 6.1)

The Integrity Commissioners contract is to be amended in Schedule "A", to include under the sub-section "service", to include the following words, "that the Integrity Commissioner be available for up to three meeting invitations annually from community groups, with only out of pocket expenses being reimbursed."

The motion CARRIED on the following vote:

Yea: Ryan, Chapman, Ferguson, Broom
Total: 4
Nay: Whitehead, Partridge
Total: 2
Absent: Arbuckle, Bratina
Total: 2

The by-law is to be amended to include a statement indicated that a media blackout be upheld from when the complaint is filed to when the final ruling is presented to Council. Should the complainant speak to the media, the complaint will be immediately dismissed.

The motion CARRIED on the following vote:

Yea: Ryan, Ferguson, Broom, Whitehead, Partridge
Total: 5
Nay: Chapman
Total: 1
Absent: Arbuckle, Bratina
Total: 2

Peter Barkwell, City Solicitor, indicated that staff would prepare a draft including the confidentiality and media blackout for consideration of the Accountability and Transparency Sub-Committee.

Staff are to report back with a suggested revision to the bylaw that will have a time limitation to when an individual may file a complaint that matches the stipulations outlined in the Police Services Act for a complaint of conduct of a police officer.

For disposition, refer to Item 1.

(ii) Closed Meeting Investigations (LS12008) (City Wide) (Item 6.2)

Discussion involved remaining with the current process of having the Ombudsman continue to be the closed meeting investigator.

The Committee expressed interest in having further clarity to Section 238 of the Municipal Act, 2001, regarding constitutes a meeting versus an informal gathering of Councillors and if the clerk must be present when sub-committees meet.

The newsletter, Ethics Scan, is to be distributed to members of Council and the Committee

For disposition, refer to Item 2.

(e) ADJOURNMENT (Item 8)

There being no further business, the Accountability and Transparency Sub-Committee was adjourned at 3:17 p.m.

Respectfully submitted,

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

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
March 29, 2012