

Sent By Email February 14, 2017

TO: The Council of the City of Hamilton,

c.c. Ms. Janice Atwood-Petkovski, City Solicitor

FROM: George Rust-D'Eye, Integrity Commissioner and Lobbyist Registrar

Dear Mr. Mayor and Members of Council,

Re: Code of Conduct for Members of Council – Proposed Amendment

Recently, in reviewing the provisions of the Code of Conduct for Members of Council, ( **By-law No. 16-290**), I directed my attention to sections **8(2)**, **8(3)(a)**, **(b)**, and **(c)** and **8(4)**, which provide as follows:

**8(2) Under its Accountability and Transparency Policy, the City supports ensuring accountability and transparency in all its actions. Accordingly, in addition to disclosing a pecuniary interest under the *Municipal Conflict of Interest Act*, members of Council shall disclose non-pecuniary interests they have in a matter, either on their own behalf or while acting for, by, with or through another, prior to consideration of that matter at Council or a Committee of Council.**

**8(3) Examples of types of non-pecuniary interests in a matter to be disclosed under subsection 8(2) include but are not limited to:**

- (a) a member of Council being a director or senior officer of an entity, whether or not appointed by Council;**
- (b) a member of Council's family member being a director or senior officer of an entity;**
- (c) a member of Council or their family member holding a licence or other permission issued by the City.**

**8(4) Subsection 8(2) does not apply to a non-pecuniary interest which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member of Council.**

In view of the absence of grounds to support the need for these provisions in serving the public interest, and the undesirable possible result of their presence in the By-law being to discourage Members of Council from accepting appointments to membership in agencies, boards, commissions and other bodies,

IT IS RECOMMENDED:

(1) that the Council amend its By-law No. 16-290, to delete sections 8(2), 8(3)(a), (b), and (c) and 8(4), therefrom, and

(2) that the appropriate form of draft By-law Amendment be introduced in Council to give effect thereto.

All of which is respectfully submitted.

George Rust-D'Eye, Integrity Commissioner and Lobbyist Registrar to The City of Hamilton