

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