

Routine Disclosure and Active Dissemination Policy

Policy Statement

This policy supports the strategic principle that “The City of Hamilton (City) is committed to promoting an open approach to government. Ensuring public information is readily available and accessible” and uses the fundamentals of *Access by Design* as set out by the Information and Privacy Commissioner of Ontario. The City, as a public entity, recognizes that the information that it holds was created through the provision and management of city services. Through routine disclosure and active dissemination, the City will proactively identify and share information that is under its custody and control. Any exceptions to this policy should be limited and specific.

The City and its departments shall provide public access to information by making records routinely available in response to requests for access or by means of periodically releasing identified allowable records. These Routine Disclosure and Active Dissemination (RD/AD) Plans will be implemented at the Division level.

The formal application through the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) process will be used for those records which are not routinely released by Departments/Divisions.

Purpose

The purpose of this policy is to support the strategic direction set out in the City of Hamilton Strategic Plan 2016-2025. This policy identifies the requirement for City Departments to develop Plans for routinely releasing or actively making available certain records to the public. City Departments will adhere to the requirements of MFIPPA in respect of exemptions to disclosure for Personal Information, proprietary third-party information, and other confidential information.

MFIPPA provides the public a formal right of access to records that are in the City’s custody, or under its control, subject to limited and specific exemptions to disclosure. While the City may legitimately require that formal access requests be submitted in respect of certain types of records for a variety of reasons, a practice of providing Routine Disclosure and Active Dissemination for “everyday”, non-confidential records is beneficial as it allows the City to:

- Make City records available to the public and ensure that information is easily accessible to the residents of Hamilton;
- Proactively streamline the access to information process;

- Reduce staff time in responding to formal requests for information, resulting in greater cost efficiencies;
- Assist in reducing administrative costs;
- Provide greater accountability and transparency in its day-to-day operations; and
- Ensure a balance between providing greater access to City information while at the same time protecting personal and confidential information.

RD/AD is consistent with the Information and Privacy Commissioner of Ontario’s Access by Design principles and existing City practices to make certain information available to the public.

Application

This policy applies to all City staff and to all records in the custody and under the control of the City of Hamilton. Personal and constituency records of Members of Council are not considered to be in the custody and control of the City and therefore not subject to this policy.

Policy Requirements

With guidance from the Corporate Access and Privacy Team (Access & Privacy), every Division shall establish a Routine Disclosure and Active Dissemination Plan that identifies:

1. Official Business Records that are to be disclosed through routine disclosure requests;
2. The method by which the Divisions will make the records available through routine disclosure or active dissemination;
3. All Department/Division Routine Disclosure and Active Dissemination Plans shall be approved by the Access & Privacy Team. The following underlying principles shall guide the development of the RD/AD Plan by each Division:
 - (a) The focus on identifying records that are subject to RD/AD processes should be on records that are of interest to the public, for which there are no exemptions to disclosure under MFIPPA, and that do not contain any Confidential Information. Classes of records which are often requested and regularly released should be considered for inclusion in the RD/AD Plan;
 - (b) In determining which records are to be subject to RD/AD, staff should not consider the identity of requester(s);
 - (c) Service Excellence should always be considered when developing RD/AD Plans, and the method by which the records are disseminated should provide the public ease of access to the information;

- (d) New programs and policies should be developed with an understanding of the routine disclosure and active dissemination opportunities, and these should be incorporated into any related staff report and/or division RD/AD Plans; and
- (e) The Division shall review and update RD/AD Plans routinely. Plans will be made available to the public on the City’s website.

A Routine Disclosure and Active Dissemination guideline will be developed to assist departments with identifying types of records that are not suitable for RD/AD, and the specific types of information that must be excluded (severed) within records prior to disclosure.

When the Access and Privacy Team receives a request under MFIPPA that should be released as routine disclosure, team staff will direct the request to the responsible department and, where necessary, assist staff in understanding their obligations to release the information. A similar approach will be taken where possible with respect to requests received under the *Personal Health Information Protection Act*, relating to requests by individuals for their own personal health information.

Responsibilities

All City staff must comply with the Routine Disclosure and Active Dissemination Policy and with the applicable Division’s RD/AD Plans.

Senior Management will be responsible for promoting compliance with this policy and ensuring RD/AD Plans are developed in consultation with the Access & Privacy Team. Senior Management shall also ensure that a review of the RD/AD Plan, as it relates to their respective area, occurs at a minimum of once a year.

Directors and Managers are responsible for identifying records suitable for RD/AD in their own respective areas. Updates and/or modifications to the RD/AD Plan shall be provided to their General Manager as new classes of records are created or modified, existing classes are deleted, or as otherwise needed.

The Corporate Access & Privacy Team shall work with all Departments/Divisions to identify types of records suitable for routine and active dissemination and be responsible for approving all RD/AD Plans to ensure compliance with this policy and MFIPPA.

Monitoring

The City Clerk shall be responsible for receiving complaints or concerns related to this policy.

Legislative and Administrative Authorities

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) governs the collection, use and disclosure of information by certain institutions in Ontario including municipalities, public library boards, and police services boards. The purpose of MFIPPA is to provide a right of access to information in the custody of and under the control of the institutions with the principle that information should be made available to the public and that necessary exemptions from the right of access should be limited and specific. The purpose of MFIPPA is also to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information.

Definitions

Confidential information means information that is subject to the exemptions to disclosure found in s. 9 (Relations with Governments), s. 10 (Third Party Proprietary Information) and s. 14 (1) (Personal Privacy) of MFIPPA, as well as any other information that the City deems to be confidential.

MFIPPA means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended, and includes any regulations passed under it.

Official Business Record means an original record, generated or received, in the City’s custody and control that serves important functions of the City supporting program delivery or policy development, committing the City to action, meeting legal, financial, operational and other official requirements, or providing evidence of obligations, responsibilities, decisions and actions;

Open Data is a practice requiring that certain data be made freely available to the public, in machine readable format without restrictions from copyright, patents or other mechanisms of control. Open Data focuses on non-textual material such as geographic data, schedules, statistics, and demographic data.

Personal Information as defined in MFIPPA means recorded information about an identifiable individual, including,

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;
- d) the address, telephone number, fingerprints or blood type of the individual;
- e) the personal opinions or views of the individual except if they relate to another individual;

- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the individual;
- h) the individual’s name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

Record means information however recorded or stored, whether in printed form, on film, by electronic means or otherwise, and includes but is not limited to documents, financial statements, minutes, accounts, e-mails, correspondence, memoranda, plans, maps, drawings, photographs, and films, complete and unchanged;

Responsible Department refers to the department, division, or service area which holds custody and control of the original records for the length of time required under the Records Retention By-law 11-040;

Routine Disclosure and Active Dissemination (RD/AD) are activities designed to provide greater access to government information. **Routine disclosure (RD)** is the routine or automatic release of certain records in response to informal rather than formal requests under MFIPPA. **Active Dissemination (AD)** is the periodic release of certain records in the absence of a request, for example periodic posting of operational records to the City of Hamilton website.

Third Party Information is personal information of a person other than the requester or scientific, technical, commercial, financial or labour relations information supplied in confidence by someone other than the requester or the City of Hamilton.

References

Access by Design Principles – Information & Privacy Commissioner of Ontario

Municipal Freedom of Information & Protection of Privacy Act

Records Retention By-law 11-040, as amended

Loan Term Sheet

500 MacNab Street North (Rehabilitation of 146 Unit Apartment Building)

Borrower: CityHousing Hamilton Corporation ("CHH")

Lender: City of Hamilton ("City")

Type of Loan: \$9,229,500 Loan 10-year Amortization

1. Payment Provisions; The City will advance the \$9,229,500 to CHH (electronically) on or about February 1, 2020. The loan is repayable, together with interest, in 10 annual equal installments by CHH to the City beginning February 1, 2021. (Refer Schedule below)

**500 MacNab Street North
\$9,229,500 Loan Repayment Schedule
10-Year Amortization @ 2.63%**

Feb. 1	2021	\$1,063,000
Feb. 1	2022	1,063,000
Feb. 1	2023	1,063,000
Feb. 1	2024	1,063,000
Feb. 1	2025	1,063,000
Feb. 1	2026	1,063,000
Feb. 1	2027	1,063,000
Feb. 1	2028	1,063,000
Feb. 1	2029	1,063,000
Feb. 1	2030	1,063,000

Total Payments (P&I)	\$10,630,000
Principal Amount	<u>(9,229,500)</u>
Total Interest and Administration	\$1,400,500

Breakdown of Interest and Administration

Interest	\$1,267,373
Administration Fee	\$133,127

2. Any additional mortgage amounts and / or contributions received by CHH from CMHC or any other senior levels of government regarding this project will be forwarded to the City immediately to reduce the loan amount outstanding.
3. Interest Rate: 2.38% per annum, plus .25% administrative fee, compounded semi-annually. Interest will be paid to the City by CHH on an annual basis (refer to payment schedule).
4. Security: The City will be next in priority only to a CMHC registered mortgage or a long-term (greater than 20 years) third party financing.
5. Title Insurance Policy in favour of the City.

TERMS OF LOAN AGREEMENT (City of Hamilton's external loan guidelines FCS06078(a))

If funding is approved, the legal loan agreement will include the necessary terms as agreed upon by both parties. The following must be included and / or considered during the development of the loan agreement. The list is not exhaustive and can be added to at any time.

- a) The interest rate will be based upon the current serial debenture rate, as provided by the investments section, for the time period that corresponds with the term of the loan. This reflects the equivalent capital cost of the loan. For example, the interest rate for a 10-year loan should be based on the 10-year serial debenture rate.
- b) A 0.25% administration fee will be added to the interest rate.
- c) The term of the loan must not exceed the useful life of the asset.
- d) At a minimum, interest should accrue annually.
- e) Terms of draws and a schedule of draws against the loan.
- f) Late payments charges will be applied as per the City's policy on late payments.
- f) In the event of non-payment or late payments, the City will follow current protocols on collecting payments on amounts owing.
- h) In case of loan default, the loan agreement must ensure that the applicant's asset or other security is included as collateral against the loan. The value of the asset or security must be of an equivalent value to the loan.
- i) The City of Hamilton must be recognized on project marketing and promotional material (e.g. City of Hamilton logo).
- j) Any out-of-pocket expenses, such as appraisal costs, incurred for the preparation of the loan agreement, over and above staff costs, will be added to the principal of the loan.
- k) The organization must provide full disclosure, at all times, with respect to issues that will or may affect the completion of the project or the organization's ability to repay the loan.
- l) Follow-up procedures will also be included in the terms of the agreement. These include:
 - i. The organization must provide a final cost of the project
 - ii. The organization must provide the following annually:
 - 1) Annual financial statements (audited, if available)
 - 2) Budgets and cash flow projections
 - 3) Confirmation of insurance on the asset used as collateral
 - iii. The organization should agree to be available, at the request of the City, to an on-site visit to review the capital expenditure and the applicable financial records.
- m) Any other terms deemed appropriate by City Council, the City Solicitor or City staff.

Loan Term Sheet

Roxborough Park Development - 103 Unit Apartment Building (the "Project")

Borrower: CityHousing Hamilton Corporation ("CHH")

Lender: City of Hamilton ("City")

Type of Loan: \$29,225,000 Construction Financing Loan

1. The upset limit on the term of this loan will not exceed 4 years from the date of the first advance to CHH.
2. Payment Provisions: CHH will receive monthly invoices from the developer (Roxborough Park Inc.) based on the percentage of work completed. The City will advance the funds to CHH (electronically) only after CHH's project manager, the CHH CEO, Director of Housing Services and the City's Director of Financial Planning Administration and Policy have approved the invoice for payment (and verified that the work stated on the invoice has been completed). Monthly invoices will contain a 10% holdback provision.
3. When CHH receives payment of \$6,733,980 for the remnant Roxborough land it is selling to the developer (upon Project completion), this amount will be paid to the City immediately to reduce the Construction Loan Amount.
4. Any mortgage amounts and / or contributions received by CHH from CMHC regarding this Project will be forwarded to the City immediately to reduce the Construction Loan Amount outstanding.
5. After terms #3 and #4 have been applied to the outstanding balance of the Construction Financing Loan and within the term limit of this loan (four years), any outstanding City Construction Loan Amount will be converted by CHH to a conventional 30 or 35-year mortgage with the City acting as guarantor for CHH to obtain third party financing.
6. Construction Loan Interest Rate: 2.43% per annum compounded monthly (2.18% plus .25% administration). Interest will be paid to the City by CHH on a quarter-yearly basis commencing three months after the first advance of funds by the City.
7. Section 4.05 of the Master Development Agreement between CHH and the developer provides that CHH is responsible to obtain financing to fund the full cost of construction of the new CHH building. However, the developer agrees to be responsible for and pay to CHH as and when such costs become due, all costs (i.e. interest and other costs) in connection with the construction financing which are incurred up to the later of:
 - i) the CHH building completion date; and
 - ii) the date that the developer pays the purchase price for the lands being sold by CHH to the developer.
8. Security: The City will be next in priority only to a CMHC registered mortgage or a long-term (greater than 20 years) third party financing.
9. Title Insurance Policy in favour of the City.

TERMS OF LOAN AGREEMENT (City of Hamilton's external loan guidelines FCS06078(a))

If funding is approved, the legal loan agreement will include the necessary terms as agreed upon by both parties. The following must be included and / or considered during the development of the loan agreement. The list is not exhaustive and can be added to at any time.

- a) The interest rate will be based upon the current serial debenture rate, as provided by the investments section, for the time period that corresponds with the term of the loan. This reflects the equivalent capital cost of the loan. For example, the interest rate for a 10-year loan should be based on the 10-year serial debenture rate.
- b) A 0.25% administration fee will be added to the interest rate.
- c) The term of the loan must not exceed the useful life of the asset.
- d) At a minimum, interest should accrue annually.
- e) Terms of draws and a schedule of draws against the loan.
- f) Late payments charges will be applied as per the City's policy on late payments.
- f) In the event of non-payment or late payments, the City will follow current protocols on collecting payments on amounts owing.
- h) In case of loan default, the loan agreement must ensure that the applicant's asset or other security is included as collateral against the loan. The value of the asset or security must be of an equivalent value to the loan.
- i) The City of Hamilton must be recognized on project marketing and promotional material (e.g. City of Hamilton logo).
- j) Any out-of-pocket expenses, such as appraisal costs, incurred for the preparation of the loan agreement, over and above staff costs, will be added to the principal of the loan.
- k) The organization must provide full disclosure, at all times, with respect to issues that will or may affect the completion of the project or the organization's ability to repay the loan.
- l) Follow-up procedures will also be included in the terms of the agreement. These include:
 - i. The organization must provide a final cost of the project
 - ii. The organization must provide the following annually:
 - 1) Annual financial statements (audited, if available)
 - 2) Budgets and cash flow projections
 - 3) Confirmation of insurance on the asset used as collateral
 - iii. The organization should agree to be available, at the request of the City, to an on-site visit to review the capital expenditure and the applicable financial records.
- m) Any other terms deemed appropriate by City Council, the City Solicitor or City staff.

Summary of the Proposed Revisions

Revised Appendix A to Report CL19010/LS19041 - Revised December 5, 2019

Throughout the by-law:

- Healthy and Safe Communities Committee has been replaced with **Emergency and Community Services Committee**;
- Acronyms have been expanded upon to fully describe their meaning (i.e. **GRIDS**, is now expanded upon when first referred to in the by-law, as follows: Growth Related Integrated Development Strategy (GRIDS);
- OMBI, Ontario Municipal Benchmarking Initiative has been replaced with MBNC, Municipal Benchmarking Network Canada
- "48 hours" and "2/two business days" has been replaced with **"2 days"**.

Section 1 – Definitions:

- Added "Time Sensitive", in order to define the term when it appears in the by-law:

"Time Sensitive" means useful for a specific amount of time only or has to be used or completed by a specific time.

- Added "Public Hearing", as it applies to a meeting or a portion of a meeting held pursuant to the requirements of a statute, regulation or by-law:

"Public Hearing" means a Meeting or portion of a Meeting held pursuant to the requirements of a statute, regulation or by-law to hold a public meeting to hear representations on a matter from any person who attends the public meeting.

- The definition of "Motion" has been expanded upon to state that a motion is included in the published agenda:

"Motion" means a proposal by a member for the consideration of Council or a Committee **included in the published agenda** that is moved by a member and seconded by another member.

- Amended the definition of "Senior Leadership Team", as follows:

"Senior Leadership Team" means the City Manager and General Managers appointed by Council and **anyone designated by the City Manager**.

- The definition of "Notice of Motion" has been expanded upon to state that it is a motion that may be included in the published agenda or in the addendum:

“Notice of Motion” means advanced, written notice, given by a member and received by the Clerk, advising Council or Committee that a Motion will be brought forward at a future Meeting of Council or Committee, **that may be included in the published agenda or in the addendum.**

Section 3 – Council Meetings

3.10 Communication Items

- *As per the Governance Review Sub-Committee's request the proposed section (4) was removed and the existing sub-section (3) was amended, as follows:*

- (3) **Communication Items not received for inclusion in the Agenda package, shall be introduced under Changes to the Council Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Council meeting.**

3.12 Rules of Debate

- Added subsection (8)(l) to include “a motion to lift”:
- (8) The following matters may be introduced orally without written notice and without leave:
 - (a) a point of order
 - (b) a point of privilege
 - (c) a motion to adjourn
 - (d) a motion to call the question
 - (e) a motion to go into committee of the whole
 - (f) a motion to recess
 - (g) a motion to refer
 - (h) a motion to defer
 - (j) a motion to go into a closed meeting
 - (k) a motion to suspend the rules of procedure
 - (l) a motion to lift**

3.13 Voting Procedures

- amendment to subsection (3) to remove “move into Closed Session” to change the votes to move into Closed Session to be by electronic votes:

- (3) When an electronic voting system is available every Member of Council or Committee present and participating in a vote on a motion, excluding those motions referred to in (i) and (ii) below, shall vote electronically:
- (i) procedural (majority vote: refer, defer, withdraw, recess, call the question; ~~move into Closed Session and adjourn~~); and
 - (ii) Consent Items.
- subsections (6) and (7) have been included to address the procedure to be followed when a member advises the Chair of a point of privilege with respect to the taking of an electronic vote:

(6) When an electronic vote is taken and a member advises the Chair of a point of privilege immediately following and prior to the taking of another vote, with respect to their vote being omitted or in error, the vote will be considered void and a new electronic vote will be retaken immediately.

(7) When an electronic vote is taken and a member advises the Chair of a point of privilege following the taking of another vote, with respect to their vote being omitted or in error, the member's request will be considered through a vote to reconsider the matter:

- (i) If a two-thirds majority vote to reconsider is decided in the affirmative, the electronic vote will be retaken immediately;
- (ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.

Section 4 - Committee of the Whole

- 4.2** During the consideration of Standing Committee Reports and Selection Committee Reports, a member may lift an item from the Information Section with the approval of a majority of the members present, for the matter:
- (a) to be voted upon by Council; or
 - (b) to be debated and/or amended by Council.
- 4.3** An information item that is lifted from a Standing Committee Report or a Selection Committee Report and amended, will be given an item number and added to the appropriate section of the Standing Committee Report or Selection Committee Report.

Section 5 – Standing Committee Meetings

5.2 - Appointment of Standing Committee Chairs and Vice Chairs

- Addition of subsection (5) to address the possible reappointment of the Chair or Vice-Chair of a Sub-Committee or an Advisory Committee or Task Force for more than one year in a Council term, as they may only meet a few times per term or there may not be sufficient interest from the other members of the Committee:

(5) Despite subsection 5.2 (1)(b) the Chair or Vice-Chair of a Sub-Committee or an Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

5.5 - Standing Committee Meeting Times

- Switching the times of the Board of Health and Public Works Committee meetings will provide Councillors with time between meetings:

(1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:

- (a) (i) General Issues Committee shall meet at least once per month on a Wednesday commencing at 9:30 a.m.;
- (ii) Board of Health shall meet at least once per month commencing at 9:30 a.m.;
- (iii) Public Works Committee shall meet at least once per month commencing at 1:30 p.m.;
- (iv) Planning Committee shall meet at least once per month on a Tuesday commencing at 9:30 a.m.;
- (v) Audit, Finance & Administration Committee shall meet at least once per month on a Thursday commencing at 9:30 a.m.;
- (vi) Emergency & Community Services Committee shall meet at least once per month on a Thursday commencing at 1:30 p.m.;

5.10 Order of Business

This section has been amended to add a section that would provide the Clerk with the ability to adjust the general Order of Business for the regular meetings of Standing Committees, if it was deemed necessary:

- (i) The general Order of Business for the regular meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:
 - (a) Ceremonial Activities

- (b) Approval of Agenda
- (c) Declarations of Interest
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Delegation Requests
- (g) Consent Items
- (h) Public Hearings/Delegations
- (i) Staff Presentations
- (j) Discussion Items
- (k) Motions
- (l) Notice of Motions
- (m) General Information/Other Business
- (n) Private and Confidential
- (o) Adjournment

- (ii) The Clerk may prepare the Order of Business for the regular meetings of Standing Committees with slight adjustments to the general Order of Business when necessary.

5.11 Delegations

This section has been amended to remove any requirements pursuant to legislation as it applies to the holding of Public Hearings:

- (1) Persons who wish to appear as a delegation to address a Standing Committee on a matter that:
 - (a) is not listed on a Standing Committee agenda, **shall** make a request in writing to the Clerk, the Clerk will list the delegation request on the respective Standing Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Standing Committee's Report.
 - (b) is listed on the agenda for a Standing Committee meeting, **shall** make a request in writing to be listed as a delegation, such request to be received by the Clerk no later than 12:00 noon the business day before the meeting. If the Standing Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday.
 - ~~(c) provided that a person may attend as a delegation in the absence of a request under paragraphs (a) or (b) where prescribed by applicable legislation or allowed by the Standing Committee.~~

The "Request to Speak to a Committee of Council" form is available on the City's website at www.hamilton.ca.

- (2) A request to attend as a delegation shall include the person's name, reason(s) for the delegation, and if applicable the name, address and telephone number of any person, corporations or organizations which they represent.
- (3) Upon receipt of a request to attend as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Standing Committee and the decision whether or not to entertain the delegation will be made by the Standing Committee.
- ~~(4) A delegation granted permission to appear before the Standing Committee is encouraged to provide the Clerk with a brief of their presentation, which in turn will be provided by the Clerk to the Members of the Standing Committee in advance of the meeting.~~
- (5) When a person is listed as a delegation on a Standing Committee agenda and such person, without notification to the Clerk, does not attend said meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections 5.11(1) and 5.11(2).
- (6) A delegation, which can be made by two or more individuals, shall be limited to an oral presentation of not more than five minutes, ~~except as otherwise prescribed for at a public meeting by applicable legislation.~~
- (7) Notwithstanding subsection 5.11(6), an extension of a specific allotment of time to the five-minute speaking restriction may be granted with the approval of a majority of the members of the Committee present.
- (8) Delegations are encouraged to provide a written brief of their presentation to the Clerk, at least 5 days in advance, which will be provided to the members of the Standing Committee and become part of the public record.
- ~~(9) Notwithstanding subsection 5.11(6),~~ A delegation may provide additional written material regarding the subject matter, for the public record, by providing a copy of such written material to the Clerk at least 5 days in advance of the meeting.
- ~~(9) A delegation making a request to address a Standing Committee pursuant to their rights under applicable legislation shall be heard without a written request being received in accordance with subsections 5.11(1) and 5.11(2), if advanced notice is not required by such applicable legislation.~~
- (10) Except as required by by-law, any Delegations who have previously appeared before a particular Committee on a subject matter shall be limited to providing

only new information in their second and subsequent appearances at that Committee.

- (11) Notwithstanding subsection 5.11(10), a Committee member may add the delegation on a Committee Agenda.

5.12 Public Hearings

The entire section has been amended to address the City's requirements for holding Public Hearings pursuant to legislation:

- (1) Public Hearings shall be held at Standing Committee meetings.
- (2) Advertising or notice of a Public Hearing shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.
- (3) Public Hearings shall commence with:
 - (a) an introduction of the subject matter by the Chair or by staff;
 - (b) the staff presentation, if any and if not waived by the members of the Standing Committee;
 - (c) the signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).
- (4) Persons who wish to appear as a delegation to address Standing Committee on a matter that is the subject of a Public Hearing may make a delegation in accordance with section 5.11.
- (5) Notwithstanding subsection (4), Standing Committee shall hear oral representations from any person in attendance at a Public Hearing, whether or not a request was made in advance.
- (6) There is no limitation to the length of oral representations made at a Public Hearing, except that the Chair may encourage the delegation to conclude where the representations are irrelevant or repetitive.
- (7) Where a delegation wishes to provide written material to the members of the Standing Committee at a Public Hearing, which will become public record, the delegation shall:
 - (a) comply with subsection 5.11(9); or
 - (b) provide 25 copies of the written material to the Clerk at the meeting for distribution at the meeting, with the exception of the General Issues Committee, which requires 45 copies.

5.13 Communication Items

- *As per the Governance Review Sub-Committee's request the proposed section (5) was removed and the existing sub-section (4) was amended, as follows:*

- (4) Communication Items not received for inclusion in the Standing Committee Agenda package, shall be introduced under Changes to the Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Standing Committee meeting.

The Ombudsman of Ontario in the Final Report respecting Closed meetings on February 9 and 23, 2019, recommended that the City's Procedural By-law be updated to include a provision for notice of all Committee meetings, in addition to those of its Standing Committees, staff are therefore, recommending that the following section be included to address the Ombudsman's recommendation:

5.17 Change to a Scheduled Committee Meeting

- (1) The Clerk may change the time or location of a Committee meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The Clerk shall give each Member of the Committee, or their designated staff, notice of the change to the Committee meeting at least 2 days prior to the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.17(2) shall state the reason for the change to the meeting.
- (4) The Clerk shall ensure that the change to the Committee meeting is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

Appendices

Appendix A - GENERAL ISSUES COMMITTEE

- Added "Climate Change" to the MANDATE of the General Issues Committee;

- The reference to MPMP (Municipal Performance Measurement Program) has been removed as it was discontinued effective the 2014 reporting year;
- The reference to OMBI, Ontario Municipal Benchmarking Initiative (OMBI) has been replaced with: MBNC, Municipal Benchmarking Network Canada (MBNC); and
- The reference to G.R.I.D.S. was expanded upon and changed to the manner in which it is currently being referred to as GRIDS:

MANDATE

General:

To report and make recommendations to Council on matters relating to:

- ~~MPMP, Ontario Municipal Benchmarking Initiative (OMBI)~~
Municipal Benchmarking Network Canada (MBNC)
- Growth Related Integrated Development Strategy (GRIDS)
- Climate Change

Specific duties shall include:

- To consider and recommend to Council on matters relating to
GRIDS

Appendix D - PLANNING COMMITTEE

- Local Planning Appeal Tribunal (LPAT) has replaced Ontario Municipal Board:

Specific duties shall include:

- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Local Planning Appeal Tribunal (LPAT) Hearings to consider the appeal of Committee of Adjustment decisions