

Pilon, Janet

Subject: Correspondence for Oct 28, 2020 City Council Meeting

From: Lyla Miklos

Sent: Tuesday, October 27, 2020 12:21 AM

To: clerk@hamilton.ca

Cc: Office of the Mayor; Ward 1 Office; Wilson, Maureen; Farr, Jason; Nann, Nrinder; Merulla, Sam; Collins, Chad; Jackson, Tom; Pauls, Esther; Ward 8 Office; Clark, Brad; Pearson, Maria; Johnson, Brenda; Ferguson, Lloyd; VanderBeek, Arlene; Whitehead, Terry; Partridge, Judi

Subject: Correspondence for Oct 28, 2020 City Council Meeting

Dear City Clerk,

Attached to this e-mail is a letter that I originally sent on October 12, 2020 to be included in the agenda of the October 14, 2020 meeting of City Council. This new version is slightly amended as the one I originally sent to you, embarrassingly had some typos in it.

You can also find this letter at <http://www.lylamiklos.com/inprint/Integrity.pdf>

I also wanted to follow up with Council with some additional information since sending my attached correspondence earlier this month.

I first found out about the motion that the current LGBTQ Advisory Committee passed at their May 15, 2019 meeting because Joey Coleman tweeted about it on May 16, 2019.

Twitter Link: <https://twitter.com/joeycoleman/status/1129069893872168962?s=11>

Joey Coleman also wrote a story about what had transpired at this public meeting on his website The Public Record on May 16, 2019.

TPR Link: <https://www.thepublicrecord.ca/2019/05/hamilton-lgbtq-committee-votes-to-revoke-city-halls-privilege-to-raise-pride-flag-in-protest-of-city-discrimination/>

On May 28, 2019 an emergency meeting of the LGBTQ Advisory Committee was called and Joey Coleman attended it as it was open to the public and he live tweeted what transpired. The then brand new City Manager attended the meeting and at no point were issues regarding confidentiality brought up in regards to the Advisory Committees minutes, motion or public meeting. So this made the redacting of the Advisory Committee's meeting minutes many months later by the City Clerk very odd.

Twitter Link: <https://twitter.com/joeycoleman/status/1133493439994245121?s=11>

At the February 20, 2020 Meeting of the Audit, Finance and Administration Committee eight (8) months worth of ten (10) different LGBTQ Advisory Committee Meeting Minutes (April 2019 to November 2019) were received and referred for further discussion in closed session.

Feb 20, 2020 AFA Committee Agenda Link: <https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=79d5c14c-cd2d-49a3-b16f-d68b1fd35182&Agenda=Merged&lang=English&Item=22>

Council and Staff went into a lengthy discussion regarding the Freedom of Information and Protection of Privacy Act (FIPPA) and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) during this meeting. You can review the video from that discussion which takes place from 16:11 to 1:05:07 in the link below.

Feb 20, 2020 AFA Committee Video Link: https://pub-hamilton.escribemeetings.com/Players/ISIStandAlonePlayer.aspx?ClientId=hamilton&FileName=Council%20Encoder_Audit%20Finance%20and%20Administration%20Committee_2020-02-20-09-17.mp4

The meeting minutes the Clerk took issue with were from the May 15, 2019 meeting of the LGBTQ Advisory Committee. They were presented to Council with redactions as the Clerk explains in the video link above because they were deemed to have violated FIPPA and MFIPPA. The Clerk goes into some detail to explain why the minutes of this meeting contained a violation of FIPPA and MFIPPA.

May 15, 2020 LGBTQ Advisory Committee Redacted Minutes: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=218932>

Clerk's Information Report regarding MFIPPA: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=218955>

Information Sheet presented to Council on MFIPPA & FIPPA: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=218956>

Again, the Clerk's rationale during the Feb 20, 2020 AFA Committee Meeting for the redaction of the May 15, 2019 LGBTQ Advisory Committee Minutes is because even though the two individuals are not named it is still a breach of their privacy because they are identified via their roles within the Municipality.

After the motion the LGBTQ Advisory Committee put forward at their May 15, 2019 meeting became known to the public an emergency meeting of the Committee was held on May 28, 2019 and several city staff attended this meeting include the newly hired City Manager Janette Smith.

These meeting minutes are NOT redacted.

May 28, 2020 LGBTQ Advisory Committee Minutes: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=218924>

Yet in these meeting minutes the two individuals that the City Clerk said the LGBTQ Advisory Committee had breached FIPPA and MFIPPA in their May 15, 2019 minutes by identifying, not by name but by their roles, are BOTH identified.

Here are the sections from the May 28, 2020 meeting minutes in which they are similarly identified:

6.1 Employment of Staff under Investigation

City Manager explained her reason for calling this meeting and wanting to find out more from the Committee about the reasons for their motion of May 15, 2019. City Manager explained the current status of the situation. She expects that the investigation will be concluded in weeks rather than months.

Members expressed concern for the safety of Two Spirit and LGBTQIA+ communities, especially that personal and contact information may have been accessed. Members also expressed concern that there were not adequate background checks performed and that they did not have faith in the hiring practices of the City.

A member of the public expressed that they were concerned about the lack of space for Two Spirit and LGBTQIA+ communities in Hamilton. The focus on the crosswalk missed the point. When the Well closed down the City should have intervened to ensure that there was adequate space.

6.2 Citizen Appointment to the Hamilton Police Services Board

Members indicated process for selecting a community member resulted in a former auxiliary police officer being appointed; there was further erosion of trust in part because 10 minute interviews were held with candidates for a paid position. This was all made worse by the Board refusing to address the issue.

Staff and Councillor discussed the timeline around when this happened and what the process has been like up to this point. There was a discussion about the practices for selection being revised with a focus on an Equity, Diversity, and Inclusion (EDI) lens moving forward.

Members expressed concern that the City did not seem to have this focus already and that while community consultation is important that neither members of the Committee nor members of the community were in a position to do this work. Members suggested that those responsible at the City get the training necessary.

So again I am a little confused by the decision to redact the one set of minutes but not the other, especially since at the September 30, 2020 Council Meeting in which the Integrity Commissioner's Report regarding the current Chair of the LGBTQ Advisory Committee was discussed it was the issues surrounding those original minutes breaching FIPPA and MFIPPA which ultimately led to the Chair being formally reprimanded by Council.

I am bringing these inconsistencies and other matters to Council's attention as you consider the motion being put forward by Councillor Nann at your October 28, 2020 meeting to reconsider the decision made at your September 30, 2020 in relation to the Integrity Commissioner's Report which led Council to reprimanding the Chair of the City's LGBTQ Advisory Committee.

Link to Motion: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=243289>

I thank you for your time and consideration on this matter.

Sincerely,
Lyla Miklos

Lyla Miklos

www.lylamiklos.com

October 12, 2020

Attn: City Clerk

Hamilton City Hall

71 Main Street West

Hamilton, Ontario

L8P 4Y5

e-mail: clerk@hamilton.ca

Re: Correspondence for Wed, Oct 14, 2020 City Council (Item 4.3. - Correspondence in response to Council's decision respecting the Integrity Commissioner's Report at the September 30, 2020 Council meeting.)

Dear Hamilton City Council,

I was deeply troubled and profoundly disturbed by the discussions that took place during the Hamilton City Council meeting of September 30, 2020 regarding the Integrity Commissioner's investigation of the current Chair of the City of Hamilton's Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee – Cameron Kroetsch.

In the report submitted by the Integrity Commissioner they state the following:

There is a distinction to be drawn between advice and advocacy. While an advisory committee, once it has completed its deliberations on a matter, may advocate a course of action to Council through the recommendations it submits, its role is not to advocate generally. For advisory committee members, it is sometimes a surprising revelation that their personal advocacy for a public policy issue may in some respects be constrained by their appointment to a body which is bound to an advisory role only, given the primacy of Council.

It is most certainly the role of an Advisory Committee to bring forward persuasive arguments to support recommendations seeking substantive change in how the City conducts itself to achieve public interest goals. In that sense the Advisory Committee can advocate for change. This Report, in part, examines to what extent advocacy which takes place outside the advisory committee framework established by the City meets the ethical standards established by the Code of Conduct.

The Advisory Committee Handbook also contains the following guidance regarding "Members Communicating with Any Outside Agencies, Including Other Levels of Government and Media": Please note that members of a Committee cannot correspond or speak to any Ministries, any outside agencies, or the media without Council's prior approval, as per Standard Operating Procedure #08-001 – Communicating with any outside agencies, including other Levels of Government and the media attached as Appendix "D" and the Code of Conduct attached as Appendix "G".

We find that the Respondent's public criticism and disparagement of Council and City processes during this radio interview, while identified as Chair of the LGBTQ AC, is conduct that undermines public confidence in the advisory committee, contrary to the Good Conduct provision in the Code.

This report, however, focuses on whether the Respondent has breached the Code of Conduct applicable to him. In that respect we have made findings, that: he has inappropriately used his position as Chair of the LGBTQ Advisory Committee, including by improperly and publicly criticizing and disparaging Council decisions and processes through a radio interview in which he was identified as participating in his role as Chair of the LGBTQ AC. This we consider to be a breach of the Rule 1 of the Code of Conduct, respecting good conduct, as referenced in paragraph 78.

As a Former Chair of the City of Hamilton's LGBTQ Advisory Committee, then known as the GLBT Advisory Committee, this was not my past experience nor understanding of my role as the Chair of an Advisory Committee for a marginalized community in the City of Hamilton.

I spoke to local media often, openly identifying myself as the Chair of the City of Hamilton's GLBT Advisory Committee. I never once was spoken to, reprimanded, corrected or punished by City Staff or Councilors for my actions. No one even hinted that my actions violated any codes of conduct. Never was I told that I needed to ask Council for permission in advance to speak to the media in my role as Chair of an Advisory Committee.

Below are several examples of me speaking to the media and identifying myself as the Chair of the City's GLBT Advisory Committee:

GLBT Members Speak Out Against Recent Hate Crime in Hamilton The Satellite (March 9, 2004)

According to a media release from the Gay, Lesbian, Bisexual and Transgender (GLBT) Advisory Committee for the City of Hamilton has invited other members of the community to join their next meeting. It takes place at Hamilton City Hall tomorrow at 6pm in Room 219.

"The recent vicious hate crime committed against a well-known gay citizen of Hamilton has deeply shaken our Gay, Lesbian, Bisexual and Transgender community," says Lyla Miklos, Interim Chair of the GLBT Advisory Committee for the City of Hamilton. "As much as this crime impacts the very core of our identities, we must not allow ourselves to give in to fear as a result of this tragedy. GLBT Hamiltonians have accomplished so much to be proud and loud about."

Hamilton is for all people: Mayor Larry Di Ianni urges the community to combat ugly intolerance of minority groups The Hamilton Spectator (March 13, 2004)

We, the undersigned representatives of concerned organizations within the Hamilton community, fully endorse Mayor Larry Di Ianni's statement.

As members of the Strengthening Hamilton's Community Initiative, we rededicate ourselves to working in partnership with him and the residents of this city to dialogue and plan actions to overcome hate and discrimination and build a harmonious community.

*Renee Johnston, Executive Director, Workers Arts and Heritage Centre
R. John Dolbec, Chief Executive Officer, Hamilton Chamber of Commerce
Winston Tinglin, Chief Executive Officer, United Way of Burlington & Greater Hamilton
Javid Mirza, President, Hamilton Muslim Association
Jagoda Pike, Publisher, The Hamilton Spectator
Gary Purdy, Professor and Director, McMaster University Centre for Peace Studies
Joan Browning Hamilton Mundialization Committee representative to SHCI
National Assoc. of Japanese Canadians (Hamilton) representative to SHCI
Wayne Marston, President, Hamilton and District Labour Council*

Dana Robbins, Editor-in-Chief, The Hamilton Spectator
Dr. Kevin P. D. Smith, President and Chief, Executive Officer, St. Joseph's Healthcare
Lyla Miklos, Interim Chair, Gay, Lesbian, Bisexual and Transgender Advisory Committee for The City of Hamilton
Harish C. Jain, Professor, McMaster University
Morteza Jafarpour, Executive Director, Settlement & Integration Services Organization
Dr. Bonnie Loewith, President, Hamilton Jewish Federation
Dr. David Somer, VP Community Relations, Hamilton Jewish Federation
Dr. Lorne Finkelstein, SHCI Roundtable representative, Hamilton Jewish Federation
Dr. Lester Krames, SHCI Roundtable representative, Hamilton Jewish Federation
Anne M. Pearson, Co-Chair, Hamilton Interfaith Group
Dr. Gary Warner, Director of Arts and Science, McMaster University
Gerald Fisher, Executive Director, Hamilton Jewish Federation
Dr. Leila Ryan, Chair, Hamilton Community Foundation
Lenore Lukasik-Foss, Sexual Assault Centre (Hamilton & Area)
Rebecca Wissensz, President, Hamilton Chamber of Commerce
Dennis Concordia, Director, Hamilton Chamber of Commerce
Brian Mullan, Chief of Police, Hamilton Police Services

Hamilton Rallies Around Victim Xtra! (Mar 18, 2004)

Di Ianni's statement was endorsed by more than 20 organizations including the Hamilton Chamber of Commerce, the Hamilton Police Service, the Hamilton Police Service, the Hamilton Muslim Association, the Hamilton Jewish Federation and the Hamilton and District Labour Council.

Lyla Miklos, interim chair of Hamilton's GLBT Advisory Committee, also wrote a lengthy article for the Spectator that appeared opposite the mayor's column.

Gays vent anger over bathhouse inspection The Hamilton Spectator (Aug 6, 2004)

Angry members of Hamilton's gay community lashed out at public officials last night, saying an inspection of a bathhouse made them feel violated and unsafe.

Two men were charged with indecent acts at the Warehouse Spa and Bath on Main Street West, after the multi-agency task force performed a routine inspection Tuesday.

Officials said the inspection was based on complaints, but it incensed members of the Gay Lesbian Bisexual Transgender community, and resulted in yesterday's meeting with representatives from the task force. The team is comprised of police, the fire department, health inspectors and city building and licensing officers, among others.

Lyla Miklos, representing the GLBT advisory committee to the city, said many men have been told by police officers to use bathhouses as a safe space to express their sexuality. Inspections that result in criminal charges send mixed messages, she said.

HAMILTON QUEERS HOOT, LAUGH AT COPS' STORY Xtra! (Aug 6, 2004)

Yet most members of the panel - which included representatives from fire, city police, the Ontario Provincial Police, by-law enforcement and public health - claimed that they didn't know what a bathhouse was, and

that they had no idea, until the controversy arose, that the Warehouse was intended to be a safe space for gay men to have sex with other men.

These claims were met with hoots of laughter and derision from the audience.

"I really think that after this incident, trust has been badly damaged and fractured," said Lyla Miklos, acting chair of the City's GLBT Advisory Committee. "I'm utterly confused and mystified to hear so many of you say, 'We didn't know that was a bathhouse,' 'We didn't know that was a place where men have sex with men.'"

No 'straight answers' from bathhouse meeting The Hamilton Spectator (Aug 7, 2004)

The city's gay community is still looking for answers following an inspection of a bathhouse where two men were arrested for indecent acts.

Lyla Miklos, a member of the Gay Lesbian Bisexual Transgender advisory committee, said police failed to give full answers at a meeting Thursday about why the inspection occurred and about the role of the multi-agency task force.

Every member of the GLBT community came away unhappy, Miklos said yesterday.

"Nobody was really giving concrete, straight answers to what we were asking," she said, including not being told what complaint led to Tuesday's inspection of the Warehouse Spa and Bath on Main Street West.

Two men were charged with indecent acts after multi-task agency members entered a common area and allegedly found them performing a sex act in front of other people, said Deputy Chief Tom Marlor.

The city's multi-agency task force, made up of police, the fire department, health inspectors and city building and licensing officers, inspected the bathhouse after receiving a citizen's complaint of a bylaw infraction.

The multi-agency task force inspected 13 other premises that night, including the Skyline Bar and Billiards on Main Street West, Leaf's Sports Bar and Grill on Main Street West and The Blue Angel on King Street East.

But no one knows what the infraction was, Miklos said. She said the group will hold a meeting next week to decide what its next step will be.

Aside from the question of what led to the inspection, she said many other questions remain, including what the multi-agency task force is as well as its mandate and goals and who it protects.

Miklos said they are also looking for stronger communication with the police on what she called "queer safe space" in the city.

"There are very few spaces in town where you feel, as a queer member of this community, that you can be yourself and just do your thing and not have to worry about your space being violated," she added.

Cops monitoring website led to gay bathhouse check The Hamilton Spectator (Aug 12, 2004)

The Warehouse was inspected by the multi-agency task force, comprised of police, the health department, city building and licensing, and the fire department, among others. The two men arrested were later charged with committing an indecent act.

Lyla Miklos, acting chair of the city's GLBT advisory committee, was stunned to learn the source for some of the complaints was a website.

She chaired a meeting yesterday at City Hall that allowed community members to vent and come up with solutions.

"Even if they found something on (the website), why couldn't they call the owners and tell them?" said Miklos, echoing the concerns of many over the mass inspections by the task force. Some questioned the legitimacy of a comment left on a website message board.

Marlor explained that the two men charged with indecent acts were charged because they were partaking in sexual acts "in the view of others." The act was taking place in a common area, with more than two people present, says Marlor.

"It's not an offence if they were behind a locked door," he noted, adding that heterosexual couples engaging in similar activity in a similar space would have also been charged.

But Miklos was disturbed at the number of officials who claimed not to know what a bathhouse is or what kind of activity goes on in it.

All those at the meeting agreed it's time to educate both the task force and the GLBT community. That means making sure the definition of a bathhouse and the kind of activity that takes place there is understood. Bathhouse owners should learn what activity is legal so they can inform their customers, and should know how to handle similar situations in future, such as asking for names or badge numbers of officers.

Advisory committee members committed themselves to pushing for a response from the city and police.

A task force out of control? Xtra! (Aug. 19, 2004)

The GLBT Advisory Committee is offering to provide cultural competency training to city staff who participate in the MATF. The public outcry has caused MATF members to examine their operation; it's having a meeting to reassess its mandate and process.

But is it the same old tune? Given that the GLBT Police Task Force was originally formed in 1997 in reaction to Project Rosebud - a police gay sex sting operation at the Royal Botanical Gardens - there is apprehension that Hamilton has now taken a couple of big steps backward.

Gilbert has attended all three public meetings. He was very disappointed in the presentation at the third meeting, which saw the first public presentation from Mullan, who was on holidays when the raid happened.

"It was just what I expected. Very anger-making and full of bullshit," says Gilbert. "He said basically that the police were just doing their job... they were not targeting the gay community."

Miklos also expressed disappointment in the level of expertise exhibited by senior police officials.

"I think this was good that it happened because now we're having the discussion but to have two deputy chiefs be so obtuse on the issue was a little disconcerting. Why don't they know about [the existence of bathhouses]?"

Det-Sgt Dave Calvert, with Hamilton's vice and drugs squad, says he is surprised by the outcry over the Warehouse arrests. Yet when asked if he now understood the concerns being raised by the community, Calvert asked this reporter to enumerate them for him.

Along with these examples from print media I also appeared on CHCH for a face off segment with the Hamilton Police Services Deputy Chief following the 2004 raid on a Hamilton Bathhouse by the City's multi-agency task force and called him a liar live on air.

No one took me aside and told me I had crossed a line.

I find it beyond disillusioning as a member of Hamilton's Two Spirit and LGBTQIA+ community to have to dig up media stories from my time as a Chair of a City of Hamilton Advisory Committee from well over a decade ago to not only point out a false narrative in the Integrity Commissioner's Report, but to also sadly reveal that history is once again repeating. Hamilton is once again in the news due to horrific hate crimes and there are major rifts between the Two Spirit and LGBTQIA+ community and the Hamilton Police Services.

It would sadly seem that not much has been learned by City of Hamilton leadership on either of these fronts, but at least when I was serving as the Chair of a City of Hamilton Advisory Committee the response to an attack on a member of the Two Spirit and LGBTQIA+ community was solidarity around the victim and community wide condemnation against the violent act of hate.

Instead of dealing with the hate and rot that has been allowed to fester in our beloved City, the leadership of our Municipality has instead decided to target a member of the Two Spirit and LGBTQIA+ community who has been doing some loud and proud truth telling and calling out our leaders for their lack of integrity.

The shameful behavior at September 30, 2020's City Council is taking us ten steps back as a City. I want us to move forward as Hamiltonians. I don't want to just dream about a Hamilton where we are all welcome and respected for who we are. I want it to be a reality.

Attacking a volunteer on an Advisory Committee for pointing out your failures in living up to the ideals the City of Hamilton aspires to is not only an abuse of powers, but a diminishment of our democracy.

From The City of Hamilton's website:

The City's vision "To be the best place to raise a child and age successfully" reflects the kind of city Hamiltonians want to aspire to become. It means having an inclusive community, actively engaged in making Hamilton a better place for everyone. It is creating an accessible environment, supporting residents through all of life's stages, and one that encourages positive development of children as they grow towards becoming healthy adults and seniors.

City Council seemed to forget the vision they have for the City of Hamilton stated above at their September 30, 2020 meeting.

Perhaps it isn't too late to get back on course and remember why we care about Hamilton and want all Hamiltonians to live in a community filled with love and acceptance rather than with hate and fear.

Sincerely,
Lyla Miklos
Resident
Hamilton, Ontario