



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Members of Governance Committee
COMMITTEE DATE:	December 2, 2020
SUBJECT/REPORT NO:	Integrity Commissioner Work Plan (FCS20016(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (905) 546-2424 Ext. 5409
SUBMITTED BY: SIGNATURE:	Andrea Holland City Clerk, Office of the City Clerk

RECOMMENDATION(S)

That the Integrity Commissioner's Work Plan outlined in Appendix A be approved;

That the City Clerk be directed to manage the delivery of the Integrity Commissioner's Work Plan as outlined in Appendix A; and

That completed Work Plan items outlined in Appendix A be presented to General Issues Committee for discussion.

EXECUTIVE SUMMARY

At the February 26, 2020 meeting of Council, Principles Integrity were appointed as the City of Hamilton's Integrity Commissioner.

At the General Issues Committee meeting,

"staff were directed to report back to GIC with recommendations for implementing a code of conduct, applicable to the Council-appointed-citizen members of independent external boards and agencies, including addressing the use of discriminatory language or actions, and the receiving of gifts or benefits by citizen board/agency members as well as the inclusion of a confidentiality agreement and remedies available to Council to address breaches of conduct and confidentiality such as Council's right to recall"

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

The Integrity Commissioner's work plan is attached in Appendix A for Committee's discussion. The staff direction above has been added to the work plan in order to ensure consistency of codes of conduct for all areas of the governance framework.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: All financial costs associated with this work plan will be funded through IC-Lobbyist Registrar (Account Number 300400), as per Council approval on February 26, 2020.

Staffing: N/A

Legal: Legal staff will participate in the staff review of policies or codes prior to presentation to Committee for consideration.

HISTORICAL BACKGROUND N/A

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017, which received Royal Assent on May 30, 2017, expanded the responsibilities of the Integrity Commissioners and required that all municipal governments provide access to an Integrity Commissioner and either appoint its own Integrity Commissioner or make provisions that the services of an Integrity Commissioner be provided by another municipality by March 1, 2019.

The *Municipal Act, 2001*, as amended, Part V.1 Accountability and Transparency, section 223.2 to 223.12 (Appendix 'A') outlines the requirements for City Council "to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality". Council has expressed their intent to retain their own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Sections 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Section 223.11 authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

Section 270.2.1 mandates a policy of "the relationship between members of council and the officers and employees of the municipality." Currently, Council and Administration are

without a separate Council-Staff Relationship Policy as per the *Municipal Act 2001*, as amended. This is addressed as part of the Integrity Commissioner's Work Plan.

RELEVANT CONSULTATION N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

In January 2020, Council approved "Trust and Confidence in City Governance" as one of the Council Term Priorities. The work outlined within the Work Plan attached in Appendix A supports Council Term Priorities, the statement of work outlined within the RFP and the staff direction approved by Council.

ALTERNATIVES FOR CONSIDERATION

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix 'A' – Integrity Commissioner Work Plan