



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
City Clerk's Office

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| <b>TO:</b>                | Members of Governance Committee   |
| <b>COMMITTEE DATE:</b>    | January 25, 2021  |
| <b>SUBJECT/REPORT NO:</b> | Integrity Commissioner Work Plan (FCS20016(b)) (City Wide)<br><b>(Outstanding Business List Item)</b> |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Andrea Holland (905) 546-2424 Ext. 5409   |
| <b>SUBMITTED BY:</b>      | Andrea Holland<br>City Clerk, Office of the City Clerk  |
| <b>SIGNATURE:</b>         |   |

**RECOMMENDATION(S)**

- (a) That the Integrity Commissioner's Work Plan outlined in Appendix A be approved;
- (b) That the City Clerk be directed to manage the delivery of the Integrity Commissioner's Work Plan as outlined in Appendix A; and,
- (c) That completed Work Plan items outlined in Appendix A be presented to General Issues Committee for discussion.

**EXECUTIVE SUMMARY**

At the December 2, Governance Committee, staff presented the work plan for the Integrity Commissioner. Committee made amendments to the staff recommendations and Council approved the following:

*Integrity Commissioner Work Plan (FCS20016(a)) (City Wide) (Item 10.1)*

*(i) Report FCS20016(a), respecting the Integrity Commissioner Work Plan was referred back to Clerk's staff and Principles Integrity to determine an upset limit for development of each the following and report back to the Governance Review Sub-Committee:*

- (1) Council Code of Conduct;*
- (2) Council/Staff Relations Policy;*

- (3) Protocols for review and/or investigation of complaints, and reporting on complaints;*
- (4) Members' roles and responsibilities including with respect to appointments to, and sitting on, external bodies and separate entities such as municipal corporations;*
- (5) Advisory Committee/Task Force Governance Issues, and Codes of Conduct (Local Boards); and,*
- (6) Such Other issues of integrity or governance that Council wishes to assign;*

*(ii) That staff be directed to gather and review Council/Staff Relations policies from other municipalities and bring recommendations on a new policy to the governance committee by April 30, 2021.*

*(iii) That staff be directed to write to the Ministry of Municipal Affairs and Housing, which governs the Conflict of Interest Act to obtain a second opinion on common law to determine which of a Councillors' family members would a Councillor be obliged to declare conflicts of interest on.*

*(iv) That staff be directed to write a letter to Principles Integrity to seek insight into how Janice Atwood-Petkovski manages her work to avoid Conflicts of Interest given her past relationship with the City of Hamilton as an employee.*

A response for item (iv) was received from Principles Integrity and placed on the Council agenda on January 20, 2021.

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"

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. As per item (ii) of the Council direction on December 16, 2020; Staff have initiated the development of this policy and plan to bring a draft for Governance Committee’s review and discussion by the end of April 2021.

**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

Appendix ‘B’ – Integrity Commissioner Work Plan Cost Estimates