

**Subject:** Comments from the LGBTQ Advisory Committee with respect to your December 2020 letter

Dear City Clerk Holland,

The LGBTQ Advisory Committee reviewed the letter you submitted as correspondence to its December 15, 2020 meeting entitled "Clarifying the Committee Structure and the Streamlining of Advisory Committee Processes" and had the following general and specific concerns about it.

The Committee is, however, grateful that the City Clerk has organized the Committee Listing page to more accurately reflect the listing of the City of Hamilton's Advisory Committees and notes that this increases the total number from 13 to 14 (with the addition of the Waste Management Advisory Committee). The Committee is also happy to see that all Advisory Committees will be included in the feedback collected about the Advisory Committee Handbook in advance of any changes that will be made and approved by City Council.

In general, the Committee is concerned that the policies outlined in your letter will curtail its democratic freedoms, especially its ability to make recommendations to City Council and to author its own documents.

The Committee is also concerned that some of these policies do not appear in the Advisory Committee Handbook and that it and other Advisory Committees were not consulted about changes in advance.

More specifically, the following wording is of concern to the Committee on the bases outlined above (presented in the order it appears in the letter).

1. "Advisory Committee minutes are now being reviewed by one designated Legislative Coordinator, to ensure that all Advisory Committees are following a standard format."

The Committee's Chair, in cooperation with the City Clerk and Legislative Coordinator Angela McRae, went through an exhaustive process of revising the formatting of its Minutes. It is disappointing that the Committee is not being consulted as part of this process and the Committee asks that its Chair be included and consulted.

This change has been made to ensure consistency, and to ensure that all Advisory Committee recommendations are accompanied by a Citizen Committee Report when being considered by their respective Standing Committee.

2. "A Citizen Committee Report should contain some background information and the motion that was approved by the Advisory Committee and are prepared by the Staff Liaison. Once completed, they should be sent to the designated Legislative Coordinator for review. Once reviewed the Citizen Committee Report is signed by the Chair and forwarded to their respective Standing Committee in a timely fashion, as these requests are usually time-sensitive requests."

The suggestion here appears to be that the Chair of the Committee, and no member of the Committee for that matter, would be involved in preparing or writing any part of a Citizen Committee Report. This seems to go against the very idea of a report that is meant to be written and submitted by and on behalf of citizens. The suggestion that the report "is signed" by the Chair also gives an extraordinary and undemocratic amount of

power to the Chair of an Advisory Committee. Our Chair, for instance, has stated publicly that he will not sign on to Citizen Committee Reports that have not been duly approved by the LGBTQ Advisory Committee at one of its meetings. The Committee agrees that it would be undemocratic of the Chair to do so.

Unfortunately, the process in the letter for preparation of Citizen Committee Reports, omitted the following, as per the Advisory Committee Procedural Handbook (excerpt below), a follow up memo will be prepared to correct this omission for the Advisory Committees:

A Citizen Committee Report should contain some background information and the motion that was approved by the Advisory Committee and are prepared with the assistance of the Staff Liaison.

Citizen Committee Reports are signed by the Chair, as the report is prepared based on the motion that was approved by the Committee.

It is the LGBTQAC's view that all Citizen Committee Reports and correspondence should be reviewed and approved by all members of the Committee before they are disseminated, unless otherwise decided by the Committee.

If an Advisory Committee wants to review the Citizen Committee Report prior to it being considered by the Standing Committee, it should be noted in the Advisory Committee's motion, as the process as per the Advisory Committee Procedural Handbook speaks to the preparation of a Citizen Committee Report for their respective Standing Committee's consideration (excerpt below).

These clauses erode the ability of the Advisory Committee to effectively provide advice to City Council and place the discretion over its recommendations in the hands of City of Hamilton staff, who are not members of Advisory Committees and should not be authoring Citizen Committee Reports without the expressed permission of Advisory Committees.

As noted above there was an omission in the letter.

Excerpt from the Advisory Committee Procedural Handbook:

### **Report Preparation**

If the Committee is making a recommendation that requires the approval of the Standing Committee, then a Citizen Committee Report is prepared for the Standing Committee's consideration. The respective Legislative Coordinator and the Staff Liaison to the Committee can assist in the preparation of the Report.

3. "Delegations to other Advisory Committees, Sub-Committees and Standing Committees on behalf of the Advisory Committee"

This section outlines "when a Citizen Committee Report is required". The above is not being implemented in the manner consistent with the way that Advisory Committees can correspond with these same groups. According to these new policies, and as previously explained to the Committee, correspondence to other Advisory Committees, Sub-Committees and Standing Committees is permitted. It does not follow that there should

be a restriction on delegations. In no other forum are there separate limits placed on these 2 kinds of communication, except when it comes to Advisory Committees.

This limits the impact that Advisory Committees can have in attempting to give their advice to City Council through its various committees. If the Committee is permitted to communicate with these bodies through correspondence it should be permitted to do so through delegation.

As per the Advisory Committee Procedural Handbook respecting the role of the Committee (excerpt below), the Committee is to provide "advice" to Council on matters related to their specific mandate, as per the LGBTQ's Terms of Reference, their mandate (below) is below and refers to reports respecting issues and concerns pertaining to the LGBTQ communities. Delegating to entities other than their respective Standing Committee (on a Citizen Committee Report) on matters that are not within their mandate would be considered corresponding with an outside agency, and therefore, would require that the Advisory Committee forward a Citizen Committee Report to their respective Standing Committee for approval prior to engaging an outside agency.

Excerpt from the Advisory Committee Procedural Handbook:

The Role of the Committee and its members is to provide "advice" to Council through the appropriate Standing Committee on matters that are related to the specific mandate of the Committee (not for purposes of lobbying for special causes on behalf of the City or themselves).

#### **MANDATE**

The Committee is empowered by City Council and is responsible to City Council for its services; it reports to City Council on issues and concerns pertaining to the LGBTQ communities through the Audit, Finance & Administration Committee.

4. "Advisory Committees can expect to be contacted by the Clerk's Office for feedback on the changes to the Handbook prior to going to Governance Committee for adoption."

The Committee appreciates the opportunity to provide feedback and asks that it be given ample notice, with an email copied to the Committee Chair, so that there is time to submit comments in advance and in time for adoption keeping in mind, and with respect for, that the Committee meets monthly. It would be preferable for this information to be circulated 2 months in advance of its potential adoption by City Council, at least, and definitely so that every Advisory Committee has an opportunity to fully review and respond to the materials.

The Advisory Committee Procedural Handbook is updated prior to the end of each Council term, any concerns should be forwarded to the Deputy Clerk throughout the term, in order to be considered during the review.

We are asking for a response to this letter, by email to the Chair for inclusion at our next meeting is suitable, and to the items listed above and for any clarification that you could provide that might alleviate our concerns.