



Hamilton

**GOVERNANCE REVIEW SUB-COMMITTEE**

**MINUTES 21-002**

**Tuesday, February 23, 2021**

**12:00 pm**

**Room 264**

**Hamilton City Hall**

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**Present:** Councillors M. Wilson (Vice-Chair), B. Clark, L. Ferguson, M. Pearson, and A. VanderBeek

**Absent:** Councillor T. Whitehead - Personal

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**THE FOLLOWING ITEMS WERE REFERRED TO THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE FOR CONSIDERATION:**

1. **2020 Review of the City's Procedural By-law – Amendments to Allow for Virtual Participation at Council and/or Committee Meetings (FCS21004(a) / LS21001(a)) (Item 9.2)**

**(Pearson/VanderBeek)**

That Report FCS21004(a) / LS21001(a) respecting 2020 Review of the City's Procedural By-law – Amendments to Allow for Virtual Participation at Council and/or Committee Meetings, be received.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

2. **Legal Advice on Contract Terms (LS21006) (City Wide) (Item 13.2)**

**(Pearson/VanderBeek)**

That Report LS21006, respecting Legal Advice on Contract Terms, be received and remain confidential.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
NOT PRESENT - Councillor Brad Clark

**3. Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) (Item 9.1)**

**(Pearson/Ferguson)**

- (a) That the Integrity Commissioner's Work Plan outlined in Appendix "A" to Report FCS200166(b), ***as amended to remove any references to Council Code of Conduct and Council/Staff Relations Policy***, 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" to Report FCS200166(b), ***as amended to remove any references to Council Code of Conduct and Council/Staff Relations Policy***, and,
- (c) That completed Work Plan items outlined in Appendix "A" to Report FCS200166(b), ***as amended to remove any references to Council Code of Conduct and Council/Staff Relations Policy***, be presented to General Issues Committee for discussion.

**Result: Main Motion, As Amended CARRIED by a vote of 3 to 1, as follows:**

NO - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
NOT PRESENT - Councillor Brad Clark

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised that there were no changes to the agenda.

**(Clark/Pearson)**

That the February 23, 2021 Agenda of the Governance Review Sub-Committee be approved, as presented.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Clark declared an interest to Item 9.1 respecting the Integrity Commissioner Work Plan (FCS20016(b)) and Item 13.2 respecting the Legal Advice on Contract Terms (LS21006) as he has requested a review of an incident by the Integrity Commissioner, and while there is no pecuniary interest, there may be a perceived or apparent conflict of interest.

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) January 25, 2020 (Item 3.1)**

**(Pearson/VanderBeek)**

That the Minutes of the January 25, 2021 meeting of the Governance Review Sub-Committee be approved, as presented.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(d) DISCUSSION ITEMS (Item 9)**

**(i) Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) (Item 9.1)**

**(VanderBeek/Pearson)**

That consideration of Report FCS20016(b), respecting the Integrity Commissioner Work Plan be deferred until after Item 9.2, to allow a Committee member to resolve their technical issues.

**Result: Motion CARRIED by a vote of 3 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
CONFLICT - Councillor Brad Clark

**(ii) 2020 Review of the City's Procedural By-law – Amendments to Allow for Virtual Participation at Council and/or Committee Meetings (FCS21004(a) / LS21001(a)) (Item 9.2)**

**(Clark/VanderBeek)**

That staff be directed to investigate and report back to the Governance Review Sub-Committee on the following respecting Virtual Participation:

- (a) Proposed Amendments to the Council Procedural By-law to permit the virtual participation of a member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee meetings outside of an Emergency where the Council member cannot attend in person;
- (b) Proposed Amendments to the Council Procedural By-law to permit the virtual participation of Advisory Committee and Sub-Committee members (public) at Advisory Committee and Sub-Committee meetings outside of an Emergency where the Advisory Committee or Sub-Committee member cannot attend in person;
- (c) Proposed Amendments to the Council Procedural By-law to continue to permit delegations to appear virtually;
- (d) Financial implications of the proposed amendments to the Council Procedural By-law to facilitate (a); (b) and (c), including any costs associated with the technology required to facilitate Hybrid meetings; and,
- (e) Protocols and procedures for conducting and participating in Hybrid meetings.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

For further disposition of this matter refer to Item 1.

**(iii) Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) (Item 9.1)**

**(Ferguson/Pearson)**

That consideration of Report FCS20016(b), respecting the Integrity Commissioner Work Plan be deferred until after Closed Session.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
CONFLICT - Councillor Brad Clark

**(e) PRIVATE AND CONFIDENTIAL (Item 13)**

**(i) Closed Session Minutes – January 25, 2021**

**(VanderBeek/Pearson)**

- (a) That the Closed Session Minutes of the January 25, 2021 Governance Review Sub-Committee meeting, be approved as presented; and,
- (b) That the Closed Session Minutes of the January 25, 2021 Governance Review Sub-Committee meeting, remain confidential.

**Result: Motion CARRIED by a vote of 5 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(Pearson/VanderBeek)**

That Committee move into Closed Session respecting Item 13.2, pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
CONFLICT - Councillor Brad Clark

(ii) **Legal Advice on Contract Terms (LS21006) (City Wide) (Item 13.2)**

For disposition of this matter refer to Item 2.

(f) **DISCUSSION ITEMS (Item 9) (Continued)**

(i) **Integrity Commissioner Work Plan (FCS20016(b)) (City Wide) (Item 9.1)**

**(Pearson/VanderBeek)**

- (a) That the Integrity Commissioner's Work Plan outlined in Appendix "A" to Report FCS200166(b), 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" to Report FCS200166(b); and,
- (c) That completed Work Plan items outlined in Appendix "A" to Report FCS200166(b) be presented to General Issues Committee for discussion.

Committee was advised that staff will be reporting back to the Governance Review Sub-Committee by April 30, 2021 on a new Council/Staff Relations policy.

**(Ferguson/Pearson)**

That Appendix "A" and "B" respecting the Integrity Commissioner's Workplan be amended to remove any references to the Council Code of Conduct, and Council/Staff Relations Policy.

**Result: Amendment CARRIED by a vote of 3 to 1, as follows:**

NO - Councillor Maureen Wilson  
NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
NOT PRESENT - Councillor Brad Clark

For disposition of this matter, refer to Item 3.

(g) **ADJOURNMENT (Item 14)**

**(Pearson/VanderBeek)**

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 1:54 p.m.

**Result: Motion CARRIED by a vote of 4 to 0, as follows:**

YES - Councillor Maureen Wilson

NOT PRESENT - Chair Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
YES - Councillor Maria Pearson  
NOT PRESENT - Councillor Brad Clark

Respectfully submitted,

Councillor M. Wilson, Vice-Chair  
Governance Review Sub-Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk