




CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	January 17, 2022
SUBJECT/REPORT NO:	Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (905) 546-2424 Ext. 5409
SUBMITTED BY:	Andrea Holland City Clerk, Office of the City Clerk
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the By-law "Code of Conduct for Local Boards", contained in Appendix "A" attached to Report FCS21081(a), which has been prepared in a form satisfactory to the City Solicitor, be passed;
- (b) That, subject to the approval of Recommendation (a) of Report FCS21081(a), all entities listed in Appendix "B" attached to Report FCS21081(a) replace their current Code of Conduct with the Code of Conduct for Local Boards, attached as Appendix "A" to Report FCS21081(a);
- (c) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the Code of Conduct for Local Boards, attached as Appendix "A" to Report FCS21081(a), apply to all entities created in the future which meet the definition of "Local Board" within the Code of Conduct for Local Boards;
- (d) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the draft By-Law "To Amend By-law 21-021, a By-law to Govern the Proceedings of Council and Committees of Council", attached as Appendix "C" to Report FCS21081(a), which has been prepared in a form satisfactory to the City Solicitor, be passed;
- (e) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be authorized and directed to delete Appendix "G" of the Advisory

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Committee Procedural Handbook and make the necessary edits in the Handbook to reflect the new Code of Conduct for Local Boards; and,

- (f) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be directed to develop and deliver a training program, with the Integrity Commissioner, for all current Members of the entities listed in Appendix "B" attached to Report FCS21081(a) on the new Code of Conduct for Local Boards.

EXECUTIVE SUMMARY – N/A

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Work conducted by the Integrity Commissioner is currently budgeted in account 300400.

Staffing: The preparation and delivery of the training program with the Integrity Commissioner will be completed using existing staffing compliment.

Legal: n/a

HISTORICAL BACKGROUND

At the Council meeting on October 13, 2021; Council approved the following motion:

- (a) That the City Clerk be directed to circulate the draft Code of Conduct, attached as Appendix A to all entities listed in Appendix B, established by Council and whose membership is appointed by Council;
- (b) That the City Clerk coordinate all feedback on the draft Code of Conduct, and it be directed to the Integrity Commissioner; and
- (c) That the City Clerk arrange for a Special General Issues Committee meeting for the Integrity Commissioner to present the feedback received and the draft Code of Conduct, attached as Appendix A.

In October 2021, Clerks staff circulated an email to all staff liaisons for circulation to council appointed committee members with the following information as per Council's direction:

- The draft Code of Conduct for their review and feedback;

- [GIC October 6, 2021 - agenda](#)
 - [Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan \(FCS21081\) \(City Wide\)](#)
 - [Appendix A - Draft Code of Conduct](#)
- All members were asked to comment and direct any questions directly to Principles Integrity, the Integrity Commissioner, through their contact information **by November 30, 2021**;
 - Principles Integrity would be presenting the draft code of conduct and all feedback received (any comments will be anonymized), at a Special GIC meeting;
 - At this meeting, committee would be deliberating the draft code of conduct and any members of the public would be provided the opportunity to register to delegate at the meeting. This date would be provided to all appointees once it was scheduled.

On or about November 3, 2021 Clerks staff circulated an email to all staff liaisons for circulation to council appointed committee members confirming that the Special GIC meeting had been scheduled for January 17, 2022; their opportunity to provide correspondence to Committee; a link to the Request to Speak to Committee of Council Form and the original email with all of the materials; contact information for the Integrity Commissioner and that they still had until the end of November to provide their feedback.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Under the *Municipal Act, 2001*, as amended, municipalities are required to establish codes of conduct for Local Boards:

Code of conduct

223.2 (1) A municipality shall establish codes of conduct for members of the council of the municipality and of its local boards.

The Hamilton Advisory Committee/Task Force Code of Conduct (the “Current Code of Conduct”) is included as Appendix I of By-law 21-021, a By-law to Govern the Proceedings of Council and Committees of Council. Staff are recommending that Appendix I be deleted and the new Code of Conduct for Local Boards, attached as Appendix “A” to Report FCS21081(A), become a stand-alone By-Law as it is not related to meeting procedures.

The Current Code of Conduct is included as Appendix “G” of the Advisory Committee Procedural Handbook (the “Handbook”). Staff are recommending that Appendix “G” be

deleted from the Handbook and the necessary edits be made to reflect the new Code of Conduct for Local Boards.

The Procedural By-law is also being amended to reflect the new process for declaring interests.

RELEVANT CONSULTATION

As per Council direction, the Draft Code of Conduct for Local Boards was circulated to all members identified in Appendix “B” of Report FCS21081 in October of 2021 and feedback was gathered by the Integrity Commissioner.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff are recommending that the draft By-law, “Code of Conduct for Local Boards” contained in Appendix “A” of Report FCS21081(A) be approved and enacted and that it be applied to all ‘Local Boards’ including ‘Adjudicative Boards’ which function as Tribunals (“Tribunals”) as listed in Appendix “B” of this report, together with any entities created in the future which meet the definition of ‘Local Board’ contained within the Code of Conduct for Local Boards. While Tribunals are governed by the *Statutory Powers and Procedures Act* together with any enabling legislation, and while some of the Tribunals listed in Appendix “B” have adopted their own Code of Conduct, for consistency staff are recommending all citizens appointed by Council to Local Boards including Tribunals be held to the same Code of Conduct.

The listing of entities to which the Code of Conduct for Local Boards would apply, has been limited to Local Boards including Tribunals that have been created by, are governed by, and whose Member are appointed by Council.

ALTERNATIVES FOR CONSIDERATION – N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” –Draft By-law, “Code of Conduct for Local Boards”

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Appendix "B" – Citizen Member Local Boards and Adjudicative Boards

Appendix "C" – Draft By-Law to Amend By-law 21-021, a By-law to Govern the
Proceedings of Council and Committees of Council