



Hamilton

INFORMATION REPORT

TO:	Chair and Members of Governance Review Sub-Committee
COMMITTEE DATE:	March 31, 2022
SUBJECT/REPORT NO:	Verbal Updates to Council (FCS22021/CM22002) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY: SIGNATURE:	Andrea Holland City Clerk
SUBMITTED BY: SIGNATURE:	Janette Smith City Manager

COUNCIL DIRECTION

Verbal Updates at Committee and Council Meetings

WHEREAS, Council has no record of the content of a verbal update;

THEREFORE, BE IT RESOLVED:

That staff be directed to discontinue the practice of providing verbal updates at Committee and Council Meetings without an accompanying summary document which outlines the points covered;

That the Motion, respecting Verbal Updates at Committee and Council Meetings, be referred to the Governance Review Sub-Committee.

INFORMATION

This report is to inform Governance Review Sub-Committee of the changes in process that have been implemented since the above motion was approved. These changes were implemented to increase written communication between staff and Council, to increase transparency of this communication and to create a permanent record.

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.

Council Communication Updates – Permanent Records

Under the Routine Disclosure and Active Dissemination Policy, approved in December of 2019, amendments to the Procedural By-law were brought forward in 2021 to provide greater record keeping and transparency regarding information provided to Members of Council through email.

Previously, Information Updates were used to provide information to Members of Council through email and were made public on the City's Website. In order to provide greater transparency and to keep track of the documents as permanent records, the Procedural By-Law 21-021 was adopted with amendments to the Council agenda for a new section entitled Council Communication Updates. This ensures significant communication to Council on City initiatives were recorded and as an option, provide an opportunity for Members of Council to have these referred to Standing Committee for discussion. Council Communication Updates are added to each Council agenda to be received and are posted on the City's website on a designated page. The Retention Schedule By-Law 11-040 was amended in April 2021 to include Communication Updates as permanent records.

Ontario Land Tribunal Decisions

In order to close the loop on matters that have gone before the Ontario Land Tribunal (OLT), Clerks has amended the Planning Committee Agenda to include decisions. This provides members of the public, Planning Committee and Council with the decisions of the Tribunal. Although this information is publicly available on the OLT website, staff are provided with the decisions and making them public on the agenda supports the term of Council priority to promote Trust and Confidence in City Government, ensuring public information is readily available. This has reduced the number of Committee questions regarding files and verbal updates from staff on the conclusion of OLT files.

Closed Session Reports

At Council on February 12, 2020, the following direction was provided to staff:

- (a) That the City Manager and City Solicitor be directed to implement report guidelines, by March 31, 2020, requiring the separation of any legal advice from all confidential staff reports, with any such legal advice to be provided as an appendix to be attached to the corresponding confidential staff report.
- (b) That should an exception occur, when the legal advice and a staff report are not separated, staff be directed to provide an explanation as to why.

Staff reviewed practices and report templates to include both the rationale for going into closed session (under the Municipal Act 2001, as amended) and the rationale why the

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report and/or appendices should remain confidential. These changes provide Committee and Council with greater understanding and information of the confidential nature of the report.

Further to changing the confidential report template, discussions have occurred with the Senior Leadership Team and Legal services to split legal advice from the main report when possible to allow for more report content to be made public. There has been a concerted effort to provide written information to Council on confidential legal and Human Resource matters and when these matters are urgent, it has resulted in the submission of last-minute reports.

Current Use of Verbal Updates

There are sections embedded in Committee and Council agendas to allow the flow of information between Members and staff. Both Statements by Members during Council and Other Business during Committee provides time for Members to ask questions on timely community issues. To limit the number of verbal updates in Committee and Council meetings, the Procedural By-law 21-021 could be amended to eliminate this practice from Statements by Members in Council meetings and Other Business in Committee meetings. A Council motion would be required to amend the Procedural By-Law to eliminate this practice.

Verbal updates have been used to decrease staff preparation of items. For example, during the Pandemic, Covid-19 Verbal Update has been listed as a standing item on the General Issues Committee agenda. The delivery of timely information to Committee about Provincial and/or Community changes does not allow for the lead time and preparation of written reports and presentations. These types of standing verbal updates have been approved by Council.

Due to time constraints, there are times when Negotiations or Confidential matters occur, and staff need to provide Committee and/or Council with verbal updates and are seeking direction to settle a matter. With discussions with SLT and other staff, staff have adopted a practice to inform Council ahead of time if late reports or verbal updates are to be expected with an explanation of the need for the immediate discussion and decision of Council. This provides context to Members on the short time frame between the delivery of the information and informing them of the pending report/update.

APPENDICES AND SCHEDULES ATTACHED

N/A