



Hamilton

GOVERNANCE REVIEW SUB-COMMITTEE

REPORT 22-004

Friday September 9, 2022

11:00 am

Room 264

Hamilton City Hall

Present: Councillors M. Wilson (Chair), B. Clark, M. Pearson, and
A. VanderBeek

Absent: Councillors T. Whitehead, and L. Ferguson – Personal

**THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 22-004 AND
RESPECTFULLY RECOMMENDS:**

**1. Code of Conduct and Conflict of Interest Education and Communications
(HUR22011 / CM22018) (City Wide) (Added Item 7.1)**

That Report HUR22011 / CM22018, respecting Code of Conduct and Conflict of Interest Education and Communications, be received.

**2. Feasibility of Implementing the Recommendations from the Committee
Against Racism for Changes to the Hamilton Police Services Board
Selection Process (FCS22072) (City Wide) (Outstanding Business list Item)
(Item 10.1)**

That the Selection Process for the appointment of the one person appointed by resolution of the council to the Hamilton Police Services Board, be approved, as follows:

(a) That By-Law 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be amended as follows:

(i) That the definition of “Selection Committee”, be amended as follows:

“Selection Committee” means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is

comprised of six (6) community representatives and five (5) Council representatives with full voting privileges.

- (b) That the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the five (5) members of Council and six (6) community representatives;
- (c) That the Committee Against Racism and the Hamilton Anti-Racism Resource Centre (HARRC) recommend the appointment of the six (6) community representatives on the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board for the 2022-2026 term of Council for Council's consideration;
- (d) That the six (6) community representatives appointed to the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.
- (e) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be amended, to add a new sub-section 14 as follows, renumbering the remaining sub-sections accordingly:

Hamilton Police Services Board Selection Committee

- 14. Five (5) members of Council and six (6) community representatives are appointed to the Hamilton Police Services Board Selection Committee whose mandate will be to:
 - (i) Review applications for the one citizen appointment to the Hamilton Police Services Board;
 - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Request that the Hamilton Police Service as well as the following Advisory Committees submit confidential interview questions:
 - (a) Hamilton Women and Gender Equity Advisory Committee
 - (b) Indigenous Advisory Committee
 - (c) LGBTQ Advisory Committee
 - (d) Committee Against Racism Advisory Committee
 - (e) Advisory Committee for Persons with Disabilities

- (iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below) and who have provided confirmation of compliance with the City's Mandatory COVID-19 Vaccination Verification Policy;

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;
- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;
- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;
- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);
- a demonstrated history of community service i.e., previous experience on Boards or Committees;
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,
- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:

- a member of City Council;
- an employee of the City of Hamilton;
- a Judge or a Justice of the Peace;
- a police officer; or,
- a person who practices criminal law as a defence counsel.

- (v) Submit two (2) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.

3. Integrity Commissioner and lobbyist Registrar Contract (FCS22074) (City Wide) (Item 10.2)

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until May 31, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;
- (b) That the City Clerk inform Council on the results of the negotiation; and,
- (c) That the City Clerk report back to Governance Review Sub-Committee by March 31, 2023 with a recruitment selection process option for future appointments for the Integrity Commissioner position, as well as the option to further extend the current contract C2-06-19 past May 31, 2023.

4. Mandatory COVID-19 Vaccination Verification Policy for Members of Council and Members of Council Appointed Committees (FCS22016(a)/ HR22010(a)) (City Wide) (Outstanding Business List item) (Item 10.3)

That the amendments to the City of Hamilton Mandatory COVID19 Vaccination Verification Policy respecting the reporting of non-compliant Members of Council as described in Appendix "A" to Governance Review Sub-Committee Report 22-004, be approved.

5. 2022 Review of the City's Procedural By-law (FCS22075) (Item 10.4)

That the By-law amending By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, attached as Appendix "B" to Governance Review Sub-Committee Report 22-004, be enacted by Council.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

6. DELEGATION REQUESTS

- 6.2 Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.4, 2022 Review of the City's Procedural By-law (FCS22075) (For today's meeting)
- 6.3 Koubra Hagggar, Hamilton Centre for Civic Inclusion, respecting Item 10.1, Report FCS22072 (For today's meeting) - WITHDRAWN
- 6.4 Marlene Dei-Amoah, Committee Against Racism, respecting Item 10.1, Report FCS22072 (For today's meeting)

- 6.5 Lyndon M. George, Hamilton Anti-Racism Resource Centre, respecting Item 10.1, Report FCS22072 (For today's meeting)

7. CONSENT ITEMS

- 7.1 Code of Conduct and Conflict of Interest Education and Communications (HUR22011 / CM22018) (City Wide)

The September 9, 2022 Agenda of the Governance Review Sub-Committee were approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) June 23, 2022 (Item 4.1)

The Minutes of the June 23, 2022 meeting of the Governance Review Sub-Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved for today's meeting:

- (i) Cameron Kroetsch, respecting Item 10.4, the Procedural By-law Report (Item 6.1)
- (ii) Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.4, 2022 Review of the City's Procedural By-law (FCS22075) (Added Item 6.2)
- (iii) Marlene Dei-Amoah, Committee Against Racism, respecting Item 10.1, Report FCS22072 (Added Item 6.4)
- (iv) Lyndon M. George, Hamilton Anti-Racism Resource Centre, respecting Item 10.1, Report FCS22072 (Added Item 6.5)

(e) CONSENT ITEMS (Item 5)

(i) Code of Conduct and Conflict of Interest Education and Communications (HUR22011 / CM22018) (City Wide) (Added Item 7.1)

That staff be directed to review the City's policies around City employees who are also business owners bidding on City Contracts and report back to the Governance Review Sub-Committee in the new term of Council.

For further disposition of this matter, refer to Item 1.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Delegations respecting Item 10.4 - 2022 Review of the City's Procedural By-law (FCS22075) (City Wide)

The following delegations addressed the Committee respecting Item 10.4 - 2022 Review of the City's Procedural By-law (FCS22075) (City Wide):

- (a) Cameron Kroetsch (Added Item 9.1)
- (b) Karl Andrus, Hamilton Community Benefits Network (Added Item 9.2)

The following delegations respecting Item 10.4 - 2022 Review of the City's Procedural By-law (FCS22075) (City Wide), were received:

- (a) Cameron Kroetsch (Added Item 9.1)
- (b) Karl Andrus, Hamilton Community Benefits Network (Added Item 9.2)

For further disposition of this matter, refer to Item 5.

(ii) Delegations respecting Item 10.1 - Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide)

The following delegations addressed the Committee respecting Item 10.1 - Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide):

- (a) Marlene Dei-Amoah, Committee Against Racism (Added Item 9.3)
- (b) Lyndon M. George, Hamilton Anti-Racism Resource Centre (Added Item 9.4)

The following delegations respecting Item 10.1 - Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide), were received:

- (a) Marlene Dei-Amoah, Committee Against Racism (Added Item 9.3)
- (b) Lyndon M. George, Hamilton Anti-Racism Resource Centre (Added Item 9.4)

For further disposition of this matter, refer to Item 2.

(g) DISCUSSION ITEMS (Item 10)

(i) **Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide) (Outstanding Business list Item) (Item 10.1)**

That Report FCS22072, respecting the Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process, be received.

That the Selection Process for the appointment of the one person appointed by resolution of the council to the Hamilton Police Services Board, be approved, as follows:

(a) That By-Law 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be **amended** as follows:

(i) That the definition of "Selection Committee", be **amended** as follows:

"Selection Committee" means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, ***with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and five (5) Council representatives with full voting privileges.***

(b) That the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the five (5) members of Council and six (6) community representatives;

(c) That the Committee Against Racism and the Hamilton Anti-Racism Resource Centre (HARRC) recommend the appointment of the six (6) community representatives on the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board for the 2022-2026 term of Council for Council's consideration;

(d) That the six (6) community representatives appointed to the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police

Services Board, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.

- (e) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be **amended**, to add a new sub-section 14 as follows, renumbering the remaining sub-sections accordingly:

Hamilton Police Services Board Selection Committee

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- (iii) Request that the Hamilton Police Service as well as the following Advisory Committees submit confidential interview questions:
 - (a) Hamilton Women and Gender Equity Advisory Committee
 - (b) Indigenous Advisory Committee
 - (c) LGBTQ Advisory Committee
 - (d) Committee Against Racism Advisory Committee
 - (e) Advisory Committee for Persons with Disabilities
- (iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below) and who have provided confirmation of compliance with the City's Mandatory COVID-19 Vaccination Verification Policy;

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;

- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;
- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;
- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);
- a demonstrated history of community service i.e., previous experience on Boards or Committees;
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,
- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:

- a member of City Council;
- an employee of the City of Hamilton;
- a Judge or a Justice of the Peace;
- a police officer; or,
- a person who practices criminal law as a defence counsel.

- (v) Submit two (2) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.

For further disposition of this matter, refer to Item 2.

**(ii) Integrity Commissioner and lobbyist Registrar Contract (FCS22074)
(City Wide) (Item 10.2)**

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until May 31, 2027 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor.

- (b) That the City Clerk report back to Governance Review Sub-Committee on the results of the negotiation.

That Report FCS22074, respecting the Integrity Commissioner and lobbyist Registrar Contract, **be amended**, by amending Sub-section (a) by replacing the May 31, 2027 date with May 31, 2023, and Sub-section (b) by replacing the words 'report back to Governance Review Sub-Committee on the results of the negotiation' with '**inform Council on the results of the negotiation**', and adding Sub-Section (c), as follows:

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until May 31, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;
- (b) That the City Clerk **inform Council on the results of the negotiation**; and,
- (c) ***That the City Clerk report back to Governance Review Sub-Committee by March 31, 2023 with a recruitment selection process option for future appointments for the Integrity Commissioner position, as well as the option to further extend the current contract C2-06-19 past May 31, 2023.***

For further disposition of this matter, refer to Item 3.

(h) **GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

(i) **Amendment to the Outstanding Business List (Item 13.1)**

The following amendment to the Governance Review Sub-Committee's Outstanding Business List, was approved:

- (a) Item Considered Complete and Needing to Be Removed (Item 13.1(a)):

Committee Against Racism - Citizen Committee Report -
Recommendations for changes to the Hamilton Police Service Board
selection process
OBL Item: 22-B
Added: July 7, 2022 at AF&A (Item 10.1)
Completed: September 9, 2022 at Governance (Item 10.1)

(i) ADJOURNMENT (Item 15)

There being no further business, the Governance Review Sub-Committee meeting adjourned at 1:20 p.m.

Respectfully submitted,

Councillor M. Wilson, Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk