



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-016

9:30 a.m.

September 22, 2022

Council Chambers

Hamilton City Hall

Present: Councillors M. Pearson (Chair), B. Clark, L. Ferguson, B. Johnson, R. Powers and M. Wilson

Absent: Councillor A. VanderBeek – Personal

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 22-016 AND RESPECTFULLY RECOMMENDS:

- 1. Hamilton Future Fund Audit – Management Action Plans (AUD21013(a)) (City Wide) (Item 10.1)**
 - (a) That the Management Action Plans, as detailed in Appendix “A” to Audit, Finance and Administration Committee Report 22-016, respecting the Hamilton Future Fund Audit, be approved; and,
 - (b) That the General Manager of Finance and Corporate Services be directed to implement the Management Action Plans (attached as Appendix “A” to Audit, Finance and Administration Committee Report 22-016 and report back to the Audit, Finance and Administration Committee by September 2023 on the nature and status of actions taken in response to the audit report.

- 2. 2021 Reserve Report (FCS22065) (City Wide) (Item 10.2)**
 - (a) That the 2021 Reserve Report and the 2021 Reserves Detail Report with 2020 Comparative figures and 2022-2024 Projections attached as Appendix “A” to Report FCS22065, be received;
 - (b) That the National Housing Strategy Co-Investment Fund Reserve Policy attached as Appendix “B” to Audit, Finance and Administration Committee Report 22-016, be approved and that the reserve be established subject to the terms outlined in the Policy;
 - (c) That reserve Capital Projects – Hamilton (108035) and Roads, Bridges & Traffic Capital Reserve (108041) be closed and remaining funds in the total amount of \$22,407.30 be allocated to the Unallocated Capital Levy Reserve (108020);

- (d) That reserve Computer Replacement Program (110015) be renamed to IT Asset Management Reserve; and,
- (e) That the matter respecting the Business Improvement Area (BIA) Contribution – Closure of Year End Reserve, as recommended in the Report PED20161, be considered complete and removed from the Outstanding Business List of the General Issues Committee.

3. Records and Information Management Policy (FCS22057) (City Wide) (Item 10.3)

- (a) That the Records & Information Management Policy, attached as Appendix “C” to Audit, Finance and Administration Committee Report 22-016, be approved; and,
- (b) That the request for 2 FTE’s to support the administration of the policy, be referred to 2023 budget deliberations for consideration.

4. Corporate Privacy Program Update (FCS22078) (City Wide) (Item 10.4)

That Report FCS22078 respecting the Corporate Privacy Program Update, be received.

5. Governance Review Sub-Committee Report 22-004 - September 9, 2022 (Item 10.5)

(a) 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.

(b) 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:

- (i) 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:
 - (1) 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.

- (ii) 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;
- (iii) 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;
- (iv) 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.
- (v) 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:

Selection Process for the one Citizen Appointment to the Hamilton Police Services Board

- 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.

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

- (i) 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;
- (ii) That the City Clerk inform Council on the results of the negotiation; and,
- (iii) 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.

(d) 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 "D" to Audit, Finance and Administration Committee Report 22-016, be approved.

(e) 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 "E" as amended (reordering Delegations and Staff Presentations) to Audit, Finance and Administration Committee Report 22-016, be enacted by Council.

6. Procurement Sub-Committee Report 22-001 - September 12, 2022 (Item 10.6)

(a) Amendments to the Procurement Policy and the Capital Pre-Approval Policy (FCS21103(a) / PW22081) (City Wide) (Item 10.1)

- (i) That staff be directed to prepare a by-Law amending By-law No. 20-205, "A By law to Adopt and Maintain A Procurement Policy for the City of Hamilton" with the amendments to the City of Hamilton's (City) Procurement Policy as attached in Appendix "F" to Audit, Finance and Administration Committee Report 22-016;
- (ii) That Council approve the amendment to the City's Capital Pre-Approval Policy, as attached in Appendix "G" to Audit, Finance and Administration Committee Report 22-016; and,
- (iii) That any financing required to fund deposits or prepayment requirements resulting from the amended City's Capital Pre-Approval Policy (attached as Appendix "B" to Procurement Sub-Committee Report 22-001) be funded first from program reserve and second through an internal loan from the Unallocated Capital Reserve (#108020).

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.5 - Governance Review Sub-Committee Report 22-004 (For today's meeting)
- 6.2 Taimur Qasim, respecting Item 10.5 - Governance Review Sub-Committee Report 22-004 (For today's meeting) (For today's meeting)

9. PUBLIC HEARING / DELEGATIONS

9.1(a) Staff Supporting Documentation - Nicholas Morris, respecting an appeal of the City's decision regarding Claim #061628

The agenda for the September 22, 2022 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) September 8, 2022 (Item 4.1)

The Minutes of the September 8, 2022 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) COMMUNICATIONS ITEMS (Item 5)

(i) Hamilton Waterfront Trust 2021 Audited Financial Statements (Item 5.1)

(a) (i) That Hamilton Waterfront Trust management and/or Chair be requested to attend an Audit, Finance and Administration Committee meeting in the new Term of Council and present the following items for 2021:

- (a) its annual audited Financial Statements;
- (b) its Strategic and/or Business Plans and any changes thereto;
- (c) its ten (10) year Capital Plan; and
- (d) any changes to its organizational structure; and,

(ii) That Finance and Legal staff be directed to investigate if the City has the authority to withhold payments to the Hamilton Waterfront Trust until they present the items required in the Revised Deed of Trust, and report back to the Audit, Finance and Administration Committee.

(b) That the Hamilton Waterfront Trust 2021 Audited Financial Statements, be received.

(e) DELEGATION REQUESTS (Item 6)

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

- (i) Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.5 - Governance Review Sub-Committee Report 22-004 (Added Item 6.1)
- (ii) Taimur Qasim, respecting Item 10.5 - Governance Review Sub-Committee Report 22-004 (For today's meeting) (Added Item 6.2)

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Nicholas Morris, respecting an appeal of the City's decision regarding Claim #061628 (Approved September 8, 2022) (Item 9.1)

Nicholas Morris addressed the Committee respecting an appeal of the City's decision regarding Claim #061628.

- (a)** The delegation from Nicholas Morris respecting an appeal of the City's decision regarding Claim #061628, was received.
- (b)** That staff be directed to reimburse Nicholas Morris for the \$902.70 plumber costs, to be funded from the Insurance Claims Liability Account (#23007-000100).

(ii) Staff Supporting Documentation - Nicholas Morris, respecting an appeal of the City's decision regarding Claim #061628 (Added Item 9.1(a))

The Staff Supporting Documentation - Nicholas Morris, respecting an appeal of the City's decision regarding Claim #061628, was received.

(iii) Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.5 - Governance Review Sub-Committee Report 22-004 (Added Item 9.2)

Karl Andrus, Hamilton Community Benefits Network addressed the Committee respecting Item 10.5 - Governance Review Sub-Committee Report 22-004.

The delegation from Karl Andrus, Hamilton Community Benefits Network, respecting Item 10.5 - Governance Review Sub-Committee Report 22-004, was received.

(iv) Taimur Qasim, respecting Item 10.5 - Governance Review Sub-Committee Report 22-004 (Added Item 9.3)

Taimur Qasim, addressed the Committee respecting Item 10.5 - Governance Review Sub-Committee Report 22-004.

The delegation from Taimur Qasim, respecting Item 10.5 - Governance Review Sub-Committee Report 22-004, was received.

(g) DISCUSSION ITEMS (Item 10)

(i) Governance Review Sub-Committee Report 22-004 – September 9, 2022 (Item 10.5)

The Chair advised that public notice was given for the 2022 Review of the City's Procedural By-law Amendments (FCS21004 / LS21001), Item 5 of the Governance Review Sub-Committee Report 21-001, inviting interested parties to make virtual representations at today's meeting.

(a) 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.

(b) 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)

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- (ii) That the City Clerk inform Council on the results of the negotiation; and,
- (iii) 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.

(d) 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.

(e) **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.

That Appendix "B" to sub-section (e) respecting the 2022 Review of the City's Procedural By-law (FCS22075), **be amended** by reordering Delegations and Staff Presentations, as follows:

(vii) **5.11 Order of Business**

(1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:

- (a) Ceremonial Activities
- (b) Approval of Agenda
- (c) Declarations of Interest
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Delegation Requests
- (g) ~~Staff Presentations-Delegations~~**
- (h) ~~Delegations Staff Presentations~~**
- (i) Consent Items
- (j) Public Hearings
- (k) Discussion Items
- (l) Motions
- (m) Notice of Motions
- (n) General Information/Other Business
- (o) Private and Confidential
- (p) Adjournment

A Summary of the Proposed Revisions is attached as Appendix "E" to Audit, Finance and Administration Committee Report 22-016.

(h) **ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee, adjourned at 1:48 p.m.

Respectfully submitted,

Councillor Pearson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



Hamilton

Office of the City Auditor

Hamilton Future Fund Audit

Recommendations and Management Action Plans

September 22, 2022

**Office of the City Auditor
Brigitte Minard, Deputy City Auditor
Charles Brown, City Auditor**

Introduction

The following ten recommendations made in December 2021 resulting from the Hamilton Future Fund (HFF) audit will improve oversight and governance of the HFF.

Please note that in December 2021, Management provided one, short management response, with a commitment to provide comprehensive management action plan to the Office of the City Auditor (OCA) by June 2022. The OCA received these action plans in August 2022 and finds that they adequately address the audit recommendations, and are therefore submitted to the Audit, Finance and Administration Committee for approval and for direction to be provided to Management to implement their action plans.

Comment from Corporate Services

Further to the management response in AUD21013, Appendix B, Council has approved Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045).

Recommendation 1

That a terms of reference and a reserve strategy for the HFF be developed in order to ensure fund transparency, sufficiency and that the mission and guiding principles are achieved. A reserve strategy for the HFF can outline how the funds will be used in alignment with the City's strategic plan.

Recommendation 2

That Management (in consultation with the HFF Board of Governors), consider conducting public consultations regarding the development of a fund strategy that includes ensuring future approve projects are in alignment with the City's strategic plan.

Management Action Plan – Recommendations 1 and 2

Agree

HFF Governance and Reserve Strategy including public consultation

Recommendations 1 and 2 of "Recommendations and Management Response" (Appendix "B" to Report AUD21013) focus on creating a fund strategy that aligns with the City's strategic plan and for that purpose, staff is

recommending the development and execution of a public consultation to gain public input on fund governance and the future use of the reserves.

On fund governance, staff will consult citizens on the option of continuing with the Board of Governors or make the HFF a City fund consistent with other funds such as the City Enrichment Fund. A number of investment alternatives will be presented including infrastructure, affordable housing, economic prosperity and community initiatives. Staff will also consult with Councillors, HFF Board members and other interested stakeholders.

Staff will report back to the Governance Review Sub-Committee in 2023 with the results of the public engagement and recommendations on a fund strategy and governance model.

Estimated Completion: Q4 2023

Recommendation 3

That the roles, responsibilities and accountabilities of City staff who support the HFF be formalized, including the assignment of fund administrator duties so that HFF administrative matters are adequately managed on an ongoing basis.

Management Action Plan

Agree

Upon conclusion of the consultation process, and subsequent development of a reserve strategy, staff will develop the appropriate roles and responsibilities of a fund administrator.

Estimated Completion: Q4 2023

Recommendation 4

That there be a defined meeting schedule for the Board of Governors, including a specified number of meetings per year, to provide adequate and timely oversight to the HFF activities.

Management Action Plan

Agree

In consultation with Clerks and the Board Chair, a schedule will be proposed for 2023, during this interim review period.

Estimated Completion: Q1 2023

Recommendation 5

That the existing Fund B checklist be revised to become an evaluation form that includes scoring of grants in each application category/criteria. Consistent evaluation practices will enhance the objectivity and transparency when evaluating the following:

- The grant application's alignment with the objectives of the program; and
- Justification of the selection of the grant recipients based on the merit of the proposal.

Recommendation 6

That the Board consider revising the grant application form and scoring checklist/evaluation to include criteria on how the project contributes to equity, diversity and inclusion in Hamilton.

Recommendation 7

That the processes for contract management of grants be formalized and strengthened, with attention to the following areas:

- Development of a standard format or template for progress and final reporting of grant activities including project expenditures and outcomes;
- Requiring that progress and final reports on expenditures and project outcomes be submitted at regular intervals as part of the grant agreements;
- City staff (Fund Administrator) be required to follow-up on the receipt and completeness of progress and final reports including the use of funds and outcome measures;
- Consideration be given to the payment of funds in installments according to the length and progress of the project;

- Develop guidelines around the right to audit grant recipients if required according to the monitoring of progress reporting and use of funds; and
- Consult with Legal Services, as appropriate.

Recommendation 8

That the HFF Administrator develop performance measures and reporting to demonstrate the achievement of program goals and value-for-money for funded projects, both internal and external to the City.

Recommendation 9

That performance reporting be used to develop future evaluation criteria and HFF investment priorities that are in alignment with the objectives and guiding principles of the HFF.

Management Action Plan – Recommendations 5, 6, 7, 8, and 9

Agree

Pending the outcomes of the consultation process, Council's decisions regarding Reserve Strategy and Governance, actions plans will be prepared.

Expected Completion: Q4 2023

Recommendation 10

That management follow the direction of Council and provide regular reporting (i.e. at least annually) on the reserve and projects funded from the HFF.

Management Action Plan

Agree

Regular reporting to HFF Board of HFF reserve balances and investment performance for Funds A and B can be scheduled on an annual basis. Board meetings will be scheduled as per Management Action Plan to Recommendation 4.

Expected Completion: Q1 2023

Reserve Policy – National Housing Strategy Co-Investment Fund Reserve	 Hamilton	Corporate Services Department
Policy No:		
Page 1 of 2		Approval:

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balance in the National Housing Strategy Co-Investment Fund Reserve.
PURPOSE	To fund repairs and renewal projects impacting 6,290 CityHousing Hamilton (CHH) units under Canada’s National Housing Strategy: A Place to Call Home.
SCOPE	This Policy applies to all City employees who manage financial resources.
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> • The General Manager of Healthy and Safe Communities has the authority to recommend the use of the National Housing Strategy Co-Investment Fund Reserve in accordance with the funding agreement terms and conditions. <p>The source of funds that are to be transferred to this Reserve include:</p> <ul style="list-style-type: none"> • CMHC loan under the National Housing Strategy Co-Investment Fund – Repair and Renewal Stream • Housing Services Division’s net levy • Housing provider Utility Savings • Year-end operating budget surplus, subject to final approval of the Tax and Rate Operating Budget Variance Report by Council • Investment income earned on the reserve’s balance as per policies and procedures • One-time unexpected sources of operating revenues. <p>The use of funds from this Reserve is not permitted for any other use in accordance with the National Housing Strategy Co-Investment Fund – Repair and Renewal Stream funding agreement.</p>

Reserve Policy – National Housing Strategy Co-Investment Fund Reserve	 Hamilton	Corporate Services Department
Policy No:		
Page 1 of 2		Approval:

RESERVE BALANCE TARGET LEVEL	<p>The balance in the reserve has a target level and ceiling as follows:</p> <p>Target Level: To be reviewed Target Ceiling: \$ to be determined</p>
GOVERNING LEGISLATION	<p>This reserve is governed by an agreement between the CityHousing Hamilton with the Canada Mortgage and Housing Corporation under National Housing Strategy Co-Investment Fund – Repair and Renewal Stream to support City.</p>
RESPONSIBILITY FOR THE POLICY	<p>Corporate Services Department Director of Financial Planning, Administration and Policy</p>
POLICY HISTORY	<p>N/A</p>

City of Hamilton Corporate Policy



Policy Title: RECORDS AND INFORMATION MANAGEMENT

Effective Date:

Last Review Date:

Approved by:

POLICY STATEMENT

The City of Hamilton recognizes that it is responsible for information assets created through the provision and management of city services. The City also recognizes that information and records are valuable corporate assets that support accountable, transparent and effective government administration, customer service, organizational efficiency, decision making, business continuity and litigation support. The City of Hamilton is committed to managing, retaining and preserving the information assets of the municipality by maintaining records that adequately document its business transactions and activities and managing these in a manner that demonstrates commitment and accountability.

PURPOSE

The purpose of this policy is to ensure consistent standards and practices for the lifecycle management of records in the custody and control of the City. It defines responsibilities and authorities in order to establish and maintain a records management discipline at the City. This is to ensure that information can be made available for decision-making, program and service delivery and access requests under the *Municipal Freedom of Information and Protection of Privacy Act*, while being protected and disposed of (retained and preserved or destroyed) in accordance with relevant legislation, regulations and policies.

SCOPE

This Policy applies to all City employees, including full-time, part-time, casual, contract, volunteer and student placement employees.

This policy is relevant to all records, however recorded or stored, in the custody, or under the control of the City, and to all persons who create, receive, access, maintain and make available records on behalf of the City in the conduct of its business transactions and activities.

A record shall be considered to be in the custody of the City when the City is responsible for the keeping, care, watch, preservation or security of the record for a legitimate business

purpose. A record shall be considered to be under the control of the City when the City is authorized to make a decision about the use or disclosure of the record.

Out of Scope: The personal, political and constituency records of the City's Elected Representatives shall not be considered to be in the custody, or under the control of the City and may be disposed of as they wish. However, records created or received by Members of Council in their capacity as members of a Committee of Council or when acting at the specification of Council, form part of the official records of the City. These records, as well as correspondence from elected representative to a City employee or from a City employee to an Elected representative, shall be considered records in the custody and under the control of the City and shall be subject to the *Municipal Freedom of Information & Protection of Privacy Act*.

RECORDKEEPING PRINCIPLES

The City of Hamilton recognizes that the effective management of the records in its custody and under its control is one of its fundamental obligations as a public organization, critical to assuring the protection of the public's rights to access information and essential for the City's accountability. All employees share responsibility for the proper management of the City's information assets. The following Generally Accepted Recordkeeping Principles developed by the Association of Records Managers and Administrators, provide the framework for effectively managing the City's information assets:

Accountability

Information must be managed through its lifecycle by assigning accountability for the effective and efficient use of information by all staff.

Transparency

The public has the right to access information under the control of the City in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. Information that does not contain confidential, personal information about the City's programs, services or governance is routinely available to the public.

Integrity and Quality Assurance

Information must be reliable and accurate and must be a true representation of an actual event or task. The City will promote information quality by means of its policies, procedures, and training and awareness initiatives.

Protection & Compliance

Required to meet legal, regulatory and contractual requirements regarding the protection and use of information assets.

Availability

The City must maintain records and information in a manner that ensures the timely, efficient and accurate retrieval of information by staff requiring it for the City's business purposes.

Retention & Disposition

The length of time a record must be kept and be accessible is based on the legal, regulatory, fiscal, historical and business operational requirements. Records must be securely retained and disposed of following the expiry of their retention periods to mitigate the risk of unauthorized or unnecessary access.

POLICY

All employees are responsible for the proper management of corporate information assets. Accurate, useable and accessible information supports open, transparent and accountable local government by improving customer service and program delivery.

With the implementation of this policy, the City will:

- Integrate Records and Information Management practices with service delivery;
- Integrate Records and Information Management practices into business planning;
- Invest in greater Records and Information Management awareness, training and communication to improve a culture of collaboration and information sharing;
- Protect personal and confidential information;
- Enable and leverage technology to improve the management of information;

As a critically valuable asset, the City recognizes that records and information must be managed reliably to improve City programs and services in the same manner and given the same consideration as other valuable corporate assets.

ROLES AND RESPONSIBILITIES

Office of the City Clerk

- Responsible for the oversight of the corporation's responsibilities related to the development and retention of all municipal records in accordance with the Municipal Act, the City's Records Retention By-Law, and applicable corporate policies. The City Clerk has the authority to amend this policy based on legislated change
- Establishing, implementing, monitoring and providing advice on Corporate records management policies, procedures, systems and standards for the City, including the management and storage and destruction of both electronic and physical records.
- Accountable for reviewing and updating the policy, as needed, including the authority to amend based on legislated changes in consultation with the City Solicitor.

Senior Management (City Manager, General Managers and Directors)

- The City Manager, General Managers and Directors shall ensure compliance with records and information management policies, procedures, systems and standards across the organization.

Managers and Supervisors

- Ensure Division business processes comply with the records and information management policy, procedures, and best practices.

Contracted Service Providers and Volunteers

- Contracted Service Providers and Volunteers shall manage records in accordance with this Policy, the Records Retention By-law and associated schedules and any other applicable policies, procedures or standards.

Employees

- Employees shall manage records in accordance with this Policy, the Records Retention By-law and associated schedules and any applicable policies, procedures or standards.
- Employees shall maintain records in a manner that ensures the authenticity and reliability of the records throughout the Information Life Cycle.

LEGISLATION AND ADMINISTRATIVE AUTHORITIES

The ***Municipal Act*** requires a municipality to retain and preserve the records of the municipality and its local boards in a secure and accessible manner; allows for a municipality to enter into an agreement for archival services with a local or university archives; provides for a municipality to establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved; and allows for a record of the municipality to be destroyed if a retention period for the record has been established and the retention period has expired or the record is a copy of the original.

The ***Municipal Freedom of Information and Protection of Privacy Act*** provides the general right of access to certain records and personal information under the control of the City, subject to stipulated exemptions to that right; requires the City to develop and maintain an inventory of its information holdings as a means of organizing information for the purpose of general access; specifies how the City can collect, use, disclose, retain and dispose of personal information and personal information banks; provides for an individual's right of access to personal information and to correction of that information; and requires the City to develop and maintain an index of personal information holdings as a means of ensuring that Personal Information Banks are registered and approved.

COMPLIANCE

City employees who fail to comply with the Records Management Policy may be subject to action/ disciplinary action as may be deemed necessary, up to and including dismissal.

REFERENCES

This policy to be read in conjunction with the City's

Code of Conduct
Computer Acceptable Use Policy
Corporate Protection of Privacy Policy
Records Retention Bylaw

LEGISLATED AND ADMINISTRATIVE AUTHORITIES

Municipal Act, 2001

<https://www.ontario.ca/laws/statute/01m25>

Municipal Freedom of Information and Protection of Privacy Act

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m56_e.htm

Personal Health Information Protection Act

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04p03_e.htm

CONTACT

Require advice or have Questions, contact: records@hamilton.ca

APPENDIX A - DEFINITIONS

Record, as defined in the *Municipal Act*, means information however recorded or stored, whether in printed form, on film, by electronic means or otherwise, and includes documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs and films.

Record, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes, (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and (b) subject to the regulations made under the *Municipal Freedom of Information and Protection of Privacy Act*, any record that is capable of being produced from a machine readable record under the control of the institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

Archival means information assets of enduring significance that have historical and business value for the City of Hamilton and individuals engaging in historical research.

Confidential Information includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial or scientific information and any other information collected, obtained or derived for or from City records that must or may be kept confidential under the *Municipal Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act*.

Control (of a record) means the power or authority to make a decision about the use or disclosure of a record.

Custody (of a record) means the keeping, care, watch, preservation or security of a record for a legitimate business purpose. While physical possession of a record may not always constitute custody, it is the best evidence of custody.

Information includes content, data, documents, knowledge and records.

Information management means the administration of information through a life cycle, its use and transmission, and the application of techniques to create, modify, or improve information handling systems.

Records & Information Management means a field of management responsible for establishing and implementing policies, systems and procedures to capture, create, access, distribute, use, store, secure, retrieve and ensure disposition of an organization's records and information.

Records Retention By-law means the most recent by-law passed that contains the schedule and the length of time City records must be retained for before they may be disposed of in order to meet business needs and legislative requirements.

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Mandatory COVID-19 Vaccination Verification Policy

POLICY STATEMENT	<p>The City of Hamilton (the City) has an obligation under Provincial legislation to take all necessary precautions to protect the health and safety of its workforce and is committed to providing excellent service to our community and to building trust and confidence in local government.</p> <p>To help reduce the risk of COVID-19 transmission, this mandatory workplace vaccination verification policy is an important measure that complements other workplace health and safety measures in place including daily health screening, mandatory masking, physical distancing, hand hygiene and enhanced cleaning.</p> <p>This policy is in line with Public Health guidance and supports the direction that vaccines provide a high level of protection against COVID-19 and related variants. Getting fully vaccinated against COVID19 is the best defense against the virus, including the variants.</p> <p>The City is demonstrating its commitment to promoting vaccinations to ensure the health and safety of all members of its workforce and the broader City of Hamilton community.</p>
PURPOSE	<p>The purpose of this policy is to outline the City of Hamilton's requirement with regard to COVID-19 vaccination and provide direction to Employees on the requirement to receive the COVID-19 vaccination and provide proof of vaccination or a bona fide exemption.</p>
SCOPE	<p>This policy applies to all Employees of the City of Hamilton, including full-time, part-time, permanent, temporary, casual, volunteers; and students, and including Members of Council.</p> <p>New Employees will also be subject to this policy as a condition of their employment contract with the City of Hamilton. It requires Employees to be fully vaccinated against the COVID-19 virus and requires Employees to provide proof of vaccination satisfactory to the employer.</p> <p>Vaccination requirements are subject to bona fide medical and human rights exceptions. All exemption requests will be reviewed</p>

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	<p>on a case by case basis and are subject to the City's accommodation process.</p> <p>In addition to this policy, some workplace groups may have additional mandates or directives or reporting requirements from provincial or federal authorities.</p>	
DEFINITIONS	The following terms referenced in this Policy are defined as:	
COVID-19	A virus belonging to a large family called coronavirus which includes the virus that causes the common cold and more severe disease such as Severe Acute Respiratory Syndrome (SARs) and Middle East Respiratory Syndrome (MERS-COV). The virus that causes COVID-19 is a novel coronavirus, named SARS-CoV-2.	
Vaccine	For the purposes of this Policy, a Vaccine is defined as a substance used to stimulate the production of antibodies and provide protection from SARS-CoV-2	
Fully Vaccinated	Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines as defined by the Ontario Ministry of Health and Long-term Care and the employer.	
Proof of Vaccination	Documentation issued by the Ontario Ministry of Health, other province or territory or international equivalent indicating individual immunization status against the COVID-19 virus.	
Proof of Medical Exemption	Written proof of a medical reason, provided by a physician or nurse practitioner in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason.	

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TERMS & CONDITIONS

Suspended Provisions

The following provisions in the text box below are suspended until further notice as per Council’s decision on August 12, 2022.

The following apply to this Policy:

1. Mandatory Covid-19 Vaccinations

- All City of Hamilton Employees are required to be fully vaccinated against COVID-19 to access a City facility for the purpose of conducting work, unless subject to an approved exemption **by September 30, 2022.**
- Employees who have not provided proof that they are fully vaccinated or a valid exemption satisfactory to the employer are required to participate (or continue to participate) in the City’s rapid antigen testing program until **September 30, 2022.**
- Unvaccinated Employees, and unvaccinated Employees who have provided a valid exemption, will only be allowed into a City facility for the purposes of working if they submit to regular antigen testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the employer.

Operational Areas Subject to Differential Terms and Conditions

- Employees in the following three operational areas will be subject to the following differential terms and conditions under the policy as follows:
 - Employees at the Lodges will continue to be required to provide proof of vaccination in order to attend work. Employees failing to provide such evidence will remain on an unpaid leave of absence until further notice. Employees at the Lodges are required to continue participation in daily Rapid Antigen Testing until further notice;

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Requirements for New Employees

- Employees at Hamilton Paramedic Services who have failed to disclose proof of vaccination continue to be required to participate in Rapid Antigen Testing prior to commencing each shift until further notice;
- Employees at the Red Hill Child Care Centre who have failed to disclose proof of vaccination will continue to be required to participate in Rapid Antigen Testing three times per week until further notice.

Requirements for Council Members

- As a condition of employment, new hires are required to provide proof that they are fully vaccinated or provide proof of valid exemption satisfactory to the employer prior to their start date. By signing the conditional offer letter, they acknowledge and agree to comply with any future vaccine policy requirements as an ongoing condition of employment at the City of Hamilton.
- All Members of Council are required to be fully vaccinated against COVID-19, unless subject to an approved exemption. Failure to comply will result in a complaint to the Integrity Commissioner.

Additional Provisions

1. Providing Proof of COVID-19 Vaccination Status

- Employees and Members of Council are required to provide proof of their vaccination series approved by Health Canada and recommended by Ontario Ministry of Health by providing one of the following:
 - Proof of COVID-19 vaccine administration as per the following requirements:
 - a. Proof of all required doses of a COVID-19 vaccine approved by Health Canada and recommended by Ontario Ministry of Health.

2. Providing Proof of An Approved Exemption

- The City will comply with its human rights obligations and accommodate Employees and Members of Council who are legally entitled to accommodation.



- Exemptions will be made for grounds protected by the Ontario Human Rights Code which includes confirmed medical reasons. Human Resources will assist with accommodation questions, concerns and requests.
- Employees and Members of Council are required to provide proof of their medical exemption by providing one of the following:
 - Written proof of a medical reason, provided by either a physician or nurse practitioner in the extended class that sets out:
 - a. That the person cannot be vaccinated against COVID-19 and;
 - b. The effective time period for the medical reason (i.e., permanent or time- limited).
- The City will work with those who receive an exemption to connect them with the appropriate resources to develop a reasonable and appropriate accommodation plan including health and safety measures to protect all workers.

3. Vaccination Status Reporting and Documentation

- Vaccination status information will be collected and protected in accordance with relevant legislation.

4. Non-compliance with the Mandatory COVID-19 Vaccination Verification Policy

The following provisions in the text box below are suspended until further notice as per Council’s decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).





- In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the requirements of the Mandatory COVID-19 Vaccination Verification Policy will result in disciplinary measures, up to and including termination of employment.
- Subject to any valid exemptions, Employees failing to provide proof of being fully vaccinated against COVID-19 by September 30, 2022 will be terminated from their employment with the City as of that date.

The following provisions in the text box below are suspended until further notice as per Council’s decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).

Access to the Rapid Antigen Test Program

- In the event that an Employee cannot participate in the City’s rapid antigen testing program as a result of the inability of the City to provide rapid test kits, the Employee will be placed upon a paid leave of absence until they are able to meet the requirements of the next test date in the program (i.e. the City has made test kits available).
- Employees are required to return to work at the earliest possible opportunity once testing kits are made available, and the Employee can test, on the next applicable testing date.

5. Access to COVID-19 Vaccination Clinics

- Reasonable arrangements will be made to allow for staff to attend COVID-19 vaccination clinics during work time.
- Employees must have approval from their supervisor in

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	<p>advance before attending a clinic during work time.</p> <ul style="list-style-type: none"> • All efforts should be made to allow the Employee to use time at the beginning or end of their shift day or to extend lunch and break times as operationally feasible with work schedules to attend vaccination clinics. • Where Employees are unable to attend a vaccination clinic during their regularly scheduled work hours, the City will compensate staff for a period of 30 minutes outside of work time to receive a vaccination subject to any limitations under a collective agreement or policy. <p>6. Continued Adherence to Public Health Measures</p> <ul style="list-style-type: none"> • Fully vaccinated Employees are required to practice Public Health measures to control the spread of COVID-19. • Employees must adhere to the City’s health and safety protocols while in the workplace, including daily health screening, mandatory masking, physical distancing, hand hygiene, enhanced cleaning and the use of Personal Protective Equipment as required by their position. 	
RESPONSIBILITIES (if applicable)	<p>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</p> <p>Management/Supervisors</p> <p>The following provisions in the text box below are suspended until further notice as per Council’s decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <ul style="list-style-type: none"> • Ensure Employees attending work are fully vaccinated against COVID-19 • Ensure Employees have submitted proof of their vaccination status or an approved exemption </div> <ul style="list-style-type: none"> • Follow and comply with any federal or provincial mandates or 	



directives regarding the vaccination of staff

- Continue to enforce workplace precautions that limit the spread of COVID-19 virus
- Ensure that Employees are aware of the importance of getting vaccinated against COVID-19
- Provide staff with access to information on COVID-19, health and safety precautions, and on the efficacy of the COVID-19 vaccine
- Provide staff with information on location and scheduling of vaccination clinics when available
- Where feasible, support time from regular duties for staff to attend vaccination clinics in accordance with relevant collective agreement language and/or Corporate Policy

Employees

The following provisions in the text box below are suspended until further notice as per Council’s decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).

Submit proof of vaccination status, or an approved exemption

- Continue to follow health and safety protocols to ensure personal safety and prevent the spread of COVID-19 before and after vaccination.
- Remain informed about COVID-19 and COVID-19 vaccination as it relates to your role, personal health and/or professional requirements.
- Adhere to any additional mandates or directives or reporting requirements from provincial or federal authorities.



- Identify opportunities to obtain a COVID-19 vaccination through community clinics or from health care professionals
- If additional booster doses of the COVID-19 vaccine are required, ensure subsequent doses are also received

The following provisions in the text box below are suspended until further notice as per Council’s decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).

- Employees not fully vaccinated against COVID-19 or who have not yet disclosed their vaccination status prior to September 30, 2022 are required to participate (or continue to participate) in the City’s rapid antigen testing program until September 30, 2022 or such time they meet the requirements of this policy.

- For employees who are required to participate in rapid antigen screening, in the event of an interruption to the City’s rapid antigen testing program (e.g. due to a lack of supply) and an Employee is placed on a paid leave of absence; the Employee is expected to return to active duty at the employers determination once testing kits are made available, and the Employee can test, on the next applicable testing date.

Human Resources

- Assist management with any labour relations and health and safety issues arising from application of this policy including liaising directly with Union leadership.
- Create procedure for collecting and storing documentation on Employee vaccination status.
- Assist management with accommodation questions, concerns and requests.

Occupational Health Nurse

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	<ul style="list-style-type: none"> • Provide information and guidance to leaders and Employees on COVID-19 vaccination. • Ensure that any records of COVID-19 vaccination held by the City are stored and used in compliance with privacy legislation and corporate policies. 	
COMPLIANCE	<p>In accordance with City of Hamilton Human Resources policies, collective agreements and applicable legislation, directives, and policies, any non-compliance with the requirements of the Mandatory COVID-19 Vaccination Verification Policy will result in disciplinary measures, up to and including termination of employment.</p> <p>Non-compliance with the Policy by Members of Council will result in a complaint to the Integrity Commissioner.</p> <p>The following provisions in the text box below are suspended until further notice as per Council’s decision on August 12, 2022 except for employees in Operational Areas subject to differential terms and conditions (Lodges, Paramedics, Red Hill Child Care Centre).</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Subject to any valid exemptions, Employees failing to provide proof of being fully vaccinated against COVID-19 by September 30, 2022 will be terminated from their employment with the City as of that date.</p> </div>	
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <p>City of Hamilton’s Senior Leadership Team Legal Services Division Human Resources Leadership Team Union Representatives from each of the City’s unions.</p> <p>This policy replaces the former policy named Mandatory COVID-19 Vaccination Verification Policy dated 2021-08-26.</p>	

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<p>This policy was approved by Council on January 12, 2022. Amendments to the Policy (Suspended Provision) approved by Council on August 12, 2022.</p>		

DRAFT

Summary of the Proposed Revisions

SECTION 1 - DEFINITIONS

- *Added the following definitions, in order to define the new terms when they appear in the by-law:*

“Advisory Committee” means a group of appointed citizens established by Council for the purpose of providing advice on matters that are related to the specific mandate of the committee.

“Hearing” means a Meeting or hearing in a proceeding to which the *Statutory Powers and Procedure Act* applies.

“Main Motion” means a proposal by a member that begins the process of making any decision for consideration of Council or a Committee, that is moved by a member and seconded by another member.

“Procedural Motion” means any motion concerning the manner or time of consideration of any matter before the Council or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the question; to go into committee of the whole; to recess; to refer; to defer; to go into a closed meeting; to suspend the rules of procedure and to lift.

“Sub-Committee” means a Committee established by Council, comprised of some Members of Council and in certain circumstances also citizen members. Sub-Committees report up to an assigned Standing Committee with members of Sub-Committees being appointed by Council.

“Task Force” means a temporary ad hoc group of appointed citizens established by Council for the purpose of providing advice on matters related to a specific mandate of the task force.

- *Elaborated on following definitions, in order to further define the term when they appear in the by-law:*

“Motion” means a proposal by a member for the consideration of Council or a Committee included in the published agenda, that is moved by a member and seconded by another member. ***A Motion may be Procedural or Substantive in nature.***

SECTION 2 – APPLICATION

- *Added to provide clarity surrounding which procedures are relevant for Hearings*
- 2.3** Notwithstanding any other provisions of this By-Law, where Council or a Committee convenes for the purpose of holding a Hearing, the provisions of the relevant statute, the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended or re-enacted from time to time, together with any procedures and practices established by the Council or Committee, shall govern the Hearing, as applicable.

SECTION 3 – COUNCIL MEETINGS

- *As per the Municipal Election Act, the four-year term begins on November 15th in the year of a regular election, therefore, section 3.1(1) is being amended to reflect that change.*
- *As the Inaugural meeting is the meeting when members of Council-Elect take their declarations of Office and are required to sign those declarations in the presence of a witness, the type of meeting noted in Section 3.1(2) has been amended to an In-Person meeting only.*
- *During an Emergency Section 3.1(3) would permit a Hybrid or a Virtual meeting, if all of the requirements of the Act can be satisfied, which include the declarations. Therefore, where declarations can be taken remotely this would be an option.*

3.1 First Council Meeting

- (1) The First Meeting of Council shall be held at a time and place to be fixed by the Clerk provided that it shall not be held later than 31 days after the term of Council commences.
- (2) The IN-PERSON Proceedings of the First Meeting of Council shall include:
 - (a) Ceremonial - special address by guests;
 - (b) Filing of Declarations of Office in accordance with the provisions of the Act;
 - (c) Council appointments to Committees, boards and agencies; and
 - (d) Confirming By-law.
- (3) Despite subsection 3.1(2), and provided all requirements of the Act relating to the First Meeting of Council can be satisfied, the First Meeting of Council may be held as a VIRTUAL or HYBRID proceeding in the event of an Emergency.

SECTION 4 - COMMITTEE OF THE WHOLE

- *Added the process to be followed during the consideration of the Standing Committee and Selection Committee Reports if a member requests a separate vote on a matter; if a member puts forward an amendment and the process to be followed if the amendment is contrary to the main motion within the Committee Report:*

4.2 During the consideration of Standing Committee Reports and Selection Committee Reports a member may:

- (a) request that a matter contained within the Committee Report be voted on separately at Council;
- (b) amend a matter contained within the Committee Report;
 - (i) in the event, an amendment is considered to be contrary to the main motion within the Committee Report, Council will follow the following process:
 1. The main motion within the Committee Report shall be voted upon;
 - (a) if the vote result is deemed to be Carried, the matter is considered closed; and
 - (b) if the vote result is deemed to be lost, the amendment considered to be contrary to the main motion within the Committee Report, may be introduced if duly moved and seconded.

SECTION 5 – COMMITTEE MEETINGS

- *For consistency purposes during the budget process, we have included sub-sections that refer to the appointment of the Mayor or a Councillor as the Chair and Vice-Chair of the General Issues Committee Budget meetings for the budget year, with an option to have them Chair and Vice-Chair the meetings for more than one budget year.*

5.2 Appointment of Committee Chairs and Vice Chairs

- (6) Despite subsection 5.2(1)(c) the role of Chair of the General Issues Committee Budget meetings may be chaired by the Mayor or a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.
- (7) The role of Vice-Chair of the General Issues Committee Budget meetings may be vice-chaired by a Councillor with an understanding of financial reporting for the budget year. Despite subsection 5.2(1)(a) and (b) the Vice-Chair of the General Issues Committee Budget meetings may serve for more than one year in a Council term.

- *As the current composition of the Emergency & Community Services Committee has been insufficient to acquire quorum on a number of occasions during this term of Council, the minimum number of members of Council has been increased from 5 to 7 members of council, as follows:*

5.3 Standing Committee Membership

- (4) Emergency & Community Services Committee shall be comprised of a minimum of 7 Members of Council.
- *Staff Presentations have been moved up on the agenda under Delegation Requests, with Delegations being separated out from 'Public Hearings/Delegations' and moved up, under Staff Presentations, so that the delegations can be heard immediately following the Staff Presentations, **further amended to move Delegations prior to Staff Presentations at the September 22, 2022 Audit, Finance and Administration Committee meeting.***

5.11 Order of Business

- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
 - (a) Ceremonial Activities
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Approval of Minutes of Previous Meeting
 - (e) Communications
 - (f) Delegation Requests
 - (g) **Delegations**
 - (h) **Staff Presentations**
 - (i) Consent Items
 - (j) Public Hearings
 - (k) Discussion Items
 - (l) Motions
 - (m) Notice of Motions
 - (n) General Information/Other Business

- (o) Private and Confidential
- (p) Adjournment

5.12 Delegations

- *As Council does not place communications respecting labour relation matters, conduct of member(s) of staff and matters before another body on a Standing Committee Agenda, the same should apply to delegations, therefore, the following sub-section (10) under 5.12 was added:*

(10) Delegations respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on a Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.

- *As Council does not place communications which are in substance an allegation of a violation of the Code of Conduct or the Municipal Conflict of Interest Act by a member of Council or any member of a local board on a Standing Committee Agenda, the same should apply to delegations, therefore, the following sub-section (11) under 5.12 was added:*

(11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.

- *As a Standing Committee member may add the delegation request on a Standing Committee Agenda, if they so wish, subsections 5.12(10) and 5.12(11) have been added to the existing section noting subsection 5.12 (12), as follows:*

(12) Notwithstanding subsections 5.12(9), 5.12(10) and 5.12(11), a Standing Committee member may add the delegation request on a Standing Committee Agenda.

SECTION 9 – MEETINGS CLOSED TO THE PUBLIC

- *Sections 9.1 and 9.2 have been added to clarify that all meetings are open to the public and only “Committees” where at least 50% of the members are also members of Council can go into closed session; with 9.3 being amended to reflect the new section 9.1.*

9.1 Except as provided in this Section 9, all Committee and Council meetings shall be open to the public.

9.2 For the purpose of Sections 9.3, 9.5, 9.6 and 9.7, “Committee” shall mean any committee of which at least 50% of the members are also members of Council.

Amended Appendix 'E' to Item 5 of AF&A Report 22-016

9.3 A meeting of Council or a Committee or part thereof may be closed to the public if the subject matter being considered is:

- *Section 9.8 has been added to reflect the votes permitted during Closed Session:*

9.8 A vote may be taken during a meeting that is closed to the public pursuant to Sections 9.3, 9.4 and 9.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board is permitted.

SECTION 13 – GENERAL

- *Section 13.6 and 13.7 have been added to address conflicts that may arise between this by-law and the Act, as well as a Committee's Terms of Reference and this by-law:*

13.6 In the event of a conflict between the provisions of this By-Law and the Act, or any other legislation, the provisions of the Act and legislation shall prevail, to the extent of the conflict.

13.7 In the event of a conflict between the provisions of this By-Law and the Terms of Reference for any Sub-Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

Appendices

Appendix A – General Issues Committee

Appendix A has been amended to add the following under Specific duties shall include:

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the General Issues Committee
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the General Issues Committee

Appendix B – Board of Health

Appendix B has been amended to add the following under Specific duties shall include:

- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Board of Health
- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Board of Health

Appendix C – Public Works Committee

Appendix C has been amended to add the following under Specific duties shall include:

Amended Appendix 'E' to Item 5 of AF&A Report 22-016

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Public Works Committee

Appendix D – Planning Committee

Appendix D has been amended to reflect the Ontario Land Tribunal (OLT) under Specific duties shall include:

- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Ontario Land Tribunal (OLT) Hearings to consider the appeal of Committee of Adjustment decisions

Appendix D has been amended to add the following under Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Planning Committee

Appendix E – Emergency & Community Services Committee

- *As the current composition of the Emergency & Community Services Committee has been insufficient to acquire quorum on a number of occasions during this term of Council, the minimum number of members of Council has been increased from 5 to 7 members of Council, as follows:*

COMPOSITION

The Emergency & Community Services Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

Appendix E has been amended to delete the following under General and add the following under Specific duties shall include:

General:

To report and make recommendations to Council on matters relating to:

- ~~Advisory Committees that report to the Emergency & Community Services Committee~~

Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Emergency & Community Services Committee

Appendix F - Audit, Finance & Administration Committee

- *The Audit, Finance & Administration Committee has been delegated the authority to hearings on complaints made pursuant to Section 20 of the Development Charges*

Amended Appendix 'E' to Item 5 of AF&A Report 22-016

Act, 1997 and Section 257.85 of the Education Act, therefore, the following has been added:

Delegated Authority:

- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997* and Section 257.85 of the *Education Act*.

Appendix F has been amended to add the following under Specific duties shall include:

- To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the Audit, Finance & Administration Committee
- To consider recommendations from the City Auditor as per the Office of the City Auditor Charter (Schedule F1 to Appendix F).

Appendix J - HEARING PROCEDURES FOR SECTION 20 DEVELOPMENT CHARGES ACT, 1997 COMPLAINTS AND SECTION 257.85 EDUCATION ACT COMPLAINTS

Appendix J has been removed from the Procedural By-law as Development Charges Act and Education Act Complaints is a Tribunal and would fall under the Statutory Powers Procedures Act.

Appendix "A" to Report FCS21103(a)/PW22081 states the amendments to the City's Procurement Policy

DEFINITIONS AND INTERPRETATION

SECTION 3

(Subsection to be added to the Procurement Policy)

"Vehicle" means a motor vehicle, trailer, traction engine, farm tractor, roadbuilding machine or any vehicle drawn, propelled or driven by any kind of power, including muscular power."

POLICY # 2 – Approval Authority

SECTION 4.2

(Subsection to be revised in Procurement Policy)

- (1) Any person delegated Approval Authority pursuant to this Policy # 2 shall ensure that:
 - (a) an approved budget exists for the proposed procurement;
or
 - (b) that for the period up until October 1, 2023, the proposed procurement for a replacement Vehicle or it associated equipment is in accordance with the Capital Pre-Approval Policy, as amended through Report FCS21103(a)/PW22081.

and that such procurement does not violate any City policies or any applicable law. Any such procurement shall also satisfy any applicable audit requirements of the City.

POLICY # 11 - Non-competitive Procurements

SECTION 4.11

(Subsection to be revised in Procurement Policy)

- (4) (a) That for the period up until May 1, 2023, for Contracts where the Goods and/or Services have been significantly impacted by extenuating circumstances within a commodity market to the extent where it may be necessary to consider a price adjustment in the Contract for that Good and/or Service, the General Manager of the Client Department in consultation with the General Manager of Finance and Corporate Services and the Manager of Procurement:
- i) may enter into negotiations with the vendor on an existing Contract where:
 - .1 the vendor has provided evidence and the Procurement Manager has verified that the commodity market for the Good and/or Service has resulted in unprecedented price fluctuations; and
 - .2 where the timely and continuous supply of the Good and/or Service is required;
 - ii) may execute any amendment to the Contract and any ancillary documents required to give effect thereto with the vendor, in a form satisfactory to the City Solicitor.
- (b) The City's Director of Financial Services, Taxation & Corporate Controller shall be responsible to prepare an annual information report to Council on all Contracts that have been amended as per subsection (4) of this Policy #11.
- (c) Where the annual increase in costs resulting from the amendment to the Contract exceeds \$250,000, be required to submit an information update to the City Manager and to Council for their information."

Appendix “B” to Report FCS21103(a)/PW22081 states the amendment to the City’s Capital Pre-Approval Policy as highlighted in yellow for clarity.

THE CITY OF HAMILTON

**CORPORATE SERVICES DEPARTMENT
CAPITAL BUDGETS & DEVELOPMENT**

CAPITAL PRE-APPROVAL POLICY

FCS01005

Updated through FCS21103/PW22081

As written (years referenced updated):

THAT, City departments be authorized to tender and award replacement, repair or rehabilitation-type construction projects, in accordance with the approved purchasing policies and procedures, prior to the annual budget approval (e.g., the year **2023**) up to:

1. 50% of the previous year's (e.g., **2022**) capital budget for water, wastewater, storm sewers, waste management, community services, open space development & parks, planning, fleet & facilities, roads and transit projects which were approved in the first year of the previous year’s capital forecast **or where a project is planned and budgeted over the course of two or more years and the first year of construction has already been approved, the pre-approval policy applies to subsequent years;**
2. 50% of the previous year's capital budget for all other projects and services only if a specific project had been approved in the previous year’s capital budget and the first year of the forecast (e.g., **2022 and 2023**) and approved for construction; and
3. **Notwithstanding items 1 and 2 above, for replacement vehicles (“Vehicles” as defined under the Procurement Policy) and associated Vehicle equipment, for the period up to October 1, 2023, 100% of the budgeted amounts in years 2 through 4 of the most recent 10-year Capital Financing Plan may be tendered and awarded. Interim financing to fund deposits or other pre-payment requirement under this section would be sourced first from program reserves and second through an internal loan from the Unallocated Capital Reserve (#108020) with repayment terms consistent with our Internal Loan Guidelines.**

What does it mean?

The policy applies to all projects/programs within the water, wastewater, storm sewers, waste management, community services, open space development & parks, planning, fleet & facilities, roads and transit divisions.

The pre-approval policy for capital projects allows departments to commit up to 50% (or 100% in the temporary case of replacement vehicles and equipment as noted in Item 3) of the preceding year's approved capital budget on replacement, repair or rehabilitation projects that were previously identified for the upcoming budget year (i.e., forecasted in the prior year's budget).

Where a project, other than those listed above, is planned and budgeted over the course of two or more years and the first year of construction has already been approved, the pre-approval policy applies to subsequent years of the project.