

GOVERNANCE REVIEW SUB-COMMITTEE REPORT 23-001

Monday, March 27, 2023 1:30 p.m. Council Chambers Hamilton City Hall

Present: Councillors T. Hwang (Chair), B. Clark, J.P. Danko, C. Kroetsch, N. Nann,

and M. Wilson

THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 23-001 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Chair and Vice-Chair

(a) That Councillor Tammy Hwang be appointed Chair of the Governance Review Committee for 2022-2026.

For further disposition of this matter, refer to Item (a)(i).

(b) That Councillor Cameron Kroetsch be appointed Vice-Chair of the Governance Review Committee for 2022-2026.

For further disposition of this matter, refer to Item (a)(ii).

2. Feedback from the Advisory Committees on the Code of Conduct for Local Boards (FCS23032) (Item 9.1)

- (a) That Report FCS23032, respecting Feedback from the Advisory Committees on the Code of Code of Conduct for Local Boards, be received.
- (b) That the Integrity Commissioner for the City of Hamilton be invited to appear before the General Issues Committee, preferably before May 1, 2023, to address concerns raised by the Advisory Committees respecting the Code of Conduct for Local Boards and to discuss:
 - (i) a process for receiving and integrating feedback from Advisory Committees to Code of Conduct for Local Boards; and

- (ii) how training may be conducted in a more cost-effective manner; and
- (c) That staff be directed to obtain feedback and recommendations from the Advisory Committees who are noted as "received without comment" and "have not met to review" in Appendix B to Report FCS23032, and report back to Governance by the end of May 2023.

3. Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) (Item 10.1)

- (a) That consideration of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards be deferred until such time as there has been a report back from City staff to the April 6, 2023 meeting of the Audit, Finance and Administration Committee about how feedback has been incorporated;
- (b) That staff be directed to obtain feedback and recommendations from the Advisory Committees who are noted as "received without comment" and "have not met to review" in Appendix C to Report FCS23034, and report back to Governance by the end of May 2023.
- (c) That the Corporate Policy, Hamilton City Council Appointment of Citizens to the City's Local Boards attached as Appendix 'A' to Governance Review Sub-Committee Report 23-001, be approved.

4. 2024 and 2025 Committee / Council Meeting Calendars (FCS23048) (Item 10.2)

- (a) That the 2024 Committee / Council Meeting Calendar, attached as Appendix 'B' to Governance Review Sub-Committee Report 23-001, be approved; and
- (b) That the 2025 Committee / Council Meeting Calendar, attached as Appendix 'C' to Governance Review Sub-Committee Report 23-001, be approved.

5. Amendments to the Procedural By-law 21-021 respecting the Board of Health Standing Committee (FCS23031) (City Wide) (Item 10.3)

- (a) That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to reflect the Board of Health Standing Committee's name change to the **Public Health Committee**, as follows:
 - (i) the Board of Health Terms of Reference (Appendix 'B' to By-law 21-021, as amended), be **amended**, as follows:
 - (a) Title: **Public Health Committee**

- (b) Composition: The *Public Health Committee* shall be comprised of all 16 members of Council
- (c) Specific duties shall include:
 - To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the *Public Health Committee*
 - To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the *Public Health Committee*
- (ii) Section 5.1 "Standing Committees" be **amended**, as follows:

5.1 Standing Committees

The Standing Committees that report directly to Council shall be as follows:

- (b) Public Health Committee
- (iii) Section 5.2 "Appointment of Committee Chairs and Vice Chairs" be **amended**, as follows:
 - 5.2 Appointment of Committee Chairs and Vice Chairs
 - (2) Despite subsections 5.2(1)(a) and (b):
 - (a) the Mayor shall stand as Chair for the term of Council for the *Public Health Committee*: and
 - (3) The **Public Health Committee** shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the **Public Health Committee**.
- (iv) Section 5.3 "Standing Committee Membership" be **amended**, as follows:

5.3 Standing Committee Membership

(1) General Issues Committee and *Public Health Committee* shall be comprised of all Members of Council.

- (6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the *Public Health Committee* and General Issues Committee.
- (v) Section 5.6 "Standing Committee Meeting Times" be **amended**, as follows:

5.6 Standing Committee Meeting Times

- (1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:
- (a) (ii) **Public Health Committee** shall meet at least once per month commencing at 9:30 a.m.;
- (b) That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be amended to confirm applicability of the Procedure By-law when Council operates and functions as the Board of Health for the City of Hamilton, as follows:
 - (i) Section 3 "Council Meetings" be **amended** by adding the following new sub-section 3.15 "Board of Health Meetings" and renumbering the remaining sub-sections accordingly:

3.15 Board of Health Meetings

Where Council is exercising the jurisdiction of a Board of Health under the Health Protection and Promotion Act, 1990:

- (a) Council shall meet as necessary to complete such business as would normally be completed by a Board of Health and as required pursuant to the Health Protection and Promotion Act,1990 and its Regulations, any Public Health Standards published by the Minister, and any other applicable law including municipal bylaws and policies governing a Board or Health; and
- (b) the Mayor and Clerk are authorized, upon approval by Council operating as a Board of Health, to sign any necessary resolutions.
- (c) That the draft By-law attached as Appendix 'A' to Report FCS23031, respecting amendments to By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, be enacted by Council.

6. Fixing Long-Term Care Act – Governance Requirements (FCS23033 / HSC23025) (Item 10.4)

- (a) That in accordance with the requirements of the Fixing Long-Term Care Act, 2021 and Ontario Regulation 246/22 (as amended) which requires the municipality to establish a committee of management, and the corresponding qualifications for same, from among members of council for its Long Term Care Homes, that the Emergency and Community Services Committee comprised of members of Council who have completed the required screening measures as mandated in the legislation shall be the Committee of Management for the City of Hamilton's Long Term Care Homes; and
- (b) That the draft By-law attached as Appendix "D" to Governance Review Sub-Committee Report 23-001, respecting amendments to By-law 21-021, A Bylaw to Govern the Proceedings of Council and Committees of Council, to establish a Long-Term Care Homes Committee of Management for the City of Hamilton be enacted by Council.
- 7. Code of Conduct and Conflict of Interest Education and Communications (HUR22011(a)/CM22018(a)) (City Wide) (Outstanding Business List Item) (Item 10.5)
 - (a) That City of Hamilton employees not be permitted to sell goods and services to the City, or to bid on City contracts unless there are specific circumstances where it can be demonstrated that employee bids are in the best interest of the organization. Circumstances that would give rise to an exemption may include, but are not limited to, contracts tendered during a declared state of emergency or contracts tendered to purchase products whereby the employee is the sole source (no other vendor provides the same or equivalent product).
 - (b) That a review of a potential exemption, as outlined above, would be initiated through the following process:
 - (i) Employees will be required to submit a Code of Conduct Disclosure Form that outlines all perceived and real conflicts of interest.
 - (ii) Disclosure Forms will be reviewed to determine if any conflicts of interest should disqualify the employee from selling goods and services or from participating in the bid process, despite the extenuating circumstances.
 - (iii) Staff involved in reviewing Disclosure Forms and confirming that the extenuating circumstances exist will include Legal, Procurement and Human Resources.

- (iv) Any employee bids that are approved by Legal, Procurement and Human Resources due to extenuating circumstances, require City Manager approval when the value of the contract exceeds \$25,000.
- (c) It is further recommended, that notwithstanding any extenuating circumstances, employees would be precluded from consideration for an exemption for the following reasons:
 - (i) Access to confidential or proprietary information that could give them an unfair advantage in the bidding or sale process,
 - (ii) Direct or indirect involvement in the procurement process or the decision-making process by virtue of their position with the City.
- (d) That the Code of Conduct, Schedule D Outside Activity, attached as Appendix 'E' to Governance Review Sub-Committee Report 23-001, be approved, as amended with the recommendations noted above.
- (e) That this item be removed from the Governance Review Sub-Committee Outstanding Business List.
- 8. Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide) (Outstanding Business List Item) (Item 10.6)
 - (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 from June 1, 2023 until **September 30, 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 staff be directed to take the alternative action set out in Report FCS22074 (a)), attached as Appendix F to Governance Review Sub-Committee Report 23-001 to conduct a competitive procurement process to secure the services of an Integrity Commissioner and Lobbyist Registrar in accordance with the City's Procurement Policy By-Law 20-205, as amended, with the addition of the Auditor General as a member of the Selection Committee; and
 - (c) That Appendix G to Governance Review Sub-Committee Report 23-001, be approved.
- 9. Restructuring the Board of Health Standing Committee (Item 11.1)

WHEREAS, Council, believes that the current composition of the City's Board of Health Standing Committee (recommendation to change name to "Public Health Committee" as per FCS23031) should be adjusted;

THEREFORE, BE IT RESOLVED:

- (a) That the composition of the Public Health Committee be approved as follows:
 - (i) 6 members of Council;
 - (ii) 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and
 - (iii) 1 education representative
- (b) That By-law No. 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be **amended** as follows with the renumbering of the remaining sub-sections accordingly:
 - (i) 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 six (6) Council representatives with full voting privileges and with the exception of the Public Health Committee Selection Committee for the recruitment of the 6 community health professionals and the 1 education representative which is comprised of six (6) members of Council and six (6) community representatives with full voting privileges.
 - (ii) the Public Health Committee Terms of Reference (Appendix 'B' to By-law 21-021, as amended), be **amended**, as follows:
 - (a) The Public Health Committee shall be comprised of: *all 16 members of Council*:
 - (i) 6 members of Council;
 - (ii) 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate);
 - (iii) 1 education representative
 - (iii) Section 5.2 "Appointment of Committee Chairs and Vice Chairs" be **amended**, as follows:

5.2 Appointment of Committee Chairs and Vice Chairs

- (2) Despite subsections 5.2(1)(a) and (b):
 - (a) the Mayor shall stand as Chair for the term of Council for the Public Health Committee; and
 - (a) the Mayor may stand as the Chair of the General Issues Committee for the term of Council or the Chair of the General Issues Committee may be rotated amongst the Deputy Mayors.
- (3) The Public Health Committee shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the Public Health Committee.
- (iv) Section 5.3 "Standing Committee Membership" be **amended**, as follows:

5.3 Standing Committee Membership

- General Issues Committee and Public Health
 Committee shall be comprised of all Members of Council.
- (2) Public Health Committee shall be comprised of 6
 Members of Council, 6 community health
 professionals (can be from either a regulated
 profession (i.e. doctor, nurse, social worker) or an
 unregulated profession (i.e. harm reduction worker,
 outreach worker, disability justice advocate); and 1
 education representative;
- (7) Each Member of Council shall sit on a minimum of 3
 Standing Committees, in addition to the *Public Health Committee and* General Issues Committee.
- (c) That the Selection Process for the appointment of the 6 community health professionals and the 1 education representative to the Public Health Committee, be approved, as follows:
 - (i) That the Public Health Committee Selection Committee for the recruitment of the 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and the 1 education representative to the Public Health Committee, be comprised of the six (6) members of Council and six (6) community representatives;

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- (ii) That the Greater Hamilton Health Network (GHHN), GHHN Health Equity Council, Hamilton Trans Health Coalition, Woman Abuse Working Group (WAWG), Refugee Newcomer Health, and the Hamilton Anti-Racism Resource Centre (HARRC) recommend the appointment of the six (6) community representatives on the Public Health Committee Selection Committee for the recruitment 6 community health professionals and the 1 education representative to the Public Health Committee for the 2022-2026 term of Council for Council's consideration:
- (iii) That the six (6) community representatives appointed to the Public Health Committee Selection Committee for the recruitment of 6 community health professionals and the 1 education representative to the Public Health Committee, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.
- (iv) 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**, by adding the following new sub-section 16 and renumbering the remaining sub-sections accordingly:

Selection Process for the Appointment of the 6 community health professionals and the 1 education representative to the Public Health Committee

- 16. Six (6) members of Council and six (6) community representatives are appointed to the Public Health Committee Selection Committee whose mandate will be to:
 - (i) Review applications for the appointment of the 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); to the Public Health Committee;
 - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided:
 - (iii) Request that 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) Request that the Hamilton District School Board and the Hamilton Catholic District School Board nominate a candidate(s) as the 1 education representative to be appointed to the Public Health Committee for the Public Health Committee Selection Committee consideration;
- (v) Interview applicants and nominated candidates, if necessary, who have met the criteria (below), ensuring that they are not ineligible (below);

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

- a resident of, or owner of a business in, the City at least 18 years of age;
- an owner or tenant of land in the City, or the spouse of such a person;
- not employed by the City of Hamilton;
- interest or background in issues affecting municipal public health programs and services
- interest or skills in planning and policy development leading to a comprehensive municipal public health agenda that meets local community needs experience in organizational activities, such as committees, non-profit groups, voluntary societies, occupational associations skills in leadership and management
- experience in administration and budget development
- demonstrated skills in conflict management, negotiation and mediation
- ability to make a commitment to monthly involvement in Public Health Committee meetings and related committees or other activities
- a youthful perspective, defined as an individual in the 18-30 age range, a desired qualification for at least one public member
- a frontline worker perspective

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

5.2 Anne-Marie King, respecting Restructuring the Board of Health

Recommendation: Be received and referred to Item 11.1, Restructuring the Board of Health

6. DELEGATION REQUESTS

- 6.1 Restructuring the Board of Health
 - 6.1 (c) Aznive Mallett, Advisory Committee for Persons with Disabilities (ACPD) (For today's meeting)
 - 6.1 (d) Ruth Rodney (For today's meeting)

The March 27, 2023 Agenda of the Governance Review Sub-Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) September 9, 2022 (Item 4.1)

The Minutes of the September 9, 2022 meeting of the Governance Review Sub-Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

The following Communications were received and referred to the consideration of Item 11.1, Restructuring the Board of Health:

- (i) Sim Sahota, respecting Restructuring the Board of Health (Item 5.1)
- (ii) Anne-Marie King, respecting Restructuring the Board of Health (Added Item 5.2)

For further disposition of this matter, refer to Item 9.

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests respecting the Restructuring of the Board of Health, were approved for today's meeting:

- (i) Kojo Damptey, McMaster University (Item 6.1(a))
- (ii) Mark A. McNeil, Accessibility Hamilton Alliance (Item 6.1(b))
- (iii) Aznive Mallett, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 6.1(c))
- (iv) Ruth Rodney (Added Item 6.1(d))

For further disposition of this matter, refer to Items 9 and (f)(i).

(f) DELEGATIONS (Item 7)

(i) Delegations respecting Item 11.1, Restructuring the Board of Health

The following delegations addressed the Committee respecting Item 11.1 - Restructuring the Board of Health:

- (a) Kojo Damptey, McMaster University (Added Item 7.1)
- (b) Mark A. McNeil, Accessibility Hamilton Alliance (Added Item 7.2)
- (c) Aznive Mallett, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 7.3)
- (d) Ruth Rodney (Added Item 7.4)

The following delegations, were received and referred to the consideration of Item 11.1 - Restructuring the Board of Health:

- (a) Kojo Damptey, McMaster University (Added Item 7.1)
- (b) Mark A. McNeil, Accessibility Hamilton Alliance (Added Item 7.2)
- (c) Aznive Mallett, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 7.3)
- (d) Ruth Rodney (Added Item 7.4)

For further disposition of this matter, refer to Item 9.

(g) DISCUSSION ITEMS (Item 10)

(i) Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) – REVISED (Item 10.1)

The consideration of Report FCS23034, respecting the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, was deferred until after the Committee has considered the Code of Conduct for Local Boards matter.

For further disposition of this matter, refer to Items 3 and (g)(iii).

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(ii) 2024 and 2025 Committee and Council Meeting Calendars (FCS23048) (Item 10.2)

The following motion was defeated.

That consideration of Report FCS23048, respecting 2024 and 2025 Committee and Council Meeting Calendars, be deferred until after Council has completed its Strategic Planning process.

For further disposition of this matter, refer to Item 4.

(iii) Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) - REVISED (Item 10.1)

The recommendations in Report FCS23034, respecting Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, were *amended*, as follows:

- (a) That the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, attached hereto as Appendix 'A', be approved; and
- (a) That consideration of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards is deferred until such time as there has been a report back from City staff to the April 6, 2023 meeting of the Audit, Finance and Administration Committee about how feedback has been incorporated;
- (b) That City staff continue to reach out to the Advisory Committees who are marked as "received without comment" and "have not met to review" in Appendix C to Report FCS23034, and report back to Governance by the end of May 2023.
- (b)(c) That the Corporate Policy, Hamilton City Council Appointment of Citizens to the City's Local Boards attached as Appendix 'B' to Appendix 'A' to this report, be approved.

At the request of Committee, the amendments to Subsections (a) and (b) were voted on separately.

(a) That consideration of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards is deferred until such time as there has been a report back from City staff to the April 6, 2023 meeting of the Audit, Finance and Administration Committee about how feedback has been incorporated;

(b) That City staff continue to reach out to the Advisory Committees who are marked as "received without comment" and "have not met to review" in Appendix C to Report FCS23034, and report back to Governance by the end of May 2023.

For further disposition of this matter, refer to Items 3 and (g)(i).

(h) MOTIONS (Item 11)

(i) Budget Process Review (Item 10.1)

WHEREAS, Ontario municipalities must prepare and adopt an annual budget that includes estimates of all of your municipality's financial needs during the year (Sections 289 and 290 of the *Municipal Act, 2001*);

WHEREAS, budgets are powerful management tools. They help define levels of municipal services and identify how revenues will fund expenses. Budgeting involves prioritizing projects, programs and service levels in light of the available and potential financial resources;

WHEREAS, municipalities have flexibility regarding the format and level of detail of its budgets;

WHEREAS, while the operating and capital components of budgets are inter-related, some municipalities prepare them separately;

WHEREAS, Hamilton City Council approves 3 budgets annually (Water, Wastewater and Stormwater Rate Supported Budget, Tax Supported Capital Budget, and the Tax Supported Operating Budget);

WHEREAS, the City of Hamilton first embarked on multi-year budgeting in 2018 to help plan further out on day-to-day services and to provide justification for revenue and expenditure predications;

WHEREAS, City of Hamilton is dedicated to advancing and articulating City decision-making efforts by ensuring the process by which participants are provided information and are engaged is meaningful, clear, convenient, and accessible to all residents;

WHEREAS, City of Hamilton had two public delegation opportunities for residents to delegate either in-person or virtually during the 2023 budget process;

WHEREAS, City of Hamilton is currently creating a robust public engagement policy and administrative framework; and

WHEREAS, enhancing engagement throughout the budget process can inherently support high-level Term of Council Priorities including (1) Equity, Diversity and Inclusion; and (2) Trust and Confidence in City Government;

THEREFORE, BE IT RESOLVED:

- (a) Staff were requested to report back on best practices as it relates to the timing of approval of the municipal budget(s);
- (b) Staff was requested to report back on best practices that prioritize resident engagement including access to, understanding of and participation in budget setting;
- (c) Staff was requested to report back on what an equity-responsive climate budget might look like in terms of principles and framework;
- (d) Staff was requested to report back on the inter-relatedness of the operating and capital budget and the potential to transition to 2 annual budgets (Water, Wastewater and Stormwater Rate Supported Budget, and a Tax Supported Budget);
- (e) Staff within Financial Planning, Administration and Policy Division and Government Relations & Community Engagement Division were directed to work together to provide clear descriptions for the roles and responsibilities of Council, City staff, and the public in the City's public budget engagement processes through their report back;
- (f) Staff was directed to report back on ways to make the annual budget accessible, using clearing writing principles, and relevant throughout the year to provide updates on current budget status and updated council decisions to highlight budget impacts and decisions made by Council;
- (g) Staff was requested to report back on a process that will accelerate and consolidate the time allocated for budget presentations and Council's budget deliberations, with an emphasis on achieving long-term financial planning, transparency, strategic planning and continuous budget improvement; and
- (h) Staff was directed to report back on the above direction with a goal to transition to a new budget process for the 2025 budget year.

(j) ADJOURNMENT (Item 15)

There being no further business, the Governance Review Sub-Committee meeting was adjourned at 6:06 p.m.

Respectfully submitted,

Councillor T, Hwang, Chair Governance Review Sub-Committee

Tamara Bates Legislative Coordinator Office of the City Clerk