



Hamilton

**GOVERNANCE REVIEW SUB-COMMITTEE
MINUTES 24-001**

Friday, September 13, 2024

9:00 a.m.

Room 264, 2nd Floor

Hamilton City Hall

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

THE FOLLOWING ITEMS WERE REFERRED TO THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE FOR CONSIDERATION:

1. Council Access to Records (FCS23078) (City Wide) (Item 9.1)

(Kroetsch/Clark)

That Report FCS23078, respecting Council Access to Records, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Brad Clark
 YES - Councillor J.P. Danko
 YES – Chair - Councillor Tammy Hwang
 YES - Councillor Cameron Kroetsch
 YES - Councillor Nrinder Nann
 YES - Councillor Maureen Wilson

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATION ITEMS

5.2 Medora Uppal, YWCA Hamilton, respecting Gender-affirmation Training for Council Members

5.3 Joey Coleman, respecting Records Retention By-Law

CHANGES TO THE ORDER OF ITEMS

The consideration of Item 5.1, Amendment to By-law 16-290, Council Code of Conduct, is to be considered following the Delegation from Jelena Vermillion, once approved.

(Clark/Danko)

That the September 13, 2024 Agenda of the Governance Review Sub-Committee be approved, as amended.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
YES - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) November 17, 2023 (Item 4.1)

(M. Wilson/Kroetsch)

That the Minutes of the November 17, 2023 meeting of the Governance Review Sub-Committee be approved, as presented.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
YES - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(d) COMMUNICATION ITEMS (Item 5)

(i) Medora Uppal, YWCA Hamilton, respecting Gender-Affirmation Training for Council Members (Added Item 5.2)

(Kroetsch/Danko)

That the correspondence from Medora Uppal, YWCA Hamilton, respecting Gender-Affirmation Training for Council Members, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
YES - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(ii) Joey Coleman, respecting Records Retention By-Law (Added Item 5.3)

(Kroetsch/Clark)

That the correspondence from Joey Coleman, respecting Records Retention By-Law, be REFERRED to staff for the preparation of a report respecting the retention of audio-visual recordings of meetings and options for providing the most reasonable and best access to these recordings, at the next Governance Review Sub-Committee meeting.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
YES - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(e) DELEGATION REQUESTS (Item 6)

(i) Jelena Vermillion, Sex Workers' Action Program of Hamilton, respecting Amendment to By-law 16-290, Council Code of Conduct (for today's meeting) (Item 6.1)

(Clark/Kroetsch)

That the Delegation Request from Jelena Vermillion, Sex Workers' Action Program of Hamilton, respecting Amendment to By-law 16-290, Council Code of Conduct, be approved, for today's meeting.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
YES - Councillor Cameron Kroetsch

YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(f) DELEGATIONS (Item 7)

(i) Jelena Vermillion, Sex Workers' Action Program of Hamilton, respecting Amendment to By-law 16-290, Council Code of Conduct (for today's meeting) (Added Item 7.1)

- (1)** Jelena Vermillion, Sex Workers' Action Program of Hamilton, addressed Committee respecting Amendment to By-law 16-290, Council Code of Conduct.

(Clark/Kroetsch)

That the Delegation from Jelena Vermillion, Sex Workers' Action Program of Hamilton, respecting Amendment to By-law 16-290, Council Code of Conduct, be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
YES - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(2) (Clark/Kroetsch)

That Clerks staff report back to the Governance Review Sub-Committee, with advice from Legal staff and in consultation with the Information and Privacy Commissioner of Ontario, on the role of the presiding officer in regulating the content of a delegate's speech, including written submissions, with respect to identifying other individuals by name or making false or defamatory statements, with respect to:

- (a) whether or not the City is liable when a member of the public names individuals within their delegation or written submission;
- (b) when the City becomes liable for comments made by a member of the public within their delegation or written submissions;
- (c) when the City becomes liable for impeding a member of the public's right to freedom of expression within their delegation or written submissions; and

- (d) when a member of the public's freedom of expression becomes an incitement of hatred and/or violence to an individual or group of individuals within their delegation or written submissions.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
YES - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(g) COMMUNICATION ITEMS (Item 5) - CONTINUED

(i) Amendment to By-law 16-290, Council Code of Conduct

For disposition of this matter, refer to Item (h)(iii).

(h) MOTIONS (Item 11)

(i) Revisions to Report Templates (Item 11.1)

(M. Wilson/Danko)

WHEREAS Hamilton City Council approved the following three (3) Council Priorities along with their corresponding nine (9) Outcomes and Measures of Success for the 2022-2026 Term of Council on July 14, 2023:

SUSTAINABLE ECONOMIC & ECOLOGICAL DEVELOPMENT

- ***Reduce the burden on residential tax payers***
 - Increase new Commercial and Industrial construction by 1.4 million square feet and \$500 million in construction value per year with an ecological and economic lens
 - Review and adjust our planning and economic development processes to increase the tax productivity of land within the Municipality with the specific outcome to reduce the tax burden on residential tax payers
 - Create ecosystems and supports that will build a breeding ground to leverage and facilitate the growth of businesses, from start-ups to large industry, in key sectors identified in the 2021-2025 Economic Development Action Plan, including Advanced Manufacturing, Agribusiness and Food Processing, Creative Industries, Finance, Insurance and Real Estate (FIRE), Goods Movement, ICT & Digital Media, Life Sciences and Tourism Industry)
- ***Climate Change/Decarbonization Progress***

- Accelerate the City's current Climate Change Action Plan goal of a 50% reduction in total Corporate greenhouse gas (GHG) emissions from 2005 Baseline by 2030, to achieve a 55% reduction by the end of 2026
- Increase urban tree canopy coverage by 2% by the end of 2026, by targeting 20,000 tree plantings per year, to move toward the goal of achieving the City's Urban Forest Strategy target of 40% urban tree canopy coverage by 2050, prioritizing planting in neighborhoods with the greatest need
- Tree planting priority analysis, based on Neighbourhood Tree Equity Scores, to be completed by mid-2024
- **Protection of Green Spaces & Water**
 - Increase in municipally and publicly owned natural areas, parks & public spaces (hectares)
 - Inventory to be completed by mid-2024; inventory will determine 2026 target
 - Accelerate the proposed Watershed Action Plan for Council approval in 2024, followed by implementation, in order to support the delisting of Hamilton Harbour as an International Joint Commission Area of Concern

SAFE & THRIVING NEIGHBOURHOODS

- **Increase in Housing Units for All & Reduce Homelessness**
 - Facilitate the approval of 20,000 new housing units by the end of 2026, with one third being available as rental units, and including at least 10% affordable and/or permanently supportive housing units
 - Preserve and maintain affordable rental stock in the private market, in addition to the 13,124 units in the non-profit sector and/or community housing
 - Metric related to private market to be developed with the Canadian Housing Evidence Collaborative by Q4 2023
 - Reduce the number of individuals who are actively homeless by 30% and facilitate increased capacity within the shelter system by the end of 2026
- **Improved Mobility, Accessibility & Road Safety**
 - Achieve Vision Zero annually
 - More than double the pace of construction of new and upgraded active transportation facilities (separated bikeways, connected bikes lanes and paved multi-use pathways) from approximately 15 km per year to 40 km per year
 - Increase transit ridership to pre-pandemic numbers by end of 2026, while improving accessibility for all

WORKING OF CITY HALL & TRANSPARENCY IN MUNICIPAL GOVERNMENT

- ***New Budget Process Implemented***
 - Develop a plan to transition to a revised budget process, beginning in the 2025 budget year, that:
 - Emphasises long-term financial planning through asset management principles
 - Considers equity and carbon budgeting principles
 - Is accessible, prioritizes public engagement and promotes transparency
 - Shifts timing of budget approval from early Q2 to mid Q1 annually
 - Integrates current operating, capital and rate budgets into 2 annual budgets (Water, Wastewater and Stormwater Rate Supported budget and a Tax Supported budget)
- ***Improved Public Engagement***
(metrics TBD as part of Public Engagement Policy & Framework report Dec 2023)
 - Consistency in corporate-wide application of enterprise public engagement policies and practices
 - Improved access and reduced barriers to participation for public engagement activities
- ***Efficient Customer Service & Communication***
 - Establish an enterprise customer service strategy by Q1 2026 that would lead to the measurement and tracking of 100% of customer interactions and implementation of enterprise customer service standards, shifting the organization culture to be more responsive and creative
 - Implement customer centered design for all City initiatives through the implementation of the City's Digital Strategy
- ***Employer of Choice***
 - Corporate wide voluntary turnover rate (does not include involuntary or retirements) maintained at 7% or less, in line with industry standards
 - Improve decline job offer rate
 - Currently not tracked; baseline to be set in 2024
 - Improve the Employee Engagement Index in the 2024 Our People Survey (data: 2021 69.1%; 2017 69.2%)

WHEREAS, City of Hamilton Committees make their views and recommendations known to Council and the public by way of reports; and

WHEREAS, to enable the public to hold Council to account, these reports should detail how the recommendations support or detract from Council Priorities, along with references to previous reports that have informed analysis and debate on the subject and the public consultation undertaken.

THEREFORE, BE IT RESOLVED:

That staff be directed to revise the Report templates, as follows:

- to identify the relationship to the subject matter with Council's Priorities;
- along with a reference to a report history on the topic under discussion; and
- a summary of any public consultation to date under the 'RELEVANT CONSULTATION' section, including the following checklist:

EXTERNAL ENGAGEMENT AND COMMUNICATION

<input type="checkbox"/> Public engagement was undertaken	<input type="checkbox"/> Dialogue with interested parties was undertaken
<input type="checkbox"/> Public/interested parties were informed	<input type="checkbox"/> Public communication or engagement was not required

Result: Motion CARRIED by a vote of 6 to 0, as follows:

- YES - Councillor Brad Clark
- YES - Councillor J.P. Danko
- YES – Chair - Councillor Tammy Hwang
- YES - Councillor Cameron Kroetsch
- YES - Councillor Nrinder Nann
- YES - Councillor Maureen Wilson

(ii) Community Engagement on Council Term Limits (Item 11.2)

Councillor M. Wilson introduced the following motion, which was later WITHDRAWN:

(M. Wilson/Kroetsch)

WHEREAS, the *Municipal Elections Act* details who can be a candidate for municipal office in any municipality throughout Ontario;

WHEREAS, there is no limit to the number of consecutive times a Hamilton City Councillor or Mayor can be elected;

WHEREAS, Hamilton City Council has identified responsiveness and transparency in local government as a priority, including the expansion of demographic representation and the reduction of barriers to participation;

WHEREAS, overall voter turnout rate for municipal elections in Hamilton has not exceeded 41% in the last six municipal elections, with a turnout of 38% in 2003, 37% in 2006, 40.5% in 2010, 33.5% in 2014, 39% in 2018, and 35.4% in 2022;

WHEREAS, the advantage of incumbency at the municipal level of government is reflected in the fact that the following number of incumbents have been returned to Hamilton City Council in the past 21 years: 84.6% in 2003, 83.3% in 2006, 85.7% in 2010, 100% in 2014, 91.7% in 2018, and 66.7% in 2022. Only 10 challengers have been successful at unseating incumbents in 96 races since 2003;

WHEREAS, some Indigenous councils employ term limits across Ontario;
and

WHEREAS, there would be significant value in invigorating local democracy and offering all Hamilton residents the opportunity to consider term limits as part of an overall strategy to promote electoral competition, the emergence of candidates and voter participation.

THEREFORE, BE IT RESOLVED:

- (a) That Hamilton City Council commit to an open and transparent process that would enable and encourage residents to consider and comment on term limits at the municipal level of government;
- (b) That staff be requested to design and implement a community engagement strategy aimed at soliciting public input on the prospect of and goals to be achieved with municipal term limits;
- (c) That city staff survey the use of term limits in comparable jurisdictions across North America, including the practices of Indigenous Peoples; and
- (d) That city staff report to the Governance Review Sub-Committee on the outcomes of this engagement and study including the required legislative changes to the *City of Hamilton Act* and *Municipal Elections Act*.

(iii) Amendment to By-Law 16-290, Council Code of Conduct (Added Item 11.3)

(Kroetsch/Nann)

That staff be directed to prepare an amendment to By-law 16-290, Council Code of Conduct, to include the following and renumbering the remaining subsections accordingly:

SECTION 14: STANDARDS RELATING TO COMMUNICATION

- 14.1 Members are responsible for making honest statements. No member shall make a statement, including through social media, when they know that statement is false or are reckless as to whether it is true. No member shall make a statement with the intent of misleading Council or members of the public.

- 14.2 Members will conduct their communications with each other and members of the public, including by means of social media, in ways that maintain public confidence in the office to which they have been elected or appointed, are open and honest, focus on issues rather than personalities, and avoid threatening, intimidating, offensive or abusive conduct.

Result: Motion CARRIED by a vote of 5 to 1, as follows:

YES - Councillor Brad Clark
NO - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
YES - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(i) GENERAL INFORMATION AND OTHER BUSINESS (Item 13)

(i) Clerk’s Workplan (Added Item 13.1)

(M. Wilson/Hwang)

That the City Clerk report back to the next Governance Review Sub-Committee with:

- (1) an outline of the Clerk’s workplan for the remainder of 2024; and
- (2) a list of objectives the Governance Review Sub-Committee can complete in 2025 for discussion.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko
YES – Chair - Councillor Tammy Hwang
ABSENT - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

(j) ADJOURNMENT (Item 15)

(Clark/Nann)

That, there being no further business, the Governance Review Sub-Committee meeting be adjourned at 12:39 p.m.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Councillor Brad Clark
YES - Councillor J.P. Danko

YES – Chair - Councillor Tammy Hwang
ABSENT - Councillor Cameron Kroetsch
YES - Councillor Nrinder Nann
YES - Councillor Maureen Wilson

Respectfully submitted,

Councillor T. Hwang, Chair
Governance Review Sub-Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk