



Hamilton

REPORT 11-001

GOVERNANCE REVIEW SUB-COMMITTEE

Thursday, March 8, 2011

1:00 p.m.

Room 192, (1st Floor)

Hamilton City Hall

Present: Councillor R. Powers (Chair)
Councillors B. Clark, M. Pearson, T. Whitehead

Absent with Regrets: Councillor R. Pasuta - Vacation

Also Present: R. Caterini, City Clerk
M. Gallagher, Deputy Clerk
L. Pasternak, Senior Solicitor
B. Moreale, J. M. Souter, S. Howse, M. DeNobile, Canadian
Football Hall of Fame
C. Biggs, Coordinator, Committee Services/Council/Budgets
C. Newman, Legislative Assistant, City Clerk's

THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 11-001 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Chair and Vice-Chair

- (a) That Councillor Russ Powers be appointed Chair of the Governance Review Sub-Committee.
- (b) That Councillor Terry Whitehead be appointed Vice Chair of the Governance Review Sub-Committee.

FOR THE INFORMATION OF THE COMMITTEE:

(a) Delegation – Mark DeNobile, Canadian Football Hall of Fame (No Attachment) (Referred from City Council on December 15, 2010) (Item 3(a))

A presentation was given by Mr. Steve House of the Canadian Football Hall of Fame Board of Directors. Mr. House's comments included but were not limited to the following:

- Introduction of Hall
- Vision Statement for the Canadian Football Hall of Fame Museum
- The Past
- Why Change
- Approved Policies
- Current Status
- Three way Agreement 1968
- Going Forward
- The Canadian Football Hall of Fame Board of Directors wants to amend the selection process in order to attract members with different levels of experience and expertise which will help in their quest for museum grants offered by both the federal and provincial governments. Mr. House indicated that the Hall of Fame would like more input in the selection process, as the composition of the Board is taken into consideration when approvals for grants are made.
- Grants are awarded to groups that display continuous improvement. The Board is currently studying other boards to assist them in developing best practices.

The Committee had the following questions and comments:

- Councillor Clark indicated that section 9 of the 1968 agreement does not give one party unilateral authority to amend the agreement. Nor does the Canadian Football Hall of Fame Board of Directors have authority to amend the agreement between the CFL and City Council. Legal council agreed with both of Councillor Clarks remarks.
- Councillor Clark reminded Mr. House that the Canadian Football Hall of Fame Board of Directors did not approach Council about seeking candidates with higher qualifications. Clark indicated that the City regularly advertises for more qualified candidates (i.e. ESIAG, Committee of Adjustment, Municipal Heritage). Councillor Clark indicated that the same can be done in this situation. The Clerk indicated that this can be accommodated.
- Mr. House indicated that he would need to speak to fellow Canadian Football Hall of Fame Board of Directors members in developing a criteria of needs and desired expertise for an advertisement.

- Councillor Clark expressed his personal reluctance in interfering with CFL appointed Board members, and that the CFL should not interfere with the City's appointments.
- Clark indicated that only CFL appointees could be non residents appointed to the Board.
- Councillor Whitehead indicated that the proposal seems to dilute the influence of the City and Councillors in the selection process.
- Councillor Whitehead stated that a balance needs to be struck respecting the process. Can we look at having an equal number of representatives from each group? (2 Councillors and 2 CFL representatives)
- Councillor Powers asked Ms. Gallagher if there was mutual agreement on the previous amendment to section 9 of the agreement.
- Ms. Gallagher indicated that Council had approved amendments to the current agreement to allow 12 members on the board. No changes have been made with respect to the selection process of Canadian Football Hall of Fame Board of Directors members. There was no information in the former City records regarding the selection process. By default, we have been using the standard selection process used by the City.
- Councillor Powers asked Mr. House what work the Canadian Football Hall of Fame Board of Directors has done respecting the upcoming recruitment of members?
- Mr. House indicated that the advertisement for the selection process is ready to go out but has been put on hold until today's meeting.
- Moving forward the Committee and Canadian Football Hall of Fame Board of Directors are going to work toward amending the Selection Committee at a later date.
- In order to attract desired candidates it was suggested that the Canadian Football Hall of Fame Board of Directors work with the Office of the City Clerk in developing an advertisement for selection.
- The Committee agreed to bring the proposed changes to Council in two weeks if the Canadian Football Hall of Fame Board of Directors provides confirmation that their Board has responded to Governance Review Sub-Committee suggestions.
- Council and the CFL must ratify and proposed changes. The Canadian Football Hall of Fame Board of Directors can offer suggestions but does not have authority to change anything in the agreement.

On a motion (Clark/Whitehead), the following recommendations were approved by Committee.

- (a) That the Canadian Football Hall of Fame Board of Directors work with the Office of the City Clerk in developing the advertisement for the selection of the Canadian Football Hall of Fame Board of Directors;
- (b) That Legal Services be directed to draft an amendment to section 9 of the agreement between the Canadian Football League and the City of Hamilton with

respect to selecting the Canadian Football Hall of Fame Board of Directors (including setting out that membership of the Selection Committee will be an equal number of representatives from the City and CFL and that final approval of selections will be given by both the City and the Canadian Football League) and report back to the Governance Sub-committee.

(b) City of Hamilton Flag Protocol (Councillor Jackson) (Item 4)

Councillor Jackson brought forth a request from a constituent, Mr. Richard Fletcher who would like the City to develop a flag protocol, specifically as it relates to deceased employees of the City of Hamilton. Mr. Fletcher provided Councillor Jackson with his research regarding other municipalities flag protocols. The Committee felt that it would be valuable for the City to research and develop its own flag protocol. Ms. Gallagher indicated that in her research of other municipalities, the responsibility of lowering the flag resides in the Mayor's authority, the Clerk's Department or in some cases, the Communications Department.

On a motion (Pearson/Whitehead), staff was instructed to investigate and develop a flag protocol for the City of Hamilton and report back to the Governance Review Sub-Committee.

(c) Criteria for the Creation of Advisory Committees or Task Forces.

- The Clerk, Rose Caterini addressed the membership of Advisory Committees/Task Forces and the role of the Standing Committee in amending the membership of those Advisory Committees/Task Forces which have been created by a Standing Committee.
- The Procedural By-law provides a reference to the development of committees but further clarity would be helpful.
- The Committee agreed that the issue of amending membership to a sub-committee/task force established by a Standing Committee would be appropriately addressed by the individual standing committees and not referred to the Governance Sub-Committee.

(d) NEXT MEETING

To be advised.

(e) ADJOURNMENT (Item 6)

(Pearson/Clark)

On a motion (Pearson/Clark), the Governance Review Sub-Committee meeting was adjourned at 2:30 p.m.

Respectfully submitted

Councillor R. Powers, Chair
Governance Review Sub-Committee

Christopher Newman
Legislative Assistant
March 8, 2011