

CITY OF HAMILTON

MOTION

COUNCIL DATE: February 8, 2012

MOVED BY COUNCILLORT. JACKSON.....

SECONDED BY COUNCILLOR

7.8 Draft Report from the Office of the Ombudsman

- (a) That a sub-committee be established, composed of Councillors L. Ferguson, R. Pasuta, T. Whitehead and J. Farr, to be referred to as the Subcommittee to Review the Ombudsman’s Draft Report;
- (b) That Council hereby delegates to the Subcommittee the authority to review a draft report to be received from the Ombudsman pursuant to Section 18(3) of the Ombudsman Act, and to instruct the City Solicitor regarding the City’s response to the draft Report;
- (c) That the Sub-Committee be dissolved immediately after the City’s response has been transmitted to the Ombudsman;
- (d) That to comply with the Ombudsman’s process which requires that his draft report be kept confidential, the City Solicitor be directed to write to the Office of the Ombudsman and request a letter from them which states that:
 - (i) In the opinion of the Ombudsman’s Office the draft report being issued to the City pursuant to Section 18(3) of the Ombudsman Act qualifies pursuant to Section 239 of the Municipal Act to be discussed by the Subcommittee in closed session for the purposes of reviewing the report and formulating a response to the report to be communicated to the Ombudsman by the City Solicitor as contemplated by Section 18(3) of the Ombudsman Act; and
 - (ii) Sets out the appropriate subject matter and Subsection of Section 239 under which the draft report qualifies to be the subject of a closed meeting; and

- (iii) Is appropriate for inclusion upon the public agenda at the meeting at which the Subcommittee will go into closed session to discuss the Ombudsman's draft report;
- (e) That staff be directed that copies of the draft report are to be returned to the Office of the Ombudsman in accordance with the required Undertaking.

Approved by General Issues
Committee on February 3, 2012