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<th>Report to:</th>
<th>Chair and Members of The Board of Health</th>
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<td>Submitted by:</td>
<td>Kevin C. Christenson City Clerk Corporate Services</td>
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<td>Date:</td>
<td>April 22, 2008</td>
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<tr>
<td>Prepared by:</td>
<td>R. Caterini x5409</td>
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**SUBJECT:** Policies of the Hamilton Board of Health - Sale and Disposition of Land, the Hiring of Employees and the Procurement of Goods and Services (CL08005) (City Wide)

**EXECUTIVE SUMMARY:**

Section 270(2) of the *Municipal Act, 2001*, requires that a local board adopt and maintain policies with respect to the sale and disposition of land, the hiring of employees and the procurement of goods and services. A local board, as defined by the *Municipal Act, 2001, subsections 1(1) and 269(1)(a)*, includes a Board of Health.

As a result, it is recommended that the by-law, attached as Appendix “A”, which provides for the adoption of the three policies by the Hamilton Board of Health, as required under subsection 270(2), be passed.
BACKGROUND:

The Board of Health, as a local board, is required under the Municipal Act, 2001 to adopt a sale and disposition of land policy, hiring policy and purchasing policy. The Board of Health has met this requirement by adopting the City’s policies, with necessary modifications and subject to any applicable provisions of the Health Protection and Promotion Act or its regulations. Until the recent amendments to the Municipal Act, 2001, these provisions were found in three separate sections of the Act.

Amendments to the Municipal Act, 2001, have now consolidated the requirement to adopt the three policies under a single subsection, 270(2), and the attached by-law accordingly updates the Board of Health’s adoption of the city’s policies as its own.

ANALYSIS/RATIONALE:

The by-law, attached as Appendix “A”, to Report CL08005 is recommended in order for the Board of Health to comply with subsection 270(2) of the Municipal Act, 2001.

Under the recommended by-law, the Board of Health would continue its adoption of the City of Hamilton’s policies respecting the sale and disposition of land, the hiring of employees and the procurement of goods and services, to be compliant with s. 270(2). Formerly, the city complied with s. 268, 270 and 271, of the Act.

A copy of the City’s sale and disposition of land policy is attached as Appendix “B” to Report CL08005, and the City’s hiring policy is attached as Appendix “C” to Report CL08005. Due to bulk, the policy respecting the procurement of goods and services is available for viewing in the City Clerk’s office, or by accessing the City’s website.

ALTERNATIVES FOR CONSIDERATION:

n/a – Provincially legislated requirements

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

POLICIES AFFECTING PROPOSAL:

n/a
By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☐ Yes ☑ No

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No
CITY OF HAMILTON

BY-LAW NO.

A By-law to Adopt and Maintain Policies with Respect to The Sale and Disposition of Land, The Hiring of Employees and The Procurement of Goods and Services by the Hamilton Board of Health

WHEREAS paragraph 270(2) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that local boards shall adopt and maintain a policies with respect to the sale and disposition of land, the hiring of employees and the procurement of goods and services;

AND WHEREAS subsection 1(1) and paragraph 269(1)(a) of the Municipal Act, 2001, S.O. 2001, c. 25 define a board of health as a local board subject to paragraph 270(2) of the Municipal Act, 2001, S.O. c, 25;

AND WHEREAS section 11 of the City of Hamilton Act, 1999, c. 14, Sched. C, s. 11 provides that the City of Hamilton has the powers, rights and duties of a board of health under the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Application

This by-law adopts and maintains the Hamilton Board of Health’s policies with respect to the sale and disposition of land, the hiring of employees and the procurement of goods and services.
2. **General**

   (a) The policies respecting the sale and disposition of land, the hiring of employees and the procurement of goods and services adopted by the City of Hamilton, any successor policies respecting the sale and disposition of land that may be adopted by the City of Hamilton and any amendments thereto that may from time to time be made shall apply in their entirety to the Board of Health, with necessary modifications and subject to any applicable provisions of the *Health Protection and Promotion Act* or its regulations.

   (b) The policies respecting the hiring of employees adopted by the City of Hamilton, any successor policies respecting the hiring of employees that may be adopted by the City of Hamilton and any amendments thereto that may from time to time be made shall apply in their entirety to the Board of Health, with necessary modifications and subject to any applicable provisions of the *Health Protection and Promotion Act* or its regulations.

3. This by-law comes into force on the day it is passed.

**PASSED AND ENACTED** on this day of , 2008.

__________________________________________  ______________________________
Mayor                                      City Clerk
21. Consolidation of Routine Real Estate Matters (CS01083) (Item 6.1)

a) That authority to approve the acquisition, disposition or lease of designated classes of, or interests in land; authority to approve and enter into agreements with the abutting landowners and authority to release covenants and conditions be delegated as follows:

i) Acquisitions:

That authority to approve the acquisition of land or any interest in land (except for a leasehold interest) be delegated to the City Manager, General Manager of the relevant department or their designates within the limits set out below and subject to the following conditions:

(1) That sufficient funds are available within the departmental budgets and approved by City Council for a use conforming with the project incorporated in the budget documents presented to Council;

(2) That written notification be given to the Councillor in the respective Ward in which the land acquisition is to take place, prior to entering into a contract;

(3) The acquisition price shall be at or below fair market value;

(4) Fair market value shall be determined by appraisal (in-house, outside, verbal or written);

(5) Acquisition value shall not exceed:

(aa) $60,000 for the General Manager or designate;
(bb) $150,000 for the City Manager or designate;

(6) The acquisition shall be on terms and conditions that are satisfactory to the Legal Services & Corporate Counsel Division.

(ii) Dispositions:

That authority to approve the disposition of land or any interest in land (except for a leasehold interest) be delegated to the City Manager, General Manager of the relevant
department or their designates within the limits set out below and subject to the following conditions:

(1) That the departmental circulation process continue to be used for land considered to be surplus to a department;

(2) Such land has been declared surplus by City Council, as appropriate, in accordance with the provisions of the City’s Real Procedural By-law, as may be amended;

(3) The disposition price shall be at or above fair market value;

(4) Fair market value shall be determined by appraisal (in-house, outside, verbal or written);

(5) Disposition value shall not exceed:
   (aa) $60,000 for the General Manager or designate;
   (bb) $150,000 for the City Manager or designate.

(6) That written notification be given to the Councillor in the respective Ward in which the sale of land is to take place, prior to entering into a contract;

(7) Such land is being sold to the public, public utilities, other municipalities, conservation authorities, or the crown;

(8) Such land includes the sale of 0.3 metre (1 foot) reserves or closed or unopened portions of public highways or road allowances;

(9) The disposition shall be on terms and conditions that are satisfactory to the Legal Services & Corporate Counsel Division;

(iii) Leases:

That authority to approve the lease of land by or to the City, including any renewal of existing or expired leases, be delegated to the City Manager, General Manager of the
relevant department, or their designates, within the time limits set out below and subject to the following conditions:

(1) The rent shall be at or below fair market rent for leases to the City and at or above fair market rent for lease by the City;

(2) Fair market rent shall be determined by appraisal (in-house, outside, verbal or written);

(3) Lease value shall not exceed:

   aa) $60,000 annual rental for the General Manager or designate;

   bb) $150,000 annual rental for the City Manager or designate;

(4) The lease shall be on terms and conditions that are satisfactory to the Legal Services & Corporate Counsel Division;

(5) The term of the lease, or any renewal, shall not exceed five (5) years;

(iv) Agreements with Abutting Landowners:

That authority to approve any agreements with abutting landowners and associated discharges thereof, including but not limited to encroachment, easement, landscaping, licence, and parking agreements, be delegated to the department responsible for the land provided that:

(1) The nature of the agreement is minor, as determined and approved by all affected departments and agencies;

(2) The form, terms and conditions of the agreement are satisfactory to the Legal Services & Corporate Counsel Division;

(3) The permit, legal fees and other costs, as determined by the City and amended from time to time, are paid by the applicant;
(v) Roads/Road Widenings:

That authority to approve the extent and receipt of lands to be dedicated to the City for roads or road widenings required as a condition of a Planning Act be delegated to the General Manager of Transportation, Operations and Environment or his designates;

(vi) Release and Discharges:

That authority to approve the preparation and registration on title of releases and discharges of expired and/or fulfilled covenants and conditions for development sales and for properties within the City Industrial Parks be delegated to the Legal Services & Corporate Counsel Division;

b) That the Mayor and City Clerk be authorized and directed to execute any document, approved by the Legal Services & Corporate Counsel Division, in connection with any transactions pursuant to Sections (i) to (vi) of this report;

c) That the Legal Services & Corporate Counsel Division be authorized and directed to electronically register on title any document required in connection with any real estate matter;

d) That a quarterly report be prepared and presented to City Council outlining all real estate transactions, as set out in Sections (i), (ii) and (iii) of this report.
EMPLOYMENT OF RELATIVES POLICY
(Code of Conduct)

POLICY STATEMENT AND PURPOSE
The residents and businesses of the City of Hamilton are entitled to have fair, ethical and accountable local government administration. It is the goal of the City to hire and promote the best candidate available for each vacancy and to be a City of choice for high performance public servants. Accordingly, all employment related matters, including hiring, transfers, promotions, demotions, performance appraisals, discipline, termination and management of staff shall be undertaken in an objective and impartial manner.

The purpose of this policy is to ensure that employment related decisions concerning existing or potential City employees are free from any real or perceived improper influence or conflict of interest based on familial relationships, and to maintain confidence in the integrity of the City’s hiring and employment practices.

SCOPE
This policy applies to all City employees, including but not limited to regular, temporary and contract employees, and to volunteers, students and interns.

PROVISIONS
The City will adhere to the following provisions in all employment related matters:

- No one shall attempt to influence the outcome of the employment process, or to influence any City employee to hire or promote a member of his or her family.

- No employee shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any member of his or her family.

- If a family member of an employee is an applicant for employment with the City or a candidate for promotion or transfer, the family member will proceed through the usual selection process with no special consideration.

- No employee shall supervise or be supervised by a family member, or be placed in a position of influence over a family member. Employees must declare to their manager/supervisor the existence or formation of a direct or indirect supervisory/subordinate relationship with a family member.

- Management has a responsibility to not knowingly place employees in positions where their duties could create a conflict of interest with a family member.
• No employee shall attempt to use a family relationship for his or her personal benefit or gain.

While this policy applies solely to family members (see definitions), situations may arise where broader familial relationships and other close personal associations cause real or perceived conflicts or the possibility of real or perceived improper influence. As a result, everyone should be sensitive to these concerns and make decisions in keeping with the spirit and intent of this policy.

**COMPLIANCE**

Any employee who is found to have violated this policy may be disciplined according to the severity of the actions, up to and including dismissal.

**DEFINITIONS**

*Family Member (including but not limited to):*

• Spouse, including common-law spouses and same sex partners
• Child, mother, father, sister, brother, grandchild, grandparent, aunt, uncle, niece and nephew
• Mother-in-law, father-in-law, sister-in-law and brother-in-law
• Step-mother, step-father, step-sister, step-brother and step-child
• Child, mother or father in a relationship where the role of parent has been assumed.

**Conflict of Interest:** A conflict of interest can occur when, in carrying out his or her duties, someone makes a decision or takes action which may be affected, or could be seen by another party to be affected by:

• The individual’s personal, financial or business interests, or

• The personal, financial or business interests of family members, friends or associates.

**APPROVAL**

Approved by City Council of the City of Hamilton on September 14, 2005.