



City of Hamilton

CITY COUNCIL ADDENDUM

Wednesday, January 24, 2018, 5:00 P.M.
Council Chambers, Hamilton City Hall
71 Main Street West

8. NOTICES OF MOTIONS

- *8.1 2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment (LS16020(a))
- *8.2 Attracting Diversity in the Selection Process
- *8.3 Community Grants for Ward 3
- *8.4 Dedicating the ArcelorMittal Dofasco Fine to Greening Initiatives in East Hamilton (Ward 4)

11. BY-LAWS AND CONFIRMING BY-LAW

- *11.19 **019
To Authorize an Interim Tax Levy for 2018
Ward: City Wide

*11.20 **020

To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program

Ward: City Wide

*11.21 **021

To Confirm the Proceedings of City Council

CITY OF HAMILTON

NOTICE OF MOTION

Council: January 24, 2018

MOVED BY MAYOR EISENBERGER.....

2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment (LS16020(a)) (City Wide) (Item 10.1)

- (a) That the the City apply to the Ontario Divisional Court for the judicial review of the decision of the Mining and Lands Commissioner, dated December 21, 2017;
- (b) That the City Solicitor be authorized and directed to take all necessary steps in accordance with LS16020(a); and,
- (c) That Report LS16020(a), respecting the 2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment, remain confidential.

CITY OF HAMILTON

NOTICE OF MOTION

Council: January 24, 2018

MOVED BY COUNCILLOR T. WHITEHEAD.....

Attracting Diversity in the Selection Process

That staff be directed to review the selection process with respect to attracting a more diverse group of applicants, and any costs associated, and report to the Governance Review Sub-Committee.

CITY OF HAMILTON

NOTICE OF MOTION

Council: January 24, 2018

MOVED BY COUNCILLOR M. GREEN.....

Community Grants for Ward 3

WHEREAS, cell tower revenues from Ward 3 of \$50,372.59 are available in project 3301609603 to provide financial support to community led projects and initiatives that benefit Ward 3;

THEREFORE BE IT RESOLVED:

- (a) That the funding for the following programs and initiatives, to be financed from the Cell Tower Revenues Project 3301609603, be approved:
 - (i) That a Prince of Wales School is granted funds in the amount of \$1,000 to support the Just One Wish Kindness Awards to help promote kindness amongst children in our community.
 - (ii) That the Micah House Refugee Reception Services Inc is granted funds in the amount of \$1,000 to support needed windows in the basement to help improve security, and better serve the community.
 - (iii) That Club 30, the seniors tenant group at 30 Sanford Ave S. is granted funds in the amount of \$1,000 to help support community programming for seniors in the building.
 - (iv) That the Hamilton Black History Committee be granted funds in the amount of \$1,500.00 for the John C. Holland Awards to help celebrate Hamilton's Black Community.
 - (v) That Open Doors Job Fair is granted funds in the amount of \$1,000 to help support the Trans Job Fair to provide Hamilton's first Transgendered focused jobs fair to enable employment amongst the trans community.
 - (vi) That the Eva Rothwell Centre is granted funds in the amount of \$1,500 to help support the Learning and Discovery Camps that will provide children with the opportunity to participate and experience a safe and educational camp.

- (vii) That L'Arche is granted funds in the amount of \$1,500 to help further foster a supportive community for residents with intellectual disabilities with upgrades to their facility for accessibility.
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

NOTICE OF MOTION

Council: January 24, 2018

MOVED BY COUNCILLOR S. MERULLA.....

Dedicating the ArcelorMittal Dofasco Fine to Greening Initiatives in East Hamilton (Ward 4)

WHEREAS, an air emission incident from a blast furnace occurred at ArcelorMittal Dofasco on February 5, 2015;

WHEREAS, ArcelorMittal Dofasco was fined \$162,500 under the Province of Ontario's *Environmental Protection Act*;

WHEREAS, revenue from this fine is paid to the City of Hamilton from the Ministry of the Environment and Climate Change and goes to the City's general revenue accounts; and,

WHEREAS, the East Hamilton community is in need of, and can benefit from, projects to enhance the local environment.

THEREFORE BE IT RESOLVED:

That the funds received by the City of Hamilton resulting from the February 9, 2015 environmental law convictions be deposited to the Tax Stabilization Reserve (110046) and committed to future enhancement of green initiatives in East Hamilton.

Authority: Item 1, Audit, Finance &
Administration Committee Report
18-001 (FCS18007)
CM: January 24, 2018
Ward: City Wide

Bill No. 019

CITY OF HAMILTON

BY-LAW NO. 18-

To Authorize an Interim Tax Levy for 2018

WHEREAS the Council for the City of Hamilton deems it necessary to pass a by-law to levy on the whole of the assessment for each property class in the local municipality rateable for a local municipality purpose, a sum not to exceed that which would be produced by applying the prescribed percentage (or 50 percent if no percentage is otherwise prescribed) of the total amounts billed to each property for all purposes in the previous year on the properties that, in the current year, are in the property class as provided for in Section 317 of the Municipal Act, 2001;

AND WHEREAS Section 317 of the Municipal Act, 2001, also authorizes a Municipal Council, by by-law, to adjust the interim taxes on a property if the Council is of the opinion that the Interim Levy on a property is too high or too low in relation to its estimate of the total taxes which will be levied on the property in 2018;

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

1. The interim tax levies shall be levied and collected upon the whole of the rateable property categories in columns 1 and 2, shown below:

Column 1

Column 2

Class	Class Code
Residential	RT
Farmlands Awaiting Development	C1/R1/M1
Multi-Residential	MT
New Multi-Residential	NT
Residual Commercial	CT/DT
New Residual Commercial	XT/YT
Residual Commercial Vacant Unit	CU/DU
New Residual Commercial Vacant Unit	XU/YU
Shopping Centre	ST
New Shopping Centre	ZT
Shopping Centre Vacant Unit	SU
New Shopping Centre Vacant Unit	ZU
Parking and Vacant Commercial Land	GT/CX
Residual Industrial	IT
New Residual Industrial	JT
Residual Industrial Vacant Unit/Land	IU/IX
New Residual Industrial Vacant Unit	JU/JX
New Construction Large Industrial	KT
New Construction Large Industrial Vacant Unit	KU

Large Industrial	LT
Large Industrial Vacant Unit	LU
Landfills	HT
Pipeline	PT
Farmland	FT
Managed Forest	TT
Rail Right of Way	WT CN
Rail Right of Way	WT CP
Utility Right of Way	UT

2. The interim tax levy shall become due and payable in two installments as allowed under Section 342(1)(a) of the Municipal Act, 2001, as follows:

Fifty percent of the interim levy, rounded, shall become due and payable on the 28th day of February, 2018 and the balance of the interim levy shall become due and payable on the 30th day of April, 2018 and non-payment of the amounts due on the dates stated, in accordance with this section, shall constitute default.

3. That when payment of any instalment or any part of any instalment of taxes levied by this by-law is in default, penalties and where applicable interest, shall be imposed respectively in accordance with City of Hamilton policies.
4. Section 342(1) (b) of the Municipal Act, 2001 allows for alternative instalment due dates to spread the payment of taxes more evenly over the year. Therefore, the interim tax levy for those on a 12 month pre-authorized automatic withdrawal payment plan shall be paid in 6 equal installments due and payable on or after the first or fifteenth day of each month January to June, inclusive. For those on the 10-month pre-authorized automatic withdrawal payment plan the interim levy shall be paid in 5 equal installments due and payable on or after the first day of each month February to June, inclusive. The pre-authorized payment plans shall be penalty free for as long as the taxpayer is in good standing with the terms of the plan agreements.
5. The interim tax levy rates shall also apply to any property added to the assessment roll after this by-law is enacted.
6. This by-law shall come into force and effect on the 1st day of January, 2018.

PASSED this 24th day of January, 2018.

F. Eisenberger
Mayor

R. Caterini
City Clerk

Authority: Item 6, Audit, Finance &
Administration Committee
Report 18-001(FCS18013)
CM: January 24, 2018
Ward: City Wide

Bill No. 020

CITY OF HAMILTON

BY-LAW NO. 18-

**To Authorize the Signing of an Agreement between the City of Hamilton and the
Ministry of Transportation Related to Funding Provided Under the Dedicated
Gas Tax Funds for Public Transportation Program**

WHEREAS the Council of the City of Hamilton deems it advisable to enter into an agreement with Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation related to funding provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program;

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

1. The Mayor and General Manager, Finance & Corporate Services are authorized and directed to sign the Letter of Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation which is attached Schedule A and forms part of this By-law.
2. This By-law may be cited for all purposes as the 2017 / 2018 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement By-law.
3. This By-law is deemed to have come into force on January 24, 2018.

PASSED this 24th day of January, 2018.

F. Eisenberger
Mayor

R. Caterini
City Clerk

Ministry of
Transportation

Ministère des
Transports

Office of the Minister

Bureau du ministre

Ferguson Block, 3rd Floor
77 Wellesley St. West
Toronto, Ontario
M7A 1Z8
416-327-9200
www.ontario.ca/transportation

Édifice Ferguson, 3^e étage
77, rue Wellesley ouest
Toronto (Ontario)
M7A 1Z8
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www.ontario.ca/transports



December 19, 2017

His Worship Fred Eisenberger
Mayor
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Mayor Eisenberger:

RE: Letter of Agreement between Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (the "Ministry") and the City of Hamilton (the "Municipality") Related to Funding Provided by the Province of Ontario (the "Province") to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program (this "Letter of Agreement")

This Letter of Agreement sets out the terms and conditions for the use of dedicated gas tax funds by municipalities for public transportation.

As the Province desires to increase public transportation ridership to support the development of strong communities, the Ministry maintains a Dedicated Gas Tax Funds for Public Transportation Program (the "Program"), under which two cents of the existing provincial gas tax is provided to municipalities for public transportation expenditures.

Following the passage of the *Dedicated Funding for Public Transportation Act, 2013* (the "DFPTA"), a portion of the tax that is paid to Ontario under the *Gasoline Tax Act* in each fiscal year is dedicated to the provision of grants, including those pursuant to the Program, to municipalities for public transportation.

Any funding to the Municipality by the Ministry will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2017/18 Guidelines and Requirements (the "guidelines and requirements").

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In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support increased public transportation ridership in the Municipality, and in recognition of the Municipality's need for predictable and sustainable funding to support investments in the renewal and expansion of public transportation systems, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount up to **\$11,192,903** in accordance with, and subject to, the terms set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements, with **\$8,394,677** payable on receipt of this signed Letter of Agreement and related authorizing municipal by-law(s) and, if applicable, resolution(s), and any remaining payment(s) payable thereafter.
2. Despite Section 1, the Municipality understands and agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to adjustment to reflect final gas tax receipts and any other adjustments as set out in the guidelines and requirements.
3. If the Municipality receives dedicated gas tax funds on behalf of any other municipality, and the other municipality has agreed to the Municipality collecting the dedicated gas tax funds on its behalf, the Municipality shall provide, upon request and in compliance with the requirements set out in the guidelines and requirements, any applicable municipal by-law(s) and legal agreement(s) between the Municipality and the other municipality providing for such arrangement to the Ministry prior to the payment of any dedicated gas tax funds by the Ministry under this Letter of Agreement.
4. The Municipality shall deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
5. The Municipality shall adhere to the reporting and accountability measures set out in the guidelines and requirements, and shall provide all requested documents to the Ministry.
6. The Municipality understands and agrees that the funding provided under this Letter of Agreement represents the full extent of the Ministry's and Province's financial contribution under the Program, and that no additional funds will be provided by either the Ministry or the Province for such purposes to the Municipality for the 2017/18 Program year.

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7. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement upon notice, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand from the Municipality the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 7(b); and (ii) subject to section 1, provide the Municipality with funding to cover, in whole or in part, such costs.

The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the maximum funding under this Letter of Agreement exceeding the amount specified under Section 1.

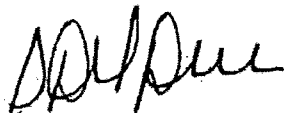
8. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
9. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
10. The Municipality agrees that it will not assign any of its rights or obligations under this Letter of Agreement.
11. The invalidity or unenforceability of any provision of the Letter of Agreement will not affect the validity or enforceability of any other provision of the Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.
12. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.
13. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please secure the required signatures for the four enclosed copies of this Letter of Agreement and return two fully signed copies to:

Ministry of Transportation
Division Services and Program Management Office
27th Floor, Suite #2702
777 Bay Street,
Toronto, Ontario
M7A 2J8

Once the Ministry has received the copies of this Letter of Agreement signed by the Municipality and authorizing municipal by-law(s) and, if applicable resolution(s), the Ministry will make arrangements for the payment of the dedicated gas tax funds to the Municipality.

Yours sincerely,



Steven Del Duca
Minister of Transportation

I have read and understand the terms of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms.

City of Hamilton

Per: _____
Mayor

Date: _____

Per: _____
Chief Financial Officer/Treasurer

Date: _____

CITY OF HAMILTON

BY-LAW NO. 18-

To Confirm the Proceedings of City Council at its meeting held on January 24, 2018.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 24th day of January, 2018, in respect of each recommendation contained in,

Special General Issues Committee (LRT) Report 17-026 – December 18, 2017,
Special General Issues Committee Report 17-027 – December 18, 2017,
Public Works Committee Report 18-001 – January 15, 2018,
Board of Health Report 18-001 – January 15, 2018
Planning Committee Report 18-001 – January 16, 2018
General Issues Committee Report 18-001 – January 17, 2018,
Audit, Finance & Administration Report 18-001 – January 22, 2018,
Emergency & Community Services Report 18-001 – January 22, 2018,
Hamilton Utilities Corporation Shareholder Report 18-001 – January 17, 2018,
and
Hamilton Street Railway Company Shareholder Report 18-001 – January 17,
2018

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 24th day of January, 2018.

F. Eisenberger
Mayor

R. Caterini
City Clerk