



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE

Meeting #: 18-012
Date: September 10, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Angela McRae, Legislative Coordinator (905) 546-2424 ext. 5987

	Pages
1. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
2. DECLARATIONS OF INTEREST	
3. APPROVAL OF MINUTES OF PREVIOUS MEETING	
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5.5	Tax Appeals under Sections 357 and 358 of the Municipal Act, (2001) (FCS18008(b)) (City Wide)	59
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6. PUBLIC HEARINGS / DELEGATIONS

- 6.1 Dominic Sorbara, respecting a residential water billing dispute (Approved July 11, 2018) (No copy)
- 6.2 Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N. (Approved August 15, 2018) (No copy)

7. STAFF PRESENTATIONS

8. DISCUSSION ITEMS

- 8.1 Toronto Tank Lines - Property Tax Arrears (FCS18076) (Ward 5)
(Outstanding Business List Item) (Tabled at the August 15, 2018 AF&A Meeting) 67
- 8.2 Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) 81
- 8.3 Governance Review Sub-Committee Report 18-004 - August 29, 2018 95

9. MOTIONS

10. NOTICES OF MOTION

11. GENERAL INFORMATION / OTHER BUSINESS

11.1 Outstanding Business List:

11.1.a Items requiring a new due date:

Ward-Specific Funding Initiatives - Area Rating Special Capital
Re-investment Reserves, Discretionary Spending, Cell Tower
and Minor Maintenance

Item on OBL: L

Due Date: October 2018

Revised Due Date: June 2019

11.1.b Items considered complete and needing to be removed:

Staff Reports Respecting Supplement Taxes and Assessment
Complaints Respecting 500 Eastport Blvd
(Item 8.1 on today's agenda)
Item on OBL: J

12. PRIVATE AND CONFIDENTIAL

12.1 Closed Minutes - August 15, 2018

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor/client privileges, including communications necessary for that purpose.

12.2 Protocol for Gender Identity & Gender Expression, Transgender & Gender Non-Conforming Update (HUR17002(b)) (City Wide)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor/client privileges, including communications necessary for that purpose.

12.3 Commercial Relationship Between the City of Hamilton and APM Construction Services Inc. (LS18037 / FCS18026) (City Wide)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor/client privileges, including communications necessary for that purpose.

13. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 18-011

**9:30 a.m.
August 15, 2018
Council Chambers
Hamilton City Hall**

Present: Councillors A. VanderBeek (Chair), B. Johnson, M. Pearson,
L. Ferguson, C. Collins, and A. Johnson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Whistleblower Information Update for Q2 2018 (AUD18006) (City Wide) (Item 5.2)**

(B. Johnson/Pearson)

That Report AUD18006, respecting the Whistleblower Information Update for Q2 2018, be received.

CARRIED

- 2. Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS18073) (Ward 11) (Item 5.3)**

(Collins/Pearson)

That property taxes in the amount of \$6,145.01 for 1165 Green Mountain Road, Stoney Creek (Roll #2518 003 510 04200 0000) be written off under Section 354 of the Municipal Act, subject to the property being transferred back to the City of Hamilton (City), effective August 23rd, 2018, and that Alectra Utilities be refunded the property taxes paid in error.

CARRIED

- 3. Hamilton Street Railway (HSR) Pension Plan - Pension Benefit Guarantee Fund (PBGF) Exemption (FCS18075) (City Wide) (Item 5.4)**

(Pearson/Collins)

That the Mayor, on behalf of Council, send a letter to the Premier and the Minister of Finance to lobby for a retroactive exemption of Pension Benefit Guarantee Fund (PBGF) for the period 2009 to 2014, and to request a meeting with the Premier and/or Minister to discuss the matter.

CARRIED

4. Freedom of Information Quarterly Report (April 1 to June 30) (CL18003(a)) (City Wide) (Item 5.5)

(Ferguson/A. Johnson)

That Report CL18003(a), respecting the Freedom of Information Quarterly Report (April 1 to June 30), be received.

CARRIED

5. City of Hamilton Development Charges By-law 14-153 - Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption (FCS18054(a)) (City Wide) (Item 6.1)

(A. Johnson/B. Johnson)

(a) That no further Public Meeting is required with respect to the By-law attached hereto as Appendix "A" to Report FCS18054(a);

(b) That the By-law, attached hereto as Appendix "A" to Report FCS18054(a), prepared in a form satisfactory to the City Solicitor, be passed and enacted.

CARRIED

6. Commercial Relationship Between the City of Hamilton and Ontario Inc. 2380585, c/o Wise and Hammer Inc. and Related Entities (FCS17085(a) / BOH17042(a)) (City Wide) (Item 8.1)

(Ferguson/Collins)

(a) That, due to the impairment of the commercial relationship between the City of Hamilton and Ontario Inc. 2380585, c/o Wise and Hammer Inc. or any of its related corporate or individual entities, staff be directed to reject any current and future bids, proposals or quotations received from Ontario Inc. 2380585, c/o Wise and Hammer Inc. or any of its related corporate or individual entities, until and including June 25, 2023; and

(b) That the City of Hamilton not enter into any contract with Ontario Inc. 2380585, c/o Wise and Hammer Inc., or any of its related corporate or individual entities, until and including June 25, 2023.

CARRIED

7. Water and Wastewater / Storm Consecutive Estimated Accounts Policy Amendment (FCS18074) (City Wide) (Item 8.3)

(Collins/Ferguson)

(a) That the amended Water and Wastewater / Storm Consecutive Estimated Accounts Policy, attached as Appendix "A" to Report FCS18074, be approved;

(b) That the following user fees be approved and that the City Solicitor be authorized and directed to prepare for Council approval all necessary by-laws to add the fees to the 2018 Water and Wastewater / Storm Fees and Charges By-law:

- (i) Non-compliance Administration: \$20.00 plus HST
 - (ii) Non-compliance Notification Posting: \$25.00 plus HST
 - (iii) Non-compliance Turning Water Off: \$76.50 (HST exempt)
 - (iv) Non-compliance Turning Water On: \$76.50 (HST exempt)
- (c) That the City Solicitor be authorized and directed to prepare all necessary by-laws to implement the Water and Wastewater / Storm Arrears Policy set out in Recommendation (a) of Report FCS18074 which may include necessary amendments to be made to the Waterworks By-law R84-026.

CARRIED

8. Fees and Charges for the Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(a)) (Ward 4) (Item 8.4)

(Collins/Ferguson)

- (a) That charges for raw water supplied to 690 Strathearne Avenue North by the City of Hamilton be imposed at the following rates, effective September 1, 2018:
- (i) metered raw water at the rate of \$0.1118 per cubic metre;
 - (ii) daily raw water fixed charges at the following rates:

Meter Size	Daily Rate
200 mm	\$ 27.20
250 mm	\$ 39.10
300 mm	\$ 57.80

- (b) That staff advises the owner of 690 Strathearne Avenue North, currently ArcelorMittal Long Products Canada, that the continued supply of raw water by the City to 690 Strathearne Avenue North is contingent upon the following conditions being met:
- (i) that effective September 1, 2018, in addition to other flow-through costs and expenses described in Report FCS18049(a), the owner pays water rates set out in recommendation (a) in Report FCS18049(a) for the supply of raw water to the property;
 - (ii) that by December 23, 2018, the owner enters into a Raw Water Supply Agreement with the City of Hamilton on such terms as are set out in recommendation (c) in Report FCS18049 / LS18014;
 - (iii) that by December 23, 2018, the owner enters into an Easement Agreement with the City of Hamilton to support the existing pipeline that crosses City lands on such terms as are set out in recommendation (c) in Report FCS18049 / LS18014;

- (iv) that the owner installs a backflow prevention device that meets City requirements to protect against any backflow conditions at its sole expense;
- (c) That the City Solicitor be authorized and directed to prepare all necessary by-laws to implement Recommendation (a) of Report FCS18049(a) which may include necessary amendments to be made to the 2018 Water and Wastewater / Storm Fees and Charges By-law 17-265 and Waterworks By-law R84-026;
- (d) That the General Manager of Finance and Corporate Services be directed to report back to the Audit, Finance and Administration Committee in January 2019 regarding the implementation of Recommendation (b) of Report FCS18049(a).

CARRIED

9. Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)

(Collins/Pearson)

- (a) That the request for Development Charge exemptions for the affordable units in the Highbury and Winona Developments by Trillium Housing, be denied;
- (b) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to deliver and administer a municipal Down Payment Assistance Program, with an upset limit of \$1,800,175, for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in accordance with the program guidelines, attached as Appendix "A" to Report HSC18040;
- (c) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized to approve and execute any agreements and ancillary documentation, in a form satisfactory to the City Solicitor, that are required to deliver and administer a municipal Down Payment Assistance Program for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury);
- (d) That the annual interest cost of \$61,000 (when the program is at capacity) of providing the Trillium Down Payment Assistance Program in accordance with the program guidelines, be absorbed within the Housing Services Division existing operating budget;
- (e) That the initial, one-time cost of administration of the Trillium Housing Down Payment Assistance Program for the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in the amount of \$100,000 be funded through the Municipal Down Payment Assistance Program Reserve (#112009); and,

- (f) That the matter respecting “Trillium Housing Non-Profit” be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

CARRIED

10. Commercial Relationship Between City of Hamilton and Primary Response Inc. (LS18040 / FCS18063) (City Wide) (Item 12.2)

(B. Johnson/Ferguson)

- (d) That recommendation (c), and the contents of Report LS18040/FCS18063, respecting “Commercial Relationship Between City of Hamilton and Primary Response Inc” remain confidential; and
- (e) That **amended** recommendations (a) and (b) of Report LS18040/FCS18063, respecting “Commercial Relationship Between City of Hamilton and Primary Response Inc.” be approved and remain private and confidential until approved by Council.

Main Motion as Amended CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

- 4.2 Joe Deschenes Smith, Trillium Housing, respecting Development Charge Exemption Request (Added Item 8.5 on today's agenda) (For today's meeting)
- 4.3 Amir Atri, Garda Canada Security Corp (GardaWorld), respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc (Item 12.2 on today's agenda) (For today's meeting)

2. PUBLIC HEARINGS / DELEGATIONS

- 6.1 At the request of the Delegate, Dominic Sorbara, would like to move his Delegation to the September 10th, 2018 AF&A Committee Meeting as he has a work commitment and is unable to attend today

3. DISCUSSION ITEMS

- 8.5 Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item)

4. OUTSTANDING BUSINESS LIST

- 11.1(a) Outstanding Business List – Items considered complete and needing to be removed:

Trillium Housing - Development Charges
(Added Item 8.5 on today's agenda)
Item on OBL: N

(Collins/Pearson)

That the agenda for the August 15, 2018 Audit, Finance and Administration Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) July 11, 2018 (Item 3.1)

(Collins/Pearson)

That the Minutes of the July 11, 2018 meeting of the Audit, Finance and Administration Committee be approved, as presented.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

- (i) Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N. (For a future meeting) (Item 4.1)**

(Collins/Pearson)

That the delegation request from Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N., be approved for a future meeting.

CARRIED

- (ii) Joe Deschenes Smith, Trillium Housing, respecting Development Charge Exemption Request (Added Item 8.5 on today's agenda) (For today's meeting) (Added Item 4.2)**

(Collins/B. Johnson)

That the delegation request from Joe Deschenes Smith, Trillium Housing, respecting Development Charge Exemption Request (Added Item 8.5 on today's agenda), be approved for today's meeting.

CARRIED

- (iii) **Amir Atri, Garda Canada Security Corp (GardaWorld), respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc (Item 12.2 on today's agenda) (For today's meeting) (Added Item 4.3)**

(Collins/Pearson)

That the delegation request from Amir Atri, Garda Canada Security Corp (GardaWorld), respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc (Item 12.2 on today's agenda), be approved for today's meeting.

CARRIED

(e) CONSENT ITEMS (Item 5)

- (i) **Minutes of Various Advisory Committees (Item 5.1)**

(Pearson/B. Johnson)

That the following minutes from various advisory committee meetings, be received as presented:

- (1) Advisory Committee for Immigrants and Refugees – June 14, 2018 (Item 5.1(a))
- (2) Hamilton Mundialization Committee – March 21, 2018 (Item 5.1(b))
- (3) Committee Against Racism – March 27, 2018 (Item 5.1(c))
- (4) Committee Against Racism – July 5, 2018 (Item 5.1(d))

CARRIED

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

- (i) **City of Hamilton Development Charges By-law 14-153 - Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption (FCS18054(a)) (City Wide) (Item 6.1)**

Chair VanderBeek advised that Item 6.1 was a public meeting pursuant to Section 12 of the Development Charges Act, 1997, to present and obtain public input on the City's proposed amendment to the Development Charges By-law. The Chair further advised that notice of the public meeting was published in the Hamilton Spectator on July 20, 2018 and the Hamilton Community News on July 19, 2018, inviting interested parties to make representations at today's meeting. Any person in attendance can make representations relating to the proposed amendment to the Development Charges By-law.

Delegations

- 6.1(a) Shekar Chandrashekar

Shekar Chandrashekar, addressed the Committee respecting the proposed amendment to the Development Charges By-law.

(A. Johnson/Ferguson)

That the delegation be received.

CARRIED

(Ferguson/Pearson)

That the public meeting be closed.

CARRIED

For further disposition of this matter, refer to Item 5.

(ii) Matthew Kelly, respecting a Risk Management Claim for pothole damage (Approved July 11, 2018) (Item 6.3)

Matthew Kelly addressed the committee respecting a Risk Management Claim for pothole damage, with the aid of a presentation. A copy of the presentation has been included in the official record.

(Ferguson/Pearson)

That the delegation from Matthew Kelly, respecting a Risk Management Claim for pothole damage, be received.

CARRIED

A copy of the presentation is available at www.hamilton.ca.

(iii) Anthony Godlewski, respecting a \$5,000 water bill at 92 East 15th Street (Approved July 11, 2018) (Item 6.4)

Anthony Godlewski and Darryl Hennigar addressed the committee respecting a \$5,000 water bill at 92 East 15th Street, with the aid of a presentation. A copy of the presentation has been included in the official record.

(A. Johnson/Pearson)

That the delegation from Anthony Godlewski and Darryl Hennigar, respecting a \$5,000 water bill at 92 East 15th Street, be received.

CARRIED

A copy of the presentation is available at www.hamilton.ca.

(iv) Supporting documentation provided by staff respecting water billing at 92 East 15th Street (Item 6.4(a))

(B. Johnson/Pearson)

That the supporting documentation provided by staff, respecting water billing at 92 East 15th Street, be received.

CARRIED

(v) Joe Deschenes Smith, Trillium Housing, respecting Development Charge Exemption Request (Added Item 8.5 on today's agenda) (For today's meeting) (Added Item 6.5)

Joe Deschenes Smith from Trillium Housing, addressed the Committee respecting their Development Charge Exemption Request.

(Collins/B. Johnson)

That the delegation from Joe Deschenes Smith, Trillium Housing respecting their Development Charge Exemption Request, be received.

CARRIED

- (vi) **Amir Atri, Garda Canada Security Corp (GardaWorld), respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc. (Item 12.2 on today's agenda) (For today's meeting) (Added Item 4.3)**

Amir Atri from Garda Canada Security Corp (GardaWorld), addressed the Committee respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc. (Item 12.2 on today's agenda).

(Collins/Ferguson)

That the delegation from Amir Atri, Garda Canada Security Corp (GardaWorld) respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc., be received.

CARRIED

(g) DISCUSSION ITEMS (Item 8)

- (i) **Commercial Relationship Between the City of Hamilton and Ontario Inc. 2380585, c/o Wise and Hammer Inc. and Related Entities (FCS17085(a) / BOH17042(a)) (City Wide) (Item 8.1)**

(Collins/Ferguson)

That Report FCS17085(a) / BOH17042(a) respecting the Commercial Relationship Between the City of Hamilton and Ontario Inc. 2380585, c/o Wise and Hammer Inc. and Related Entities be LIFTED from the table.

CARRIED

For further disposition of this matter, refer to Item 6.

- (ii) **Toronto Tank Lines - Property Tax Arrears (FCS18076) (Ward 5) (Outstanding Business List Item) (Item 8.2)**

(Ferguson/Collins)

That Report FCS18076 respecting Toronto Tank Lines - Property Tax Arrears, be TABLED until the September 10, 2018 Audit, Finance and Administration Committee Meeting to allow the Ward Councillor, staff, and the Vendor to meet to discuss the issue.

CARRIED

- (iii) **Water and Wastewater / Storm Consecutive Estimated Accounts Policy Amendment (FCS18074) (City Wide) (Item 8.3)**

Chair VanderBeek advised that public notice was given for Item 8.3, Water and Wastewater / Storm Consecutive Estimated Accounts Policy Amendment (FCS18074), which invited interested parties to make

representations at today's meeting. There were no registered speakers and no one in attendance came forward to speak to the proposed changes.

For further disposition of this matter, refer to Item 7.

(iv) Fees and Charges for the Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(a)) (Ward 4) (Item 8.4)

Chair VanderBeek advised that public notice was given for Item 8.4, Fees and Charges for the Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(a)) which invited interested parties to make representations at today's meeting. There were no registered speakers and no one in attendance came forward to speak to the proposed changes.

For further disposition of this matter, refer to Item 8.

(v) Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)

(Collins/B. Johnson)

That Report HSC18040 respecting a Development Charge Exemption Request from Trillium Housing be moved up the agenda to immediately follow Added Item 6.5 the delegation from Joe Deschenes Smith, Trillium Housing.

CARRIED

For further disposition of this matter, refer to Item 9.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

That the following amendments to the Outstanding Business List, be approved:

(Collins/B. Johnson)

11.1(a) Items considered complete and needing to be removed:

Trillium Housing - Development Charges
(Added Item 8.5 on today's agenda)
Item on OBL: N

CARRIED

The following Item will remain on the Outstanding Business List as the corresponding Item was TABLED:

Staff Reports Respecting Supplement Taxes and Assessment
Complaints Respecting 500 Eastport Blvd
(Item 8.2 on today's agenda)
Item on OBL: J

(i) **PRIVATE & CONFIDENTIAL (Item 12)**

(i) **Closed Session Minutes – July 11, 2018 (Item 12.1)**

(B. Johnson/Collins)

- (a) That the Closed Session Minutes of the July 11, 2018 Audit, Finance and Administration meeting, be approved as presented; and
- (b) That the Closed Session Minutes of the July 11, 2018 Audit, Finance and Administration meeting, remain confidential.

CARRIED

(B. Johnson/Collins)

That Committee move into Closed Session respecting Item 12.2 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor/client privileges, including communications necessary for that purpose.

CARRIED

(ii) **Commercial Relationship Between City of Hamilton and Primary Response Inc. (LS18040 / FCS18063) (City Wide) (Item 12.2)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, refer to Item 10.

(j) **ADJOURNMENT (Item 13)**

(Ferguson/Pearson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 11:58 a.m.

CARRIED

Respectfully submitted,

Councillor VanderBeek, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

4.1**Form: Request to Speak to Committee of Council**

Submitted on Thursday, August 23, 2018 - 12:41 pm

==Committee Requested==

Committee: Audit, Finance and Administration Committee

==Requestor Information==

Name of Individual: Martin Marezki

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: On April 19, 2018 I was travelling on the Lincoln Alexander Parkway westbound. Just before the Wentworth exit (in the inside lane) I hit an enormous pothole which grabbed my driver side front tire. I was travelling about 80 km per hour, well under speed limit. Immediately after, the indicator light came on showing low pressure, then a few meters after that, it indicated I had a flat (I have flat run tires)...I pulled over and noticed that part of the tire was off the rim. I was just past the Upper Wentworth off ramp and traffic was very heavy. I did not get out of the car until the tow truck came as I was concerned about getting hit. I was also concerned about getting rear ended from cars coming off of the ramp heading west....therefore I did not take a photo of the pothole. I did take pictures of the damage and sent copies of the repair work to the City of Hamilton to compensate me for the damage which came to \$3628.31. There was significant damage caused by this pothole. This occurred late in the season and I was reasonably not expecting this type of road damage on such a busy stretch. This is a 2016 car and the damage was extremely costly, not

4.1

only due to the repair cost but the time lost from my business. I feel that the city should shoulder at least a portion of this expense.

Will you be requesting funds from the City? Yes

Will you be submitting a formal presentation? No



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Services

TO:	Chair and Members Audit, Finance and Administration
COMMITTEE DATE:	September 10, 2018
SUBJECT/REPORT NO:	Treasurer's Apportionment of Land Taxes (FCS18066(a)) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Terri Morrison (905) 546-2424 Ext. 4457
SUBMITTED BY:	Rick Male Director, Financial Services, Taxation and Corporate Controller Finance & Corporate Services Department
SIGNATURE:	

RECOMMENDATION

That the 2017 land taxes in the amount of \$129,272 for 1061 Garner Road E and 0 Garner Road E, Ancaster (Roll #2518 140 280 16200 0000 and 2518 140 280 37990 0000) be apportioned and split amongst the two hundred and fifty-two newly created parcels as set out in Appendix "A" to Report FCS18066(a)

EXECUTIVE SUMMARY

Assessment, and therefore taxes levied on the properties identified in this Report, did not recognize that these properties have been subject to a land severance. The taxes levied for the year 2017 need to be apportioned amongst the newly created parcels of land. Section 356 of the *Municipal Act, (2001)* permits such an apportionment.

Alternatives for Consideration –Not Applicable

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Treasurer's Apportionment of Land Taxes (FCS18066(a)) (Ward 12) -
Page 2 of 3**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Taxes owing against the original parcel of land must be transferred to the new parcels in a timely manner or the City of Hamilton runs the risk of this amount becoming uncollectible.

Staffing: Not Applicable

Legal: The City of Hamilton's Legal Services Division has recommended that apportionments be completed in accordance with the procedure set out in Section 356 of the Municipal Act, (2001).

HISTORICAL BACKGROUND

The original blocks of land identified in Report FCS18066(a) were severed into newly created lots.

The assessment returned on the roll for the year 2017, reflects the value for the original parcels of land. The Municipal Property Assessment Corporation (MPAC) produced a severance information form for the assessment originally levied on the original parcels of land and identified the split amongst the newly created lots. Since the original assessment remained with the base roll for the 2017 taxation year, the taxes were overstated and now need to be adjusted to the newly created roll numbers.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 356 of the *Municipal Act, (2001)* permits Council to approve the apportionment of land taxes due to severance of the land. Once the tax roll is adjusted, the taxes shall be deemed to have always been levied in accordance with the adjusted tax rolls.

RELEVANT CONSULTATION

All apportionment recommendations provided to Council are supported by reports provided by MPAC, identifying the split in the assessment values due to land severance.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Section 356 of the *Municipal Act, (2001)* permits municipalities to apportion the taxes on the land amongst the newly created lots. This process ensures the accurate distribution of taxes to each property owner.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Treasurer's Apportionment of Land Taxes (FCS18066(a)) (Ward 12) -
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ALTERNATIVES FOR CONSIDERATION

There are no alternatives.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS18066(a) - Apportionment of Taxes and Map Identifying the Location of the Properties being Apportioned.

TM/dw

APPORTIONMENT OF TAXES

That the original land taxes recorded against:

(a) Roll #2518 140 280 16200 0000 and 2518 140 280 37990 0000 – (1061 Garner Road E and 0 Garner Road E, Ancaster) in the amount of \$129,272 be split amongst the two hundred and fifty-two newly created lots listed below:

Appendix "A" to Report FCS18066(a)

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YEAR	ADDRESS	ROLL NUMBER	APPORTIONED ASSESSMENT	TAX AMOUNT
2017	135 WOODHOUSE ST	2518 140 280 38684 0000	51,508	\$ 611
2017	140 WOODHOUSE ST	2518 140 280 38685 0000	44,908	533
2017	136 WOODHOUSE ST	2518 140 280 38686 0000	40,461	480
2017	134 WOODHOUSE ST	2518 140 280 38687 0000	40,317	478
2017	91 CURRAN RD	2518 140 280 38688 0000	44,765	531
2017	87 CURRAN RD	2518 140 280 38689 0000	40,317	478
2017	90 CURRAN RD	2518 140 280 38690 0000	44,191	524
2017	86 CURRAN RD	2518 140 280 38691 0000	40,604	482
2017	82 CURRAN RD	2518 140 280 38692 0000	40,604	482
2017	71 LIGHTFEATHER PL	2518 140 280 38693 0000	46,774	555
2017	67 LIGHTFEATHER PL	2518 140 280 38694 0000	41,752	495
2017	63 LIGHTFEATHER PL	2518 140 280 38695 0000	41,752	495
2017	59 LIGHTFEATHER PL	2518 140 280 38696 0000	41,752	495
2017	55 LIGHTFEATHER PL	2518 140 280 38697 0000	41,608	493
2017	51 LIGHTFEATHER PL	2518 140 280 38698 0000	41,608	493
2017	47 LIGHTFEATHER PL	2518 140 280 38699 0000	41,465	492
2017	43 LIGHTFEATHER PL	2518 140 280 38700 0000	41,465	492
2017	39 LIGHTFEATHER PL	2518 140 280 38701 0000	41,465	492
2017	35 LIGHTFEATHER PL	2518 140 280 38702 0000	41,465	492
2017	31 LIGHTFEATHER PL	2518 140 280 38703 0000	41,608	493
2017	27 LIGHTFEATHER PL	2518 140 280 38704 0000	42,039	499
2017	23 LIGHTFEATHER PL	2518 140 280 38705 0000	42,326	502
2017	19 LIGHTFEATHER PL	2518 140 280 38706 0000	42,326	502
2017	15 LIGHTFEATHER PL	2518 140 280 38707 0000	42,326	502
2017	11 LIGHTFEATHER PL	2518 140 280 38708 0000	42,039	499
2017	7 LIGHTFEATHER PL	2518 140 280 38709 0000	43,043	510
2017	3 LIGHTFEATHER PL	2518 140 280 38710 0000	45,626	541

Appendix "A" to Report FCS18066(a)

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2017	4 LIGHTFEATHER PL	2518 140 280 38711 0000	44,191	524
2017	8 LIGHTFEATHER PL	2518 140 280 38712 0000	41,608	493
2017	12 LIGHTFEATHER PL	2518 140 280 38713 0000	42,469	504
2017	16 LIGHTFEATHER PL	2518 140 280 38714 0000	42,469	504
2017	20 LIGHTFEATHER PL	2518 140 280 38715 0000	42,469	504
2017	24 LIGHTFEATHER PL	2518 140 280 38716 0000	42,469	504
2017	28 LIGHTFEATHER PL	2518 140 280 38717 0000	42,326	502
2017	32 LIGHTFEATHER PL	2518 140 280 38718 0000	42,326	502
2017	36 LIGHTFEATHER PL	2518 140 280 38719 0000	42,326	502
2017	40 LIGHTFEATHER PL	2518 140 280 38720 0000	42,326	502
2017	44 LIGHTFEATHER PL	2518 140 280 38721 0000	42,326	502
2017	48 LIGHTFEATHER PL	2518 140 280 38722 0000	42,182	500
2017	52 LIGHTFEATHER PL	2518 140 280 38723 0000	42,182	500
2017	56 LIGHTFEATHER PL	2518 140 280 38724 0000	42,182	500
2017	60 LIGHTFEATHER PL	2518 140 280 38725 0000	44,048	522
2017	205 WHITTINGTON DR	2518 140 280 38726 0000	43,187	512
2017	201 WHITTINGTON DR	2518 140 280 38727 0000	41,752	495
2017	197 WHITTINGTON DR	2518 140 280 38728 0000	41,895	497
2017	193 WHITTINGTON DR	2518 140 280 38729 0000	41,895	497
2017	189 WHITTINGTON DR	2518 140 280 38730 0000	41,895	497
2017	185 WHITTINGTON DR	2518 140 280 38731 0000	41,895	497
2017	181 WHITTINGTON DR	2518 140 280 38732 0000	41,895	497
2017	177 WHITTINGTON DR	2518 140 280 38733 0000	42,039	499
2017	173 WHITTINGTON DR	2518 140 280 38734 0000	42,039	499
2017	167 WHITTINGTON DR	2518 140 280 38735 0000	42,039	499
2017	163 WHITTINGTON DR	2518 140 280 38736 0000	42,039	499
2017	159 WHITTINGTON DR	2518 140 280 38737 0000	42,182	500

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2017	155 WHITTINGTON DR	2518 140 280 38738 0000	42,182	500
2017	151 WHITTINGTON DR	2518 140 280 38739 0000	42,182	500
2017	147 WHITTINGTON DR	2518 140 280 38740 0000	43,904	521
2017	146 WHITTINGTON DR	2518 140 280 38741 0000	42,469	504
2017	150 WHITTINGTON DR	2518 140 280 38742 0000	40,317	478
2017	154 WHITTINGTON DR	2518 140 280 38743 0000	40,317	478
2017	158 WHITTINGTON DR	2518 140 280 38744 0000	40,317	478
2017	162 WHITTINGTON DR	2518 140 280 38745 0000	40,317	478
2017	166 WHITTINGTON DR	2518 140 280 38746 0000	40,317	478
2017	170 WHITTINGTON DR	2518 140 280 38747 0000	40,317	478
2017	174 WHITTINGTON DR	2518 140 280 38748 0000	40,317	478
2017	178 WHITTINGTON DR	2518 140 280 38749 0000	40,317	478
2017	182 WHITTINGTON DR	2518 140 280 38750 0000	40,317	478
2017	186 WHITTINGTON DR	2518 140 280 38751 0000	41,465	492
2017	190 WHITTINGTON DR	2518 140 280 38752 0000	41,465	492
2017	194 WHITTINGTON DR	2518 140 280 38753 0000	41,465	492
2017	198 WHITTINGTON DR	2518 140 280 38754 0000	41,465	492
2017	202 WHITTINGTON DR	2518 140 280 38755 0000	41,465	492
2017	204 WHITTINGTON DR	2518 140 280 38756 0000	43,330	514
2017	63 FINDLAY DR	2518 140 280 38757 0000	42,900	509
2017	59 FINDLAY DR	2518 140 280 38758 0000	41,321	490
2017	55 FINDLAY DR	2518 140 280 38759 0000	41,321	490
2017	51 FINDLAY DR	2518 140 280 38760 0000	41,321	490
2017	47 FINDLAY DR	2518 140 280 38761 0000	41,321	490
2017	43 FINDLAY DR	2518 140 280 38762 0000	41,321	490
2017	39 FINDLAY DR	2518 140 280 38763 0000	40,174	476
2017	35 FINDLAY DR	2518 140 280 38764 0000	40,174	476
2017	31 FINDLAY DR	2518 140 280 38765 0000	40,174	476

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2017	27 FINDLAY DR	2518 140 280 38766 0000	40,174	476
2017	23 FINDLAY DR	2518 140 280 38767 0000	40,174	476
2017	19 FINDLAY DR	2518 140 280 38768 0000	40,174	476
2017	15 FINDLAY DR	2518 140 280 38769 0000	40,174	476
2017	11 FINDLAY DR	2518 140 280 38770 0000	40,174	476
2017	7 FINDLAY DR	2518 140 280 38771 0000	40,174	476
2017	3 FINDLAY DR	2518 140 280 38772 0000	42,613	505
2017	4 FINDLAY DR	2518 140 280 38773 0000	42,613	505
2017	8 FINDLAY DR	2518 140 280 38774 0000	40,604	482
2017	12 FINDLAY DR	2518 140 280 38775 0000	40,604	482
2017	16 FINDLAY DR	2518 140 280 38776 0000	40,604	482
2017	20 FINDLAY DR	2518 140 280 38777 0000	40,604	482
2017	24 FINDLAY DR	2518 140 280 38778 0000	40,604	482
2017	28 FINDLAY DR	2518 140 280 38779 0000	40,604	482
2017	32 FINDLAY DR	2518 140 280 38780 0000	40,604	482
2017	36 FINDLAY DR	2518 140 280 387810000	40,604	482
2017	40 FINDLAY DR	2518 140 280 38782 0000	40,604	482
2017	44 FINDLAY DR	2518 140 280 38783 0000	41,608	493
2017	48 FINDLAY DR	2518 140 280 38784 0000	41,608	493
2017	52 FINDLAY DR	2518 140 280 387850000	41,608	493
2017	56 FINDLAY DR	2518 140 280 38786 0000	41,608	493
2017	60 FINDLAY DR	2518 140 280 38787 0000	41,608	493
2017	64 FINDLAY DR	2518 140 280 38788 0000	43,330	514
2017	63 MORRISON DR	2518 140 280 38789 0000	43,330	514
2017	59 MORRISON DR	2518 140 280 38790 0000	41,608	493
2017	55 MORRISON DR	2518 140 280 38791 0000	41,608	493
2017	51 MORRISON DR	2518 140 280 387920000	41,608	493
2017	47 MORRISON DR	2518 140 280 38793 0000	41,608	493
2017	43 MORRISON DR	2518 140 280 38794 0000	41,608	493
2017	39 MORRISON DR	2518 140 280 38795 0000	40,461	480
2017	35 MORRISON DR	2518 140 280 38796 0000	40,461	480

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2017	31 MORRISON DR	2518 140 280 38797 0000	40,461	480
2017	27 MORRISON DR	2518 140 280 38798 0000	40,461	480
2017	23 MORRISON DR	2518 140 280 38799 0000	40,317	478
2017	19 MORRISON DR	2518 140 280 38800 0000	40,317	478
2017	15 MORRISON DR	2518 140 280 38801 0000	40,317	478
2017	11 MORRISON DR	2518 140 280 38802 0000	40,317	478
2017	7 MORRISON DR	2518 140 280 38803 0000	40,317	478
2017	3 MORRISON DR	2518 140 280 38804 0000	42,326	502
2017	4 MORRISON DR	2518 140 280 38805 0000	42,326	502
2017	8 MORRISON DR	2518 140 280 38806 0000	40,317	478
2017	12 MORRISON DR	2518 140 280 38807 0000	40,317	478
2017	16 MORRISON DR	2518 140 280 38808 0000	40,317	478
2017	20 MORRISON DR	2518 140 280 38809 0000	40,317	478
2017	24 MORRISON DR	2518 140 280 38810 0000	40,317	478
2017	28 MORRISON DR	2518 140 280 38811 0000	40,317	478
2017	32 MORRISON DR	2518 140 280 38812 0000	40,317	478
2017	36 MORRISON DR	2518 140 280 38813 0000	40,317	478
2017	40 MORRISON DR	2518 140 280 38814 0000	40,317	478
2017	44 MORRISON DR	2518 140 280 38815 0000	41,321	490
2017	48 MORRISON DR	2518 140 280 38816 0000	41,321	490
2017	52 MORRISON DR	2518 140 280 38817 0000	41,321	490
2017	56 MORRISON DR	2518 140 280 38818 0000	41,321	490
2017	60 MORRISON DR	2518 140 280 38819 0000	41,321	490
2017	64 MORRISON DR	2518 140 280 38820 0000	43,043	510
2017	7 ROBERTSON RD	2518 140 280 38821 0000	42,900	509
2017	11 ROBERTSON RD	2518 140 280 38822 0000	41,321	490
2017	15 ROBERTSON RD	2518 140 280 38823 0000	41,321	490
2017	19 ROBERTSON RD	2518 140 280 38824 0000	41,321	490
2017	23 ROBERTSON RD	2518 140 280 38825 0000	41,321	490
2017	27 ROBERTSON RD	2518 140 280 38826 0000	41,321	490
2017	31 ROBERTSON RD	2518 140 280 38827 0000	40,317	478

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2017	35 ROBERTSON RD	2518 140 280 38828 0000	40,317	478
2017	39 ROBERTSON RD	2518 140 280 38829 0000	40,317	478
2017	45 ROBERTSON RD	2518 140 280 38830 0000	40,317	478
2017	49 ROBERTSON RD	2518 140 280 38831 0000	40,317	478
2017	55 ROBERTSON RD	2518 140 280 38832 0000	40,317	478
2017	59 ROBERTSON RD	2518 140 280 38833 0000	40,317	478
2017	63 ROBERTSON RD	2518 140 280 38834 0000	40,317	478
2017	67 ROBERTSON RD	2518 140 280 38835 0000	40,317	478
2017	71 ROBERTSON RD	2518 140 280 38836 0000	42,326	502
2017	3 ROBARTS DR	2518 140 280 38837 0000	44,335	526
2017	7 ROBARTS DR	2518 140 280 38838 0000	41,465	492
2017	11 ROBARTS DR	2518 140 280 38839 0000	41,465	492
2017	15 ROBARTS DR	2518 140 280 38840 0000	41,608	493
2017	19 ROBARTS DR	2518 140 280 38841 0000	41,608	493
2017	23 ROBARTS DR	2518 140 280 38842 0000	41,608	493
2017	27 ROBARTS DR	2518 140 280 38843 0000	41,608	493
2017	31 ROBARTS DR	2518 140 280 38844 0000	44,765	531
2017	39 ROBARTS DR	2518 140 280 38845 0000	42,613	505
2017	43 ROBARTS DR	2518 140 280 38846 0000	41,752	495
2017	47 ROBARTS DR	2518 140 280 38847 0000	46,917	556
2017	55 ROBARTS DR	2518 140 280 38848 0000	44,335	526
2017	59 ROBARTS DR	2518 140 280 38849 0000	41,895	497
2017	63 ROBARTS DR	2518 140 280 38850 0000	41,895	497
2017	67 ROBARTS DR	2518 140 280 38851 0000	41,895	497
2017	71 ROBARTS DR	2518 140 280 38852 0000	42,039	499
2017	75 ROBARTS DR	2518 140 280 38853 0000	42,039	499
2017	79 ROBARTS DR	2518 140 280 38854 0000	45,052	534
2017	8 DOUGHERTY DR	2518 140 280 38855 0000	44,048	522
2017	4 DOUGHERTY DR	2518 140 280 38856 0000	42,469	504
2017	2 DOUGHERTY DR	2518 140 280 38857 0000	42,469	504
2017	6 ROBERTSON RD	2518 140 280 38858 0000	42,469	504

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2017	10 ROBERTSON RD	2518 140 280 38859 0000	42,469	504
2017	14 ROBERTSON RD	2518 140 280 38860 0000	42,613	505
2017	18 ROBERTSON RD	2518 140 280 38861 0000	42,613	505
2017	22 ROBERTSON RD	2518 140 280 38862 0000	42,613	505
2017	26 ROBERTSON RD	2518 140 280 38863 0000	42,613	505
2017	30 ROBERTSON RD	2518 140 280 38864 0000	42,613	505
2017	34 ROBERTSON RD	2518 140 280 38865 0000	42,613	505
2017	38 ROBERTSON RD	2518 140 280 38866 0000	43,474	516
2017	54 ROBERTSON RD	2518 140 280 38867 0000	44,335	526
2017	58 ROBERTSON RD	2518 140 280 38868 0000	40,604	482
2017	62 ROBERTSON RD	2518 140 280 38869 0000	40,604	482
2017	66 ROBERTSON RD	2518 140 280 38870 0000	40,604	482
2017	70 ROBERTSON RD	2518 140 280 38871 0000	40,604	482
2017	74 ROBERTSON RD	2518 140 280 38872 0000	40,604	482
2017	78 ROBERTSON RD	2518 140 280 38873 0000	40,604	482
2017	82 ROBERTSON RD	2518 140 280 38874 0000	40,604	482
2017	86 ROBERTSON RD	2518 140 280 38875 0000	40,891	485
2017	90 ROBERTSON RD	2518 140 280 38876 0000	40,891	485
2017	94 ROBERTSON RD	2518 140 280 38877 0000	42,613	505
2017	288 RAYMOND RD	2518 140 280 38878 0000	45,769	543
2017	84-86 HEMMING TRAIL	2518 140 280 38879 0000	43,187	512
2017	80-82 HEMMING TRAIL	2518 140 280 38880 0000	42,039	499
2017	76-78 HEMMING TRAIL	2518 140 280 38881 0000	42,039	499
2017	72-74 HEMMING TRAIL	2518 140 280 38882 0000	42,039	499
2017	68-70 HEMMING TRAIL	2518 140 280 38883 0000	42,039	499
2017	64-66 HEMMING TRAIL	2518 140 280 38884 0000	42,039	499
2017	60-62 HEMMING TRAIL	2518 140 280 38885 0000	42,039	499
2017	56-58 HEMMING TRAIL	2518 140 280 38886 0000	42,039	499
2017	52-54 HEMMING TRAIL	2518 140 280 38887 0000	42,326	502

Appendix "A" to Report FCS18066(a)

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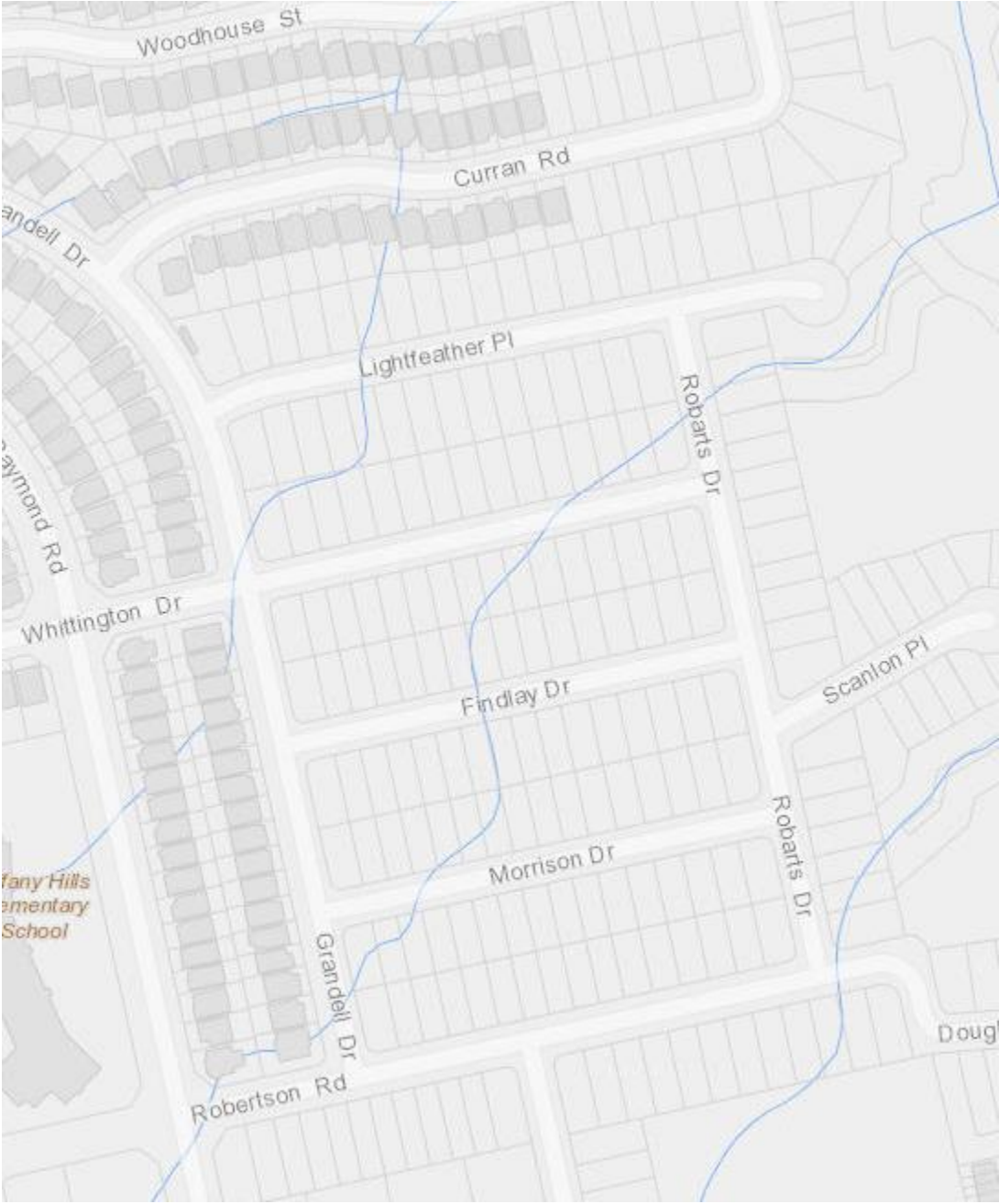
2017	48-50 HEMMING TRAIL	2518 140 280 38888 0000	44,335	526
2017	44-46 HEMMING TRAIL	2518 140 280 38889 0000	49,787	590
2017	1097-1109 GARNER RD E	2518 140 280 38890 0000	60,691	720
2017	1081-1095 GARNER RD E	2518 140 280 38891 0000	63,561	754
2017	1065-1079 GARNER RD E	2518 140 280 38892 0000	63,561	754
2017	1049-1063 GARNER RD E	2518 140 280 38893 0000	66,995	795
2017	2-14 HEMMING TRAIL	2518 140 280 38894 0000	55,239	655
2017	16-26 HEMMING TRAIL	2518 140 280 38895 0000	49,643	589
2017	28-38 HEMMING TRAIL	2518 140 280 38896 0000	50,504	599
2017	40-42 HEMMING TRAIL	2518 140 280 38897 0000	47,921	568
2017	27-55 HEMMING TRAIL	2518 140 280 38898 0000	57,248	679
2017	15-25 HEMMING TRAIL	2518 140 280 38899 0000	54,952	652
2017	HEMMING TRAIL	2518 140 280 38900 0000	57,822	686
2017	CALLON DR	2518 140 280 38901 0000	57,248	679
2017	18-28 CALLON DR	2518 140 280 38902 0000	54,952	652
2017	CALLON DR	2518 140 280 38903 0000	56,817	674
2017	37-45 CALLON DR	2518 140 280 38904 0000	44,621	529
2017	25-35 CALLON DR	2518 140 280 38905 0000	49,069	582
2017	13-23 CALLON DR	2518 140 280 38906 0000	49,069	582
2017	1-11 CALLON DR	2518 140 280 38907 0000	49,787	590
2017	353-363 RAYMOND RD	2518 140 280 38908 0000	59,113	701
2017	341-351 RAYMOND RD	2518 140 280 38909 0000	54,522	647
2017	329-339 RAYMOND RD	2518 140 280 38910 0000	54,522	647
2017	315-327 RAYMOND RD	2518 140 280 38911 0000	54,522	647
2017	301-313 RAYMOND RD	2518 140 280 38912 0000	54,522	647
2017	287-299 RAYMOND RD	2518 140 280 38913 0000	62,269	739
2017	BEASLEY GROVE	2518 140 280 38914 0000	59,974	711
2017	BEASLEY GROVE	2518 140 280 38915 0000	37,878	449

Appendix "A" to Report FCS18066(a)

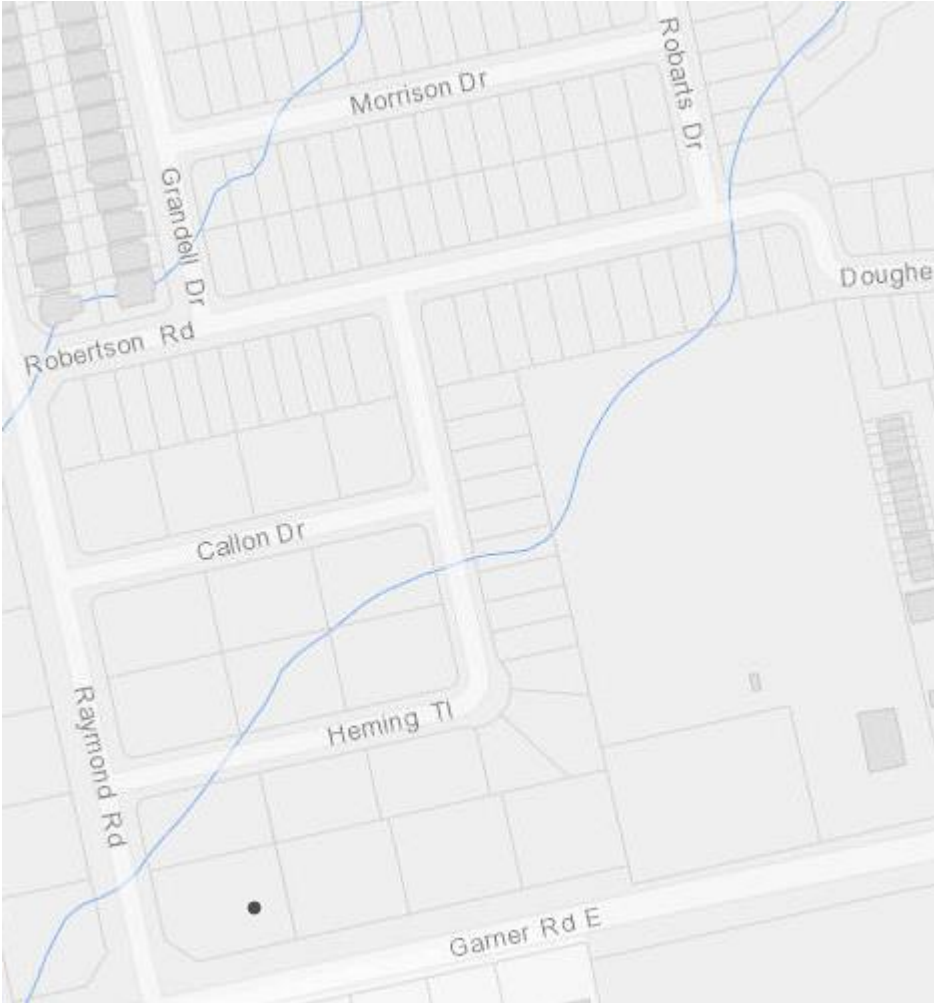
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2017	12 BEASLEY GROVE	2518 140 280 38916 0000	42,613	505
2017	120-130 ROBERTSON RD	2518 140 280 38917 0000	54,091	642
2017	COOLEY GROVE	2518 140 280 38918 0000	38,021	451
2017	42-52 BEASLEY GROVE	2518 140 280 38919 0000	63,130	749
2017	COOLEY GROVE	2518 140 280 38920 0000	61,122	725
2017	33 ROBARTS DR	2518 140 280 38921 0000	40,461	480
2017	119 WOODHOUSE ST	2518 140 280 38922 0000	44,765	531
2017	123 WOODHOUSE ST	2518 140 280 38923 0000	41,895	497
2017	127 WOODHOUSE ST	2518 140 280 38924 0000	41,608	493
2017	131 WOODHOUSE ST	2518 140 280 38925 0000	40,748	483
2017	128 WOODHOUSE ST	2518 140 280 38926 0000	39,313	466
2017	124 WOODHOUSE ST	2518 140 280 38927 0000	39,313	466
2017	120 WOODHOUSE ST	2518 140 280 38928 0000	39,313	466
2017	83 CURRAN RD	2518 140 280 38929 0000	40,030	475
2017	79 CURRAN RD	2518 140 280 38930 0000	38,739	460
2017	75 CURRAN RD	2518 140 280 38931 0000	38,739	460
2017	71 CURRAN RD	2518 140 280 38932 0000	38,882	461
2017	78 CURRAN RD	2518 140 280 38933 0000	39,456	468
2017	74 CURRAN RD	2518 140 280 38934 0000	39,600	470
2017	70 CURRAN RD	2518 140 280 38935 0000	39,743	471
		Total	10,899,958	\$129,272

Map identifying 1061 Garner Road E and 0 Garner Road E, Ancaster;



Map identifying 1061 Garner Road E and 0 Garner Road E, Ancaster; continued.





INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 10, 2018
SUBJECT/REPORT NO:	2018 Second Quarter Request for Tenders and Proposals Report (FCS18037(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Cheryl Velenosi (905) 546-2424 Ext. 3988
SUBMITTED BY:	Rick Male Director, Financial Services, Taxation and Corporate Controller Finance and Corporate Services Department
SIGNATURE:	

Council Direction:

Procurement Policy, Section 4.2 – Approval Authority, Item (6) requires a quarterly status report for Request for Tenders and Request for Proposals be prepared and presented to Council.

Information:

This Report provides an update on the status of active Request for Tenders and Request for Proposals and Co-operative Contracts for the second quarter of 2018.

Request for Tenders and Request for Proposals have been issued and awarded in accordance with the City of Hamilton Procurement Policy. Those items with a status of “Under Review” will remain on the Report until such time an award is made. Request for Tenders and Request for Proposals listed under the “Co-operative Contracts” section were entered into by the City of Hamilton (City) via a co-operative procurement in accordance with the City’s Procurement Policy, Section 4.12 – Co-operative Procurements.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: 2018 Second Quarter Request for Tenders and Proposals Report
(FCS18037(a)) (City Wide) - Page 2 of 2**

Appendix "A" to Report FCS18037(a) details all Request for Tenders and Request for Proposals documents issued by the City or entered into by the City through a co-operative procurement. Award information is current as of July 1, 2018.

Appendices and Schedules Attached

Appendix "A" to Report FCS18037(a) – 2018 Second Quarter Request for Tenders and Proposals Report

CV/dw

CITY OF HAMILTON
 Summary of Tenders and Proposals Issued – April 1, 2018 – June 30, 2018

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Award Amount
C11-18-18	Tender to Provide Industrial Grade Network Switches for Traffic Signal Applications	04/05/2018	Globe Network Integrators Inc.	\$777,846.00
C15-21-18 (P)	Tender for Ancaster Community Centre Baseball Diamond Lighting	04/06/2018	Wayne Electric Co. Ltd.	\$435,000.00
C15-10-18 (P)	Tender for Glanbrook Sun Shelter	04/09/2018	Caird-Hall Construction Inc.	\$122,575.00
C15-28-18 (M)	Tender for East Street South Storm Sewer	04/10/2018	Barcon Construction Inc.	\$247,435.50
C15-48-18 (H)	Tender for Bow Valley Drive and Barton Street Rehabilitation	04/11/2018	Associated Paving & Materials Ltd.	\$1,200,259.50
C13-05-18	Tender for Culvert Replacement Services at Various Locations in the City of Hamilton	04/12/2018	1573335 Ontario Ltd. o/a Charlton Group	\$735,399.00
C15-11-18 (P)	Tender for Mount Hope Community Park Redevelopment	04/12/2018	Cambridge Landscaping Inc.	\$1,063,317.25
C13-19-18	Proposal for Contractor Required for the Design, Supply and Installation of Play Structures at Four Parks	04/17/2018	Openspace Solutions Inc.	\$164,000.00

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Award Amount
C11-24-18	<p>Tender for Supply, Installation and Maintenance of Large Caliper Trees in New Subdivisions</p> <p><u>Section Titles</u> Section 1: Subdivision: Summit Park Phase 8-62m-210</p> <p>Section 2: Subdivision: Fairgrounds West 62m-1214</p> <p>Section 3: Subdivision: Glanbrook Hills 62m-1192</p> <p>Section 4: Subdivision: Mc 2 Phase 2 62m-1218</p> <p>Section 5: Subdivision: Parkside Hills Phase 2a-62m-1224</p>	04/18/2018	Nu Roots Tree Planting Inc.	<p>\$76,353.00</p> <p>\$69,841.00</p> <p>\$35,270.00</p> <p>\$40,156.00</p> <p>\$25,861.00</p>
C11-29-18	Tender for Supply and Delivery of Two Courier Trucks for Hamilton Public Library	04/19/2018	Mohawk Ford Ltd.	\$111,988.00
C13-25-18	Tender for Pinky Lewis Recreation Centre Interior Renovations in the City of Hamilton	04/19/2018	Caird-Hall Construction Inc.	\$1,862,300.00
C13-21-18	Tender for Beverly Arena Exterior Wall Repairs in the City of Hamilton	04/20/2018	Brook Restoration Ltd.	\$169,315.00
C11-31-18	Tender for Inspection and Maintenance for Oil/Grit Separators in Various Locations within the City of Hamilton	04/24/2018	Flow Kleen Technology Ltd.	\$115,200.00

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Award Amount
C13-26-18	Tender for 330 Wentworth Roof Replacement Phase 4 in the City of Hamilton	04/24/2018	Eileen Roofing Inc.	\$435,750.00
C3-04-18	Professional Arts Administration Services Required for the City of Hamilton Arts Awards Program Implementation	04/26/2018	Cobalt Connects Creativity	\$17,500.00
C15-47-18 (W)	Tender for Upper Ottawa Large Valve Replacement	04/26/2018	Wesroc Construction Ltd.	\$1,085,631.00
C5-03-18	Tender for School Bus Rental with Drivers for Recreation Programs	05/01/2018	Attridge Transportation Inc.	\$120,970.00
C15-02-18 (H)	Tender for Mall Road and Thorner Neighbourhood Resurfacing	05/01/2018	Associated Paving & Materials Ltd.	\$1,125,597.75
C5-04-18	Tender for Supply and Delivery of Particulate Resistant Fire Fighting Hoods	05/02/2018	A.J. Stone Company Ltd.	\$241,409.00
C13-28-18	Tender for Prequalified General Contractors Required for the Diffuser Membrane Replacement at the Woodward Avenue Wastewater Treatment Plant	05/02/2018	Maple Reinders Construction Ltd. with Ball Construction Ltd.	\$1,672, 660.00
C15-03-18 (M)	Tender for 2018 Surface Treatment Program	05/08/2018	Cornell Construction Ltd.	\$1,889,993.27
C15-08-18 (S)	Tender for Rothsay Avenue District and Gage Park	05/09/2018	Cambridge Landscaping Inc.	\$2,365,684.80
C15-04-18 (M)	Tender for Bonded Wearing Course Program	05/10/2018	Norjohn Contracting and Paving Ltd.	\$1,192,300.00
C15-32-18 (P)	Tender for AM Cunningham School Playground	05/11/2018	Sona Construction Ltd.	\$371,182.65

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Award Amount
C13-14-18	Tender for Demolition at 80 Brant Street, 2 Hillyard Street and former Canadian Pacific Rail Lands in the City of Hamilton	05/15/2018	1573335 Ontario Ltd. o/a Charlton Group	\$2,109,275.40
C15-45-18 (HW)	Tender for MacKenzie Road Reconstruction	05/16/2018	Coco Paving Inc.	\$560,000.00
C15-22-18 (P)	Tender for Shaver Estates Trail	05/17/2018	JB Construction Management Corp.	\$419,255.05
C15-26-18 (TR)	Tender for Installation of Traffic Signal Ducts for New Modernized Signals	05/17/2018	Rankin Construction Inc.	\$324,525.00
C15-53-18 (P)	Tender for Bridge 080 Rock Chapel Road Scouring Protection	05/23/2018	Lancoa Contracting Inc.	\$155,410.00
C15-43-18 (H)	Tender for End of the Line Bus Loop Rehabilitation	05/24/2018	King Paving & Construction Co.	\$519,612.00
C15-44-18 (HW)	Tender for Governors Road Reconstruction	05/25/2018	Navacon Construction Inc.	\$3,625,111.00
C13-10-18	Tender for Sherman Access East Drapery Mesh Installation	05/29/2018	Norpac Construction Inc.	\$587,700.00
C13-38-18	Tender for Supply and Install Recessed Pavement Markers On the Red Hill Valley Parkway	05/30/2018	Almon Equipment Ltd.	\$109,200.00
C13-37-18	Tender for Durand Park Washroom Building	05/31/2018	Caird-Hall Construction Inc.	\$209,793.00
C11-32-18	Tender for Supply and Delivery of Malfunctioning Management Units	06/12/2018	Orange Traffic Inc.	\$43,950.00

Contracts Cancelled

Contract Number	Contract Title	Closing Date (mm/dd/yyyy)	Reason for Cancellation
C11-53-17	Tender for the Supply and Delivery of One Tandem Axle Aerial Truck with a 68 Foot 3 – Boom Aerial Device and Two Person Bucket	11/22/2017	No compliant bids received. Contract awarded via Cooperative Procurement.
C13-03-18	Prequalified General Contractors Required for the Environmental Laboratory Expansion at the Woodward Avenue Water Treatment Plant	02/27/2018	All bids received were over budget. The Tender will not be reissued.
C11-28-18	Tender for Removal of Pavement Markings on an As Needed Basis	05/14/2018	All bids received were over budget. Specifications to be revised and a new Tender will be reissued.
C13-15-18	Proposal for Design, Supply, and Installation of Spray Pad at Bruce Park in the City of Hamilton	05/15/2018	No bids were received. A new Proposal will be issued.

Contracts Pending Award

Contract Number	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status
C9-02-18	Proposal for Construction and Delivery of a Marine Vessel for the Hamilton Police Service	05/03/2018	Closed and under review
C15-25-18 (TR)	Tender for New Pedestrian Cross Overs	05/04/2018	Closed and under review
C3-03-18	Proposal for Highway 8 Improvements (Fruitland Road to Fifty Road)	05/09/2018	Closed and under review
C15-40-18 (M)	Tender for District Yards Watermain and Hydrant Installation	05/29/2018	Closed and under review
C14-07-18	Prequalification of General Contractors Required for Primary Digester Number 4 Refurbishment at the Woodward Avenue Wastewater Treatment Plant	05/29/2018	Closed and under review
C15-27-18 (TR)	Tender for Installation of New and Reconstructed Traffic Signals	06/01/2018	Closed and under review
C13-29-18	Proposal for Supply, Delivery and Installation of New Transit Shelters and the Removal and Disposal of Existing Transit Shelters	06/04/2018	Closed and under review
C14-05-18	Prequalification of General Contractors Required for the Secondary Plant Upgrades, New Tertiary Treatment Facility, New Chlorine Contact Tank and Modifications to Red Hill Creek Located at the Woodward Avenue Wastewater Treatment Plant	06/06/2018	Closed and under review
C13-23-18	Tender for Prequalified General Contractors Required for the Woodward Avenue Water Treatment Plant Upgrades – Contract 1	06/07/2018	Closed and under review
C13-24-18	Tender for Remove and Replace Traffic Signal Controller Cabinets	06/07/2018	Closed and under review

Contracts Pending Award

C15-12-18 (P)	Tender for Joe Sams Leisure Park Playground and Shade Structure	06/07/2018	Closed and under review
C13-34-18	Tender for William Connell Field House – New Build	06/12/2018	Closed and under review
C11-08-18	Proposal for Operation and Maintenance of the City of Hamilton's Waste Transfer and Disposal System	06/15/2018	Closed and under review
C15-57-18 (M)	Tender for Road and Bridge Resurfacing at Various Locations	06/18/2018	Closed and under review
C13-45-18	Tender for Weather Barrier Transition Repairs at Tim Hortons Field	06/20/2018	Closed and under review
C11-33-18	Proposal for Floor Covering Installation Services as and When Required at Various City of Hamilton Facilities	06/21/2018	Closed and under review
C13-39-18	Tender for Supply and Installation of Play Structures at Parkdale School	06/25/2018	Closed and under review
C3-08-18	Proposal for Professional Program Coordinator Services Required for City of Hamilton Winterfest Celebration	07/04/2018	Not closed as of July 1, 2018
C13-42-18	Tender for Supply and Install of Energy Efficient LED Lighting for Various Aquatics Centre's Exterior Lighting	07/05/2018	Not closed as of July 1, 2018
C15-56-18 (H)	Tender for Burlington Street East Sherman to Kenilworth Resurfacing	07/05/2018	Not closed as of July 1, 2018
C15-58-18 (H)	Tender for Burlington Street to MTO Limits Resurfacing	07/09/2018	Not closed as of July 1, 2018
C15-23-18 (P)	Tender for Churchill Park Phase 1	07/10/2018	Not closed as of July 1, 2018
C5-09-18	Tender for Supply and Delivery of Stryker Power-Pro Cots and Power Load Systems	07/10/2018	Not closed as of July 1, 2018
C13-43-18	Tender for Rymal Yard Administration Building Exterior Envelope Repairs and Upgrades	07/12/2018	Not closed as of July 1, 2018

Contracts Pending Award

C13-47-18	Tender for Replacement of Roofing System at Hamilton Convention Centre by Carmens	07/17/2018	Not closed as of July 1, 2018
C2-02-18	Proposal for Corporate Digital Display Solution for the City of Hamilton	07/17 /2018	Not closed as of July 1, 2018
C11-26-18	Tender for Snow Clearing/Removal Services (Equipment and Operator) with Standby	07/17/2018	Not closed as of July 1, 2018
C13-36-18	Tender for Elevator Modernization - York Boulevard Parkade	07/26/2018	Not closed as of July 1, 2018
C13-40-18	Tender for Contractor Required for the Installation of Security Fencing at Six Priority Water Outstations	07/26/2018	Not closed as of July 1, 2018
C12-03-18	Tender for Supply and Delivery of Various Janitorial and Sanitary Supplies	07/31/2018	Not closed as of July 1, 2018
C9-03-18	Proposal for the Construction and Delivery of a Marine Vessel for the Hamilton Police Service	08/02/2018	Not closed as of July 1, 2018
C11-30-18	Tender for Contractor Required for Utility Locates	08/02/2018	Not closed as of July 1, 2018
C2-04-18	Proposal for Broker of Record for General Insurance Services	08/10/2018	Not closed as of July 1, 2018

CITY OF HAMILTON
 Summary of Tenders and Proposals Issued – Apr 1, 2018 – June 30, 2018

Co-operative Contracts

City Contract Reference	Contract Title	Cooperative Group	Effective Date (mm/dd/yyyy)	Vendor	Estimated City Spend
C17-01-18	HVAC Air Filter	Ontario Education Collaborative Marketplace	04/20/2018	Dafco Filtration Group Corp.	\$30,000.00
C17-03-18	Electrical Products and Supplies – 2017-255-03	Ontario Education Collaborative Marketplace	05/24/2018	WESCO Distribution Canada LP.	\$65,000.00
C17-04-18 C17-05-18	Plumbing Products and Supplies	Ontario Education Collaborative Marketplace	05/02/2018	Marks Supply Inc. Nobel Corp.	\$120,000.00



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 10, 2018
SUBJECT/REPORT NO:	2018 Second Quarter Emergency and Non-competitive Procurements Report (FCS18038(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Cheryl Velenosi (905) 546-2424 Ext. 3988
SUBMITTED BY:	Rick Male Director, Financial Services, Taxation and Corporate Controller Finance and Corporate Services Department
SIGNATURE:	

Council Direction:

Council has directed Procurement to report on the use of Sections 4.10 and 4.11 of the Procurement Policy on a quarterly basis.

Information:

This Report is issued quarterly in accordance with the Procurement Policy. The report details the procurement of goods and/or services during emergency situations and those detailed in Section 4.11 – Non-Competitive Procurements for the second quarter 2018.

The Policy for Non-Competitive Procurements is used in narrowly defined circumstances where it is justified that the policies for the general acquisition process could not be followed. The “Emergency Procurement/Non-Competitive Procurement Form” is completed by the Client Department and approved by the General Manager.

During the second quarter of 2018, there were 78 purchases totalling \$4,712,158.68 which were processed through the use of an approved Policy 10 or 11. These are summarized in Appendix “A” to Report FCS18038(a).

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**SUBJECT: 2018 Second Quarter Emergency and Non-competitive Procurements
Report (FCS18038(a)) (City Wide)- Page 2 of 4**

The breakdown is as follows:

- 6 purchases totalling \$1,328,777.65 were issued under Policy 10, as “Emergency” purchases, whereby goods and services were acquired by the most expedient and economical means. The following purchases represent the largest dollar amount in this category:
 - Purchase Order 88738 for \$950,000.00 was issued to Associated Paving and Materials Ltd. for Council approved emergency resurfacing roadwork in the form of ‘asphalt shave and pave’ on Main Street West between Cootes Drive and Macklin Avenue. This work was required due to significant road deterioration.
 - Purchase Order 87670 for \$180,220.72 was issued to Force 1 Security for continued mobilization and provision of additional interim security guard services for the City facilities managed by the Energy, Fleet and Facilities Management Division of Public Works (C11-08-15). Force 1 Security was hired to maintain security guard services without disruption and allow staff sufficient time to issue a new procurement process and award a new contract. The new contract is expected to be in place by third quarter 2018.
 - Purchase Order 88559 for \$109,263.53 was issued to Rankin Construction Inc. for emergency pothole repair work. This work was required due to significant road deterioration caused by extensive freeze/thaw cycles during the 2017 – 2018 winter season.
- 5 purchases totalling \$465,000.00 represent short-term “Extensions” of current contracts which have expired and unforeseeable circumstances have caused a delay in awarding a new contract. The following purchases represent the largest dollar amount in this category:
 - Purchase Order 68116 for \$225,000.00 was issued to Bridgestone Canada Inc. for the leasing of tires for Hamilton’s Transit Section in accordance with the current contract (C11-07-12). This extension is to provide sufficient time to complete the procurement process and award a new contract without the disruption of services. The new contract is expected to be in place for the fourth quarter 2018.
 - Purchase Order 84115 for \$120,000.00 was issued to Barton Auto Parts Ltd. to provide various automotive parts required for repairs and maintenance of the City of Hamilton’s vehicles in accordance with the terms of the current contract (C12-04-12). This extension will provide sufficient time to complete the procurement process and award a new contract without disruption of services. The new contract is expected to be in place for the fourth quarter 2018.

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**SUBJECT: 2018 Second Quarter Emergency and Non-competitive Procurements
Report (FCS18038(a)) (City Wide)- Page 3 of 4**

- 67 purchases totalling \$2,918,381.03 were identified as “Single Source” purchases whereby a particular vendor was recommended because it was more cost-effective or beneficial to the City. The following purchases represent the largest dollar amount in this category:
 - Purchase Order 82636 for \$167,129.55 was issued to Ainley & Associates Ltd. for the expansion of Contract C11-04-16 - Binbrook (HC058) Wastewater Pumping Station Ultimate Capacity Upgrades to provide additional engineering efforts required to coordinate the interim design/construction activities. The complexity of the project resulted in the need to increase site inspection efforts from the currently scoped 480 hours up to 1400 hours for a net increase of 920 hours and to increase contact administration. The Ultimate Capacity Upgrades must be completed by June 2019 to keep the critical project timelines on schedule as required by the development community. It is in the best interest of the City to have Ainley & Associates continue to provide additional engineering and consulting services for the remainder of the Project both for continuity and for minimizing additional costs.
 - Purchase Order 86019 for \$155,000.00 was issued to Cambridge Landscaping & Construction Ltd. for construction service to complete C15-19-17(P) William Connell City Wide Park (Part B) Trail Works. The dollar amount for the Phase 1, Park Development and Stormwater Management Facilities Work, portion of this contract exceeded the City’s budget and so provisional items and associated costs related to the construction of Part B were removed from the contract with Council approving additional funding to continue this work. Given that Cambridge Landscaping & Construction Ltd. was awarded the Contract and are currently on site it was recommended to award the same contractor to continue the work both for continuity and to not incur additional expense.
 - Purchase Order 89122 for \$150,000.00 was issued to Sonic Unyon Records Ltd. to supply and deliver Canada Day Celebration 2018 at Bayfront Park. Sonic Unyon Records Ltd. was chosen because of an existing partnership with the City of Hamilton’s Revenue Generation. The work of this partnership has generated considerable revenues for the City. Sonic Unyon Records Ltd. production of the Canada Day 2018 Celebrations has created an economical turnkey solution for future City of Hamilton events.
 - Purchase Order 84131 for \$150,000.00 was issued to Archaeological Research Associates Ltd. for Stage 4 Archeological Assessment and Engagement of First Nations Communities. Archaeological Research Associates Ltd. was retained from the Consulting Roster (C12-07-14) Category 18 Archeology to provide a Stage 3 Archeological Assessment for Ancaster Cultural and Arts Centre. As the Stage 3 is close to completion, Archaeological Research Associates Ltd. has now identified

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**SUBJECT: 2018 Second Quarter Emergency and Non-competitive Procurements
Report (FCS18038(a)) (City Wide)- Page 4 of 4**

that a Stage 4 excavation is required in accordance with the Ontario Heritage Act by the Ministry of Heritage, Culture and Sport. This excavation is due to many factors, including the presence of intact topsoil layers in some of the units, below some of the areas of disturbance as well as the quantity and quality of artifacts and the presence of several Euro-Canadian features from previous structures. It is anticipated the Stage 4 will consist primarily of mechanical topsoil removal with feature excavation. The engagement of Three First Nation Communities by Archaeological Research Associates Ltd. is also included for this Stage 4 assessment. Archaeological Research Associates Ltd. was chosen to proceed with the Stage 4 excavation work due to the continuity of information, familiarity with the site and the work that was done on the first three assessments.

- Purchase Order 88897 for \$144,465.00 was issued to SNC Lavalin Inc. for the supply and delivery of the Central Park Remedial Action Plan, risk assessment and risk management measures under the City of Hamilton Contract #A-01-18 to prepare the remedial action plan for the clean-up of the Central Park site for future development. SNC Lavalin Inc. was retained as they previously worked with the Ministry of the Environment, Conservation and Parks to carry out environmental assessments on Phase 1 and Phase 2 of this Project, making SNC Lavalin Inc. best suited to continue the work for continuity and to not incur additional expense.

- Purchase Order 88574 for \$100,000.00 was issued to Metrolinx for the repair of damaged PRESTO equipment. Metrolinx is the only supplier of all spare parts of PRESTO equipment.

Appendices and Schedules Attached

Appendix "A" to Report FCS18038(a) - Second Quarter Emergency and Non-Competitive Procurements Report

CV/dw

2018 Second Quarter Emergency and Non-Competitive Procurements Report

PO No.	Type	Amount	Name	Department/Division
City Managers Office				
88913	SGLE	\$90,000.00	Egale Canada Human Rights Trust	Human Resources
89122	SGLE	\$150,000.00	Sonic Unyon Records Ltd.	Strategic Partnerships and Rev.Growth
Healthy and Safe Communities				
88846	SGLE	\$2,041.90	Medical Mart Supplies Ltd.	Public Health
88414	SGLE	\$12,887.00	Canadian Alliance To End Homelessness	Housing Services
89128	EMER	\$14,298.82	Cummins Canada ULC.	Emergency Services
77961	EXTN	\$20,000.00	Barton Auto Parts Ltd.	Emergency Services
84884	SGLE	\$20,000.00	ITS Hamilton	Public Health
89183	SGLE	\$24,500.00	Chemise Empire Shirt Ltd.	Emergency Services
88647	SGLE	\$25,000.00	McKesson Canada	Public Health
88683	SGLE	\$30,000.00	Darch Fire Inc.	Emergency Services
88957	SGLE	\$47,613.00	Interdev Technologies Inc.	Emergency Services
Legislative				
88722	SGLE	\$44,220.00	Civicplan	Councillors Office
Library				
88771	SGLE	\$50,000.00	Communico	Hamilton Public Library
88783	SGLE	\$60,000.00	Synerion North America Inc.	Hamilton Public Library
Planning and Economic Development				
89157	SGLE	\$10,720.00	New Hope Community Bikes	Parking Services
88528	SGLE	\$13,200.00	Craig Sims	Culture
89188	SGLE	\$13,500.00	Crowdriff Inc.	Culture
88770	SGLE	\$15,857.11	University Of Toronto	Parking Services
88769	SGLE	\$21,000.00	University Of Toronto	Parking Services
88657	SGLE	\$25,000.00	Research Consultants International	Economic Development
84994	SGLE	\$32,000.00	WSP Canada Group Ltd.	Planning Division
80127	SGLE	\$58,000.00	ATA Architects Inc.	Culture
Police				
88507	SGLE	\$3,900.00	Cellebrite USA Inc.	Police
88864	SGLE	\$11,523.00	Trane Canada ULC. T42324C	Police
89048	SGLE	\$18,200.00	Motorola Solutions Canada Inc.	Police
88794	SGLE	\$41,500.00	Ultra-Line	Police
Public Works				
89066	EMER	\$1,280.00	GM Blueplan Engineering Ltd.	Water and Wastewater

2018 Second Quarter Emergency and Non-Competitive Procurements Report

PO No.	Type	Amount	Name	Department/Division
76866	SGLE	\$6,000.00	Harrington McAvan Ltd.	Strategic Planning
83928	SGLE	\$10,000.00	WSP Canada Inc.	Facilities
88666	SGLE	\$10,000.00	New World Park Solutions Inc.	Parks
71097	SGLE	\$10,080.00	EXP Services Inc.	Strategic Planning
88484	SGLE	\$11,131.42	John Brooks Company Ltd.	Water and Wastewater
88878	SGLE	\$11,355.00	Practica Ltd.	Parks
88724	SGLE	\$14,111.00	First Base Solutions Inc.	Transit
88667	SGLE	\$15,000.00	Kompan Playscapes Inc.	Parks
88429	SGLE	\$17,900.00	Emco Corp.	Operations and Waste Management
89031	SGLE	\$19,030.00	ACI Instrumentation Ltd.	Water and Wastewater
89195	SGLE	\$20,000.00	Classic Displays	Operations and Waste Management
88543	SGLE	\$20,000.00	A.B.C. Recreation Ltd.	Parks
88665	SGLE	\$20,000.00	Openspace Solutions Inc.	Parks
83318	SGLE	\$20,000.00	Binns Lock and Key Centre	Water and Wastewater
89069	SGLE	\$20,521.00	Devine and Associates Ltd.	Water and Wastewater
89094	SGLE	\$23,542.80	Fast Fence Inc.	Parks
88924	SGLE	\$27,000.00	Compression Technology Corp.	Facilities
83930	SGLE	\$28,776.00	Kathryn Vogel Architect Inc.	Facilities
88503	SGLE	\$30,000.00	Daktronics Canada Inc.	Facilities
88792	SGLE	\$30,000.00	Hamilton Video and Sound Ltd.	Facilities
88926	SGLE	\$30,000.00	Pinnacle Elevator Services Canada Inc.	Facilities
87283	SGLE	\$30,000.00	309917 Ont. Ltd. o/a Western Plumbing and Heating	Parks
88695	SGLE	\$33,795.25	City View Bus Sales and Service Ltd.	Transit
89194	SGLE	\$35,208.00	Canadian Funeral and Cemetery Supply	Operations and Waste Management
84133	EXTN	\$40,000.00	1984080 Ont Inc./Carstar On Ferguson	Fleet
88742	SGLE	\$45,000.00	Wattsworth Analysis Inc.	Environment and Sustain Infrastructure
89096	SGLE	\$48,022.00	McMaster University	Environment and Sustain Infrastructure
88576	SGLE	\$50,000.00	Country Roads Ltd. o/a Crossroads Equipment	Fleet
86865	SGLE	\$50,000.00	Industry Diesel and Turbo Service Ltd.	Fleet
82004	SGLE	\$50,000.00	AMEC Foster Wheeler Environment	Fleet
88947	SGLE	\$50,000.00	Classic Displays	Operations and Waste Management
88863	SGLE	\$50,000.00	Canadian Water Network	Water and Wastewater
83148	EXTN	\$60,000.00	Ground Floor Elevator Ltd.	Facilities
75395	SGLE	\$61,035.00	Grguric Architects Inc.	Facilities
88944	SGLE	\$61,552.00	HCE Energy Inc.	Fleet

2018 Second Quarter Emergency and Non-Competitive Procurements Report

PO No.	Type	Amount	Name	Department/Division
89065	EMER	\$73,714.58	Rankin Construction Inc.	Operations and Waste Management
85824	SGLE	\$80,000.00	Heritage Restoration Inc.	Facilities
89152	SGLE	\$80,000.00	MacLean Media Systems Inc.	Facilities
89063	SGLE	\$85,000.00	Norjohn Contracting And Paving Ltd.	Operations and Waste Management
88972	SGLE	\$86,000.00	The Sequoia Group Ltd.	Finance
87037	SGLE	\$91,065.00	Calder Engineering Ltd.	Water and Wastewater
88574	SGLE	\$100,000.00	Metrolinx	Transit
88559	EMER	\$109,263.53	Rankin Construction Inc.	Operations and Waste Management
84115	EXTN	\$120,000.00	Barton Auto Parts Ltd.	Fleet
88897	SGLE	\$144,465.00	SNC Lavalin Inc.	Environment and Sustain Infrastructure
84131	SGLE	\$150,000.00	Archaeological Research Associates Ltd.	Facilities
86019	SGLE	\$155,000.00	Cambridge Landscaping and Construction Ltd.	Parks
82636	SGLE	\$167,129.55	Ainley and Associates Ltd.	Water and Wastewater
87670	EMER	\$180,220.72	Force 1 Security	Facilities
68116	EXTN	\$225,000.00	Bridgestone Canada Inc.	Transit
88738	EMER	\$950,000.00	Associated Paving and Materials Ltd.	Environment and Sustain Infrastructure



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 10, 2018
SUBJECT/REPORT NO:	Second Quarter Non-compliance with the Procurement Policy Report (FCS18039(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Cheryl Velenosi (905) 546-2424, Ext. 3988
SUBMITTED BY:	Rick Male Director, Financial Services, Taxation and Corporate Controller Finance and Corporate Services Department
SIGNATURE:	

Council Direction:

Procurement Policy, Section 4.19, Item (3) requires a quarterly report be prepared and presented to Council to report the use of all Procurement Policy Non-Compliance Forms.

Information:

This Report is issued quarterly in accordance with the Procurement Policy. This Report details the use of all Procurement Policy Non-Compliance Forms for the second quarter of 2018.

Procurements that are non-compliant with the Procurement Policy can be identified at any time during the procurement process. Procurements are deemed to be non-compliant with the Procurement Policy when the applicable Policy (Policies) and published procedure(s) are not followed. Under Policy 19, the General Manager is responsible for reviewing each incident and determines the appropriate level of disciplinary action to be taken.

During the second quarter of 2018, there were 18 instances relating to the use of Policy 19, totalling \$156,544.89. The instances are summarized in Appendix "A" to Report FCS18039(a).

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**SUBJECT: 2018 Second Quarter Non-compliance with the Procurement Policy
Report (FCS18039(a)) (City Wide) - Page 2 of 2**

Appendices and Schedules Attached

Appendix "A" to Report FCS18039(a) – 2018 Second Quarter Non-compliance with the Procurement Policy Report.

CV/dw

2018 Second Quarter Non-Compliance with the Procurement Policy Report

PO No.	Amount	Name	Division
Healthy & Safe Communities			
89058	\$12,776.47	Cardinal Health Canada Inc.	Macassa Lodge
88976	\$18,038.17	Henderson Recreation Equipment Ltd.	Children's Services and Neighbourhood
Legislative			
No PO	\$445.00	Bob Penner	Councillor's Office
No PO	\$449.90	Perfect Pen & Stationery	Councillor's Office
No PO	\$2,906.86	Zing Media Inc.	Councillor's Office
No PO	\$2,995.00	Zing Media Inc.	Councillor's Office
No PO	\$1,500.00	Bob Penner	Councillor's Office
No PO	\$23.48	Island Ink-Jet	Councillor's Office
No PO	\$4.96	Staples Canada	Councillor's Office
No PO	\$50.00	Staples Canada	Councillor's Office
No PO	\$9.98	Staples Canada	Councillor's Office
No PO	\$320.00	Bob Penner	Councillor's Office
No PO	\$200.00	Bob Penner	Councillor's Office
Planning & Economic Development			
P-Card	\$158.56	Budget Rental Car	Transportation Planning and Parking
No PO	\$29.82	Acklands-Grainger Inc.	Animal Services
Public Works			
89105	\$19,268.92	Barton Auto Parts Ltd.	Energy, Fleet & Facilities Management
68788	\$39,069.37	Tacel Ltd.	Roads & Traffic
89003	\$58,298.40	NICE Systems Canada Ltd.	Transit & Information Technology



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Services Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 10, 2018
SUBJECT/REPORT NO:	Tax Appeals under Sections 357 and 358 of the <i>Municipal Act, (2001)</i> (FCS18008(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	David Janaszek (905) 546-2424 Ext. 4546
SUBMITTED BY:	Rick Male Director, Financial Services, Taxation and Corporate Controller Finance and Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That Appendix “A” to Report FCS18008(b) respecting the Tax Appeals processed under Section 357 of the *Municipal Act, (2001)*, in the amount of \$72,152.95 be approved;
- (b) That Appendix “B” to Report FCS18008(b) respecting the Tax Appeals, due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the *Municipal Act, (2001)*, in the amount of \$20,317.33 be approved.

EXECUTIVE SUMMARY

Section 357 of *Municipal Act, (2001)* allows the taxpayer, through the Treasurer’s Office, to submit an application to cancel, reduce or refund all or part of the taxes levied on the land in the year in respect of which the application is made as a result of a change of use, damage to a property rendering it partially or totally unusable; or a gross or manifest error that is clerical in nature.

Examples of such applications are:

- mid-year purchase of a property by an exempt body;
- fire or flood damage to all or partial property; and,
- an assessment error in entering a property value.

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**SUBJECT: Tax Appeals under Sections 357 and 358 of the *Municipal Act, (2001)*
(FCS18008(b)) (City Wide) - Page 2 of 3**

Section 358 of *Municipal Act, (2001)* allows the taxpayer, through the Treasurer's Office, to appeal assessment as supplied by the Municipal Property Assessment Corporation (MPAC) they believe have been overcharged, due to gross or manifest clerical error, on the part of MPAC. They are allowed to appeal current, plus prior two years, in which the application is made. This section also allows for the reduction of taxes, due to such errors, once confirmed by the Regional Assessment Office of MPAC.

Examples of such applications are:

- a transposition of figures;
- a typographical error; and,
- a duplicate property created.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The taxes that will be written-off under Section 357, total \$72,152.95 and taxes that will be written-off under Section 358, total \$20,317.33, for a total amount of \$92,470.28 of which \$17,784.12 will be charged back to the local school boards, based on school support, indicated on each account. The City of Hamilton's portion of \$74,686.16 will be charged to the operating budget (HAMTN 52108-252013).

Staffing: Not Applicable

Legal: Not Applicable

HISTORICAL BACKGROUND

Appendix "A" attached to Report FCS18008(b) Tax Appeals processed under Section 357 of the *Municipal Act, (2001)* and Appendix "B" attached to Report FCS18008(b) Tax Appeals due to Gross or Manifest Clerical Error, Pursuant to Section 358 of the *Municipal Act, (2001)*, have been reviewed by MPAC and have been approved or denied by them. Taxation Division staff has calculated any refund / reductions that are due which now require Council approval. Applicants have 35 days after Council has rendered its decision to appeal any Section 357 decision through the Assessment Review Board (ARB). Section 358 decisions are final.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Sections 357 and 358 of the *Municipal Act, (2001)*.

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**SUBJECT: Tax Appeals under Sections 357 and 358 of the *Municipal Act, (2001)*
(FCS18008(b)) (City Wide) - Page 3 of 3**

RELEVANT CONSULTATION

Municipal Property Assessment Corporation (MPAC).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Section 357 applications allow for the Municipality and MPAC to quickly rectify assessment classification changes since the return of the year end assessment roll.

The Section 358 applications allow the taxpayer to rectify prior years' errors through the municipality and the local assessment office.

Both processes allow errors to be quickly rectified without having to go through the formal assessment review process.

ALTERNATIVES FOR CONSIDERATION

There are no other alternatives as this is a legislated process under the *Municipal Act, (2001)*.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Tax Appeals processed under Section 357 of the *Municipal Act, (2001)*.

Appendix "B" – Tax Appeals due to Gross or Manifest or Clerical error, Pursuant to Section 358 of the *Municipal Act, (2001)*.

DJ/dw

City of Hamilton
Corporate Services Department
Taxation Division
Section 357 Tax Appeals of the Municipal Act, 2001

<u>Application #</u>	<u>Property Address</u>	<u>Reasons Detailed</u>	<u>Tax Year</u>	<u>Amount</u>
357-15-353	1429 SHEFFIELD RD	Demolition was addressed by a different application. No value change.	2015	0.00
357-15-032	891 UPPER JAMES ST	Tax class change from Commercial to Exempt	2015	-7,081.92
357-15-196	1429 SHEFFIELD RD	Demo of accessory building.	2015	-105.82
357-15-360	1429 SHEFFIELD RD	Demolition of mobile home	2015	-149.98
357-15-365	1429 SHEFFIELD RD	Demolition of mobile home	2015	-165.90
357-16-275	260 QUEENSTON RD	Reduction due to fire damage	2016	-952.00
357-16-285	311 STRATHEARNE AVE	Tax class change from Residential to Exempt	2016	-6,441.20
357-16-006	0 BAY ST N	No change in the tax liability or property classification is warranted	2016	0.00
357-16-296	1590-1632 BURLINGTON ST E	Tax class change from Commercial to Payment In Lieu	2016	8,554.88
16-296A	1590 BURLINGTON ST E	Hamilton Port Authority--tenant Bridge Partners	2016	-8,554.87
357-16-295	1590-1632 BURLINGTON ST E	Tax class change from Commercial to Payment In Lieu	2016	1,447.05
16-295A	1590 BURLINGTON ST E	Hamilton Port Authority--tenant AMD	2016	-1,447.05
16-204A	100 EASTPORT BLVD	Tax class change from Commercial to Payment In Lieu	2016	-9,989.96
357-16-204	804B BEACH BLVD	Hamilton Port Authority	2016	9,989.96
357-16-181	788 UPPER OTTAWA ST	Tax class change addressed by 2016 omitted assessment	2016	0.00
357-16-316	319 SHERMAN AVE N	No change because buildings not demolished.	2016	0.00
357-16-282	1430 MAIN ST E	Property is already Exempt	2016	0.00
357-17-221	33 PARK ROW N	Reduction due to fire damage	2017	-133.95
357-17-298	1022 SAGER RD	Demolition of Single Family Dwelling	2017	-15.24
357-17-314	59 GREEN MOUNTAIN RD	No change in the tax liability or property classification is warranted	2017	0.00
357-17-316	596 ARVIN AVE	No change in the tax liability or property classification is warranted	2017	0.00
357-17-318	1835 BURLINGTON ST E	Tax class change from Industrial to Commercial	2017	-4,923.21
357-17-165	852 UPPER WENTWORTH ST	Tax class change from Commercial to Residential	2017	-1,960.22
357-17-289	231 YORK RD	Demolition of Single Family Dwelling	2017	-278.87
357-17-222	0 OLD GOVERNORS RD	Tax class change from Commercial to Residential	2017	-159.59
357-17-295	21 HOWARD BLVD	Demolition of Single Family Dwelling	2017	-320.35
357-17-204	1429 SHEFFIELD RD	Demolition of mobile home	2017	-496.38
357-17-265	16 NISBET BLVD	Reduction due to fire damage	2017	-72.18
357-17-280	171 GLOVER RD	Demolition of garage	2017	-24.71
357-17-293	8231 TWENTY RD E	Demolition of Single Family Dwelling	2017	-340.55
357-17-309	9923 DICKENSON RD W	Reduction due to fire damage	2017	-1,340.94
357-17-154	272 KING ST W	Tax class change from Commercial to Residential	2017	-899.69
357-17-279	3027 HOMESTEAD DR	Demolition of Accessory building had no value. Property is owned by the City	2017	0.00
357-17-257	243 WINDWOOD DR	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-251.74
357-17-258	245 WINDWOOD DR	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-243.35
357-17-259	0 WINDWOOD DR	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-95.38
357-17-260	0 WINDWOOD DR	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-87.41
357-17-261	0 VOYAGER PASS Rear	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-262.92
357-17-262	0 VOYAGER PASS	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-251.74

City of Hamilton
Corporate Services Department
Taxation Division
Section 357 Tax Appeals of the Municipal Act, 2001

<u>Application #</u>	<u>Property Address</u>	<u>Reasons Detailed</u>	<u>Tax Year</u>	<u>Amount</u>
357-17-195	1000 MAIN ST E	City owned property. Already exempt.	2017	0.00
357-17-272	72 STRACHAN ST E	City owned property. Already exempt.	2017	0.00
357-17-276	659-695 CATHARINE ST N	City owned property. Already exempt.	2017	0.00
357-17-278	5174 BERRY RD	Demolition of Accessory building	2017	-45.64
357-17-254	1955 HIGHWAY NO. 6	Tax class change from Residential to Exempt as property is a place of worship	2017	-9,914.33
357-17-304	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-1,856.86
357-17-305	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-1,935.84
357-17-306	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-1,071.89
357-17-307	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-908.52
357-17-308	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-880.58
357-17-273	437 RENNIE ST	Demolition of Accessory building	2017	-1,189.18
357-17-267	14 NISBET BLVD	Reduction due to fire damage	2017	-19.29
357-17-285	1294 CONCESSION 8 RD W	Demolition of mobile home	2017	-17.14
357-17-176	619 CENTRE RD	No change in the tax liability or property classification is warranted	2017	0.00
357-17-302	20 REID AVE N	Tax classification change from Commercial to Commercial Vacant Land. No change in value due to demolition of structure.	2017	0.00
357-17-153	225 LOCKE ST S	Error in Tax classification corrected with separate Post Roll Amended Notice. No change required.	2017	0.00
357-18-008	33 PARK ROW N	Reduction due to fire damage	2018	-626.78
357-18-026	44 PAVILION DR	Reduction due to fire damage	2018	-1,522.99
357-18-004	85 CHANCERY DR	Reduction due to fire damage	2018	-4,435.60
357-18-007	943 COURTLAND DR	Demolition of Single Family Dwelling	2018	-1,575.29
357-18-016	99 MILLER DR	Demolition of Single Family Dwelling	2018	-99.34
357-18-017	4 ORCHARD AVE	Reduction due to fire damage	2018	-817.72
357-18-027	63 WORSLEY RD	Demolition of Single Family Dwelling	2018	-459.47
357-18-003	6 WENDAKEE DR	Demolition of Single Family Dwelling	2018	-2,372.75
357-18-024	11 CRAIGROYSTON RD	Demolition of Single Family Dwelling	2018	-616.83
357-18-022	63 HIGHWAY 5 W	Demolition of Single Family Dwelling	2018	-6,264.39
357-18-010	11 BEAVERTON DR	Reduction due to fire damage	2018	-888.85
357-18-002	119 FIELDING CRES	Demolition of the pool	2018	-193.48
357-18-015	68 SHERWOOD RISE	Demolition of the pool	2018	-192.74
357-18-009	227 ST CLAIR BLVD	Change in Assessment corrected with separate Post Roll Amended Notice in 2017. No change required.	2018	0.00
357-18-011	10 ALLANBROOK ST	Reduction due to fire damage	2018	-4,358.44
357-18-014	362 DUNDAS ST E	Demolition of the pool	2018	-263.53
357-18-001	278 WEST 18TH ST	Tax class change from Commercial to Residential	2018	-2,570.25
			Total	- 72,152.95

City of Hamilton
 Corporate Services Department
 Taxation Division
 Section 358 Tax Appeals of the Municipal Act, 2001

<u>Application #</u>	<u>Property Address</u>	<u>Reasons Detailed</u>	<u>Tax Year</u>	<u>Amount</u>
358-18-004	8416 DICKENSON RD E	Pool was filled in	2017	- 292.23
358-18-002	64 MUNROE ST	Reduction due to fire damage	2017	- 1,758.10
358-17-027	891 UPPER JAMES ST	Tax class change from Commercial to Exempt	2016	- 8,575.07
358-17-016	0 SUNNYCROFT CRT S/S	Gross or Manifest Error	2016	- 123.49
358-17-039	1955 HIGHWAY NO. 6	Tax class change from Residential to Exempt. Property is a place of worship	2016	- 9,070.40
358-17039A	1955 HIGHWAY NO. 6	Tax class change from Residential to Exempt. Property is a place of worship	2016	- 498.04
			Total	- 20,317.33



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Services Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	August 15, 2018
SUBJECT/REPORT NO:	Toronto Tank Lines – Property Tax Arrears (FCS18076) (Ward 5) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Maria Di Santo (905) 546-2424 Ext. 5254 David Janaszek (905) 546-2424 Ext. 4546
SUBMITTED BY:	Rick Male Director, Financial Services, Taxation and Corporate Controller Corporate Services
SIGNATURE:	

RECOMMENDATIONS

- (a) That no adjustments to the taxes levied and/or penalty and interest charges incurred on roll number 051.493.00030.0000 (804 BEACH BLVD) be made until the pending assessment appeals are settled, and only if the pending assessment appeals result in a reduction to the property's assessment.
- (b) That staff initiate discussions to establish a process that would ensure that the Municipal Property Assessment Corporation (MPAC) and the City of Hamilton (City) be provided timely notification and access to all development activity occurring on Federal lands, specifically the Hamilton Port Authority lands.
- (c) That staff investigate the possibility of any regulatory or legislative changes to require the Federal government to comply with the Ontario Building Code with respect to the application for a municipal building permit for all development activity occurring on its lands.
- (d) That the item identified as "Staff Report Respecting Supplemental Taxes and Assessment Complaints Respecting 500 Eastport Blvd" be removed from the Audit Finance & Administration Committee's Outstanding Business List.

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**SUBJECT: Toronto Tank Lines – Property Tax Arrears (FCS18076) (Ward 5)
(Outstanding Business List Item) - Page 2 of 7**

EXECUTIVE SUMMARY

Audit, Finance & Administration Committee, at its meeting on January 22, 2018 approved the following:

“That staff be directed to review the correspondence from Steve M. Pocrnic, President & CEO of Pocrnic Realty Advisors Inc., respecting 500 Eastport Blvd., Hamilton, supplemental taxes for 2013-2015; and, assessment complaints 2013-2018 (attached hereto), and report back to the Audit, Finance & Administration Committee with recommended options as to how to resolve the matter.”

The purpose of this Report is to provide Committee with staff recommendations to address this outstanding item. As a result of this Report, the item “Staff Reports Respecting Supplemental Taxes and Assessment Complaints Respecting 500 Eastport Blvd” (Toronto Tank Lines – Property Tax Arrears) will be considered complete and removed from the Audit, Finance & Administration outstanding business list.

Toronto Tank Lines (TTL) is a tenant of the Hamilton Port Authority (HPA) and has leased land from the HPA since 2004 for its’ business operations. TTL is currently in property tax arrears of \$387,927.44 which stems predominately from supplementary/omitted property taxes levied in 2015. These supplementary/omitted property taxes were for additional assessment resulting from the construction of a maintenance facility/building and 15 large storage tanks. Although the maintenance building has existed since 2003 (as indicated by TTL’s representative) and the storage tanks constructed at various stages between 2003 and 2010, these structures were not assessed by the Municipal Property Assessment Corporation (MPAC) for taxation purposes until 2015.

A building permit was issued in 2003 for TTL’s truck wash and maintenance facility/building, however no building permits were issued for the 15 storage tanks. MPAC has advised that they do not have any record of the 2003 building permit (which at that time the City provided only paper copies to MPAC), and as a result, were unaware of the structures. This resulted in the structures not being assessed for taxation purposes.

Regardless of the omission, the structures were constructed during the period of 2003 – 2010 and therefore subject to assessment and ultimately taxation (Appendix C to Report FCS18076 provides aerial maps identifying these additional structures constructed over this time period). The *Assessment Act*, however, only allows MPAC to assess omissions in the current year and a maximum of two prior years. As such, since the building and tanks were not assessed until 2015, the municipality can only levy taxes back to 2013 (two prior years). As a result, the City has foregone property tax revenue for these structures for 2012 and applicable prior years.

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**SUBJECT: Toronto Tank Lines – Property Tax Arrears (FCS18076) (Ward 5)
(Outstanding Business List Item) - Page 3 of 7**

Considering the forgone taxation revenue that would have been realized had the structures been assessed for the full duration of their existence, estimated to be approximately \$300,000 to \$400,000, staff are not recommending any adjustments to reduce the current tax arrears or penalty/interest accrued.

Appeals of TTL's supplementary/omitted assessments, as well as annual appeals for subsequent tax years, have been filed with the Assessment Review Board (ARB) and are scheduled to commence in April 2019. Considering these pending appeals, staff are recommending that this property be treated similar to other properties under appeal, whereby any adjustments to the tax roll account are deferred until the assessment appeal is finalized. Any awarded assessment reduction will be processed through Minutes of Settlement or a Decision of the ARB. If the taxpayer has incurred penalty/interest on the tax roll account, the penalty/interest will be adjusted at that time to reflect the revised property taxes.

With respect to the delay in reflecting the development activity on the assessment roll, it should be noted that as of 2010, the City of Hamilton now provides MPAC with electronic listings of building permits, which greatly reduces the risk of missing permits. Unfortunately, however, there is no building permit requirement for development activity on Federal lands. Considering the foregone taxation revenue resulting from developments not being assessed within the allowable timeframe, staff are recommending the review of improved processes that may assist in protecting the City's financial interests.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The estimated foregone property tax revenue pertaining to the non-assessment of TTL's maintenance facility and storage tanks from 2003 to 2012 is estimated at approximately \$300,000 to \$400,000. As such, staff are not recommending any relief for the current tax arrears as a result of the November 2015 supplementary/omitted tax billing, which under the Assessment Act, only allowed the taxation for these structures back to 2013. As the property owner has appealed the property's value, it is also prudent to allow the appeal process to run its course. Once the appeals are settled, staff will proceed to adjust the tax roll account if any reduction in the property's value is awarded. It is expected that TTL will settle the arrears once the appeal process is complete.

It should be noted that if the arrears are not eventually paid, the City cannot exercise powers of collection under Part XI Sale of Land for Tax Arrears of the *Municipal Act*, as TTL leases the land it occupies from the HPA, which is a Federal property. The City's option with respect to collection of the property tax arrears would be through the use of Bailiff services. It is not likely that the City would need to resort to this measure, as it is expected that

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**SUBJECT: Toronto Tank Lines – Property Tax Arrears (FCS18076) (Ward 5)
(Outstanding Business List Item) - Page 4 of 7**

failure to settle the arrears may lead to the lease termination by the HPA. If such action occurs, the City would then submit a request to the HPA for payment of these arrears. Unfortunately, however, there is no guarantee as to how much of the arrears the HPA would agree to pay.

Staffing: Not Applicable

Legal: Not Applicable

HISTORICAL BACKGROUND

The Municipal Property Assessment Corporation (MPAC) is responsible for assessing and classifying all properties in Ontario in compliance with the *Assessment Act* and regulations set by the Government of Ontario. Property taxes are determined and billed by municipalities, using the property's assessment as determined by MPAC.

Property assessment notices are mailed by MPAC and it is the responsibility of the property owner or assessed person to ensure the accuracy of their property assessment. The assessment notices also contain all of the necessary information to obtain the assessment valuation details for the property. The available options for review or appeal of the assessment are also included should the accuracy of the assessment be in question.

As a tenant of the Hamilton Port Authority (HPA), Toronto Tank Lines (TTL) has been subject to property assessment and property taxes since 2004. The history of land leased and the property assessment and taxation history is summarized in Appendix "B" ("Land Lease and Property Assessment and Tax History - Toronto Tank Lines") to Report FCS18076.

TTL is currently in property tax arrears which stems from supplementary/omitted property taxes levied in November 2015 pertaining to taxation years 2013-2015. These property taxes were in addition to the property taxes originally billed for the 2013-2015 tax years and were based on supplementary/omitted assessments issued by MPAC which increased their property's assessed value. The increase to the assessed value was based on the assessment for an additional 2.46 acres of land leased and the assessment of TTL's maintenance facility/building, 15 large storage tanks, a weigh scale and asphalt. The construction of TTL's building began in 2003, while the 15 large storage tanks were constructed in various stages over a number of years as can be seen in Appendix "C" ("Aerial Maps") to Report FCS18076. Although the construction of the building was completed sometime in 2003 (as indicated by TTL's representative), while the 15 tanks were completed in stages between 2003 and 2010, these structures had not been assessed by MPAC for taxation purposes until 2015.

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**SUBJECT: Toronto Tank Lines – Property Tax Arrears (FCS18076) (Ward 5)
(Outstanding Business List Item) - Page 5 of 7**

The HPA provides listings to both MPAC and the City several times per year to inform of new leases/tenants, changes to existing tenant areas (additions or reduction in space for existing tenants) and lease terminations/expiries. These listings do not identify or advise of new construction or improvements on HPA lands. These listings are used to generate the appropriate assessment and property tax changes where applicable. An increase of 2.46 acres in land leased by TTL was included on a listing provided by HPA. It was at this time, when MPAC was preparing the assessment of the additional leased land, that the omission of structures was identified, triggering the eventual supplementary/omitted billings in November 2015.

City records confirm that building permit 03-204896-000-00 I3 was issued in June 2003 for construction of a 3,201-sq. m. truck wash and maintenance facility. This building permit reflected an agreed upon construction cost of \$2,500,000. No building permits were issued for any of the 15 storage tanks that were constructed.

MPAC relies on Municipalities to provide information pertaining to municipal building permits issued so that they are apprised of physical changes occurring on properties, which in turn may result in changes to a property's assessment and property taxes. The City of Hamilton currently provides MPAC with electronic listings of building permits issued monthly. Prior to 2010, this process was manual in that the City provided MPAC with paper copies of building permits issued. Unfortunately, there is no system in place to track what was provided to MPAC prior to the electronic building permit submissions.

As the 2003 building permit issued for the truck wash and maintenance facility/building was during the period where paper copies of permits were provided to MPAC, staff cannot confirm that a copy of the building permit was in fact forwarded to MPAC. MPAC has advised that they are unable to locate a copy of the building permit and are unable to confirm that a copy was ever received. Regardless of the omission, the structures were constructed during the period of 2003 – 2010 and therefore subject to property assessment and ultimately taxation, within the time limitations of the Assessment Act.

Currently, a municipal building permit application is not required as it pertains to development or construction occurring on Federal lands. As such, in absence of a building permit, no formal process exists to notify municipalities or MPAC of any construction or development activity taking place on Federal lands.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

MPAC determines a property's current value assessment in accordance with the Assessment Act. Taxpayer's have a right to appeal the value determined by MPAC either through a Request for Reconsideration or through a formal appeal with the Assessment Review Board (ARB). Similar to the treatment of other properties under appeal, any adjustments to the tax roll account are deferred until such as at the

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**SUBJECT: Toronto Tank Lines – Property Tax Arrears (FCS18076) (Ward 5)
(Outstanding Business List Item) - Page 6 of 7**

assessment appeal is finalized. Any awarded assessment reduction will be processed through Minutes of Settlement or a Decision of the ARB.

Property taxes are levied and collected by the municipality in adherence to the Municipal Act, 2001.

Penalty and Interest charges incurred for non-payment or late payment of property taxes are in adherence to City of Hamilton by-law 13-136 “A BY-LAW TO IMPOSE LATE PAYMENT CHARGES FOR THE NON-PAYMENT OF TAXES”.

RELEVANT CONSULTATION

- The Municipal Property Assessment Corporation (MPAC)
- Planning Department - Building Division

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Regardless of the delay in adding the structures to the assessment roll, they were constructed during the period of 2003 – 2010 and therefore subject to property assessment and ultimately taxation. Given the size and value of the improvements, TTL should have reasonably expected to experience substantial assessment and property tax increases as construction of the additional structures were completed.

Although the property was assessed and taxed beginning in 2004, the assessed value for taxation years 2004 - 2012 ranged from just 268,400 to 588,700. As the 2003 building permit for the maintenance facility reflected a construction value of \$2,500,000, this should have triggered TTL to question why the property was assessed substantially less than the construction value. This is contrary to correspondence from TTL’s tax agent (Appendix “A” to Report FCS18076 “Correspondence from Steve Pocrnic, Pocrnic Realty Advisors – 500 Eastport Blvd, Hamilton.”), whereby it is stated that “6) *Notwithstanding the assessability of these improvements TTL had always been under the assumption and understanding that they were assessed the appropriate CVA of their lands including all improvements.*” Due to the significant discrepancy between the construction value and the assessment, it is reasonable to assume that the assessment used for taxation purposes may in fact not have considered the newly constructed buildings and tanks.

MPAC relies on Municipalities for building permit information so that it is aware of physical changes occurring on properties which may result in changes to a property’s assessment and ultimately, property taxes. As a municipal building permit application is not required for development or construction occurring on Federal lands, there is no formal process to notify Municipalities or MPAC of any development activity taking place. Through this report, staff are therefore recommending a review to improve the

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**SUBJECT: Toronto Tank Lines – Property Tax Arrears (FCS18076) (Ward 5)
(Outstanding Business List Item) - Page 7 of 7**

current process to mitigate delays in new developments being assessed for taxation purposes.

ALTERNATIVES FOR CONSIDERATION

Staff are not recommending any alternatives.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Correspondence from Steve Pocrnic, Pocrnic Realty Advisors – 500 Eastport Blvd, Hamilton

Appendix “B” – Land Lease and Property Assessment & Tax History - Toronto Tank Lines

Appendix “C” - Aerial Maps

MD/dw

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January 5, 2018



VIA ELECTRONIC TRANSMISSION

City of Hamilton
Hamilton City Hall
2nd floor - 71 Main Street West
Hamilton, Ontario L8P 4Y5

Attention: Lloyd Ferguson, City Councillor Ward 12

Re: 500 Eastport Blvd., Hamilton
Supplemental Taxes for 2013-2016
Assessment Complaints 2013-2018

Dear Councillor Ferguson,

This letter is further to your meeting with Mike McCalmont from Toronto Tank Lines (TTL) and his request for intervention and assistance with the above property. Mr. McCalmont is principal of Toronto Tank Lines (1040135 Ontario Inc.) who occupy 14.35 acres of Hamilton Port Authority land where they operate a Bulk Liquid Cargo and Transportation business. This business has been in operation on these lands since 2003 and now employs 112 people on its premise which contributes substantially to the local and basic employment of this municipality.

I have been retained by TTL and Mr. McCalmont to appeal supplemental assessments issued by MPAC. Appeals have been filed for 2013, 2014, 2015, 2016, 2017 and now 2018 taxation years.

The extent of our complaints in this matter is not limited to property assessment. Unfortunately under the new Board rules these complaints will not commence until April 2019 suggesting 2020 as the earliest relief date. I have been asked to update you on matters within the City's influence and the relevant considerations.

- 1) On October 8, 2015, TTL was served with a Supplemental Assessment Notice to reflect legally authorized construction of an industrial building and 3 bulk tanks that were added to the Port Authority Lands in 2003. The supplemental taxes were retroactive to 2013-2015 taxation years consistent with the limitations of the Assessment Act.
- 2) Two subsequent supplemental tax bills were received in November 2015 for the same period. Additional taxes were imposed on TTL for the period. On Aggregate, \$2,701,040 of CVA was phased-in and added to the original assessment of \$898,584.
- 3) Notwithstanding a revised CVA of \$4,344,900 determined for 2012 CVA, MPAC has revised the 2016 CVA to \$3,737,200 suggesting an overly aggressive valuation for the cycle initially appealed.

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In addition to having to deal with the appropriateness and equitable level of assessment, TTL takes particular issue on the following:

- 4) Building Improvements on the lands were actually completed in 2003 pursuant to a permit issued by City of Hamilton (Permit No. 032048960013);
- 5) The City of Hamilton endorsed the proposal to add 3 bulk tanks to the Lands on July 11, 2003.
- 6) Notwithstanding the assessability of these improvements TTL had always been under the assumption and understanding that they were assessed the appropriate CVA of their lands including all improvements. These improvements were lawfully processed with full knowledge of the municipality.
- 7) Based on TTL's reliance on the integrity of assessment and taxation system they had good reason to rely on the fairness of their property tax expenses.
- 8) Relying on normalized operating costs and assessment since 2004, TTL committed to additional labour and capital equipment over the years. Trucking supply and delivery pricing was routinely set relative to those costs.
- 9) Subleased area on site and tax recoveries have long since been reconciled with the tenants of TTL. These leases were also negotiated without consideration to the full tax burden of the sub-landlord.
- 10) The above matters suggest negligence by the City and MPAC to bring assessment forward in a timely manner which has contributed to the strife of our client's business, TTL.

Our client pleads that the responsibility for recovery of these tax dollars should be substantially curtailed under the circumstances on account of the following:

- A) Tax revenue for the years in question were never anticipated or budgeted for and as a result have already been absorbed and spread across the tax rate set by the municipality for those tax years;
- B) The City through its alliance with MPAC to deliver accurate and timely assessments should accept responsibility for the forfeiture of approximately \$700,000 in tax revenue between 2003-2013;
- C) The City through its assessment omission has indirectly misled TTL and prompted them to prematurely develop and expand their business. It has at the same time been enriched through the local employment created by TTL and the productivity of lands that may have otherwise sat dormant and assessable at substantially lower levels;

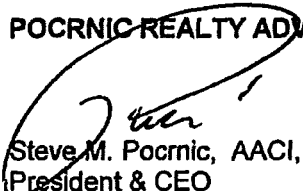
D) TTL understands its accountability to assessment and tax. It recognizes however, that these taxes are partly intended to pay for safe guards in the system and processes it should be able to rely upon for the purposes of running its business. TTL expects that in return for this consideration that there is reciprocal accountability from the stakeholders to insulate it from errors whether they stem from oversight or negligence. TTL does not believe it should be singled out to absorb past taxes without some contribution or relief from parties responsible. MPAC and the City have otherwise prevented TTL the ability to pass on its costs through its foodchain.

As residents of Ancaster who contribute substantially to the services supplied to this community, we ask for your assistance and appeal to your sense of equity and fairness to mitigate the impact of these taxes on TTL. All other matters of equity and valuation will be resolved by us through the Assessment Review Board.

Please feel free to contact me for further clarification is required relative to the technical matters of assessment or valuation.

Sincerely,

POCRNIC REALTY ADVISORS INC.



Steve M. Pocrnic, AACI, P.App., CCIM, A.I.M.A.
President & CEO

Copy: Mike McCalmont, Toronto Tank Lines
mikem@torontotanklines.com



Appendix "B" to Report FCS18076 Page 1 of 1

Toronto Tank Lines

History of Land Leased from the Hamilton Port Authority

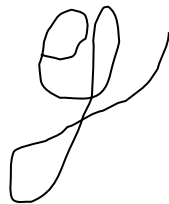
	Square Feet	Acres	Effective Date
Initial Land Lease	237,532	5.453	01-Jan-04
Additional Land Lease	5,850	0.134	01-Feb-05
Additional Land Lease	187,119	4.296	01-Sep-05
Additional Land Lease	87,119	2.000	01-Oct-06
Additional Land Lease	107,330	2.464	01-May-14
Total	624,950	14.347	

Property Assessment & Property Tax History

Tax Year	Assessment Value	Property Taxes	Description	Remarks
2004	268,414	\$12,931.24	Original Taxes Levied	Land
2005	268,414	\$12,872.61	Original Taxes Levied	Land
2006	264,875	\$12,047.10	Original Taxes Levied	Land
2007	264,875	\$11,995.09	Original Taxes Levied	Land
2008	264,800	\$12,109.43	Original Taxes Levied	Land
2009	304,600	\$13,170.56	Original Taxes Levied	Land
2010	465,198	\$19,136.16	Original Taxes Levied	Land
2011	526,949	\$20,634.54	Original Taxes Levied	Land
2012	588,700	\$22,025.14	Original Taxes Levied	Land
2013	902,300	\$33,449.04	Original Taxes Levied	Land
	1,165,681	\$43,212.81	Supp/Omit Taxes Levied	Building & Tanks
	2,067,981	\$76,661.85		
2014	1,215,900	\$44,326.34	Original Taxes Levied	Land
	211,369	\$5,172.24	Supp/Omit Taxes Levied	Additional Land 2.464 Acres
	1,570,821	\$57,265.18	Supp/Omit Taxes Levied	Building & Tanks
	2,998,090	\$106,763.76		
2015	1,282,204	\$46,438.08	Original Taxes Levied	Land
	265,884	\$9,629.61	Supp/Omit Taxes Levied	Additional Land 2.464 Acres
	1,975,961	\$71,564.15	Supp/Omit Taxes Levied	Building & Tanks
	81,575	\$2,954.44	Supp/Omit Taxes Levied	Weigh Scale & Asphalt
	3,605,624	\$130,586.28		
2016	4,344,900	\$155,241.00	Original Taxes Levied	Land & Improvements
2017	3,737,200	\$127,717.27	Original Taxes Levied	Land & Improvements
	802,075	\$27,410.58	Post Roll Amended Notice	Correction to land area assessed
	4,539,275	\$155,127.85		
2018	4,733,650	\$154,277.74	Original Taxes Levied	Land & Improvements



CITY OF HAMILTON
COPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 10, 2018
SUBJECT/REPORT NO:	Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Marcel Cerminara (905) 546-2424 Ext. 4371
SUBMITTED BY:	Cindy Mercanti Director, Customer Service and POA Acting Director, Financial Planning and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the Ivor Wynne Community Fund Reserve (112223) be renamed to the Tim Hortons Field Capital Reserve;
- (b) That the 50 Main Street East Facility Capital Reserve (108039) be renamed to the General Facility Capital Reserve;
- (c) That the Reserve Policy for the Vehicle Replacement - Central Garage Reserve (110025), attached as Appendix "A" to Report FCS18080, be approved;
- (d) That the Reserve Policy for the Tim Hortons Field Capital Reserve (112223), attached as Appendix "B" to Report FCS18080, be approved;
- (e) That the Reserve Policy for the General Facility Capital Reserve (108039), attached as Appendix "C" to Report FCS18080, be approved.

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SUBJECT: Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) – Page 2 of 7

EXECUTIVE SUMMARY

Reserves play an integral role in the City's finances and provide a strong indicator of the City's overall financial health. One of the key attributes of financial sustainability is appropriate reserve fund levels. Adequate reserve balances provide financial flexibility, mitigate risk, weather uncertainty and ensure the ongoing financial stability of the corporation. Reserves are also leveraged to sustain City infrastructure, support programs and form an important part of the City's financial strategies including obtaining favourable credit ratings.

The balance in City's Reserves and Obligatory Reserve Funds at December 31, 2017 (unaudited) of \$994.4M represents a significant asset.

Council has approved several reserve policies over the past 18 years. However, Report AUD17011, Reserve Performance Audit, identified only seven reserve policies drafted from January 2014 to May 2017. In response, management reaffirmed their commitment to draft a minimum of three reserve policies annually. This initiative was first implemented as part of Report FCS14028 which spoke to staff reviewing, each year, a specific number of individual reserves with subsequent reports to Council recommending the approval of relevant policies.

To date, in 2018, Finance staff, in co-operation with relevant department areas, has had nine reserve policies approved by Council. If Council approves the attached three reserve policies there will have been twelve reserve policies drafted and approved in 2018.

Report FCS18080 includes reserve policies for the following reserves:

110025	Vehicle Replacement - Central Garage Reserve
112223	Tim Hortons Field Capital Reserve
108039	General Facility Capital Reserve

If the above reserve policies are approved, the City will have 25 active reserve policies including 23 reserve specific policies and two general reserve policies. A listing of reserve policies can be found on Page 225 of Appendix "A" to Report FCS18064 – 2017 Reserve Report, Reserve Detail Report as well as the City's "eNet" under "Policies and Procedures."

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The reserve policies in Report FCS18080 set out sources and uses of funds related to each special reserve which should be adhered to. A reserve target balance is also set, where applicable. Staff must make a concerted effort to maintain target balances through financial decisions made during the budget process and in years outside of the budget process.

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SUBJECT: Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) – Page 3 of 7

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

To ensure that the City's reserves remain in a healthy position, staff committed, through Report FCS14028, to initiate an annual review process to develop formal reserve policies that define appropriate levels and uses of reserves.

Through Report AUD17011, staff reaffirmed their commitment to reviewing and drafting policies for a minimum of three reserves annually. Staff also agreed to rationalize use of reserves in an attempt to decrease the amount of active reserves. The City, relative to other Canadian municipalities, had a significantly high number of reserves. As such, staff have recommended the repurposing of two low activity reserves rather than creating two additional reserves.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Reserve policies contained in Report FCS18080 adhere to the *Municipal Act*, Section 417.

RELEVANT CONSULTATION

Energy, Fleet and Facilities Division, Public Works Department

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**Vehicle Replacement - Central Garage Reserve - 110025**

The purpose of the Vehicle Replacement – Central Garage Reserve, which was established in 2001, is to ensure the long-term viability of the City's central fleet assets. Central Fleet assets consist of 911 vehicles with a replacement cost of \$77,860,559 and 468 pieces of equipment with a replacement costs of \$24,155,900. Central fleet vehicles are comprised of packers for waste management, plows and sanders for road operations, aerial for forestry operations, pickup trucks, assorted cars, trucks and special utility vehicles. Vehicles and equipment for transit, police, fire and paramedics are not centrally maintained. These assets are maintained by other departments with their own capital financing processes.

Each vehicle and piece of equipment can have a different useful life depending on their design, their usage (wear and tear) and maintenance. Central fleet staff work with the operating department users to maintain these assets and plan for their eventual replacement from this reserve to ensure effective delivery of City services.

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SUBJECT: Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) – Page 4 of 7

Figure 1 provides a summary of reserve activity in 2016 and 2017 as well as a three-year forecast. The proposed reserve policy includes the addition of fuel site restoration and upgrades as an approved use of funds. This will mitigate the impact on the capital levy when fuel sites are in need of repair.

A target contribution to the reserve of 100% of the City's annual expected central garage vehicle fleet replacement value is recommended. This annual average target amount of \$11M has been steadily increasing as staff have made an effort to budget for 100% of the annual expected vehicle replacement cost. The Vehicle Replacement – Central Garage Reserve Policy is attached as Appendix "A" to Report FCS18080.

Figure 1 outlines the historical and forecasted performance of the reserve.

Figure 1
Vehicle Replacement – Central Garage Reserve (110025)
As of December 31, 2017

	2016	2017	Projected 2018	Projected 2019	Projected 2020
Beginning Balance	\$13,620,262	\$10,165,986	\$8,839,989	\$9,324,626	\$11,880,986
Add					
Interest Earned	281,247	246,736	206,519	241,092	279,015
Provision for Future Replacement from the Operating Budget	6,213,119	7,298,916	7,959,098	8,197,871	8,443,807
Sale of Vehicles (8% of purchases)	721,854	677,222	717,150	619,120	465,826
	\$7,216,220	\$8,222,874	\$8,882,767	\$9,058,083	\$9,188,648
Less					
Vehicle and Equipment Purchases	\$9,625,646	\$8,964,376	\$6,857,000	\$5,657,823	\$7,542,150
Street Sweeper Rebuild Program	650,000	0	720,000	0	0
Shop Equipment Replacement	159,000	0	162,000	165,000	168,000
Fund Fleet Acquisition Team	235,850	584,495	659,130	678,900	699,270
	\$10,670,496	\$9,548,871	\$8,398,130	\$6,501,723	\$8,409,420
Ending Balance	\$10,165,986	\$8,839,989	\$9,324,626	\$11,880,986	\$12,660,214

Tim Hortons Field Capital Reserve (Formerly Ivor Wynne Community Fund) – 112223

The original purpose of the Ivor Wynne Community Fund, which was established in 2011, was to develop community projects within the stadium neighbourhood. This purpose was contingent on a dedicated funding source which relied on net proceeds from Hamilton Tiger Cats parking lot revenues as referenced in the Memorandum of Understanding with the Football Club. As the agreement was finalized and operations began, it became evident that the parking program would not be profitable. As a result, and as shown in Figure 2, the Ivor Wynne Community Fund was not able to establish a dedicated funding source to sustain its intended purpose. The reserve has seen no activity except for interest income earned in the previous five years.

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SUBJECT: Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) – Page 5 of 7

Staff recommends repurposing this reserve as the Tim Hortons Field Capital Reserve. In doing so, the City will use this reserve as part of its strategic asset management plan to ensure the long-term viability of Tim Hortons Field. The primary source of funds expected to be transferred to the reserve are contributions from net concession revenues subject to the approval of the Director, Energy, Fleet and Facilities Management.

Repurposing an existing reserve, rather than opening a new reserve satisfies audit recommendations in Report AUD17011. Furthermore, establishing a dedicated reserve fund for the capital asset will mitigate future pressures on the City's capital levy in the Operating Budget.

A target balance of 2% of the capital replacement cost of Tim Hortons Field is recommended (\$3M 2018). The Tim Hortons Field Capital Reserve Policy is attached as Appendix "B" to Report FCS18080.

Figure 2 outlines the historical and forecasted performance of the reserve. Forecasts will be updated annually to fund capital expenditures required at Tim Hortons Field as per the new Reserve Policy.

Figure 2
Ivor Wynne Community Fund Reserve (112223)
As of December 31, 2017

	2016	2017	Projected 2018	Projected 2019	Projected 2020
Beginning Balance	\$27,932	\$28,493	\$29,137	\$29,808	\$30,493
Add					
Interest Earned	561	644	671	685	701
Ending Balance	\$28,493	\$29,137	\$29,808	\$30,493	\$31,194

General Facility Capital Reserve (Formerly 50 Main St. E. Facility Capital Reserve) – 108039

The original purpose of the 50 Main St. E. Facility Capital Reserve was to provide leasehold improvements to 50 Main Street East as part of the lease agreement with McMaster University. In 2015, McMaster vacated the property in preparation for the City taking over the building to house its POA operations as well as other divisions. A summary of historical and forecasted future transactions to the 50 Main St. E. Facility Capital Reserve can be found in Figure 3.

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SUBJECT: Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) – Page 6 of 7

The Facilities Section of the Public Works Department, in conjunction with Finance staff in the Corporate Services Department, recommend that this reserve currently dedicated to the capital upkeep of 50 Main Street East be repurposed to ensure the long-term viability of all City assets under the Facilities portfolio. With the McMaster University lease agreement no longer in effect, the City is not required to provide a dedicated reserve for 50 Main Street East. This proposed new General Facility Capital Reserve would form a piece of the City's strategic asset management plan and has the potential to mitigate reliance on the City's capital levy in the Operating Budget for the Facilities portfolio.

In Report PW18065 to the Public Works Committee on July 12, 2018, staff identified that there is a significant capital funding gap in facilities across all portfolios: Recreation Facilities, Corporate Facilities and Entertainment Facilities required to sustain existing facilities at the "B-" level of 2017 / 2018. There is a total deferred capital backlog in Facilities of approximately \$216M project costs, in addition to the capital funding gap for accessibility requirements and lifecycle renewal anticipated over the next 10 years. This funding gap in lifecycle renewal does not align with recommendations by the Canadian Infrastructure Report Card (CIRC), which recommends an infrastructure renewal rate between 1.7% and 2.5% of the replacement value of buildings. The CIRC is supported by four organizations as follows: Canadian Construction Association, Canadian Public Works Association, Canadian Society for Civil Engineering, Federation of Canadian Municipalities. Additionally, Bill 6, "The Infrastructure for Jobs and Prosperity Act" and Regulation 588/17 requires municipalities to develop asset management plans that consider the costs of the full lifecycle of the assets and the risks of maintaining current lifecycle activities and levels of service.

Establishing capital reserves for facilities was a strategy identified within the report in order to assist in managing the City's funding gap for facilities.

A target balance of \$30M is recommended. This amount is equal to 2% of the City's facilities asset replacement value less the \$10M facilities annual capital block allocation in the City's Capital Budget Plan. Staff recognizes that this target balance will not be achievable in the short term, but it demonstrates the significant amount of capital investment required to maintain the City's facilities in a state of good repair. The General Facility Capital Reserve Policy is attached as Appendix "C" to Report FCS18080.

Figure 3 outlines the historical and forecasted performance of the reserve. Forecasts will be updated annually to fund capital expenditures required for City Facilities as per the new Reserve Policy.

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SUBJECT: Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) – Page 7 of 7

**Figure 3
50 Main St. E. Facility Capital Reserve (108039)
As of December 31, 2017**

	2016	2017	Projected 2018	Projected 2019	Projected 2020
Beginning Balance	\$999,118	\$1,019,194	\$38,470	\$39,355	\$40,260
Add	20,076	19,276	885	905	926
Interest Earned	\$1,019,194	\$1,038,470	\$39,355	\$40,240	\$41,186
Less					
POA Accommodation Report (PW17044)	0	1,000,000	0	0	0
Ending Balance	\$1,019,194	\$38,470	\$39,355	\$40,260	\$41,186

NOTE: The historical provision for capital replacement of \$96,290 has been removed from the above forecast as the revenue source was contingent on the lease agreement with the former tenant McMaster University.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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Our People and Performance

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Vehicle Replacement – Central Garage Reserve Policy

Appendix “B” – Tim Hortons Field Capital Reserve Policy

Appendix “C” – General Facility Capital Reserve Policy

MC/dt

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Appendix "A" Report FCS18080 - Page 1 of 2

Reserve Policy– Vehicle Replacement – Central Garage	 Hamilton	Corporate Services Department
Policy No: 110025		
Page 1 of 2		Approval: 2018-XX-XX

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the Vehicle Replacement – Central Garage Reserve (110025).
PURPOSE	To ensure the long-term viability of the City’s central fleet assets excluding Transit, Police, Fire and Paramedics.
SCOPE	This Policy applies to all City employees that manage financial resources.
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> • All transfers from the Vehicle Replacement – Central Garage Reserve (110025) are to be approved by City Council either by a budget submission, a separate Council report or a Council motion. • The General Manager of Finance and Corporate Services has the authority to recommend the use of the Vehicle Replacement – Central Garage Reserve or other reserves to fund expenditure or revenue shortfalls. <p>The source of funds that are to be transferred to this Reserve include but are not limited to:</p> <ul style="list-style-type: none"> • Provision for reserve contribution from the City Operating Budget. • Net revenues received from the sale of vehicles. • Investment income earned on the reserve’s balance as per policies and procedures. <p>The use of funds from this Reserve to ensure the viability of the City’s central fleet assets are permitted if other sources of funding are not available. Uses may include:</p> <ul style="list-style-type: none"> • To fund replacement of existing vehicles and equipment. • To fund capital costs associated with fuel site restoration and upgrades. • To fund costs associated with the Fleet Acquisition Team.

Appendix "A" Report FCS18080 - Page 2 of 2

Reserve Policy– Vehicle Replacement – Central Garage	 Hamilton	Corporate Services Department
Policy No: 110025		
Page 2 of 2		Approval: 2018-XX-XX

RESERVE BALANCE TARGET LEVEL	<ul style="list-style-type: none"> The balance in the Reserve has a target level of 100% (\$11M 2018) of the City's annual central garage vehicle fleet replacement value.
GOVERNING LEGISLATION	N/A
RESPONSIBILITY FOR THE POLICY	Corporate Services Department Director of Financial Planning, Administration and Policy
POLICY HISTORY	This Reserve Policy replaces the general reserve policies that were approved by Council in May 2014 in Report FCS14028.

Appendix "B" to Report FCS18080 - Page 1 of 2

Reserve Policy– Tim Hortons Field Capital Reserve		Corporate Services Department
Policy No: 112223		
Page 1 of 2		Approval: 2018-XX-XX

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the Tim Hortons Field Capital Reserve (112223).
PURPOSE	<p>To ensure the long-term viability of capital assets at Tim Hortons Field.</p> <p>The Reserve provides Council and Administration with the opportunity to replace, improve, and / or maintain assets where funding from the City's capital budget or other sources, including funding from senior levels of government, is insufficient.</p>
SCOPE	This Policy applies to all City employees that manage financial resources.
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> • All transfers from the Tim Hortons Field Capital Reserve (112223) are to be approved by City Council either by a budget submission, a separate Council report or a Council motion. • The General Manager of Finance and Corporate Services has the authority to recommend the use of the Tim Hortons Field Capital Reserve or other reserves to fund expenditure or revenue shortfalls. <p>The source of funds that are to be transferred to this Reserve include but are not limited to:</p> <ul style="list-style-type: none"> • Net concession revenues subject to the approval of the Director, Energy, Fleet and Facilities Management. • Investment income earned on the reserve's balance as per policies and procedures. <p>The use of funds from this Reserve to ensure the viability of the capital assets at Tim Hortons Field are permitted if other sources of funding are not available. Net concession revenues transferred to the reserve are to be used solely on concession related capital as per agreement with the Hamilton Tiger Cats Football Club. Uses may include:</p> <ul style="list-style-type: none"> • To fund replacement of existing stadium infrastructure. • To fund improvements to stadium infrastructure. • To fund maintenance of existing stadium infrastructure.

Appendix "B" to Report FCS18080 - Page 2 of 2

Reserve Policy– Tim Hortons Field Capital Reserve	 Hamilton	Corporate Services Department
Policy No: 112223		
Page 2 of 2		Approval: 2018-XX-XX

RESERVE BALANCE TARGET LEVEL	The balance in the Reserve has a target level of 2% (\$3M 2018) of the capital replacement cost of Tim Hortons Field.
GOVERNING LEGISLATION	N/A
RESPONSIBILITY FOR THE POLICY	Corporate Services Department Director of Financial Planning, Administration and Policy
POLICY HISTORY	This reserve policy replaces the general reserve policies that were approved by Council in May 2014 in Report FCS14028.

Appendix “C” to Report FCS18080 – Page 1 of 2

Reserve Policy– General Facility Capital Reserve		Corporate Services Department
Policy No: 108039	Hamilton	
Page 1 of 2		Approval: 2018-XX-XX

POLICY STATEMENT	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the General Facility Capital Reserve (108039).
PURPOSE	To ensure the long-term viability of the City’s capital assets which fall under the Facilities portfolio.
SCOPE	<p>This Policy applies to all City employees that manage financial resources.</p> <p>The Reserve provides Council and Administration with the opportunity to replace, improve, and / or maintain assets where funding from the City’s capital budget or other sources, including funding from senior levels of government, is insufficient.</p>
PRINCIPLES	<p>The following principles apply to this Policy:</p> <p>Authority:</p> <ul style="list-style-type: none"> • All transfers from the General Facility Capital Reserve (108039) are to be approved by City Council either by a budget submission, a separate Council report or a Council motion. • The General Manager of Finance and Corporate Services has the authority to recommend the use of the General Facility Capital Reserve or other reserves to fund expenditure or revenue shortfalls. <p>The source of funds that are to be transferred to this Reserve include but are not limited to:</p> <ul style="list-style-type: none"> • Provision for reserve contribution from the City Operating Budget, subject to final approval from the General Manager of Finance and Corporate Services. • Investment income earned on the reserve’s balance as per policies and procedures. <p>The use of funds from this Reserve to support the viability of the City’s facility capital assets are permitted if other sources of funding are not available. Uses may include:</p> <ul style="list-style-type: none"> • To fund replacement of existing facility infrastructure. • To fund improvements to existing facility infrastructure. • To fund maintenance of existing facility infrastructure.

Appendix "C" to Report FCS18080 – Page 2 of 2

Reserve Policy– General Facility Capital Reserve		 Hamilton	Corporate Services Department	
Policy No: 108039				
Page 2 of 2			Approval: 2018-XX-XX	
RESERVE BALANCE TARGET LEVEL	The balance in the Reserve has a target level of 2% (\$30M 2018) of the City's facilities asset replacement value less the City's annual facilities block allocation in the City's Capital Budget Plan.			
GOVERNING LEGISLATION	N/A			
RESPONSIBILITY FOR THE POLICY	Corporate Services Department Director of Financial Planning, Administration and Policy			
POLICY HISTORY	This Reserve Policy replaces the general reserve policies that were approved by Council in May 2014 in Report FCS14028.			



Hamilton

REPORT 18-004
GOVERNANCE REVIEW SUB-COMMITTEE
Wednesday, August 29, 2018
1:00 p.m., Council Chambers
Hamilton City Hall

Present: Councillors M. Pearson (Chair), A. VanderBeek, D. Conley, J. Partridge,
and L. Ferguson

**THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 18-004 AND
RESPECTFULLY RECOMMENDS:**

- 1. Review of the City's Procedural By-law Amendments (CL18007(a) / LS18039(a)) (City Wide) (Item 8.1)**
 - (a) That a new By-law to Govern the Proceedings of Council and Committees of Council substantially in the form attached hereto as Appendix 'A', as amended to Governance Review Sub-Committee Report 18-004, be enacted by Council; and
 - (b) That Council repeal the By-law to Govern the Proceedings of Council and Committees of Council, being By-law 14-300, as amended.

- 2. Review of the Selection Process (CL18011) (City Wide) (Item 8.4)**
 - (a) That the Nomination Meeting for the members of Council-Elect be held on November 20, 2018;
 - (b) That the Revised City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, attached hereto as Appendix "B" to Governance Review Sub-Committee Report 18-004, be approved; and
 - (c) That the Revised City of Hamilton Advisory Committee Procedural Handbook, attached hereto as Appendix "C" to Governance Review Sub-Committee Report 18-004, be approved.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

The August 29, 2018 Agenda of the Governance Review Sub-Committee was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

(i) June 26, 2018 (Item 3.1)

The Minutes of the June 26, 2018 meeting of the Governance Review Sub-Committee, were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Cameron Kroetsch, respecting the proposed changes to the Procedural By-law 14-300 (For today's meeting) (Item 4.1)

The delegation request from Cameron Kroetsch, respecting the proposed changes to the Procedural By-law 14-300, was approved for today's meeting.

(e) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Cameron Kroetsch, respecting the proposed changes to the Procedural By-law 14-300 (Item 6.1)

Cameron Kroetsch addressed the Committee respecting the proposed changes to the Procedural By-law 14-300, with the aid of a presentation.

Cameron Kroetsch was permitted to address the committee for an additional five minutes in order to complete his presentation.

The delegation from Cameron Kroetsch respecting the proposed changes to the Procedural By-law 14-300, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca.

For further disposition of this matter, refer to Item 1 and (f)(i).

(f) **DISCUSSION ITEMS (Item 8)**

(i) **Review of the City's Procedural By-law Amendments (CL18007(a) / LS18039(a)) (City Wide) (Item 8.1)**

The Committee requested that the following items be voted on separately:

That the Subsections of Section 3.13 of the proposed by-law, Appendix A, attached hereto, respecting Electronic Voting be approved; and

That the Subsections of Section 3.13 of the proposed by-law, Appendix A, attached hereto, respecting Electronic Voting, be **effective January 2019**.

Councillor Conley wished to be recorded as opposed.

The Subsections of Section 3.13 of the proposed by-law, Appendix A, attached hereto, respecting the manner in which Council and Committee will vote by the show of hands, were approved.

Subsection 7.1 of the proposed by-law, Appendix A, attached hereto, was **amended** to read as follows:

7.1 No Person in attendance at a Council or Committee meeting shall:

(a) **be respectful or disrupt the Meeting in any manner;**

(b) bring food or beverages, water excepted, into the Council Chamber when a meeting is being held;

(c) address remarks to anyone but the Chair;

(b) interrupt a person who has the floor;

(c) applaud participants in debate.

For further disposition of this matter, refer to Item 1.

(ii) **Hamilton Public Notice Policy By-law (CL18009 / LS18051) (City Wide) (Item 8.2)**

Report CL18009 / LS18051 respecting the Hamilton Public Notice Policy By-law was referred back to staff for further information respecting the costs associated with the notices the City is not required to advertise for in the newspaper.

(iii) **2019 Ward Budgets (FCS18083) (City Wide) (Item 8.3)**

Staff were directed to report back to Governance Review Sub-Committee following a thorough review to determine accurate populations in each Ward for the 2018 – 2022 term.

(g) MOTIONS (Item 9)

(i) Speakers Queue (Added Item 9.1)

Staff were directed to report back to Governance Review Sub-Committee respecting the speaker queue and the ability to differentiate and prioritize the 1st, 2nd and 3rd time speakers and the costs associated with its implementation.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

The following amendments to the Outstanding Business List, were approved:

11.1(a) Items considered complete and needing to be removed:

Item: A

Memorandum of Understanding - City of Hamilton and Royal Botanical Gardens (LS18002) staff to report back with further clarification on current Royal Botanical Gardens membership versus proposed membership, and to provide further details on federal and provincial funding.

Completed: April 5, 2018 at Governance Review Sub-Committee (Item 8.1 - LS18002(b))

Item: B

Electronic Participation at Council and/or Committee Meetings - That staff be directed to prepare the necessary provision in the Procedural By-law to prohibit electronic participation at Council and/or Committee Meetings at this time.
Completed: June 26, 2018 at Governance Review Sub-Committee (Item 9.1 - CL18007/LS18039)

(i) ADJOURNMENT (Item 13)

There being no further business, the Governance Review Sub-Committee meeting was adjourned at 2:19 p.m.

Respectfully submitted,

Councillor M. Pearson, Chair
Governance Review Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Audit, Finance & Administration Committee – September 10, 2018

Appendix A to Item 1 of Governance Review Sub-Committee Report 18-004

Authority:

Bill No. _____

CITY OF HAMILTON

BY-LAW NO. _____

**A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL
AND COMMITTEES OF COUNCIL**

WHEREAS Section 238 of the *Municipal Act, 2001* requires that Council of the City of Hamilton adopt, by By-law, procedures governing the calling, place, and proceedings of meetings; and

WHEREAS, the Council of the City of Hamilton, in adopting _____ of Audit, Finance and Administration Committee Report _____ on _____ recommended that Procedural By-law 14-300 be repealed and replaced;

NOW THEREFORE, BE IT RESOLVED, the Council of the City of Hamilton enacts as follows:

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SECTION 1 - DEFINITIONS

1.1 In this By-law,

“**Act**” means the *Municipal Act, 2001*.

“**Amend**” means to alter or vary the terms of a main motion without materially changing its purpose, and amendment has a corresponding meaning.

“**Approve**” means to support or endorse the action, report or document.

“**Bill**” means a proposed form of By-law.

“**By-law**” means a Bill, in a form approved by Council, passed for the purpose of giving general effect to a previous decision or proceedings of Council.

“**City**” means the geographical area of the City of Hamilton or the municipal corporation as the context requires.

“**Chair**” means the member presiding at any meeting of Council or Committee.

“**Challenge**” means to appeal a ruling of the Chair.

“**Clerk**” means the City Clerk, or their designate.

“**Closed Meeting**” means a meeting, or part of a meeting, which is closed to the public as permitted by the Act, also referred to as an “in-camera meeting”.

“Confirming By-law” means a by-law to confirm and ratify the actions of Council.

“Consent Items” means those items on an agenda of a Standing Committee; Sub-Committee or Advisory Committee that may be approved by Committee without debate.

“Committee” means a Standing Committee, Sub-Committee, Selection Committee or an Advisory Committee or Task Force established by Council from time to time.

“Committee of the Whole” means a Committee comprised of all Members of Council that directly reports to Council.

“Council” means the City Council.

“Defer” means to delay consideration of a matter by Council or a Committee until a specified time or event.

“Deputy Mayor” means a Member of Council who is appointed for a one month period from amongst members of Council on a rotation basis determined by the Clerk at the beginning of the term of Council:

- (a) to assist the Mayor; and
- (b) to act from time to time in the place of the Mayor, with:
 - (i) all the rights, powers and authority of the Mayor when the Mayor is absent from the City or the office of Mayor is vacant; and
 - (ii) subject to paragraph (i), those rights, powers and authority of the Mayor that:
 - 1. the Mayor is unable to act for the time being due to illness, incapacity or other reason, including acting in the place of the Mayor at any Council or Committee meeting when the Mayor is absent; or,
 - 2. the Mayor refuses to act;

“Emergency” means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not.

“Ex-officio” means by virtue of the office or position and the Mayor is an ex officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purposes of the Standing Committee’s quorum as such quorum is set out in subsection 5.4 of this By-law.

“Friendly Amendment” means an amendment made to the motion under debate with the consent of the mover and seconder, and without the requirement for an amending motion to be made.

“Majority” for the purposes of voting, means more than half the total of members of Council or Committee present and not prohibited by statute from voting.

“Mayor” means the Head of the Council and in this By-law means the Deputy Mayor when the Deputy Mayor is acting in place and stead of the Mayor.

“Meeting” means any scheduled, special or other meeting of a Council, local board or of a committee of either of them, where, a quorum of members is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

“Member of Council” is a person who has been elected to City Council.

“Motion” means a proposal by a member for the consideration of Council or a Committee that is moved by a member and seconded by another member.

“Notice of Motion” means advanced, written notice, given by a member and received by the Clerk, advising Council or Committee that a Motion will be brought forward at a future Meeting of Council or Committee.

“Point of Order” means a question by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business.

“Point of Privilege” means a question by a member with respect to the rights of a member individually or that Council or Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely.

“Question” means an issue before a meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.

“Quorum” means the number of members required to be present at a meeting to validate the transactions of its business.

“Receive” means to acknowledge the receipt of information and to include it in the official record.

“Recess” means a short intermission in a meeting’s proceedings, which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was stopped.

“Refer” means to send a matter currently under consideration to an individual; a department; a Committee or Council for their consideration.

“Recorded Vote” means a written record of the name and vote of each member of Council or a Committee who votes on a question and of each member present who does not vote.

“Rules of Procedure” means the rules and procedures set out in this By-law, for the calling, place and proceedings of the meetings of Council and its Committees.

“Senior Leadership Team” means the City Manager and General Managers appointed by Council and the Medical Officer of Health appointed by the Board of Health.

“Selection Committee” means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council.

“Standing Committee” means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council, and that reports directly to Council.

“Website” means the official City website.

SECTION 2 - APPLICATION

- 2.1** The rules of procedure shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.
- 2.2** All matters relating to the proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot’s Rules of Order*, Geoffrey H. Stanford, Fourth Edition.

SECTION 3 – COUNCIL MEETINGS

3.1 First Council Meeting

- (1) The First Meeting of Council shall be held on the first Monday of December in an election year at 5:00 p.m.

- (2) The Proceedings of the First Meeting of Council shall include:
- (a) Ceremonial - special address by guests;
 - (b) Filing of Declarations of Office in accordance with the provisions of the Act;
 - (c) Council appointments to Committees, boards and agencies; and
 - (d) Confirming By-law.

3.2 Regular Council Meeting Times

- (1) Unless otherwise decided by Council, Regular Council meetings shall be held:
- (a) in January:
 - on the fourth Wednesday of the month, commencing at 5:00 p.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;
 - (b) in February, April, May, June, September, October and November:
 - every second and fourth Wednesday of each month, commencing at 5:00 p.m., unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;
 - (c) in March:
 - on the fourth Wednesday of the month, commencing at 5:00 p.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;
 - (d) in July and August:
 - on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;
 - (e) in December:
 - on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or
 - (f) in accordance with the schedule approved by Council.
- (2) Advance notice of meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca

3.3 Location of Meetings

Meetings of Council shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

3.4 Special Meetings of Council

- (1) In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.
- (3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 48 hours before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 3.4(4), other business may be considered at a special meeting with at least two-thirds of the Members of Council present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.

3.5 Meetings of Council for Emergencies

- (1) Despite any other provisions of this By-law, a meeting of Council for an emergency may be called by the Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members of Council about the meeting as soon as possible and in the most expedient manner available.
- (2) The only business to be dealt with at a meeting of Council for an emergency shall be business dealing directly with the emergency.

- (3) The lack of receipt of a notice of, or an agenda for, a meeting of Council for an emergency by any Member of Council shall not affect the validity of the meeting or any action taken at such meeting.
- (4) The Clerk shall prepare the Order of Business for an emergency meeting of Council with the appropriate selection of agenda categories from subsection 3.11.

3.6 Cancellation of a Council Meeting

- (1) The Clerk may cancel a Council meeting in consultation with the Mayor or the Deputy Mayor in the Mayor's absence.
- (2) The Clerk shall give each Member of Council, or their designated staff, notice of a cancellation of a meeting of Council at least two business days prior to the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 3.6(2) shall state the reason for the cancellation of the meeting.
- (4) The Clerk shall ensure that the meeting cancellation information is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

3.7 Quorum

- (1) As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the meeting to order.
- (2) A majority of Members of Council is necessary to constitute a quorum of Council.
- (3) If the Mayor does not attend within 15 minutes of the time appointed for a Council meeting and a quorum of Council is present, the Deputy Mayor shall take the chair and call the meeting to order and will preside until the arrival of the Mayor.
- (4) If a quorum is not achieved within 30 minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next scheduled Council meeting or other meeting called in accordance with the provisions of this By-law.

- (5) If Quorum cannot be maintained during a meeting, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the decision to continue the meeting will rest with the Mayor or Deputy Mayor. During the absence of quorum, no decisions may be approved.

3.8 Remedy for Lack of Quorum

Municipal Conflict of Interest Act

Where the number of Members of Council who, by reason of provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that at that meeting the remaining Members of Council are not of sufficient number to constitute a quorum, then, the remaining number of Members of Council shall be deemed to constitute a quorum, provided such number is not less than 2.

3.9 Delegations

Delegations are not permitted at meetings of Council.

3.10 Communication Items

- (1) Shall be addressed to the Mayor and Members of Council or the City Clerk and shall be presented to Council for consideration.
- (2) Shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Wednesday the week prior to the City Council meeting for inclusion in the printed Council Agenda.
- (3) If the Communication Item is relevant to a matter that appears on the Council Agenda for that meeting, and is not received for inclusion in the Agenda package, it shall be introduced under Changes to the Council Agenda, provided that it is received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Council meeting.
- (4) Shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.
- (5) Debate on Council communications shall be limited to the recommended disposition, or limited to reason for or against the referral of the matter to an appropriate Standing Committee.
- (6) Resolutions from other municipalities requesting support will be included on the Council Agenda to be received, unless otherwise directed by a Member of Council.
- (7) Receipt of resolutions from other municipalities by City Council shall not be construed as endorsement by the City of any recommendations or actions contained therein.

- (8) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Council Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
- (9) Communications respecting the conduct of a member(s) of Council will not be placed on a Council Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.
- (10) Notwithstanding subsections 3.10(8) and 3.10(9) Council may add any communication item to a Council Agenda.

3.11 Order of Business

The Order of Business for the regular meetings of Council, unless changed by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Ceremonial Activities
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Committee Reports
- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)
- (j) Private and Confidential
- (k) By-laws and Confirming By-law
- (l) Adjournment

3.12 Rules of Debate

- (1) No Member of Council shall be deemed to have precedence or seniority over any other Member of Council.
- (2) Before speaking to a question or motion, a Member of Council shall be recognized by the Mayor and be placed on the speakers' list.
- (3) When a Member of Council is speaking, no other Member of Council shall pass between that Member of Council and the Mayor or interrupt that Member of Council except to raise a point of order or privilege.

- (4) A Member of Council may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member of Council who is speaking.
- (5) A Member of Council may not speak on any matter other than the matter being debated.
- (6) All Members of Council are restricted to a five minute time limit when asking a question and/or making a statement during Committee and Council meetings.
- (7) Notwithstanding subsection 3.12(6), an extension of a specific allotment of time to the five minute speaking restriction may be granted with the approval of a majority of the members of the Committee/Council present.
- (8) The following matters may be introduced orally without written notice and without leave:
 - (a) a point of order
 - (b) a point of privilege
 - (c) a motion to adjourn
 - (d) a motion to call the question
 - (e) a motion to go into committee of the whole
 - (f) a motion to recess
 - (g) a motion to refer
 - (h) a motion to defer
 - (j) a motion to go into a closed meeting
 - (k) a motion to suspend the rules of procedure

(9) **Relinquishing the Chair**

The Mayor may designate another Member of Council as acting Chair during any part of a meeting of the Council and while presiding, such Member of Council shall have all the powers of the Mayor with respect to chairing the meeting.

3.13 Voting Procedures (*electronic voting is effective January 2019*)

- (1) Once a motion is moved and seconded it shall be deemed to be in the possession of Council or Committee.
- (2) Where a Member of Council present at a meeting of Council or Committee is prohibited from voting by statute, the Clerk shall record the name of the Member of Council and the reason that they are prohibited from voting.

- (3) When an electronic voting system is available every Member of Council or Committee present and participating in a vote on a motion, excluding those motions referred to in (i) and (ii) below, shall vote electronically:
 - (i) procedural (majority vote: refer, defer, withdraw, recess, call the question; move into Closed Session and adjourn); and
 - (ii) Consent Items.
- (4) When an electronic voting system is used for a vote, the results will be displayed and recorded in the proceedings.
- (5) When an electronic voting system is not available every Member of Council or Committee present shall vote by a show of hands;
- (6) When a vote is taken and a tie results, a question is deemed to be lost.
- (7) When a Member of Council at a meeting of Council or Committee does not disclose a pecuniary interest, and does not vote on a Motion, the member will be deemed as having voted in the negative and when an electronic voting system is in use the recusal will be displayed and noted in the proceedings.
- (8) When an electronic voting system is not available and a recorded vote is requested by a Member of Council or Committee immediately before or after a question is put, the Clerk shall record the name and vote of every Member of Council on the question.
- (9) When the Mayor or Chair calls for a vote on a question, each Member of Council or Committee shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Mayor or Chair, and during such time no Member of Council shall walk across the room or speak to any other Member of Council or make any noise or disturbance.
- (10) After a question is put by the Mayor or Chair, no Member of Council or Committee shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- (11) No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect, except where permitted by statute.
- (12) Despite subsection 3.13(11), a meeting may be closed to the public during a vote if:
 - (a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 8 (Meetings Closed to the Public) of this By-law; and

- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.
- (13) The Mayor or Chair shall, upon request of a Member of Council or Committee, divide a question, if the question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.
- (14) If a Member of Council or Committee disagrees with the announcement of the Mayor or Chair that a question is Carried or Lost on a vote by show of hands, they may immediately after the declaration by the Mayor or the Chair, object to the Mayor's or the Chair's declaration and require that a recorded vote be taken.

3.14 Motions Procedures

(1) Notice of Motion

- (a) Notice of all new motions, except motions listed in subsection 3.12(9) shall be given in writing:
 - (i) at a meeting of Council or Committee, but shall not be debated until the next meeting of Council or Committee; or
 - (ii) delivered to the Clerk at any time before noon on the last business day preceding the date of the meeting at which the notice of motion is to be introduced.
- (b) Where a Member of Council's or Committee's motion has been called by the Mayor or Chair at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council or Committee decides otherwise.
- (c) Where Council or Committee has determined not to drop a motion from the agenda, and at the second meeting such motion is called by the Mayor or Chair and not proceeded with, it shall be deemed to have been withdrawn.

(2) Dispensing with Notice

Where a matter is time sensitive or is an emergency, the Motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of two-thirds of the Members of Council or Committee present and voting.

(3) Motion to Withdraw

After a motion is moved and seconded it shall be deemed to be in possession of Council, but may be withdrawn by the mover at any time before decision or amendment.

(4) Motion to Amend

(a) A motion to amend:

- (i) shall be presented in writing, duly moved and seconded;
- (ii) shall be made only to a previous question or to amend an amendment to the question;
- (iii) shall be relevant to the question to be decided; shall not be received if in essence it constitutes a rejection of the main question;
- (iv) shall be put to a vote in the reverse order to that which it is moved.

(b) If the amendment is not considered a “Friendly Amendment”, then the motion to amend:

- (i) If more than one, will be put to a vote in the reverse order to that in which they were moved;
- (ii) Will be decided upon or withdrawn before the main motion is put to the vote;
- (iii) Will not be amended more than once, provided that further amendments may be made to the main motion; and,
- (iv) Will not be directly contrary to the main motion.

(5) Motion to Defer

A motion to defer a question:

- (a) is debatable; and
- (b) shall include the date when the question is to be considered.

(6) Motion to Refer

(a) A motion to refer the question:

- (i) shall include the name of the individual or body to whom the question is to be referred;
- (ii) may include instructions respecting the terms upon which the question is to be referred;

(b) A motion to refer a question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.

(c) A motion to refer a question may be amended in accordance with subsection 3.14(4).

- (d) When a motion to refer a question to Council is defeated by a Standing Committee, the Chair of the Standing Committee shall call the question on the matter.
- (e) A member who has spoken to the motion under debate shall not be permitted to move a motion to refer a question.
- (f) A motion to refer a question is only in order after all first time speakers have been heard.

(7) Motion to Adjourn

A motion to adjourn a Council meeting shall always be in order except:

- (a) when a Member of Council is speaking or during the taking of a vote;
- (b) immediately following the affirmative resolution of a motion that a vote on the question now be taken;
- (c) when a Member of Council has already indicated to the Mayor, that they desire to speak on the question;
- (d) when decided in the negative, cannot be made again until Council has conducted further proceedings.

(8) Motion to Call the Question

A motion to call the question shall be in order except when a Member of Council is speaking or before the first-time speakers' list is exhausted.

(9) Motion to Reconsider a Matter Decided by Council

- (a) At any Council Meeting, after a matter has been decided by Council, including both successful or failed motions, a Member of Council who voted in the majority, may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of Council to confirm that they voted with the majority on the issue in question. Such Notice of Motion shall be referred to the next scheduled meeting of Council and shall be included on the agenda under "Motions".
- (b) No decided matter shall be reconsidered more than once during the term of Council.
- (c) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.
- (d) It is not in order to reconsider a decided matter when the motion has been implemented, resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.
- (e) No motion to reconsider may, itself, be the subject of a motion to reconsider.

- (f) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.
- (g) The following motions cannot be reconsidered:
 - (i) to adjourn;
 - (ii) to recess; and
 - (iii) to suspend the rules of procedure.
- (h) Subsections 3.14(9)(a) to 3.14(9)(f) do not apply when:
 - (i) a motion pertains to a decision of a previous Council;
 - (ii) a motion that, while pertaining to a previously decided motion, does not alter the core purpose or intent of the previously decided motion;
 - (iii) a motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or
 - (iv) a motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

(10) **Order of Procedural Motions**

The following motions are procedurally in order in the following sequence:

- (a) to adjourn;
- (b) to recess;
- (c) to request information;
- (d) to call the question;
- (e) to defer;
- (f) to refer;
- (g) to amend.

(11) **Non-Debatable Motions**

The following motions/actions are not debatable:

- (a) a motion to adjourn;
- (b) a motion to refer (except where instructions are included, in which case, only the instructions shall be debatable);
- (c) a motion to suspend the rules of procedure;
- (d) a point of order; and
- (e) a point of privilege.

(12) Motion to Suspend the Rules of Procedure

The rules governing the procedure of the Council at Council meetings may be suspended and shall require the approval of at least two-thirds of members present.

(13) Motions Beyond Jurisdiction of Council

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

3.15 Bills and By-laws

- (1) All Bills coming before Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any statute or regulation and shall be complete with the exception of the number and date.
- (2) All Bills coming before Council shall receive one reading, unless otherwise requiring more than one reading, pursuant to a Provincial or Federal statute or regulation.
- (3) Every Bill shall be introduced upon motion by a Member of Council, and any number of Bills may be introduced together in one motion, but Council may at the request of a Member of Council, deal separately with any Bill. If Council deals separately with a Bill:
 - (a) all amendments or debate on the content of the Bill shall be held in committee of the whole;
 - (b) Council will move into committee of the whole for discussion on any Bill following a successful verbal motion to go into committee of the whole;
 - (c) all amendments made in committee of the whole shall be reported by the Mayor to Council, which shall receive the same forthwith, and after the report has been received, a vote on the motion to pass the Bill shall be taken;
 - (d) every By-law passed by Council shall be numbered and dated and shall be sealed with the seal of the municipality and signed by the Mayor and Clerk.
- (4) No Bill or By-law may be defeated on the floor of Council without reconsideration of the original motion which gave rise to the consideration of the Bill or By-law.

3.16 Editorial and Other Changes

- (1) The Clerk may make the following changes to By-laws or resolutions to:

- (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
 - (c) Replace a description of a date or time with the actual date or time.
 - (d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.
 - (e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.
 - (f) Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.
 - (g) If a provision of a transitional nature is contained in a By-law, make any changes that are required as a result.
 - (h) Make a correction, if it is patent both that an error has been made and what the correction should be.
- (2) The Clerk:
- (a) may provide notice of the changes made under subsections 3.16(1)(a) to 3.16(1)(c) inclusive in the manner that they consider appropriate.
 - (b) shall provide notice of the changes made under subsections 3.16(1)(d) to 3.16(1)(h) inclusive in the manner that they consider appropriate.
 - (c) in determining whether to provide notice under subsection 3.16(2)(a), shall consider:
 - (i) the nature of the change; and
 - (ii) the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
 - (d) in providing notice under subsection 3.16(2)(a) or 3.16(2)(b), shall state the change or the nature of the change.
- (3) No legal significance shall be inferred from the timing of the exercise of a power under this section.
- (4) Regardless of when a change is made to a By-law under this section, the change may be read into the By-law as of the date it was enacted if it is appropriate to do so.

3.17 Shareholder and Board of Director Meetings

Where Council acts as the Shareholder or the Board of Directors, or both, of a corporation:

- (a) Council shall meet as the Shareholder or the Board of Directors as necessary to complete such business as would normally be completed by the Shareholder or Board of Directors and as required by the corporation's by-laws and resolutions and any laws that govern the corporation; and
- (b) the Mayor and Clerk are authorized, upon approval by Council, to sign any necessary resolutions.

3.18 Conflict of Interest Declarations *(this section is effective March 1, 2019)*

- (1) Where a member, has disclosed an interest referred to in Section 5 of the *Municipal Conflict of Interest Act, 1990* at a meeting, the member, shall file a written statement with the Clerk.
- (2) Where a member, has disclosed an interest and filed a written statement with the Clerk, as required by subsection 3.18(1), the Clerk, shall:
 - (a) file the written statement by the member in the Conflict of Interest Registry;
 - (b) record the interest in the minutes of the meeting;
 - (c) file a record of the interest recorded in the minutes of the meeting in the Conflict of Interest Registry; and
 - (d) make the Conflict of Interest Registry available for public inspection.

3.19 Provisional Governance Committee During a Declared Emergency

- (1) The Provisional Governance Committee may carry out the duties and responsibilities of the Council only at such times when, to the satisfaction of at least 5 Members of Council attending a properly scheduled meeting of Council, at least 8 Members of Council are not able to attend such meeting due to death, illness or circumstances attributable to an emergency which has been declared by the Mayor or their designate in accordance with the City's Emergency Plan.
- (2) The Provisional Governance Committee shall be comprised of eight Members of Council, and shall elect its own Chair from amongst the attending Members.
- (3) The Provisional Governance Committee shall have all the powers and duties that may legally be delegated to the Committee pursuant to the Act, or any other applicable Provincial or Federal legislation, subject to the following conditions and restrictions:
 - (a) the delegation shall be effective only during the times specified; and

- (b) the Committee shall conduct its meetings in accordance with this By-law, providing that the quorum for the constitution of a valid meeting of the Committee shall be 5 Members of Council.

SECTION 4 - COMMITTEE OF THE WHOLE

- 4.1** Council may, by resolution:
 - (a) move into Committee of the Whole to consider, including debate, Standing Committee Reports and Selection Committee Reports on the Council meeting agenda; and
 - (b) move out of Committee of the Whole to report to Council.

SECTION 5 – STANDING COMMITTEE MEETINGS

5.1 Standing Committees

The Standing Committees that report directly to Council shall be as follows:

- (a) General Issue Committee
- (b) Board of Health
- (c) Public Works Committee
- (d) Planning Committee
- (e) Healthy & Safe Communities Committee
- (f) Audit, Finance & Administration Committee

5.2 Appointment of Standing Committee Chairs and Vice Chairs

- (1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice-Chair and, where applicable, 2nd Vice-Chair for the required term.
 - (a) The term of the Chair, Vice-Chair and 2nd Vice-Chair shall be for a calendar year, or part of a calendar year in an election year.
 - (b) No Member of Council may serve as Chair, Vice-Chair or 2nd Vice-Chair of the same Standing Committee for more than one year in a Council term.
 - (c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors.
- (2) Despite subsection 5.2 (1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the Board of Health

5.3 Standing Committee Membership

- (1) General Issues Committee and Board of Health shall be comprised of all Members of Council.
- (2) Public Works Committee shall be comprised of a minimum of 8 Members of Council.
- (3) Planning Committee shall be comprised of a minimum of 9 Members of Council.
- (4) Healthy & Safe Communities Committee shall be comprised of a minimum of 5 Members of Council.
- (5) Audit, Finance & Administration Committee shall be comprised of a minimum of 7 members of Council.
- (6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the Board of Health and General Issues Committee.
- (7) Membership on Standing Committees shall be for the duration of the term of Council.
- (8) The Mayor is an ex-officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purpose of the Standing Committee's quorum as set out in subsection 5.4.

5.4 Quorum

- (1) The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number.
- (2) As soon as there is a quorum after the time set for the meeting, the Chair shall take the chair and call the meeting to order.
- (3) The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number.
- (4) If the Chair does not attend within 15 minutes of the time appointed for a Committee meeting and a quorum of Committee is present, the Vice Chair shall take the chair and call the meeting to order and will preside until the arrival of the Chair.
- (5) If a quorum is not achieved within 30 minutes after the time appointed for a meeting of Committee, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next scheduled Committee meeting or other meeting called in accordance with the provisions of this By-law.

- (6) If quorum cannot be maintained during a meeting, the Clerk will advise the Chair that quorum is lost and the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.

5.5 Standing Committee Meeting Times

- (1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:
- (a) (i) General Issues Committee shall meet at least once per month on a Wednesday commencing at 9:30 a.m.;
 - (ii) Board of Health shall meet at least once per month commencing at 1:30 p.m.;
 - (iii) Public Works Committee shall meet at least once per month commencing at 9:30 a.m.;
 - (iv) Planning Committee shall meet at least once per month on a Tuesday commencing at 9:30 a.m.;
 - (v) Audit, Finance & Administration Committee shall meet at least once per month on a Thursday commencing at 9:30 a.m.;
 - (vi) Healthy & Safe Communities Committee shall meet at least once per month on a Thursday commencing at 1:30 p.m.;
- (a) In the event a meeting date, as shown in subsections 5.5(1)(a)(i) to 5.5(1)(a)(vi) falls on a day which is a public or civic holiday, an alternate date and time will be selected;
- (c) In accordance with the schedule approved by Council.
- (2) In addition to regularly scheduled Standing Committee meetings, a special meeting of a Standing Committee may be scheduled when required, at the call of the Chair, at locations and times to permit convenient access for members of the public most affected by such a matter with at least 48 hours notice, delivering notice in accordance with subsections 3.4(3) and 3.4(4).
- (3) Advance notice of Committee meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca

5.6 Cancellation of a Committee Meeting

- (1) The Clerk may cancel a Committee meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.

- (2) The Clerk shall give each Member of the Committee, or their designated staff, notice of a cancellation of a Committee meeting at least two business days prior to the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.6(2) shall state the reason for the cancellation of the meeting.
- (4) The Clerk shall ensure that the meeting cancellation information is posted to the Committee and Council Meeting Calendar on the City's website at www.hamilton.ca.

5.7 Standing & Selection Committee Reports

- (1) Each Standing Committee, including the Selection Committee, shall make recommendations to Council.
- (2) A minimum of 48 hours shall pass before a Standing Committee and/or Selection Committee Report is presented to Council to provide adequate opportunity for review. Every effort will be made for Standing Committee and/or Selection Committee Reports to be released at an earlier date.
- (3) Despite subsection 5.7(2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

5.8 Rules of Procedure

- (1) The rules governing the procedure of the Council at Council meetings shall be observed at Committee meetings, so far as they are applicable.
- (2) No member of Council shall speak more than once, until every member of a Standing Committee, followed by every Member of Council who is not a member of the Standing Committee, has spoken, and then only to provide information or seek clarification from the Chair, other Members of Council or staff.
- (3) A Member of Council may place an item on a future agenda of a Standing Committee meeting by delivering a Notice of Motion as set out in subsection 3.14(1) to the Chair of the Standing Committee and to the Committee Legislative Coordinator.

- (4) A Member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate when a subject matter directly affects their Ward, provided that the Member of Council shall:
- (a) not be counted for quorum purposes, and;
 - (b) not move any motion or vote on any matter.

5.9 Duties of Standing Committees

The duties of the Standing Committees shall be as set out in Appendices A to F and F1, inclusive.

5.10 Order of Business

The general Order of Business for the regular meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:

- (a) Ceremonial Activities
- (b) Approval of Agenda
- (c) Declarations of Interest
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Delegation Requests
- (g) Consent Items
- (h) Public Hearings/Delegations
- (i) Staff Presentations
- (j) Discussion Items
- (k) Motions
- (l) Notice of Motions
- (m) General Information/Other Business
- (n) Private and Confidential
- (o) Adjournment

5.11 Delegations

- (1) Persons who wish to appear as a delegation to address a Standing Committee on a matter that:
 - (a) is not listed on a Standing Committee agenda, may make a request in writing to the Clerk, the Clerk will list the delegation request on the respective Standing Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Standing Committee's Report.
 - (b) is listed on the agenda for a Standing Committee meeting, may make a request in writing to be listed as a delegation, such request to be received by the Clerk no later than 12:00 noon the business day before the meeting. If the Standing Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday.
 - (c) provided that a person may attend as a delegation in the absence of a request under paragraphs (a) or (b) where prescribed by applicable legislation or allowed by the Standing Committee.

The "Request to Speak to a Committee of Council" form is available on the City's website at www.hamilton.ca.

- (2) A request to attend as a delegation shall include the person's name, reason(s) for the delegation, and if applicable the name, address and telephone number of any person, corporations or organizations which they represent.
- (3) Upon receipt of a request to attend as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Standing Committee and the decision whether or not to entertain the delegation will be made by the Standing Committee.
- (4) A delegation granted permission to appear before the Standing Committee is encouraged to provide the Clerk with a brief of their presentation, which in turn will be provided by the Clerk to the Members of the Standing Committee in advance of the meeting.
- (5) When a person is listed as a delegation on a Standing Committee agenda and such person, without notification to the Clerk, does not attend said meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections 5.11(1) and 5.11(2).
- (6) A delegation, which can be made by two or more individuals, shall be limited to a presentation of not more than five minutes, except as otherwise prescribed for at a public meeting by applicable legislation.

- (7) Notwithstanding subsection 5.11(6), an extension of a specific allotment of time to the five-minute speaking restriction may be granted with the approval of a majority of the members of the Committee present.
- (8) Notwithstanding subsection 5.11(6), a delegation may provide additional written material regarding the subject matter, for the public record.
- (9) A delegation making a request to address a Standing Committee pursuant to their rights under applicable legislation shall be heard without a written request being received in accordance with subsections 5.11(1) and 5.11(2), if advanced notice is not required by such applicable legislation.
- (10) Except as required by by-law, any Delegations who have previously appeared before a particular Committee on a subject matter shall be limited to providing only new information in their second and subsequent appearances at that Committee.
- (11) Notwithstanding subsection 5.11(10), a Committee member may add the delegation on a Committee Agenda.

5.12 Public Hearings

(A) General

- (1) Public Hearings shall be held at Standing Committee meetings, as required by applicable legislation, or by Council.
- (2) Appropriate advertising shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.

(B) Procedure

- (1) A delegation shall be in accordance with subsection 5.11.
- (2) Public Hearings shall commence with:
 - (a) an introduction of the subject matter by the Chair or by staff;
 - (b) the staff presentation, if any and if not waived by the members of the Standing Committee;
 - (c) the signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).

(C) Written information

- (1) A delegation may provide additional written material regarding the subject matter, for the public record. Where a delegation wishes copies of the

information to be provided to all members of a Standing Committee, either one (1) copy of the material shall be provided to the Clerk at least two (2) weeks ahead of the meeting date for inclusion in the agenda or 25 copies shall be provided to the Clerk for distribution at the meeting, with the exception of the General Issues Committee which requires 45 copies.

5.13 Communication Items

- (1) Shall be addressed to the Mayor and Members of Council or the City Clerk and presented to the Standing Committee for consideration if the matter is being considered at the Standing Committee meeting.
- (2) Shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Monday two weeks prior to the Standing Committee meeting for inclusion in the printed Standing Committee Agenda.
- (3) When the date described in subsection 5.13(2) is a public or civic holiday, the communication item shall be forwarded to the Office of the City Clerk no later than 12 Noon on the last business day prior to the date as set out in subsection 5.13(2), for inclusion in the printed Standing Committee Agenda.
- (4) If the Communication Item is relevant to a matter that appears on the Standing Committee Agenda for that meeting, and is not received for inclusion in the Agenda package, it shall be introduced under Changes to the agenda, provided that it is received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Standing Committee meeting.
- (5) Shall not be defamatory or contain any obscene, offensive, anonymous, indecent, improper, rude or vulgar language.
- (6) Communication items that are relevant to a matter that appears on the Standing Committee Agenda, will be received and referred to the consideration of that matter.
- (7) Communication items received after the prescribed deadline as set out in subsection 5.13(4) will be included on the Council Agenda, to be received and referred to the consideration of that matter within the Standing Committee Report.
- (8) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.

- (9) Communications respecting the conduct of a member(s) of Council will not be placed on a Committee Agenda and the author will be advised of the process for filing a complaint with the Integrity Commissioner.
- (10) Notwithstanding subsections 5.13(8) and 5.13(9) a Committee member may add any communication item to a Committee Agenda.

5.14 Reconsideration of a Matter Decided Within a Standing Committee Meeting

- (1) At any Standing Committee Meeting, after a matter has been decided by the Standing Committee, including both successful or failed motions, a Member of the Committee who voted in the majority, may present a Motion to reconsider the matter prior to the adjournment of the meeting. The Chair may ask the Member of the Committee to confirm that they voted with the majority on the issue in question.
- (2) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Standing Committee members present.
- (3) No motion to reconsider may, itself, be the subject of a motion to reconsider.
- (4) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.
- (5) The following motions cannot be reconsidered:
 - (a) to adjourn;
 - (b) to recess; and
 - (c) to suspend the rules of procedure.

5.15 Conflict of Interest Declarations (*this section is effective March 1, 2019*)

- (1) Where a member has disclosed an interest referred to in Section 5 of the *Municipal Conflict of Interest Act, 1990* at a meeting, the member shall file a written statement with the Clerk.
- (2) The Clerk shall establish and maintain a registry in which shall be kept,
 - (a) a copy of each statement filed under section 5.15(1); and
 - (b) a copy of each declaration recorded in the minutes of the meeting.
- (3) The Clerk shall make the Conflict of Interest Registry available for public inspection.

5.16 Special Meetings of a Standing Committee

- (1) In addition to scheduled Standing Committee meetings, the Mayor or the Committee Chair may, at any time, summon a special meeting of a

Standing Committee by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.

- (2) The Clerk shall summon a special meeting of a Standing Committee when requested to do so in writing by a majority of Members of the Standing Committee.
- (3) The Clerk shall give each Member of the Standing Committee or their designated staff, notice of a special meeting of a Standing Committee at least 48 hours before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (4) The written notice to be given under subsection 5.16(3) shall state the nature of the business to be considered at the special meeting of a Standing Committee and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 5.16(4), other business may be considered at a special meeting with at least two-thirds of the Committee members present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of a Standing Committee with the appropriate selection of agenda categories from subsection 5.10.

SECTION 6 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES

- 6.1** Council may from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters requiring immediate or long term attention.
- 6.2** When Council approves of the formation of the Advisory Committee or Task Force the procedures as outlined in Appendix H shall be followed.
- 6.3** When an Advisory Committee or Task Force has completed its mandate, the Standing Committee to which the Advisory Committee or Task Force reports shall dissolve it by motion.

SECTION 7 - ORDER AND DECORUM

- 7.1** No Person in attendance at a Council or Committee meeting shall:
- (a) ***be respectful or disrupt the Meeting in any manner;***
 - (b) bring food or beverages, water excepted, into the Council Chamber when a meeting is being held;
 - (c) address remarks to anyone but the Chair;
 - (c) interrupt a person who has the floor;
 - (d) applaud participants in debate.
- 7.2** Should a person persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Mayor or a Chair of a Committee, the Mayor or a Chair of a Committee may expel that person and may request the assistance of security and/or Police in doing so.
- 7.3** Notwithstanding subsection 7.2, in the event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the meeting, they shall be removed from the meeting, without warning.
- 7.4** Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held. If the Member of Council apologizes, they may, by vote of a majority of the Council or Committee members, be permitted to remain at the meeting.
- 7.5** No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk, shall:
- (a) be allowed on the floor while a meeting is being held, namely where members of Council or Committee, the Clerk, and officials authorized by the Clerk are seated and from which they speak;
 - (b) before or during a meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.
- 7.6** Signs or placards are permitted at Council and Committee Meetings, provided:
- (a) they do not contain disrespectful or offensive language;
 - (b) they do not disrupt the Meeting;
 - (c) they do not disrupt an attendee's ability to view the proceedings; and
 - (d) they do not contain solid handles or hard backings.
- 7.7** Electronic devices at meetings:

- (a) Every person shall have all electronic devices, including but not limited to phone, computers, and similar electronic devices, etc. switched to a non-audible function during Council and Committee meetings.
- (b) The use of electronic devices at Closed Meetings is strictly prohibited.
- (c) Staff from the Office of the City Clerk are exempted from subsection 7.7(b) when using electronic devices for record-keeping purposes.

SECTION 8 – MEETINGS CLOSED TO THE PUBLIC

For the purposes of this section, "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.

8.1 No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:

- (a) the security of the property of the City;
- (b) personal matters about an identifiable individual, including City employees;
- (e) a proposed or pending acquisition or disposition of land for City purposes;
- (f) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which Council or a Committee may hold a closed meeting under an Act other than the *Municipal Act, 2001*;
- (h) information explicitly supplied in confidence to the City by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.

8.2 A meeting of Council shall be closed to the public if the subject matter relates to the consideration of:

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council is designated as head of the institution for the purposes of that Act; and
 - (b) an ongoing investigation respecting the City or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.
- 8.3** A meeting of Council or a Committee may be closed to the public if:
- (a) it is held for the purposes of educating or training members; and
 - (b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.
- 8.4** Before holding a meeting or part of a meeting that is to be closed to the public, a Council or Committee shall:
- (a) state specifically by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;
 - (b) state specifically that members of the public will be invited to return to hear any further deliberations when Council or Committee reconvenes in Open Session, indicated by the removal of the frosting on the windows and the elimination of the white noise; and
 - (c) Council or Committee will, in the event they are in Closed Session for more than 30 minutes, wait up to 5 minutes upon reconvening in Open Session before proceeding with the meeting, to provide members of the public and the media time to return to the meeting room.

SECTION 9 - ELECTRONIC PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS

- 9.1** Electronic participation is prohibited at Council and/or Committee meetings.

SECTION 10 - ROLE OF CLERK

- 10.1** The Clerk shall distribute the agendas of Council and Standing Committee meetings to members of Council and Senior Leadership Team at least 5 days prior to the scheduled meetings.
- 10.2** The Clerk shall make the agendas of Council and Standing Committee meetings, available to the media and general public, simultaneously with the distribution set out in subsection 10.1.
- 10.3** The Clerk shall make the agendas of Council and Standing Committee meetings available on the City website.

- 10.4** The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.
- 10.5** The Clerk shall submit for confirmation the minutes of the previous Council or Standing Committee meeting. Upon approval of the majority of the members of Council or Standing Committee, the Mayor or Chair and Clerk shall sign the minutes as confirmed or as amended.
- 10.6** The Clerk shall advise the Mayor or Chair, if in their opinion, a matter or portion of a matter being discussed in a meeting that is closed to the public is not procedurally appropriate in accordance with section 239 of the Act and section 8 of this By-law.
- 10.7** The Mayor or Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Mayor or Chair will announce their ruling.
- 10.8** The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Standing Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council. The Clerk shall take a vote of the challenge for Members of Council in favour or opposed to the ruling. The ruling fails when there is a majority vote in favour of the challenge.

SECTION 11 – GENERAL

- 11.1** This By-law shall not be amended or repealed except by a majority vote of all Members of Council.
- 11.2** General guidelines describing the respective roles and responsibilities of Council, the Mayor and the Chair of a Committee are set out in Appendix G to this By-law.
- 11.3** This By-law comes into force on the date on which it is passed, except that subsection 3.17 shall come into force on March 1, 2019.
- 11.4** The short title of this By-law is the Procedural By-law or the Council Procedural By-law.
- 11.5** By-law No. 14-300, governing the rules and procedures of Council of the City of Hamilton is repealed.

PASSED this ____ day of _____, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Appendix A

GENERAL ISSUES COMMITTEE

COMPOSITION

The General Issues Committee shall be comprised of all 16 members of Council.

MANDATE

General:

To report and make recommendations to Council on matters relating to:

- Council Strategic Plan
- Corporate Strategic Plan
- MPMP, OMBI
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- G.R.I.D.S.
- Vision 20/20
- Department Work Programs: Planning and Economic Development
- Legal Services – litigation matters
- Human Resources – labour negotiations
- Departmental Organizational Structure Changes
- Boards and Agencies
- Hamilton Utilities Corporation
- any and all other matters which Council chooses to refer to the General Issues Committee for consideration

Specific duties shall include:

- To review and monitor the City's and Council's Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies
- To consider and recommend to Council on matters relating to Business Development, the Small Business Enterprise Centre, Incentive Loans/Grants programs and approvals, BIA initiatives, the Hamilton Incubator of Technology and Tourism
- To consider and recommend to Council on matters relating to G.R.I.D.S.
- To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters
- To receive information on labour negotiations and provide direction to the Director of Labour Relations
- To consider and make recommendations to Council on matters regarding Boards and Agencies
- To Meet as Shareholders and/or Board of Directors of a corporation when required.

- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix B**BOARD OF HEALTH****COMPOSITION**

The Board of Health shall be comprised of all 16 members of Council.

MANDATE*General:*

To ensure the City of Hamilton meets or exceeds its obligations as a Board of Health under the *Health Protection and Promotion Act*, and in all matters relating to Public Health in order to promote well-being and create opportunities to enhance the quality of life in our community.

Specific duties shall include:

- To consider and recommend to Council on policy matters and emerging issues related to Public Health
- To provide advice and guidance to the Public Health Department including input to Departmental Strategic Planning initiatives to ensure alignment with Council's Mission, Vision, Values and Goals, and the Social Development Strategy
- To receive delegations from the public and conduct public hearings as required by statute and Council
- To consider and recommend to Council the overall service levels in relation to the delivery of Public Health programs
- To consider and recommend to Council policies governing service delivery of the Department
- To consider and monitor program implementation and performance through staff reports
- To consider the public health needs of the community and recommend advocacy by Council to address these needs
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix C**PUBLIC WORKS COMMITTEE****COMPOSITION**

The Public Works Committee shall be comprised of a minimum of 8 Members of Council, plus the Mayor as ex-officio.

MANDATE*General:*

To report and make recommendations to Council on matters relating to:

- Water & Wastewater (Collection/Distribution, Treatment, and Compliance)
- Waste Management (Solid Waste Planning, Collection, and Disposal)
- Operations & Maintenance (Roads, Traffic, Forestry & Beautification, Parks & Cemeteries, and Trails)
- Transit (Operations and Transit Fleet, ATS)
- Fleet and Facilities (Central Fleet, Corporate Buildings, Energy Office)
- Capital Planning and Implementation (Strategic and Environmental Planning, Asset Management, Design and Construction, Open Space Planning)
- Major road construction projects

Specific duties shall include:

- To consider and recommend to Council, Service Programs and Service Levels for all direct and indirect services provided by the Department (i.e. business plans, management plans, operating plans, and other relevant plans)
- To consider and recommend to Council, Policies, By-laws, and procedures governing service delivery implemented by the Department
- To consider and recommend to Council, Asset Management Plans and Forecasts for all infrastructure managed by the Department
- To consider and monitor program implementation and performance through staff reports and make recommendations to Council respecting program management initiatives (i.e. continuous improvement, budget performance, revenue generation and other relevant issues)
- To consider and recommend to Council, procurement in accordance with corporate policies
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Public Works Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix D**PLANNING COMMITTEE****COMPOSITION**

The Planning Committee shall be comprised of a minimum of 9 Members of Council, plus the Mayor as ex-officio.

MANDATE*General:*

To report and make recommendations to Council on matters relating to:

- Long Range Planning, land use management, development planning and engineering, transportation planning and downtown planning and implementation
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues

Specific duties shall include:

To consider and recommend to Council on:

- the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws
- all matters related to the *Planning Act*, the *Ontario Heritage Act*, the *Municipal Act, 2001*, the Niagara Escarpment Act and other applicable legislation regarding planning, development engineering, by-law enforcement and licensing and downtown planning issues
- the City's Official Plan and Zoning By-laws and amendments thereto, pursuant to the *Planning Act*, and to conduct such related public meetings as may be required
- applications for subdivision and condominium approval pursuant to the *Planning Act* and *Condominium Act*, as applicable
- matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
- matters relating to Parking Operations and Enforcement
- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Ontario Municipal Board Hearings to consider the appeal of Committee of Adjustment decisions
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Planning Committee
- To receive delegations for the public and conduct public hearings as required by statute and Council, specific to the mandate of this committee on matters under the Standing Committee

Appendix E**HEALTHY & SAFE COMMUNITIES COMMITTEE****COMPOSITION**

The Healthy & Safe Communities Committee shall be comprised of a minimum of 5 members of Council, plus the Mayor as ex-officio.

MANDATE*General:*

To report and make recommendations to Council on matters relating to:

- Children's Services
- Ontario Works
- Neighbourhood Development
- Housing Services
- Lodges: Macassa Lodge and Wentworth Lodge
- Recreation
- Fire Services
- Paramedic Services
- Advisory Committees that report to the Healthy and Safe Communities Committee

Specific duties shall include:

To consider and recommend to Council on:

- service levels for all direct and indirect services provided by the Department
- policies governing service delivery implemented by the Department
- procurement in accordance with corporate policies
- plans for community facility infrastructure
- the delivery of protective services including fire operations, fire prevention, corporate emergency management, and corporate radio communications
- the delivery of emergency medical (paramedic) services
- To consider and monitor program implementation and performance through staff reports
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Healthy and Safe Communities Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Appendix F**AUDIT, FINANCE & ADMINISTRATION COMMITTEE****COMPOSITION**

The Audit, Finance & Administration Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

MANDATE*General:*

To report and make recommendations to Council on matters relating to:

- Internal/external audits
- Oversight of internal control, financial reporting
- Human Resources - programs and services
- Programs related to Financial Planning and Policy, Treasury Services, Customer Service, Information Technology, Legislative Services, Records Management, Legal Services, Procurement and Risk Management
- Access & Equity

Specific duties shall include:

To consider and make recommendations to Council on:

- matters of policy respecting human resources, including health and safety, union/management relations, organizational planning and development and compensation administration
- matters of policy involving communications issues
- matters of policy and oversight involving financial management, investment, reserves, debt, procurement and risk management
- matters of policy involving general policies and procedures and administrative By-laws
- all audit matters, including promoting an appropriate environment for the management of public funds and the economy, efficiency and effectiveness of operations and a high level of accountability. Ensure compliance with laws, regulations, policies and support high standard of ethical conduct
- matters of policy and direction related to Access and Equity, including the annual corporate accessibility plan
- To act as liaison to the Access & Equity volunteer advisory committees (with the exception of the Advisory Committee for Persons with Disabilities reporting to the General Issues Committee)
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Audit, Finance and Administration Committee

- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Schedule F1 – Audit Services Charter

Schedule F1**AUDIT SERVICES CHARTER****INTRODUCTION**

Audit Services provides independent, objective assurance and consulting services designed to add value and improve the City of Hamilton's operations. Audit Services brings a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.

In the capacity of Auditor General, the Director of Audit Services assists City Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value-for-money in City operations.

SCOPE

The scope of Audit Services encompasses the examination and evaluation of the adequacy and effectiveness of the City's governance, risk management process, system of internal control structure and the quality of performance in carrying out assigned responsibilities to achieve the organization's goals and objectives. This includes conducting value-for-money audits. The City's processes should function in a manner to help ensure:

- Risks are appropriately identified and managed.
- Significant financial, managerial and operating information is accurate, reliable and timely.
- Actions are in compliance with policies, standards, procedures and applicable laws and regulations.
- Resources are acquired economically, used efficiently and are adequately protected.
- Programs, plans and objectives are achieved.
- Significant legislative and regulatory issues impacting the City are recognized and addressed properly.
- Quality and continuous improvement are fostered in the organization's control processes.

The Director of Audit Services has been appointed by by-law as an Auditor General under section 223.19 of the *Municipal Act, 2001*, with the responsibilities, including the powers, duties and protections, under sections 223.19 to 223.23 of the *Municipal Act, 2001*. These responsibilities apply to the extent authorized by sections 223.19 to 223.23 of the *Municipal Act, 2001*.

CONSULTING

In addition to audit engagements, staff of Audit Services may provide advisory or other consulting services, as appropriate, or at the request of Council or senior management. These types of services may include:

- Conducting special projects, reviews or investigations;
- Performing research;
- Providing training on audit related topics such as risk assessment and internal controls; or
- Providing counsel or advice (e.g. on the adequacy of draft procedures).

AUTHORITY

Audit Services is granted full, free and unrestricted access to any and all records, property and personnel relevant to any function under review. Access to personal information is provided for under the *Municipal Freedom of Information and Protection of Privacy Act* (in particular, subsections 31(c) and 32(d)).

Audit Services has the authority to conduct audits and reviews of all City departments, Members of Council, agencies, boards and commissions, as well as other entities the City is related to or has an interest in.

All employees shall assist Audit Services in fulfilling its objectives.

Audit Services, through the appointment by by-law of the Director of Audit Services as an Auditor General, has the responsibilities, including the powers, duties and protections, under sections 223.19 to 223.23 of the *Municipal Act, 2001* for:

- City Departments;
- Members of Council;
- Local boards (not including the Board of Health, the Hamilton Public Library Board, the Police Services Board or other local boards in accordance with the definition of “local board” under section 223.1 of the *Municipal Act, 2001*);
- Municipally-controlled corporations (a corporation that has 50 per cent or more of its issued and outstanding shares vested in the City or that has the appointment of a majority of its board of directors made or approved by the City, no including a corporation established in accordance with section 203 of the *Municipal Act, 2001*); and
- Grant recipients.

These responsibilities under sections 223.19 to 223.23 of the *Municipal Act, 2001* include the powers to access information and to examine persons under section 33 of the *Public Inquiries Act, 2009*; the duty to preserve secrecy with respect to all matters that come to its knowledge in the course of performing its functions; and the protection of not being a competent or compellable witness in a civil proceeding.

INDEPENDENCE

Independence is an essential component to building public trust and preserving objectivity and integrity associated with the audit function.

To provide for the independence of Audit Services, its personnel report to the Director of Audit Services, who reports administratively to the City Manager and functionally to the Audit, Finance and Administration Committee of Council. Audit and review reports are sent directly to the Audit, Finance and Administration Committee for discussion and approval and then to Council. These reporting relationships help ensure independence, promote comprehensive audit objectivity and coverage and assure adequate consideration of audit recommendations.

All Audit Services activities shall remain free of influence by any element in the organization, including matters of audit selection, scope, procedures, frequency, timing or report content to permit maintenance of an independent and objective attitude necessary in rendering reports.

Audit Services shall have no direct operational responsibility or authority over any of the activities it reviews. Accordingly, it shall not develop nor install systems or procedures, prepare records or engage in any other activity, which would normally be audited.

RESPONSIBILITIES

The Director of Audit Services and the staff of the Audit Services division have the responsibility to:

- Review operations within the City at appropriate intervals to determine whether planning, organizing, directing and controlling are in accordance with management instructions, policies and procedures and in a manner that is consistent with both City objectives and high standards of administrative practice.
- Determine the adequacy and effectiveness of the systems of internal accounting, financial and operating controls.
- Review the reliability, utility and integrity of financial information and the means used to identify measure, classify and report such information.
- Review the established systems to ensure compliance with those policies, plans, procedures, laws and regulations which would have a significant impact on operations and reports and determine whether the organization is in compliance.
- Review the means of safeguarding assets and, as appropriate, verify the existence of such assets.
- Carry out value-for-money (VFM) / performance audits to determine the efficiency and effectiveness of services and evaluate attainment of corporate objectives and value to citizens.
- Report to those members of management who should be informed or who should take corrective action, the results of audit examinations, the audit opinions formed, and the recommendations made.

- Evaluate any plans or actions taken to correct reported conditions and provide timely follow-up to ensure satisfactory disposition of audit findings in the manner and timeframe committed to by management in the original audit report. If the corrective action is considered unsatisfactory, hold further discussions to achieve acceptable disposition.
- Develop flexible annual work plans, including any risks or control concerns identified by management or other audits as well as appropriate special tasks or projects requested by management.
- Undertake investigations or refer issues to other appropriate parties as a result of disclosures under the Whistleblower By-law.
- Maintain a professional audit staff with sufficient knowledge, skills and experience.

AUDIT PLANNING

Each year, the Director of Audit Services shall prepare work plans, setting out the proposed schedule of audits and other undertakings proposed for the coming year.

For the compliance / control audit plan, the following sources are considered:

- Prioritization of the audit universe using a risk-based methodology;
- Requests from Members of Council, senior management and staff;
- Any audits planned for the past year but delayed or not completed; and
- Any conditions or concerns discovered or communicated throughout the past year.

Similarly, for planning the value-for-money audit candidates, the most recent risk assessment of services provided to citizens and areas likely to provide significant payback in terms of increased revenues, reduced costs, operational efficiencies and quality of services will be considered.

The annual work plans (divided into the two sections) will be presented to the Audit, Finance and Administration Committee for approval. Any changes to the work plan requested by Council or individual Members of Council will require a majority of at least two-thirds the total members of Council present and not prohibited by statute from voting for the Director of Audit Services to consider.

REPORTING

A written report is prepared and issued by the Director of Audit Services following the conclusion of each audit. In most cases, the report will include management's responses and the corrective action plans for specific findings and recommendations. Management's response will include a statement of general agreement or disagreement with the stated findings and recommendations as well as a timeframe for anticipated completion of action to be taken and an explanation for any recommendation not addressed.

Audit Services is responsible for appropriate follow up on audit findings and recommendations. All significant findings will remain open until the Director of Audit Services has determined management has appropriately taken action to resolve the finding.

All reports (whether compliance, control or VFM audits) are presented to the Audit, Finance and Administration Committee.

PROFESSIONAL STANDARDS

Audit Services will be guided by the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors (IIA).

(Approved by Council – January 21, 2015 – Report AUD15006)

Appendix G**ROLES OF COUNCIL, MAYOR AND COMMITTEE CHAIR****PREAMBLE**

The general requirements for holding office for elected officials for the City of Hamilton are contained in the *Municipal Act, 2001*.

GENERAL ROLE/GUIDELINES (COUNCIL)

- (a) Within the authority of enabling legislation, to develop policies for the purpose of guiding the administration of municipal government in the City of Hamilton.
- (b) Subject to legislative restrictions, develop regulations to be adopted in By-laws and resolutions for the overall benefit of the citizens of the community.
- (c) Appoint statutory officers and senior officials to ensure that a functional management system is in place and which will administer the City within the adopted policies of Council.
- (d) To collectively oversee the administrative functions as carried out by appointed officials within the delegated authority and the policies adopted by Council.
- (e) To monitor the administrative process and ensure that the will and direction of the City is placed into effect.
- (f) To be prepared to attend regularly scheduled meetings and special meetings of Council and Committees as required and to participate in the debate for the purpose of developing and adopting policies and directions for the City of Hamilton.
- (g) Absences from the meetings of Council for three successive months results in a member's seat being declared vacant unless authorized by resolution of Council.
- (h) To act as liaison between the citizens they represent and the City, to ensure that the intention of established policies and regulations are applied in a manner that is conducive to the interests of the citizens as a whole.
- (i) To oversee the financial affairs and delivery of City services through the adoption of policies and budget control guidelines and to ensure that appropriate audit procedures and monitoring programmes are in effect.

ROLE OF THE MAYOR

(including the Deputy Mayor while fulfilling the duties of Mayor)

The Mayor is responsible to act as the Head of Council, as detailed in the *Municipal Act, 2001* providing leadership to other Members of Council.

- (a) To act as the Council's corporate representative when dealing with other government agencies and the private sector consistent with the vision and direction expressed by the Council of the day.
- (b) The Mayor and the City Manager must work in close liaison as the pivotal link between the policy-making body of Council and the administrative organization of the City.
- (c) The role of Mayor is considered as statutory and policy-related, to act as the Head of Council and to co-ordinate political representation on behalf of the City when required at meetings, receptions, functions, and community activities, and to direct administrative functions to the attention of the City Manager.

ROLE OF COMMITTEE CHAIR

- (a) To ensure that the general functions noted in the roles of Council and in the policies and procedures established by the City are maintained.
- (b) To ensure that the rules of procedure with respect to conduct are followed.
- (c) The role of Chair, in co-ordinating the meetings of a Committee, will be considered statutory and policy-related, with administrative functions to be delegated to appointed staff and officials through the appropriate General Manager or Medical Officer of Health, following appropriate reporting procedures of the City.
- (d) It is recognized that the role of Chair, as outlined above, does not provide any administrative authority over staff, and that any administrative requests should be brought to the attention of the City Manager, appropriate General Manager or Medical Officer of Health or appropriate delegated staff.

DUTIES OF COMMITTEE CHAIR

- (a) Open the meetings of the Committee by taking the chair and calling the members to order.
- (b) Announce the business before the Committee and the order in which it is to be acted upon.
- (c) Receive and submit, in the proper manner, all motions presented by the members of the Committee.

- (d) Put to a vote all motions, which are moved, or necessarily arise in the course of the proceedings, and to announce the result.
- (e) Enforce the rules of procedure and rule upon all procedural matters.
- (f) Guide the members when engaged in debate in accordance with the rules of procedure.
- (g) Enforce on all occasions the observance of order and decorum among the members and the attending public.
- (h) Order any member persisting in a breach of the rules of procedure to vacate the meeting room.
- (i) Permit questions to be asked through the Chair of any staff in order to provide information to assist any debate when the Chair deems it proper.
- (j) Rule on any points of order or points of privilege without debate or comment.
- (k) Rule whether a motion or proposed amendment is in order.
- (l) Determine which member has the right to speak.
- (m) Ascertain that all members who wish to speak on a motion have spoken and that the members are ready to vote, and shall then put the vote.
- (n) May call a member to order.
- (o) Where it is not possible to maintain order, the Chair may, without any motion being put, adjourn the meeting to a time to be named by the Chair.
- (p) Adjourn the meeting when the business is concluded.
- (q) The Chair may state relevant facts and the Chair's position on any matter before the Committee without leaving the chair, but it shall not be permissible for the Chair to move a motion or debate a question without first leaving the chair.
- (r) If the Chair desires to leave the chair to move a motion, or to take part in the debate, the Chair shall call on the Vice-Chair, or in the absence of the Vice-Chair, on another member to preside until the Chair resumes the chair.
- (s) The Committee Chair shall vote on any questions before the Committee and in the event of an equality of votes (tie vote) the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.

Appendix H**CRITERIA FOR THE CREATION OF
ADVISORY COMMITTEES OR TASK FORCES**

- (a) That all requests for the formation of an Advisory Committee or Task Force be presented to a Standing Committee for consideration.
- (b) That all requests, upon approved motion by the Standing Committee, be referred to the applicable General Manager for a report back on the following;
 - (i) inventory of previous and existing activities related to the issue
 - (ii) Inclusion of a sunset clause, which outlines the time needed to complete the mandate
 - (iii) reporting structure, membership composition, mandate, objectives, legislative requirements, work plan and timelines for the Special Purpose Body
 - (iv) responsibilities of the members
 - (v) membership expertise requirements for the Special Purpose Body
 - (vi) proposed budget allocation requirement and source of funding
 - (vii) staffing requirements
 - (viii) other necessary resources
- (c) The Clerk may invite citizens to serve as members and such invitations shall include the Advisory Committee or Task Force's mandate including any membership expertise requirements and the time needed to complete the mandate;
- (d) Applications received for membership shall be forwarded by the Clerk to the Selection Committee;
- (e) The Selection Committee may consider balanced geographical representation in selecting the members, where appropriate;
- (f) The rules of procedure shall be observed so far as they are applicable;
- (g) A Code of Conduct, setting out general standards for acceptable conduct by Members of Advisory Committees and Task Forces in the performance of their duties, is set out in Appendix I to this By-law.
- (h) All minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and
- (i) Staff may act as resource persons in a non-voting capacity.

Appendix I**HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT**

Council has adopted this Code of Conduct for the guidance of Appointees to Advisory Committees and Task Forces providing recommendations to Standing Committees and to assist Appointees in performing their duties in a manner which will promote the public's confidence in these Advisory Committees and Task Forces operating with integrity, transparency and courtesy.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Appointees may be called upon to exercise judgement as to the appropriate standard of conduct. When this occurs, Appointees are to ensure that their decisions maintain the Advisory Committee or Task Force's integrity, transparency and courtesy.

This Code of Conduct does not apply to Members of Council who are subject to the Council Code of Conduct.

Failure to comply with this Code of Conduct may result in the Advisory Committee or Task Force:

- (1) requesting an apology from the Appointee; and/or
- (2) removing the Appointee from the Advisory Committee or Task Force for a portion or all of their term.

1. GOOD CONDUCT

Appointees shall act with honesty and integrity including:

- acting in a manner that contributes to the public's confidence in the Advisory Committee or Task Force; and,
- not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointees.

2. MEETINGS

Appointees shall maintain proper control over meetings demonstrating respect for everyone who is involved in a proceeding.

Appointees are expected to attend all meetings of the Advisory Committee or Task Force. If an Appointee misses more than three meetings during their term, the Chair, after hearing and considering any explanation provided by the Appointee, may remove the Appointee from the Advisory Committee or Task Force for the remainder of their term.

3. COLLEGIALITY

Appointees shall respect and co-operate with other Appointees and the Advisory Committee or Task Force staff.

4. GIFTS OR BENEFITS

Appointees shall not accept a gift or benefit that may appear as being offered because they are Appointees.

5. CONFIDENTIAL INFORMATION

Appointees shall not disclose to any member of the public any confidential information acquired by virtue of their position.

6. COMMUNICATION

Appointees should accurately communicate a recommendation or direction.

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee providing it does not relate to In Camera discussions.

Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.

Appendix "B" to Item 2 of Governance Review Sub-Committee Report 18-004

***City of Hamilton Policy
respecting the
Appointment of Citizens to the City's
Agencies, Boards, Commissions,
Advisory (Volunteer) Committees and Sub-Committees***

Eligibility

1. The Selection Process is open to all residents and business owners of the City of Hamilton who are at least 18 years of age, unless otherwise stated (Note: Additional requirements may be requested by the individual Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee, if they are governed by separate legislation, policies or mandates);
2. City Council wishes to ensure that its Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees reflect the diverse nature of the City of Hamilton's population and encourages all residents to apply for appointment opportunities.

Public Notice

3. The City Clerk's Office advertises for all citizen member vacancies on the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees in the Hamilton Spectator and/or relevant Community Newspapers, on the City's website and through other appropriate methods.

Recruitment

4. Citizen membership on all of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, with the exception of those terms of office defined by Provincial or Federal legislation, will be to serve for a period of up to four years, which coincides with the Term of Council, or until a successor is appointed by Council.
5. Citizens are permitted to apply for membership on no more than two (2) of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees.
6. Applications and information regarding all the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees (i.e. Terms of Reference, Mandate, approximate number of meetings per year, etc.) are made available at the City Clerk's Office, at all Municipal Service Centre locations and on the City's website (www.hamilton.ca);
7. Completed application forms are to be returned to the City Clerk's Office or any of the Municipal Service Centres by the application deadline (date and time), as set out in the advertised Public Notice. Applications received after the deadline will not be considered for appointment.

8. Completed applications may be submitted by one of the following methods:
 - (a) Online Application Process on the City's website;
 - (b) Hand delivered or mailed to the Office of the City Clerk, 1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5;
 - (c) Delivered to any Municipal Service Centre;
 - (d) Scanned and forwarded via e-mail to the contact person listed in the Advertisement; or,
 - (e) By Facsimile Transmission at (905) 546-2095
9. Applications shall be kept on file by the City Clerk's Office for the Term of Council. In the event of a vacancy, the Selection Committee or Interview Sub-Committee may consider interviewing applicants whose applications are on file for that term, and the appointment would be for the balance of that Term of Council only.
10. Incumbents who are eligible and willing to seek reappointment to a City Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee must reapply in the same manner as other applicants.

Information Session(s)

11. An Information Session(s) is scheduled during the beginning of the initial recruitment process (end of the previous Term of Council) and although attendance is not mandatory, attendance is strongly encouraged for new applicants.

At the Information Session(s), citizens are provided with information regarding the various Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, and are afforded the opportunity to ask questions of the Staff Liaisons.

Interested citizens may also fill out and submit an application during the Information Session(s).

Selection Process for Agencies, Boards, Commissions and Sub-Committees

12. A minimum of five (5) members of Council are appointed to the Selection Committee whose mandate will be to:
 - (i) Review citizen member applications for the City's Agencies, Boards, Commissions and Sub-Committees;
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Interview candidates;

- (iv) Make recommendations to City Council for the appointment of citizens to the various Agencies, Boards, Commissions and Sub-Committees.

Selection Process for Advisory (Volunteer) Committees

13. A minimum of three (3) members of each Standing Committee (plus two alternates) are appointed to the respective Standing Committee Interview Sub-Committee whose mandate will be to:
 - (i) Review citizen member applications for the City's Advisory (Volunteer) Committees;
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Interview candidates;
 - (iv) Make recommendations to the respective Standing Committee for the appointment of citizen members to the various Advisory (Volunteer) Committees. These recommendations are ratified by Council.

Selection Process for the Hamilton Aboriginal Advisory Committee

14. The local Hamilton Aboriginal Community leadership, will recommend to Council the appointment of residents from the Hamilton Aboriginal community, to sit on the Hamilton Aboriginal Advisory Committee. *(Approved by Council on July 10, 2015)*

Selection Process for Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees Established during the Term of Council

15. When an Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee is established during the Term of Council, the respective process outlined in Section 12 and 13 will be followed.

Interview Process

16. The Selection Committee or Interview Sub-Committee may, at its discretion, with the assistance of staff, shortlist candidates using the following criteria:
 - (i) Related competencies;
 - (ii) Previous committee experience; and,
 - (iii) Number of citizens who applied for vacancy(ies).
17. Interviews will be conducted, where required, with those applicants who are most suited to serve on the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees or Sub-Committees as follows:

- (i) Applicants will be notified verbally or by e-mail of their interview date and time by the City Clerk's office;
 - (ii) The allotted time for each interview will be approximately ten (10) minutes in length;
 - (iii) An established set of interview questions will be developed by staff in relation to the mandated role of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee in consultation with the City Clerk's Office;
 - (iv) The City Clerk's Office will notify all applicants in writing once the appointments have been approved by Council;
 - (v) Applicants may be required to have background checks.
18. One (1) City of Hamilton Legislative Coordinator or Staff Liaison to the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee, shall attend the interviews and serve as a resource person.

Roles and Responsibilities of Appointed Citizen Members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees

19. Citizen members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee(s) to which they are making application to.
20. Citizen members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees:
- (i) are required to attend and participate fully in the meetings;
 - (i) who miss three (3) consecutive meetings without Committee approval, may be subject to replacement on the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee and may not be eligible for re-appointment; and
 - (ii) upon appointment, are required to sign a Committee Member Acknowledgement Form (attached hereto as Schedule "B"), provided by the City Clerk's Office, **prior to attending the first meeting** of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee to which they are appointed. Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen's appointment.
21. Citizen members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50> and attached as Appendix "D" to the Advisory Committee, Procedural Handbook.

22. Citizen members of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees are to comply with the Hamilton Advisory Committee/Task Force Code of Conduct (attached hereto as Scheduled "D").

Filling of Vacancies

23. Vacancies on the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees can occur throughout the Term of Council, due to a member's resignation, should a vacancy occur during the Term of Council, the following process will be followed:
- (i) The Committee member who is resigning shall do so formally in writing by providing a completed and signed copy of the Committee Member Resignation Form (attached hereto as Schedule "C") to the appropriate Legislative Coordinator, in the City Clerk's office, stating which Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee the Committee member is resigning from and general reasons why (the inclusion of private/personal information is not required).
 - (ii) The Committee Member Resignation Form will be placed on a Standing Committee or Council Agenda to be formally received by Committee/Council; and, consideration of the vacancy shall be forwarded to the Selection Committee or Interview Sub-Committee for review.
 - (iii) The Selection Committee or respective Interview Sub-Committee will consider whether to fill the vacancy from those applicants who applied in the initial call for applications, or to re-advertise.
 - (iv) If the vacancy occurs within 12 months of the end of the Term of Council, the vacancy will not be filled, and the quorum of the Agency, Board, Commission, Advisory (Volunteer) Committee or Sub-Committee will be adjusted accordingly.

SELECTION COMMITTEE & INTERVIEW SUB-COMMITTEE GUIDING PRINCIPLES

1. The Selection Committee and Interview Sub-Committees are committed to fulfilling the recruitment and selection of its citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees in an open, transparent and equitable manner.
2. The Selection Committee and Interview Sub-Committees are committed to a public recruitment process which is communicated well in advance and which encourages a broad range and diverse participation of citizens, free of barriers.
3. The Selection Committee and Interview Sub-Committees are committed to a competitive recruitment process which seeks suitable candidates evaluated on interest, merit and related competencies.
4. The Selection Committee and Interview Sub-Committees are committed to unbiased decision making essential to a fair and impartial selection process.



Hamilton

COMMITTEE MEMBER ACKNOWLEDGEMENT FORM

I _____ in consideration of the City of Hamilton appointing me to the _____, for the _____ term, acknowledge, undertake and agree as follows:

1. I will make all reasonable efforts to attend all meetings of this body to which I have been appointed and to participate in an impartial manner with the understanding that:
 - (a) If I am absent from more than three meetings, I may be subject to replacement on the Committee and not be eligible for re-appointment.
2. I will exercise all of the roles and responsibilities of a member of the body to which I have been appointed.
3. I shall respect and co-operate with the other Committee members and City staff.
4. I shall not disclose to any member of the public any confidential information, acquired by virtue of my position.
5. As a volunteer Committee member, I have received, read and have a general understanding of the City of Hamilton Advisory Committee Procedural Handbook

Dated at City of Hamilton, in the Province of Ontario this _____ day of _____, 20____.

Applicant:

Witness:

(Must be at least 18 years if age.)

(Please Print Your Name)

(Please Print Your Name)

(Please Sign)

(Please Sign)



Hamilton

COMMITTEE MEMBER RESIGNATION FORM

I, _____, would like to submit my resignation, effective _____,
20____, from the _____, for the following reason(s):

- My circumstances have changed and I know longer have the time to effectively participate on the Committee.
- Personal reasons.
- Other (please explain briefly):

Additional Comments (optional)

Signature

Date

Schedule "D"**HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT**

Council has adopted this Code of Conduct for the guidance of Appointees to Advisory Committees and Task Forces providing recommendations to Standing Committees and to assist Appointees in performing their duties in a manner which will promote the public's confidence in these Advisory Committees and Task Forces operating with integrity, transparency and courtesy.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Appointees may be called upon to exercise judgement as to the appropriate standard of conduct. When this occurs, Appointees are to ensure that their decisions maintain the Advisory Committee or Task Force's integrity, transparency and courtesy.

This Code of Conduct does not apply to Members of Council who are subject to the Council Code of Conduct.

Failure to comply with this Code of Conduct may result in the Advisory Committee or Task Force:

- (1) requesting an apology from the Appointee; and/or
- (2) removing the Appointee from the Advisory Committee or Task Force for a portion or all of their term.

1. GOOD CONDUCT

Appointees shall act with honesty and integrity including:

- acting in a manner that contributes to the public's confidence in the Advisory Committee or Task Force; and
- not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointees.

2. MEETINGS

Appointees shall maintain proper control over meetings demonstrating respect for everyone who is involved in a proceeding.

Appointees are expected to attend all meetings of the Advisory Committee or Task Force. If an Appointee misses more than three meetings during their term, the Chair, after hearing and considering any explanation provided by the Appointee, may remove the Appointee from the Advisory Committee or Task Force for the remainder of their term.

3. COLLEGIALITY

Appointees shall respect and co-operate with other Appointees and the Advisory Committee or Task Force staff.

4. GIFTS OR BENEFITS

Appointees shall not accept a gift or benefit that may appear as being offered because they are Appointees.

5. CONFIDENTIAL INFORMATION

Appointees shall not disclose to any member of the public any confidential information acquired by virtue of their position.

6. MEDIA COMMUNICATION

Except for the Chair, who may accurately communicate a recommendation or direction, Appointees shall not comment to the media.

Should the media contact an Appointee directly, the Appointee shall refer the media to the Chair or, in the absence of the Chair, to the Vice Chair.

Approved by Council on March 8, 2017

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004



Hamilton

ADVISORY COMMITTEE PROCEDURAL HANDBOOK

An advisory body Council established to advise on specific areas of interest, with members of the public making up more than fifty (50) percent of the membership and Council members making up the rest.

**Prepared By:
Office of the City Clerk, Legislative Section
Updated: September 2018**

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Meeting Procedures

The rules of procedure as set out in By-law 18-[REDACTED], A By-Law To Govern the Proceedings of Council and Committees of Council, shall be observed in all proceedings and apply to all Committees. Rules of procedure are intended to help the group conduct its business fairly and efficiently.

Rules for a meeting are designed to achieve the following basic meeting principles:

1. Every member has rights equal to every other member.
2. The will of the majority must be carried out.
3. Only one topic will be considered at a time.

The Role of the Committee and its members is to provide “advice” to Council through the appropriate Standing Committee on matters that are related to the specific mandate of the Committee (not for purposes of lobbying for special causes on behalf of the City or themselves).

Rules of Procedures at a Glance

1. Sequence of steps in having a motion voted on:

- Moved – a proposal from the floor.
- Seconded – another member feels the proposal is worth discussing.
- Stated – by the Chair or Secretary. Wording is recorded properly and everyone understands the intent of the proposal.
- Discussed – every member who wishes to speak addresses the chair and must speak only to the motion/amendment on the floor.
- Amended – if required, changing the wording of the motion by: adding or deleting words, replacing with different words.
- Called – after sufficient discussion, either a motion to end debate or a vote (if amended, the amendment first and then the main motion as amended) is called at the discretion of the Chair.
- Restated (if necessary) – ensures everyone understands what is being voted on.
- Voted – Chair calls each option: “All in favour”, “opposed”?
- Declared – results of the vote are announced by the Chair “carried” or “defeated”.

2. Amending a motion

- An amendment cannot convert a motion to its direct negative (cannot change the intent of the original motion).

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- An amendment must be pertinent or relevant to the topic in the main motion i.e. a motion to “commend the President for his work with the Chapter” may not be amended by striking the word “commend” with “condemn”.

Agenda Preparation

An agenda is a step-by-step outline of the issues to be covered at a meeting.

The following agenda outline is often used:

1. Changes to the Agenda
2. Declarations of Interest
3. Approval of Minutes of Previous Meeting
4. Consent Items
5. Presentations
6. Discussion Items
7. Notices of Motion
8. Motions
9. Other Business
10. Adjournment

Feel free to be flexible with the agenda planning. Keep the following points in mind:

- The early part of the meeting is usually the most lively and creative – items requiring mental energy, bright ideas and clear heads should appear early on the agenda.
- Put time limits on agenda items to help focus discussion and encourage decision making.

A sample template for an agenda is attached as Appendix “A”, for your reference.

Minute Preparation

The purpose of the minutes is to:

- Provide a permanent record of the proceedings of a meeting.
- Keep track of progress.
- Inform absent members.
- Provide a useful guide for evaluating a committee’s work.
- Minutes should be as brief as possible, yet maintain their accuracy.

Basic set of minutes should include:

1. Name of the Committee.
2. When (date and time) and where the committee met.
3. Who was present/absent.

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4. Adoption of last meeting's minutes.
5. Matters discussed and any decisions made:
 - Record motions, the mover (who) made the motion, who seconded it, and whether it was carried or defeated, and any members who wished to be recorded as opposed to the motion.
 - General discussion (briefly).

After the Committee minutes are approved by the Committee, the minutes are submitted to the appropriate Standing Committee for receipt. The approved minutes are to be submitted each month to the respective Legislative Coordinator to the Standing Committee that the Committee reports to.

A sample template for the minutes is attached as Appendix "B", for your reference.

Report Preparation

If the Committee is making a recommendation that requires the approval of the Standing Committee, then a Citizen Committee Report is prepared for the Standing Committee's consideration. The respective Legislative Coordinator and the Staff Liaison to the Committee can assist in the preparation of the Report.

A sample template for the Committee report is attached as Appendix "C", for your reference.

Common Procedural Questions

1. How can a meeting start without a quorum?

A quorum is the minimum number of eligible voters that must be present at a meeting to conduct business. This number is half of the membership rounded up to the nearest whole number.

If no quorum is present, then:

- The Chair may dismiss the group 30 minutes after the time appointed for the meeting, or
- The group may agree to proceed informally with the agenda, awaiting ratification of any decisions at a future meeting, or
- The group may discuss any items of interest, but make no decisions.
- The Committee Secretary shall record the names of the Committee members present in the minutes of the meeting.

2. After considerable debate, we still are not ready to vote on the motion. What can we do?

- A Motion to defer the matter until the next meeting may be in order, so that more information can be gathered.
- A Motion to defer temporarily allows a motion to be set aside until later in the meeting, allowing more urgent business to be dealt with, permitting amendments to be drafted, or allowing time for implications of the motion to be checked.

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- The Motion may be withdrawn at the request of its mover, at any time before decision or amendment.

3. Closing debate on a Motion.

Someone “calling the question” from the floor indicates that they want the motion put to a vote, which needs to be seconded and cannot interrupt the list of first time speakers. Only if the Chair feels that the motion has had reasonable debate and most members are ready to vote, can they call the question (ie: “All those in favour?”, “Opposed?”, etc.)

4. Encouraging an alternative motion.

Sometimes while one motion is being considered, an alternative motion might be the better one. How can it be presented?

- (a) The movers of the original motion are asked if they will withdraw their motion, with the consent of a majority of the members.
- (b) If the original motion is withdrawn, then the alternative motion can be put forward.
- (c) If the original motion is not withdrawn, then the movers of the alternative motion inform the Committee that their motion will be moved if the original is defeated. They thus urge the members to vote against the original motion.

The Consensus Method of Decision Making in Groups

The following process can be used throughout the meeting for every issue the group needs to discuss.

Step 1

Describe the issue before the Committee:

- State the issue clearly and concisely. If it is complex, then write it out.

Step 2

Gather all information relevant to the issue:

- All pertinent facts and ideas about the issue need to be heard in order to make an informed decision.
- Distinguish between facts and opinions.

A decision can often be made right away. However, action may need to be deferred so that additional information can be gathered.

Step 3

List all possible solutions or actions:

- Explore alternatives.
- Be creative. Use brainstorming techniques to generate new ideas, from every member.

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Step 4

Choose the best possible solution:

Use a process of elimination; refine and combine parts of your list in Step 3.

Step 5

Make a decision:

- Formulate a statement of general agreement or consensus, or
- Develop a motion and vote on it.
- Then, record the results in the minutes.

Roles and Responsibilities of Committee Members

Members of the Committee are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Committee(s) to which they are making application to.

Members of the Committee:

- (i) are required to attend and participate fully in the meetings;
- (ii) who miss three (3) consecutive meetings without Committee approval, may be subject to replacement on the Committee and may not be eligible for re-appointment; and
- (iii) upon appointment, are required to sign a Committee Member Acknowledgement Form (attached hereto as Appendix “E”), provided by the City Clerk’s Office, **prior to attending the first meeting** of the Committee to which they are appointed. Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen’s appointment.

Members of the Committee are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50>.

Members of the Committee are to comply with the Hamilton Advisory Committee/Task Force Code of Conduct (attached hereto as Appendix “G”).

Role of the Chair

As the Chair of a meeting, you have several important roles: knowing the group, helping members get started, planning ahead, preparing for meetings, and presiding at meetings.

Helpful tips:

Know your group – find out what your members’ skills are and what they can do. Make sure all members understand their roles and responsibilities;

Help Members get started – involve and motivate your group members. Be sure your members understand their purpose, responsibilities, timelines and budgetary constraints;

Prepare for meetings – plan your agenda. Check on all pre-meeting arrangements; and,

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Preside at meetings – establish your guidelines or rules of order. Follow your agenda; involve the members; manage the discussion.

Role of the Secretary

- Providing relevant information, ideas and opinions as a participant in the meeting;
- Record without note or comment all resolutions, decisions and other proceedings at the meeting (as per the *Municipal Act, 2001*).
- Keeping an accurate set of minutes of each meeting;
- Keeping an up-to-date membership/contact list;
- Distributing minutes to members and notifying them of upcoming meetings;
- Keeping a list of all advisory committees and members;
- Helping the Chair with preparing the agenda, advice on meeting procedure, reference materials and information retrieved from the records; and,
- Making meeting and physical set-up arrangements (*Note: room bookings with City Facilities will be co-ordinated through the Committee's Staff Liaison.*)

Role of the Staff Liaison

- Coordinate; develop and deliver the Orientation Session for the Committee;
- Liaise with the Committee providing technical advice from the host department for the preparation of reports; correspondence, etc.;
- Submission of the Committee's reports, correspondence, etc. to the Director of the host department prior to finalization for review;
- Liaise with all City staff for advice and information required by the Committee, including procedural advice from Legislative Coordinator in the Office of the City Clerk;
- Arrange for printing of agendas, minutes, reference material and distribution required by the Committee;
- Arrange for the booking of the meeting room;
- Coordinate the annual review of the Committee's Terms of Reference and Mandate;
- Coordinate the preparation of the Roles, Responsibilities and Expectations of New Members prior to the end of the Committee's term;
- Arrange for parking passes, if required; and,
- Forward completed Committee Member Resignation Forms to the Legislative Coordinator for inclusion in the appropriate Standing Committee agenda.

Use of Working Groups or Task Forces

Committees can create working groups or task forces to assist in the research or review of a given item and it reports its findings back to the Committee. A working group is normally comprised of Committee Members, however, when required, volunteers may be called upon for their expertise to assist a working group by providing required information. Working groups operate by consensus and formal motions are not required. Administrative support shall not be available to working groups and consequently, the preparation of agendas, minutes and meeting requirements shall be the responsibility of the working group, if required. Support staff shall not be required to attend working group meetings.

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004 Members Communicating with Any Outside Agencies, Including Other Levels of Government and the Media

Please note that members of a Committee cannot correspond or speak to any Ministries, any outside agencies, or the media without Council's prior approval, as per Standard Operating Procedure #08-001 – Communicating with any outside agencies, including other Levels of Government and the media attached as Appendix "D" and the Code of Conduct attached as Appendix "G".

Use of Secondary Logos for Advisory Committees

The use of secondary logos for promotional/educational purposes by a Committee requires approval, subject to the following guidelines:

- (i) Requests for approval of a secondary logo are required to be presented to the Governance Review Sub-committee for consideration and approval by the Committee's respective Standing Committee and Council, prior to any use.
- (ii) The approved City Logo (triple H symbol, with the word mark Hamilton, with an underscoring line), as per the *Identity Standards Guide*, must be of appropriate size relative to the intended purpose and included in a sufficiently prominent location on the promotional/ educational materials.
- (iii) Design costs are to be funded by the Committee.

Committee Member Resignation

While the City of Hamilton hopes that, upon applying for and being appointed as a member of a Committee, you are able to fulfil your commitment, we do realize that on occasion a person's circumstances may change.

Therefore, if for any reason you are unable to continue to participate as an active member of the Committee(s) you have been appointed to, it is very important that you resign formally in writing by providing a completed and signed copy of the Committee Member Resignation Form (attached as Appendix "F") to the appropriate Legislative Coordinator, in the City Clerk's office, stating which Committee(s) you are resigning from and general reasons why (the inclusion of private/personal information is not required). This will allow the Committee to adjust its membership accordingly in order to remain effective in achieving the goals of its mandate. Your completed Committee Member Resignation Form will be included in the appropriate Standing Committee agenda to be received by Council.

What to do if further consultation on procedural advice is required?

Depending upon which Standing Committee, the Committee reports through, please contact the one of following Clerk's Division staff:

Ida Bedioui
Legislative Coordinator
Planning Committee
Phone: (905) 546-2424 ext. 4605

Angela McRae
Legislative Coordinator
Audit, Finance & Administration
Committee

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Fax : (905) 546-2095
E-mail: ida.bedioui@hamilton.ca

Phone: (905) 546-2424 ext. 5987
Fax : (905) 546-2095
E-mail: angela.mcrae@hamilton.ca

Loren Kolar
Legislative Coordinator
Board of Health
905 546 2424 ext. 2604
905 546-2095 (fax)
E-mail: loren.kolar@hamilton.ca

Stephanie Paparella
Legislative Coordinator
General Issues Committee
Phone: (905) 546-2424 ext. 3993
Fax : (905) 546-2095
E-mail: stephanie.paparella@hamilton.ca

Lauri Leduc
Legislative Coordinator
Public Works Committee
905 546 2424 ext. 4102
905 546-2095 (fax)
E-mail: lauri.leduc@hamilton.ca

Lisa Chamberlain
Legislative Coordinator
Healthy & Safe Communities Committee
Phone: (905) 546-2424 ext. 2729
Fax : (905) 546-2095
E-mail: lisa.chamberlain@hamilton.ca

Appendix "A"



Hamilton

A G E N D A
ABC ADVISORY COMMITTEE
Monday, January 1, 2000
2:00 p.m.
Room 123, 1st Floor
City Hall
71 Main Street West, Hamilton

**Added Items*

-
- A. APPOINTMENT OF CHAIR AND VICE CHAIR** *(This should be done at the first meeting of each year. After the first meeting – this heading is to be removed)*
 - 1. CHANGES TO THE AGENDA**
 - 2. DECLARATIONS OF INTEREST**
 - 3. APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 3.1 ABC Advisory Committee Meeting Minutes, dated December 1, 1999 *(for approval)*

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004

4. CONSENT ITEMS

- 4.1 Research Report *(for receipt)*
- *4.2 Working Group Minutes *(for receipt)*

5. PRESENTATIONS

- 5.1 ABC Advisory Committee Terms of Reference Review *(for approval)*
- 5.2 ABC Advisory Committee Strategic Plan *(for approval)*

6. DISCUSSION ITEMS

- 6.1 Roles, Responsibilities and Expectations of New Members *(for approval)*

7. NOTICES OF MOTION

- *7.1 ABC Advisory Committee Meeting Schedule *(for approval)*

8. MOTIONS

- 8.1 ABC Advisory Committee Change to the Location of Meetings *(for approval)*

9. OTHER BUSINESS

10. ADJOURNMENT

Appendix "B"



Hamilton

MINUTES

ABC COMMITTEE

Monday, January 1, 2000
 2:00 p.m.
 Room 123, 1st Floor
 City Hall
 71 Main Street West, Hamilton

Present:
(Committee members only)

Chair: (insert name)
 Vice-Chair: (insert name)
 Secretary: (insert name)
 Members: (insert names)

Absent with Regrets:

(insert names of absent Committee members only)

Also Present:

(insert staff names with titles)

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004

1. CHANGES TO THE AGENDA

The Clerk advised of the following changes to the agenda:

4. CONSENT ITEMS

4.2 Working Group Minutes

7. NOTICES OF MOTION

7.1 ABC Advisory Committee Meeting Schedule

(Mover/Second)

That the agenda for the January 1, 2000 meeting of ABC Advisory Committee be approved, as amended. *(if there are no changes to the agenda, then the approval would be "as presented")*

CARRIED

2. DECLARATIONS OF INTEREST

List any declarations that were made or note that there were none.

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 January 1, 2000

(Mover/Second)

That the Minutes of the January 1, 2000 meeting of ABC Committee be approved, as presented.

CARRIED

4. CONSENT ITEMS

(i) Research Report (Item 4.1)

(Mover/Second)

That the Research Report, be received.

CARRIED

(ii) Working Group Minutes – December 1, 1999 (Item 4.2)

(Mover/Second)

That the Working Group Minutes – December 1, 1999, be received.

CARRIED

5. PRESENTATIONS

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004**(i) ABC Advisory Committee Terms of Reference Review (Item 5.1)**

(Insert Name) provided the Committee with a presentation respecting a review of the ABC Advisory Committee Terms of Reference.

(Mover/Second)

That the presentation respecting the ABC Advisory Committee Terms of Reference Review, be received; and

That the ABC Advisory Committee Terms of Reference Review, be amended to *(insert recommendation approved by the Committee)*

CARRIED**(ii) ABC Advisory Committee Strategic Plan (Item 5.2)**

(Insert Name) provided the Committee with a presentation respecting a review of the ABC Advisory Committee Strategic Plan.

(Mover/Second)

That the presentation respecting the ABC Advisory Committee Strategic Plan, be received; and

That the ABC Advisory Committee Strategic Plan, be approved. *(or insert recommendation approved by the Committee)*

CARRIED**6. DISCUSSION ITEMS****(i) Roles, Responsibilities and Expectations of New Members (Item 6.1)****(Mover/Second)**

That the Roles, Responsibilities and Expectations of New Members, be approved. *(or insert recommendation approved by the Committee)*

CARRIED**7. NOTICES OF MOTION****(i) ABC Advisory Committee Meeting Schedule (Item 7.1)**

(Committee Member's Name) introduced a Notice of Motion respecting the ABC Advisory Committee Meeting Schedule.

(A Notice of Motion can be left as a Notice of Motion and then placed on the next Committee agenda or the Rules of Order can be waived to allow the introduction of the Notice of Motion as a Motion at this meeting, if so, a motion to waive the rules, is required)

(Mover/Second)

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004

That the Rules of Order to be waived to allow for the introduction of a motion respecting the ABC Advisory Committee Meeting Schedule.

CARRIED

(Mover/Second)

That the ABC Advisory Committee Meeting Schedule, be approved. *(or insert recommendation approved by the Committee)*

CARRIED

8. MOTIONS

(i) ABC Advisory Committee Change to the Location of Meetings (Item 8.1)

(Mover/Second)

That the ABC Advisory Committee Meeting Location be changed to _____. *(or insert recommendation approved by the Committee)*

CARRIED

9. OTHER BUSINESS

(i) Title

Brief overview of the item

10. ADJOURNMENT

(Mover/Second)

That, there being no further business, the meeting be adjourned at ___ a.m./p.m. *(insert time that the meeting adjourned)*

CARRIED

The minutes are signed by the Chair or Vice Chair (whoever presided over the meeting) and the Secretary.

Appendix "C"



Hamilton

To:	Chair and Members General Issues Committee
From:	Monika Ciolek (Co-Chair) _____ and Kyle Andrew Skinner (Co-Chair) _____ Arts Advisory Commission (to be signed by the Chair)

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004

Date:	March 22, 2017
Re:	Transfer from reserve for Big Picture 2017 Arts Community Outreach Event (AAC-17-01) (City Wide)

Recommendation:

That an amount of up to \$13,000 be transferred from the Arts Advisory Commission Reserve (112212) to Arts Advisory Commission operating (300322) to fund the Commission's 2017 outreach event and programs.

Background: *(Describe here what the money will be used for and why the Committee is asking for more)*

The Arts Advisory Commission (AAC) has the following mandate:

To recommend activities for the stabilization and strengthening of the arts community; to inform Council of issues and achievements in the Hamilton arts community; to liaise with and act as a point of contact for members of the arts community regarding issues affecting the arts community; to monitor and assist with the implementation of the Public Art Program; to monitor and assist with the implementation of the Arts Awards Program.

The primary focus of the Arts Advisory Commission over the last five years has been the development of a strategic arts funding model through its Arts Funding Task Force.

A new AAC was appointed in 2016. The new members of the AAC are looking to undertake a community outreach and consultation program to determine the issues important to the arts community moving forward.

Analysis/Rationale: *(In the Analysis/Rationale section, the Committee should explain why the recommendation is being put forward, benefits for the recommendation, and any another information, which Committee wishes to share with the Grants Sub-Committee to support the recommendation)*

In 2017, the Arts Advisory Commission will focus its efforts on outreach and consultation with the arts community to identify issues important to the community. It is assumed that issues such as; artists living and work space costs, sustaining and growing the arts community and promoting the arts community will be identified among others. Consultation plans include a symposium type event to bring the community together along with interviews and online surveys. The results of this work will be used to develop the AAC work plan for 2017-2018.

Appendix "D"

STANDARD OPERATING PROCEDURE	08-001
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Subject:	Communicating with any outside agencies, including other Levels of Government and the media
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Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004

- a) City of Hamilton Committees wishing to correspond with any outside agency including the media, Ministers of the Provincial/Federal Governments or with MP's and MPP's will follow the subjoined procedures:
1. Recommendation(s) to correspond with any outside agency submitted by a Committee are forwarded to the appropriate Standing Committee for approval with the draft correspondence being attached as an appendix to a Citizen Committee Report prepared by the respective Committee Staff Liaison.
 2. Once the recommendation is approved by the Standing Committee and Council, the correspondence is submitted for signature and will be signed jointly by the Mayor and the Chair of the Committee.
 3. Any follow up correspondence received by the City of Hamilton in response to the letter will be forwarded to both City Council and to the Committee, which initiated the recommendation and correspondence.
 4. Appointees should accurately communicate a recommendation or direction.
 5. Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee.
 6. Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.

Appendix "E"

Hamilton

**Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004
COMMITTEE MEMBER ACKNOWLEDGEMENT FORM**

I _____ in consideration of the City of Hamilton appointing me to the _____, for the _____ term, acknowledge, undertake and agree as follows:

- 1. I will make all reasonable efforts to attend all meetings of this body to which I have been appointed and to participate in an impartial manner with the understanding that:
 - (a) If I am absent from more than three meetings, I may be subject to replacement on the Committee and not be eligible for re-appointment.
- 2. I will exercise all of the roles and responsibilities of a member of the body to which I have been appointed.
- 3. I shall respect and co-operate with the other Committee members and City staff.
- 4. I shall not disclose to any member of the public any confidential information, acquired by virtue of my position.
- 5. As a volunteer Committee member, I have received, read and have a general understanding of the City of Hamilton Advisory Committee Procedural Handbook

Dated at City of Hamilton, in the Province of Ontario this _____ day of _____, 20__.

Applicant:

Witness:

(Must be at least 18 years if age.)

(Please Print Your Name)

(Please Print Your Name)

(Please Sign)

(Please Sign)

Appendix "F"

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004



Hamilton

COMMITTEE MEMBER RESIGNATION FORM

I, _____, would like to submit my resignation, effective _____, 20____, from the _____, for the following reason(s):

- My circumstances have changed and I know longer have the time to effectively participate on the Committee.
- Personal reasons.
- Other (please explain briefly):

Additional Comments (optional)

Signature

Date

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004

Appendix "G"

HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT

Council has adopted this Code of Conduct for the guidance of Appointees to Advisory Committees and Task Forces providing recommendations to Standing Committees and to assist Appointees in performing their duties in a manner which will promote the public's confidence in these Advisory Committees and Task Forces operating with integrity, transparency and courtesy.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Appointees may be called upon to exercise judgement as to the appropriate standard of conduct. When this occurs, Appointees are to ensure that their decisions maintain the Advisory Committee or Task Force's integrity, transparency and courtesy.

This Code of Conduct does not apply to Members of Council who are subject to the Council Code of Conduct.

Failure to comply with this Code of Conduct may result in the Advisory Committee or Task Force:

- (1) requesting an apology from the Appointee; and/or
- (2) removing the Appointee from the Advisory Committee or Task Force for a portion or all of their term.

1. GOOD CONDUCT

Appointees shall act with honesty and integrity including:

- acting in a manner that contributes to the public's confidence in the Advisory Committee or Task Force; and
- not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointees.

2. MEETINGS

Appointees shall maintain proper control over meetings demonstrating respect for everyone who is involved in a proceeding.

Appointees are expected to attend all meetings of the Advisory Committee or Task Force. If an Appointee misses more than three meetings during their term, the Chair, after hearing and considering any explanation provided by the Appointee, may remove the Appointee from the Advisory Committee or Task Force for the remainder of their term.

3. COLLEGIALITY

Appointees shall respect and co-operate with other Appointees and the Advisory Committee or Task Force staff.

4. GIFTS OR BENEFITS

Appendix C to Item 2 of Governance Review Sub-Committee Report 18-004

Appointees shall not accept a gift or benefit that may appear as being offered because they are a Appointees.

5. CONFIDENTIAL INFORMATION

Appointees shall not disclose to any member of the public any confidential information acquired by virtue of their position.

6. COMMUNICATION

Appointees should accurately communicate a recommendation or direction.

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee.

Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.