



City of Hamilton
GENERAL ISSUES COMMITTEE

Meeting #: 19-003
Date: February 6, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
4.1 January 16, 2019	4
5. COMMUNICATIONS	
6. DELEGATION REQUESTS	
6.1 Cameron Kroetsch, respecting the Motion regarding Item 11.1 - Ranked Balloting for Municipal Elections (For the February 6, 2019 GIC)	43
6.2 Vic Djurdjevic, Nikola Tesla Educational Corporation, respecting the Tesla Educational Corporation Events and Activities (For the February 20, 2019 GIC)	44
6.3 Cameron Kroetsch, respecting his formal comments with respect to the 2018 Municipal Election in Hamilton (For the same meeting that the staff report comes forward.)	46

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| 6.4 | Jeff Lang-Weir, regarding the Steering Committee that will conduct the hiring of the new City Manager that will be listed on the February 13, 2019 Council agenda (For the February 6, 2019 GIC) | 47 |
| 6.5 | Craig Burley, regarding the Steering Committee that will conduct the hiring of the new City Manager that will be listed on the February 13, 2019 Council agenda (For the February 6, 2019 GIC) | 48 |
| 6.6 | Rob MacIsaac, President and CEO, Hamilton Health Sciences, Annual Presentation respecting an Overview of Current Issues, Opportunities and Future Planning (for the April 3, 2019 GIC) | 49 |

7. CONSENT ITEMS

8. PUBLIC HEARINGS / DELEGATIONS

- | | | |
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| 8.1 | Anthony Marco, Hamilton District Labour Council, proposing that the City of Hamilton become a Living Wage Employer in 2019 (no copy) | |
| 8.2 | Denise Christopherson, YWCA Hamilton, respecting the Establishment of a new Steering Committee for the Recruitment of the new City Manager (no copy) | |
| 8.3 | Cameron Kroetsch, respecting the Motion regarding the Steering Committee that will conduct the hiring of the new City Manager that will be listed on the February 13, 2019 Council agenda | 50 |
| 8.4 | Karen Bird, Department of Political Science, McMaster University, respecting the Motion regarding the Steering Committee that will conduct the hiring of the new City Manager, that will be listed on the February 13, 2019 Council agenda | 60 |

9. STAFF PRESENTATIONS

10. DISCUSSION ITEMS

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| 10.1 | Advisory Committee for Persons with Disabilities Report 19-001, January 15, 2019 | 72 |
| 10.2 | Special Capital Reinvestment Levy - Reallocation Options (FCS19006) (City Wide) | 76 |
| 10.3 | City of Hamilton and Ministry of Transportation 2018 / 2019 Dedicated Gas Tax Funding Agreement (FCS19009) (City Wide) | 87 |

11. MOTIONS

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| 11.1 | Ranked Balloting for Municipal Elections | 133 |
| 11.2 | Code of Conduct for Council-Appointed Citizen Members of External Boards and Agencies | 134 |

12. NOTICES OF MOTION

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| 12.1 | Protocol for Public Release of Information as it relates to Bids for Any International, National, Provincial Games, Award Shows, Musical Concerts, Conventions, Conference, Trade Shows an Partisan Political Conventions | 135 |
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13. GENERAL INFORMATION / OTHER BUSINESS

- | | | |
|----------|---|--|
| 13.1 | Amendments to the Outstanding Business List: | |
| 13.1.a | Items to be removed: | |
| 13.1.a.a | Stelco Lands - This matter is no longer relevant as the lands have been sold. | |

14. PRIVATE AND CONFIDENTIAL

- | | | |
|------|---|--|
| 14.1 | Closed Session Minutes - January 16, 2019 | |
| | <p>Pursuant to Section 8.1, Sub-sections (c), (d), (e), (f), (j) and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (c), (d), (e), (f), (j) and (k) of the <i>Ontario Municipal Act, 2001</i>, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and, 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 municipality or local board.</p> | |

15. ADJOURNMENT



GENERAL ISSUES COMMITTEE MINUTES 19-001

9:30 a.m.

Wednesday, January 16, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor S. Merulla (Chair)
Councillors M. Wilson, J. Farr, N. Nann, C. Collins, T. Jackson,
E. Pauls, J. P. Danko, B. Clark, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, T. Whitehead, J. Partridge

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Correspondence respecting Item 10.7 – Report PED12193(d), Auchmar Estate (Item 5.1):

(Whitehead/Pearson)

That the following correspondence, respecting Report PED12193(d), Auchmar Estate, be received and referred to the consideration of Item 10.7:

- (a) Robert Williamson, Friends of Auchmar, Executive Hamilton Mountain Heritage Society
- (b) Dennis Baker
- (c) Diane Dent, on behalf of Friends of Auchmar
- (d) Janice Brown

CARRIED

2. Business Improvement Area Advisory Committee Report 18-010, December 11, 2018 (Item 7.2)

(a) Appointment of Chair and Vice Chair (Item 1)

(Eisenberger/Whitehead)

- (i) That Councillor E. Pauls be appointed as Chair of the Business Improvement Area Advisory Committee; and,

- (ii) That a rotating Vice Chair process, for the Business Improvement Area Advisory Committee, be approved.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

3. Downtown Hamilton Business Improvement Area (BIA) Board of Management for 2019 through 2022 (PED19007) (Ward 2) (Item 7.3)

(Pauls/Nann)

That the following individuals be appointed to the Downtown Hamilton Business Improvement Area (BIA) Board of Management for a four-year term (2019-2022):

- (i) Councillor Jason Farr, Ward 2
 (ii) Evan Apostol
 (iii) Stefanie Bonazza
 (iv) Paul Demarco
 (v) Una Gibbons
 (vi) Lisa LaRocca
 (vii) Andrew Mantecon
 (viii) Jason Morse
 (ix) Constantine Mundo
 (x) Rae Ann Roberts
 (xi) Mark Wu
 (xii) Francis Zanetti

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr

YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

4. Stoney Creek Business Improvement Area (BIA) Board of Management for 2019 through 2022 (PED19013) (Ward 5) (Item 7.4)

(Ferguson/Pearson)

That the following individuals be appointed to the Stoney Creek Business Improvement Area (BIA) Board of Management for a four-year term (2019-2022):

- (i) Councillor Chad Collins, Ward 5
- (ii) Richard Clough
- (iii) Sean Kosak
- (iv) Michelle Peters
- (v) Sean Pettitt
- (vi) Sharon Richards
- (vii) Paolo Rispoli
- (viii) Doug Sutherland
- (ix) Mary Terziev-Clifford
- (x) Paul Whatmore

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson

YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins

Not Present: Councillor Tom Jackson

Not Present: Councillor Brenda Johnson

Not Present: Councillor Brad Clark

5. Concession Street Business Improvement Area (BIA) Board of Management for 2019 through 2022 (PED19012) (Ward 7) (Item 7.5)

(Whitehead/Pauls)

That the following individuals be appointed to the Concession Street Business Improvement Area (BIA) Board of Management for a four-year term (2019-2022):

- (i) Councillor Esther Pauls, Ward 7
- (ii) Julienne Gauthier
- (iii) Alana Travis
- (iv) Jamie McHardy
- (v) James Knott
- (vi) Mike DeVries
- (vii) Eshe Despres
- (viii) William Givens
- (ix) Jeff Schuster
- (x) Alex Chavez

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Deputy-Mayor Sam Merulla

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins

Not Present: Councillor Tom Jackson

Not Present: Councillor Brenda Johnson

Not Present: Councillor Brad Clark

6. Ancaster Village Business Improvement Area (BIA) Board of Management for 2019 through 2022 (PED19010) (Ward 12) (Item 7.6)

(Ferguson/Pearson)

That the following individuals be appointed to the Ancaster Village Business Improvement Area (BIA) Board of Management for a four-year term (2019-2022):

- (i) Councillor Lloyd Ferguson, Ward 12
- (ii) Doug Kloet
- (iii) Melissa Sander
- (iv) Jane Steinberg
- (v) Sandra Malpass
- (vi) Milap Bedi
- (vii) Dan Burcher
- (viii) Susan Hoag-Smith
- (ix) Brian Petersen
- (x) Jason Wynne
- (xi) Mary Lou Ciancone

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

7. Waterdown Village Business Improvement Area (BIA) Board of Management for 2019 through 2022 (PED19019) (Ward 15) (Item 7.7)

(Partridge/Eisenberger)

That the following individuals be appointed to the Waterdown Village Business Improvement Area (BIA) Board of Management for a four-year term (2019-2022):

- (i) Councillor Judi Partridge, Ward 15

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- (ii) Sherine Mansour
- (iii) Gord Manzer
- (iv) Gary Titley
- (v) Paula Thompson
- (vi) Dave Andrews
- (vii) Amanda Groves
- (viii) Drew Paget
- (ix) Shari Stolpman
- (x) Cheri Demenna

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

8. Fortification and Protective Elements of Land By-law (PED19022) (City Wide) (Item 7.8)

(Whitehead/Wilson)

That Report PED19022, respecting the Fortification and Protective Elements of Land By-law, be received.

CARRIED

9. 2017-2018 Our Future Hamilton Annual Report (CM15001(d)) (City Wide) (Item 9.1)

(Whitehead/Pauls)

That Report CM15001(d), respecting the 2017-2018 Our Future Hamilton Annual Report, be received.

CARRIED

10. Hamilton Steel Summit Summary (PED19023/CM19001) (City Wide) (Item 9.2)

(Eisenberger/Partridge)

That Report PED19023/CM19001, respecting the Hamilton Steel Summit Summary, be received.

CARRIED

11. 2018 S&P Global Ratings Credit Review (FCS19008) (City Wide) (Item 10.1)

(Collins/Eisenberger)

That Report FCS19008, respecting the 2018 S&P Global Ratings Credit Review, be received.

CARRIED

12. Downtown Hamilton Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2019 (PED19005) (Ward 2) (Item 10.2)

(Collins/Jackson)

- (a) That the 2019 Operating Budget for the Downtown Hamilton Business Improvement Area, attached as Appendix "A" to Report PED19005, in the amount of \$425,000 be approved;
- (b) That the levy portion of the Operating Budget for the Downtown Hamilton Business Improvement Area in the amount of \$375,000 be approved;
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, *The Municipal Act, 2001*, to levy the 2019 Budget as referenced in Recommendation (b) of Report PED19005;
- (d) That the following schedule of payments for 2019 be approved:
 - (i) January \$187,500
 - (ii) June \$187,500

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinde Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson

YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins

Not Present: Councillor Tom Jackson

Not Present: Councillor Brenda Johnson

Not Present: Councillor Brad Clark

13. Stoney Creek Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2019 through 2022 (PED19014) (Ward 5) (Item 10.3)

(Pauls/Danko)

- (a) That the 2019 Operating Budget for the Stoney Creek Business Improvement Area, attached as Appendix "A" to Report PED19014, in the amount of \$70,435 be approved;
- (b) That the levy portion of the Operating Budget for the Concession Street Business Improvement Area in the amount of \$42,500 be approved;
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, *The Municipal Act, 2001*, to levy the 2019 Budget as referenced in Recommendation (b) of Report PED19014;
- (d) That the following schedule of payments for 2019 be approved:
 - (i) January \$21,250
 - (ii) June \$21,250

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Nrinder Nann

YES - Councillor Chad Collins

YES - Councillor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Deputy-Mayor Sam Merulla

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Arlene VanderBeek

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

Not Present: Councillor Jason Farr

Not Present: Councillor Terry Whitehead

Not Present: Councillor Lloyd Ferguson

Not Present: Councillor Brenda Johnson

14. Concession Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2019 (PED19009) (Ward 7) (Item 10.4)

(Ferguson/VanderBeek)

- (a) That the 2019 Operating Budget for the Concession Street Business Improvement Area, attached as Appendix "A" to Report PED19009, in the amount of \$196,784 be approved;
- (b) That the levy portion of the Operating Budget for the Concession Street Business Improvement Area in the amount of \$115,499 be approved;
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, to levy the 2019 Budget as referenced in Recommendation (b) of Report PED19009;
- (d) That the following schedule of payments for 2019 be approved:
 - (i) January \$57,749.50
 - (ii) June \$57,749.50

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Arlene VanderBeek
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor Jason Farr
 Not Present: Councillor Terry Whitehead
 Not Present: Councillor Lloyd Ferguson
 Not Present: Councillor Brenda Johnson

15. Ancaster Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2019 (PED19006) (Ward 12) (Item 10.5)

(Partridge/Eisenberger)

- (a) That the 2019 Operating Budget for the Ancaster Village Business Improvement Area, attached as Appendix "A" to Report PED19006, in the amount of \$93,300 be approved;
- (b) That the levy portion of the Operating Budget for the Ancaster Village Business Improvement Area in the amount of \$93,300 be approved;
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, to levy the 2019 Budget as referenced in Recommendation (b) of Report PED19006;
- (d) That the following schedule of payments for 2019 be approved:
 - (i) January \$46,650
 - (ii) June \$46,650

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Arlene VanderBeek
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor Jason Farr
 Not Present: Councillor Terry Whitehead
 Not Present: Councillor Lloyd Ferguson
 Not Present: Councillor Brenda Johnson

16. Waterdown Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2019 (PED19018) (Ward 15) (Item 10.6)**(Partridge/Eisenberger)**

- (a) That the 2019 Operating Budget for the Waterdown Village Business Improvement Area, attached as Appendix "A" to Report PED19018, in the amount of \$320,700 be approved;
- (b) That the levy portion of the Operating Budget for the Waterdown Village Business Improvement Area in the amount of \$250 K be approved;
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, The *Municipal Act, 2001*, to levy the 2019 Budget as referenced in Recommendation (b) of Report PED19018;
- (d) That the following schedule of payments for 2019 be approved:
 - (i) January \$125 K
 - (ii) June \$125 K

Result: Motion CARRIED by a vote of 13 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor Jason Farr
 Not Present: Councillor Terry Whitehead
 Not Present: Councillor Brenda Johnson

17. Auchmar Estate (PED12193(d)) (Ward 8) (Item 10.7)**(Danko/Collins)**

That Report PED12193(d), respecting the Auchmar Estate, be received.

CARRIED

18. Sports, Entertainment and Convention Venues Review (PED18168(a)) (City Wide) (Item 10.8)**(Farr/Collins)**

- (a) That staff be directed to commission an independent third-party study which is to be guided by the Council-Approved Vision set out in the Downtown Secondary Plan, Economic Development Action Plan, Cultural Plan and Hamilton Tourism Strategy, which conducts a needs, opportunities, and gap analysis assessing:
- (i) Hamilton's Sports, Entertainment and Convention Centre facility needs, given the City's size and position within the Southern Ontario marketplace;
 - (ii) Various ownership and ***review models of ownership divestment of the entertainment facilities, the land, air rights, and include projected increases in the tax base*** that have succeeded in comparable Municipalities, with a focus on the estimated economic impact and cultural impacts, including but not limited to, both indirect and direct financial benefits each model could potentially provide the City of Hamilton;
 - (iii) What role do the existing FirstOntario Centre, FirstOntario Concert Hall, The Studio, and the Hamilton Convention Centre assets play in meeting Hamilton's Sports, Entertainment and Convention Centre needs moving forward;
 - (iv) Whether there is any added benefit in locating the City's entertainment assets, ***in the Downtown***, in a clustered "precinct" that includes residential and commercial development and how suitable the City's existing entertainment asset sites are for the development of any such facility or facilities;
 - (v) Models of how to best maximize the contributions of private sector partner(s) with the required experience and know-how to execute on the City's preferred model;
 - (vi) How to best engage citizens and community stakeholders in a consultation process; and,
 - (vii) The best process for procuring the development of such entertainment assets and criteria for assessing any unsolicited proposals the City may receive;
- (b) That a contribution to an upset limit of \$200 K from the HEF Capital Reserve No. 100025, be used to fund the analysis outlined in Recommendation (a) in Report PED18168(a); and,

- (c) That staff be directed to report back to the General Issues Committee with the findings of the study outlined in Recommendation (a) in Report PED18168(a) by the end of Q2 2019.

Result: Motion CARRIED, AS AMENDED, by a vote of 15 to 0, as follows:

YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor Maureen Wilson

19. Transit Maintenance and Storage Facility – Policy 11 Design Fees (PW19006) (City Wide) (Item 10.9)

(Danko/Eisenberger)

- (a) That pursuant to the City's Procurement Policy By-law (Policy 11 – Non-Competitive Procurements), a single source procurement for additional Phase 1 works for the Transit Maintenance and Storage Facility, located adjacent to 330 Wentworth Street, be awarded to the Prime Design Consultant, IBI Group, in the amount of \$2,950,000 and be added to the Purchase Order No. 0000087825 to complete contract C11-57-17 and funded from Public Transit Infrastructure Fund (PTIF) Phase 1 Project ID 5301785701; and,
- (b) That the General Manager of Public Works be authorized to negotiate, enter into and execute all required documentation to give effect thereto with IBI Group, in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr

YES - Councillor Nringer Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor Terry Whitehead

20. Providing Free Museum Visits to Hamilton Public Library Card Holders (Item 11.1)

(Merulla/Eisenberger)

WHEREAS, museums and libraries are not just repositories of cultural items and information, but are vital educational institutions that can have a profound effect on public discourse and quality of life;

WHEREAS, Hamilton's museums and libraries are an extension of our educational system and offer children and adults opportunities to discover and learn outside of a traditional classroom setting;

WHEREAS, both the City of Hamilton museums and the Hamilton Library want to strengthen our partnership by working closely together thereby strengthening our links to the community and neighbourhoods;

WHEREAS, citizens can gain access to all the educational benefits of Hamilton's libraries through a library card free of charge; and,

WHEREAS, in 2017, 1,500 Hamiltonians visited the City of Hamilton Museums using a museum pass checked out from Hamilton Public Library branches, representing less than 1% of museum earned revenue.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to conduct a one-year pilot project that allows Hamilton library card holders free general admission (excluding paid special events, booked programs and workshops) to any of the City of Hamilton operated museums (Dundurn National Historic Site, Hamilton Military Museum, Fieldcote Memorial Park and Museum, Griffin House Museum, Whitehern Historic House and Garden, Hamilton Childrens

Museum, Battlefield House Museum, and Park and the Hamilton Museum of Steam and Technology); and,

- (b) That staff report back to the General Issues Committee after a period of one year with the outcomes of the pilot project that provides free museum visits with a Hamilton Public Library card.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

21. Hosting Grey Cup – November 2020 or 2021 (PED18234(a)) (City Wide) (Item 14.2)

(Eisenberger/Jackson)

- (a) That, should hosting of the Grey Cup be awarded to the Hamilton Tiger-Cats Football Club for 2020, staff be directed to coordinate with the Hamilton Tiger-Cats Football Club, all requirements for hosting the event including, but not be limited to, logistics and any agreements, contracts and necessary ancillary documents;
- (b) That, should hosting of the Grey Cup be awarded to the Hamilton Tiger-Cats Football Club for 2020, staff be directed to establish a cross-departmental logistics team to oversee logistical planning and coordination of the requirements for the delivery of the 2020 Grey Cup event;
- (c) That the Mayor and City Clerk be authorized and directed to execute all required agreements, contracts and necessary ancillary documents, to give effect to City of Hamilton being the host City of the 2020 Grey Cup, should hosting of the Grey Cup be awarded to the Hamilton Tiger-Cats Football Club, with content acceptable to

the Acting Director of Tourism and Culture, Planning and Economic Development Department, and the Director of Energy, Fleet and Facilities Management, Public Works Department, and in a form satisfactory to the City Solicitor;

- (d) That Report PED18234(a), respecting Hosting of the Grey Cup – November 2020 or 2021, including recommendations (b), (c), (e) and (g), as listed in the report, as well as Appendix “A” remain confidential.

Result: Sub-sections (a) to (c), CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor John-Paul Danko

Not Present: Councillor Judi Partridge

Result: Sub-section (d), CARRIED by a vote of 11 to 3, as follows:

NO - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 NO - Councillor Brenda Johnson
 YES - Councillor Maria Pearson

NO - Councillor Brad Clark

Not Present: Councillor John-Paul Danko

Not Present: Councillor Judi Partridge

22. Public Works Divisional Realignment (PW19007) (City Wide) (Item 14.3)

(Collins/Nann)

- (a) That the recommendation as outlined in Appendix "A" to Report PW19007, respecting the Public Works Department Divisional Realignment, be approved, to be effective no later than February 1, 2019; and,
- (b) That Report PW19007, respecting the Public Works Department Divisional Realignment, and its Appendix, not be released as a public document until such time as the appropriate staff have been informed.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinde Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor John-Paul Danko

Not Present: Councillor Judi Partridge

23. Collective Bargaining Mandate (HUR19001) (City Wide) (Item 14.4)

(Whitehead/Johnson)

That Report HUR19001, respecting the Collective Bargaining Mandate, remain confidential.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor John-Paul Danko
 Not Present: Councillor Judi Partridge

24. Acquisition of Industrial Land (PED18176(a)) (Item 14.5)

(Jackson/Pauls)

That the complete Report PED18176(a), respecting the Property Acquisition of 1610 and 1622 Rymal Road East, remain confidential until completion of the real estate transaction.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor John-Paul Danko
 Not Present: Councillor Judi Partridge

25. Sports, Entertainment and Convention Venues Review (LS19002/FCS19002) (City Wide) (Item 14.7)

(Whitehead/Eisenberger)

- (a) That Report LS19002/FCS19002, respecting the Sports, Entertainment and Convention Venues Review, be received; and,
- (b) That Report LS19002/FCS19002, respecting the Sports, Entertainment and Convention Venues Review, remain confidential.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor John-Paul Danko

Not Present: Councillor Judi Partridge

26. Potential Regulatory Litigation (PW19008/LS19004) (City Wide) (Item 14.8)

(Collins/Clark)

- (a) That Report PW19008/LS19004, respecting Potential Regulatory Litigation, be received; and,
- (b) That Report PW19008/LS19004, respecting Potential Regulatory Litigation, remain confidential.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson

YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor John-Paul Danko

Not Present: Councillor Judi Partridge

27. Potential Development and Expansion Proposal at John C Munro Hamilton International Airport (HIA) (City Wide) (PED18200(a)) (Item 14.9)

(Ferguson/Eisenberger)

That the Report PED18200(a), respecting the Potential Development and Expansion Proposal at John C Munro Hamilton International Airport (HIA), and its appendices, remain confidential.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor John-Paul Danko

Not Present: Councillor Judi Partridge

FOR INFORMATION:**(a) APPROVAL OF AGENDA (Item 2)**

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

1. COMMUNICATIONS (Item 5)

- 5.1 Correspondence respecting Item 10.7 – Report PED12193(d), Auchmar Estate:
- (a) Robert Williamson, Friends of Auchmar, Executive Hamilton Mountain Heritage Society
 - (b) Dennis Baker
 - (c) Diane Dent, on behalf of Friends of Auchmar
 - (d) Janice Brown

Recommendation: Be received and referred to the consideration of Item 10.7.

2. DELEGATION REQUESTS (Item 6)

- 6.4 Cameron Kroetsch, respecting the Motion regarding the Steering Committee that will conduct the hiring of the new City Manager that is listed on the January 23, 2019 Council agenda (For the February 6, 2019 GIC)

As Councillor Wilson has advised that, at the January 23rd meeting of Council, she will be requesting that her motion respecting the Steering Committee that will conduct the hiring of the new City Manager, be referred to the February 6th GIC, Mr. Kroetsch has agreed to change his request to appear for February 6th.

- 6.5 S. Jasper Kujavsky, Golden Horseshoe Enterprises Inc., respecting Item 10.8 – Report PED18168(a), Sports, Entertainment and Convention Venues Review (For the January 16, 2019 GIC)
- 6.6 Robin McKee, Historical Perceptions, respecting Item 10.7 – Report PED12193(a), Auchmar Estate (For the January 16, 2019 GIC)
- 6.7 Karen Bird, Department of Political Science, McMaster University, respecting the Motion regarding the Steering Committee that will

conduct the hiring of the new City Manager that is listed on the January 23, 2019 Council agenda (For the February 6, 2019 GIC)

3. MOTIONS (Item 11)

- 11.1 Providing Free Museum Visits to Hamilton Public Library Card Holders (This Motion was provided in time for the printed agenda; however, it was inadvertently missed.)

4. NOTICES OF MOTION (Item 12)

- 12.1 Ranked Balloting for Municipal Elections

5. PRIVATE & CONFIDENTIAL (Item 14)

- 14.2 Hosting Grey Cup – November 2020 or 2021 (PED18234(a)) (City Wide)

A new report has been provided to Committee for their consideration. Appendix “B” of that report is public and is available on the City’s website.

Report PED18234(a), the recommendations and Appendix “A” are private & confidential at this time.

- 14.6 Update on the Request for Information – Downtown Parking Structure (PED16105(a)) (Ward 2)

Staff have withdrawn the report from the agenda at this time.

- 14.9 Potential Development and Expansion Proposal at John C Munro Hamilton International Airport (HIA) (City Wide) (PED18200(a))

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

(Eisenberger/Ferguson)

That the agenda for the January 6, 2019 General Issues Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 11 to 1, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 NO - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETINGS (Item 4)

(i) September 19, 2018 (Item 4.1)

(Pearson/Partridge)

That the Minutes of the September 19, 2018 meeting of the General Issues Committee be approved, as presented.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

(ii) December 12, 2018 (Item 4.2)

(Danko/Pauls)

That the Minutes of the December 12, 2018 meeting of the General Issues Committee be approved, as presented.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

(iii) December 18, 2018 (Special) (Item 4.3)

(Farr/Nann)

That the Minutes of the December 18, 2018 meeting of the Special General Issues Committee be approved, as presented.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

(d) DELEGATION REQUESTS (Item 6)

- (i) Matt Afinec, President and COO, Hamilton Tiger-Cats, on behalf of Bob Young, Owner of the Hamilton Tiger-Cats Football Club, respecting a Partnership to bring the Grey Cup back to Hamilton (Item 6.1)**

(Nann/Farr)

That the delegation request submitted by Matt Afinec, President and COO, Hamilton Tiger-Cats, on behalf of Bob Young, Owner of the Hamilton Tiger-Cats Football Club, respecting a Partnership to bring the Grey Cup back to Hamilton, be approved to appear at the January 16, 2019 General Issues Committee meeting.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

- (ii) **Randy Ambrosie, Commissioner of the Canadian Football League, respecting the Impact of Hosting the Grey Cup (Item 6.2)**

(Eisenberger/Partridge)

That the delegation request submitted by Randy Ambrosie, Commissioner of the Canadian Football League, respecting the Impact of Hosting the Grey Cup, be approved to appear at the January 16, 2019 General Issues Committee meeting.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

- (iii) **Denise Christopherson, YWCA Hamilton, respecting the Establishment of a new Steering Committee for the Recruitment of the City Manager (Item 6.3)**

(Partridge/VanderBeek)

That the delegation request submitted by Denise Christopherson, YWCA Hamilton, respecting the Establishment of a new Steering Committee for the Recruitment of the City Manager, be approved to appear at the February 6, 2019 General Issues Committee meeting.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla

YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

- (iv) Cameron Kroetsch, respecting the Motion regarding the Steering Committee that will conduct the hiring of the new City Manager that is listed on the January 23, 2019 Council agenda (Item 6.4)**

(Ferguson/Whitehead)

That the delegation request submitted by Cameron Kroetsch, respecting the Motion regarding the Steering Committee that will conduct the hiring of the new City Manager that is listed on the January 23, 2019 Council agenda, be approved to appear at the February 6, 2019 General Issues Committee meeting.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

- (v) **S. Jasper Kujavsky, Golden Horseshoe Enterprises Inc., respecting Item 10.8 – Report PED18168(a), Sports, Entertainment and Convention Venues Review (Item 6.5)**

(Wilson/Farr)

That the delegation request submitted by S. Jasper Kujavsky, Golden Horseshoe Enterprises Inc., respecting Item 10.8 – Report PED18168(a), Sports, Entertainment and Convention Venues Review, be approved to appear at the January 16, 2019 General Issues Committee meeting.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

- (vi) **Robin McKee, Historical Perceptions, respecting Item 10.7 – Report PED12193(a), Auchmar Estate (Item 6.6)**

(Pauls/Danko)

That the delegation request submitted by Robin McKee, Historical Perceptions, respecting Item 10.7 – Report PED12193(a), Auchmar Estate, be approved to appear at the January 16, 2019 General Issues Committee meeting.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla

YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

- (vii) **Karen Bird, Department of Political Science, McMaster University, respecting the Motion regarding the Steering Committee that will conduct the hiring of the new City Manager that is listed on the January 23, 2019 Council agenda (Item 6.7)**

(Farr/Nann)

That the delegation request submitted by Karen Bird, Department of Political Science, McMaster University, respecting the Motion regarding the Steering Committee that will conduct the hiring of the new City Manager that is listed on the January 23, 2019 Council agenda, be approved to appear at the February 6, 2019 General Issues Committee meeting.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson

Not Present: Councillor Chad Collins
 Not Present: Councillor Tom Jackson
 Not Present: Councillor Brenda Johnson
 Not Present: Councillor Brad Clark

(d) CONSENT ITEMS (Items 7)**(i) Arts Advisory Commission Minutes, September 25, 2018 (Item 7.1)****(Whitehead/Farr)**

That the Arts Advisory Commission Minutes, September 25, 2018, be received.

CARRIED**(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)****(i) Matt Afinec, President and COO, Hamilton Tiger-Cats, on behalf of Bob Young, Owner of the Hamilton Tiger-Cats Football Club, respecting a Partnership to bring the Grey Cup back to Hamilton (Item 8.1)**

Matt Afinec, President and COO, Hamilton Tiger-Cats, addressed Committee respecting a Partnership to bring the Grey Cup back to Hamilton, and provided a video presentation from Mr. Young.

(Whitehead/Ferguson)

That the presentation provided by Matt Afinec, President and COO, Hamilton Tiger-Cats, respecting a Partnership to bring the Grey Cup back to Hamilton, be received.

CARRIED

For disposition of this matter, please refer to Item 21.

(ii) Randy Ambrosie, Commissioner of the Canadian Football League, respecting the Impact of Hosting the Grey Cup (Item 8.2)

Randy Ambrosie, Commissioner of the Canadian Football League, addressed Committee respecting the Impact of Hosting the Grey Cup.

(Eisenberger/Whitehead)

That the presentation provided by Randy Ambrosie, Commissioner of the Canadian Football League, respecting the Impact of Hosting the Grey Cup, be received.

CARRIED

For disposition of this matter, please refer to Item 21.

- (iii) **S. Jasper Kujavsky, Golden Horseshoe Enterprises Inc., respecting Item 10.8 – Report PED18168(a), Sports, Entertainment and Convention Venues Review (Item 8.3)**

S. Jasper Kujavsky, Golden Horseshoe Enterprises Inc., addressed Committee respecting Item 10.8 – Report PED18168(a), Sports, Entertainment and Convention Venues Review.

(Eisenberger/Collins)

That the presentation provided by S. Jasper Kujavsky, Golden Horseshoe Enterprises Inc., respecting Item 10.8 – Report PED18168(a), Sports, Entertainment and Convention Venues Review, be received.

CARRIED

For disposition of this matter, please refer to Items 18 and 25.

- (iv) **Robin McKee, Historical Perceptions, respecting Item 10.7 – Report PED12193(a), Auchmar Estate (Item 8.4)**

Robin McKee, Historical Perceptions, addressed Committee respecting Item 10.7 – Report PED12193(a), Auchmar Estate.

(Johnson/Whitehead)

That the presentation provided by Robin McKee, Historical Perceptions, respecting Item 10.7 – Report PED12193(a), Auchmar Estate, be received.

CARRIED

For disposition of this matter, please refer to Item 17.

(f) STAFF PRESENTATIONS (Item 9)

- (i) **2017-2018 Our Future Hamilton Annual Report (CM15001(d)) (City Wide) (Item 9.1)**

John Ariyo, Manager of Community Initiatives, and Cindy Mutch, Senior Project Manager, Community Engagement, addressed Committee and provided a PowerPoint presentation and a video, respecting Report CM15001(d), 2017-2018 Our Future Hamilton Annual Report.

(Whitehead/Pauls)

That the presentation, respecting Report CM15001(d), 2017-2018 Our Future Hamilton Annual Report, be received.

CARRIED

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

A copy of the presentation is available on the City's web site at www.hamilton.ca or through the Office of the City Clerk.

(ii) Hamilton Steel Summit Summary (PED19023/CM19001) (City Wide) (Item 9.2)

Glen Norton, Director of Economic Development, addressed Committee, respecting Report PED19023/CM19001, Hamilton Steel Summit Summary, and provided a video presentation.

(Eisenberger/Partridge)

That the presentation respecting PED19023/CM19001, Hamilton Steel Summit Summary, be received.

CARRIED

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

A copy of the presentation is available on the City's web site at www.hamilton.ca or through the Office of the City Clerk.

(g) DISCUSSION ITEMS (Item 10)

(i) Sports, Entertainment and Convention Venues Review (PED18168(a)) (City Wide) (Item 10.8)

(Collins/Farr)

That sub-section (a)(iv), to Report PED18168(a), respecting the Sports, Entertainment and Convention Venues Review, be amended by adding the words "in the Downtown", to read as follows:

- (a) That staff be directed to commission an independent third-party study which is to be guided by the Council-Approved Vision set out in the Downtown Secondary Plan, Economic Development Action Plan, Cultural Plan and Hamilton Tourism Strategy, which conducts a needs, opportunities, and gap analysis assessing:
 - (iv) Whether there is any added benefit in locating the City's entertainment assets, *in the Downtown*, in a clustered "precinct" that includes residential and commercial development and how suitable the City's existing entertainment asset sites are for the development of any such facility or facilities;

Result: Motion CARRIED by a vote of 13 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor Jason Farr
 Not Present: Councillor Terry Whitehead
 Not Present: Councillor Brenda Johnson

(Clark/Farr)

That sub-section (a)(ii), to Report PED18168(a), respecting the Sports, Entertainment and Convention Venues Review, be amended by deleting the words “operating models” and by adding the words “***review models of ownership divestment of the entertainment facilities, the land, air rights, and include projected increases in the tax base***”

- (a) That staff be directed to commission an independent third-party study which is to be guided by the Council-Approved Vision set out in the Downtown Secondary Plan, Economic Development Action Plan, Cultural Plan and Hamilton Tourism Strategy, which conducts a needs, opportunities, and gap analysis assessing:
- (ii) Various ownership and ~~operating models~~ ***review models of ownership divestment of the entertainment facilities, the land, air rights, and include projected increases in the tax base*** that have succeeded in comparable Municipalities, with a focus on the estimated economic impact and cultural impacts, including but not limited to, both indirect and direct financial benefits each model could potentially provide the City of Hamilton;

For disposition of this matter, please refer to Item 18.

Result: Motion CARRIED by a vote of 14 to 1, as follows:

YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson

YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 NO - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor Maureen Wilson

(h) NOTICES OF MOTION (Item 12)

Councillor J. Farr introduced the following Notice of Motion:

(i) Ranked Balloting for Municipal Elections (Item 12.1)

WHEREAS, ranked ballot elections have been successfully used in Canadian elections, as with the London Ontario 2018 municipal election, and leadership races for Provincial and Federal parties;

WHEREAS, ranked ballot elections are in use globally at various levels of government in Australia, India, Ireland, Malta, New Zealand, Northern Ireland, Pakistan, Republic of Ireland, Scotland, Sri Lanka, United Kingdom, United States of America, and Nepal;

WHEREAS, the candidate with the broadest support and the most votes will win, and a candidate who is opposed by a majority of voters cannot win in elections that use ranked ballots;

WHEREAS, ranked ballot elections eliminate “vote splitting”; wherein two or more candidates with similar platforms “split” a finite base of support. With ranked ballot elections, voters are able to vote for who they want to win rather than voting strategically against who they want to lose;

WHEREAS, the ranking of candidates on the ballot ensures that votes are not “wasted”, rather, if the voter’s first choice is eliminated their vote will transfer to their second choice and so on until a winner is selected; and,

WHEREAS, a study done in Portland, Oregon after implementation of ranked ballots in 2011 found that voters were not confused by a ranked ballot; 94% of voters said that they “Fully Understood” the ballot design and instructions;

THEREFORE, BE IT RESOLVED:

That the appropriate staff report back to General Issues Committee on the feasibility of adopting ranked ballots (including all associated costs) for future Hamilton Municipal Elections, beginning in 2022.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

13.1 Amendments to the Outstanding Business List:

(Johnson/Partridge)

That the following amendments to the General Issues Committee's Outstanding Business List, be approved:

- (a) Items to be removed:
- (i) Feasibility of Amending the CCTV By-law to Permit the Use of Footage from Camera's located on Private Property (Addressed as Item 7.8 on today's agenda – Report PED19022)
 - (ii) Hamilton Steel Summit (Addressed as Item 9.2 on today's agenda – Report PED19023/CM19001)
 - (iii) Hosting Grey Cup – November 2020 or 2021 (Addressed as Item 14.2 on today's agenda – Report PED18234(a))
 - (iv) Update on Request for Information – Downtown Parking Structure (Addressed as item 14.6 on today's agenda – Report PED16105(a))
 - (v) Sports, Entertainment and Convention Venues (Addressed as Items 10.8 and 14.7 on today's agenda – Reports PE18168(a) and LS19002/FCS19002)
 - (vi) Hamilton Waterfront Trust – Mandate and Governance (Addressed as Item 8.6 on the September 19, 2018 GIC Agenda – Report CM18017)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nringer Nann
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson

YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

(i) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – December 12, 2018 (Item 14.1)

(Wilson/Farr)

- (a) That the Closed Session Minutes of the December 12, 2018 General Issues Committee meeting, be approved as presented; and,
- (b) That the Closed Session Minutes of the December 12, 2018 General Issues Committee meeting, remain confidential.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

(Eisenberger/Ferguson)

That Committee move into Closed Session, respecting Items 14.2 (***pursuant to subsection (f) only***), 14.3 to 14.5 and 14.7 to 14.9, pursuant to Section 8.1, Sub-sections (c), (d), (e), (f), and (k) of the City's Procedural By-law 18-270; and,

Section 239(2), Sub-sections (c), (d), (e), (f), and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to:

- a proposed or pending acquisition or disposition of land for City purposes;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the City;
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 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 municipality or local board.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

Not Present: Councillor Chad Collins
 Not Present: Councillor Judi Partridge

(Eisenberger/Ferguson)

That Committee move into Closed Session, respecting Item 14.2, pursuant to Section 8.1, Sub-sections (f), (j) and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (f), (j) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to:

- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
- 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 municipality or local board.

Result: Motion CARRIED by a vote of 12 to 2, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Deputy-Mayor Sam Merulla
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Lloyd Ferguson
 NO - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 NO - Councillor Brad Clark

Not Present: Councillor John-Paul Danko

Not Present: Councillor Arlene VanderBeek

(ii) Hosting Grey Cup – November 2020 or 2021 (PED18234(a)) (City Wide) (Item 14.2)

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 21

(iii) Collective Bargaining Mandate (HUR19001) (City Wide) (Item 14.4)

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 23.

(iv) Acquisition of Industrial Land (PED18176(a)) (Item 14.5)

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 24.

(v) Potential Regulatory Litigation (PW19008/LS19004) (City Wide) (Item 14.8)

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 26.

(j) ADJOURNMENT (Item 13)

(Jackson/Farr)

That there being no further business, the General Issues Committee be adjourned at 7:35 p.m.

Respectfully submitted,

S. Merulla, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

6.1

Form: Request to Speak to Committee of Council
Submitted on Tuesday, January 15, 2019 - 2:56 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Cameron Kroetsch

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I would like to speak to the General Issues Committee at the meeting that Jason Farr's motion regarding ranked balloting is on the agenda. I do not know the date of that meeting as it's currently only a Notice of Motion. I request that you let me know when this has been decided so that I may speak to that matter at that specific meeting.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

6.2

Form: Request to Speak to Committee of Council

Submitted on Wednesday, January 16, 2019 - 12:39 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Vic Djurdjevic

Name of Organization: Nikola Tesla Educational Corporation

Contact Number: 905-541-3469

Email Address: vic.ntec@gmail.com

Mailing Address:

755 King St East
Hamilton, On

Reason(s) for delegation request:

Update GIC on the 2018 Tesla Electric Festival (TECF) held at Hamilton Steam and Technology Museum.

Update on future plans for TECF - Annual event & a request of Council for the use of the Hamilton Steam and Technology Museum for future festivals.

Attended Tesla conference in New Your City, where we learned about the The International Association of Horticultural Producers Expo 2025. This will be an international expo that includes Buffalo, Niagara Falls NY, Fort Erie, Niagara Falls, ON and Toronto. Each of those municipalities have been notified as

has the Federal Government Canada and both Canada & USA First Nations. We followed up and have been successful in including Hamilton. The organizer is very excited about including Hamilton into the Expo. We need to inform GIC and connect the City to start working on this initiative, that will benefit the city and tourism. One of the key elements of this fair will be the Linkage to Innovation and will celebrate 1901 Expo held in Buffalo. Hamilton has specific and unique linkage to the 1901 Expo.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

6.3

Form: Request to Speak to Committee of Council

Submitted on Friday, January 18, 2019 - 5:35 pm

==Committee Requested==

Committee: Advisory/Sub-Committee

Name of Sub-Committee: Governance Review Sub-Committee

==Requestor Information==

Name of Individual: Cameron Kroetsch

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I am asking to speak to the Governance Review Sub-Committee with respect to the Formal correspondence that I submitted and requested be added to today's agenda entitled "Formal Comments with respect to the 2018 Municipal Election in Hamilton".

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

6.4

Form: Request to Speak to Committee of Council
Submitted on Thursday, January 24, 2019 - 9:48 am

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Jeff Lang-Weir

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Address Councillor Wilson's motion regarding the process for selecting a new city Manager.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

6.5

Form: Request to Speak to Committee of Council
Submitted on Thursday, January 24, 2019 - 11:08 am

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Craig Burley

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I wish to speak to the GIC meeting on February 6, 2019 re the hiring process for the new City Manager, regarding aspects of Hiring/Selection Committee Membership, regarding Policy HR-37-11, and regarding the need for a specific Equity, Diversity and Inclusion Policy.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

6.6

Form: Request to Speak to Committee of Council
Submitted on Monday, January 28, 2019 - 10:41 am

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Rob MacIsaac, President & CEO, Hamilton Health Sciences

Name of Organization: Hamilton Health Sciences

Contact Number: 905-521-2100, ext. 75313

Email Address: janzenc@hhsc.ca

Mailing Address: 100 King Street West, Suite 2300, Hamilton, ON, L8P 1A2

Reason(s) for delegation request: As an anchor institution, Hamilton Health Sciences would like to make an annual Presentation to the General Issues Committee of Hamilton City Council, providing an overview of current issues and opportunities and future planning, and responding to questions from Council. We request the date of April 3 for this presentation.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Steering Committee Appointment Process

Cameron Kroetsch
General Issues Committee
February 6, 2019

Delegation Outline

- 2008 Steering Committee Process
- 2019 Steering Committee Process
- Comparison
- Procedural Outcomes
- Inclusion and Equality
- What I'm Asking For

2008 Steering Committee Process

- Mayor and 4 incumbent Councillors
- Happened **in the middle** of the 2006-10 term; process decided by the **same Council**
- Focus on maintaining “current course”
- Concerns from media and public
- Composition not representative of either Council or Hamilton population

2019 Steering Committee Process

- Mayor and 4 incumbent Councillors
- Happening at the **beginning** of 2018-22 term; process decided by the **previous Council**
- Concerns from media and public
- Composition not representative of either Council or Hamilton population

Comparison: Similarities

Similarities

- Mayor and 4 incumbent Councillors
- Concerns from media and public
- Composition not representative of either Council or Hamilton population
- Similar number of new Councillors (4 vs. 5)

Comparison: Differences

Differences

- 2008: middle of term; managed by same Council
- 2019: beginning of term; managed by previous Council
- 2019: 10 years of changes to hiring practices, collective agreements, law, and human resources theory
- 2019: Steady increase of women elected to Council

Procedural Outcomes

- “The process used last time worked, so if something’s not broken, why fix it?”:
 - This is not how hiring processes work; you cannot duplicate them (criteria, conditions, and context change)
 - They are unique to a specific point in time; e.g. the pool of applicants changes

Inclusion and Equality

- In 2008 there were 2 women on Council (12.5%); in 2019 there are 7 women on Council (44%)
- In 2008 there were 4 new Councillors, none of whom were on the Committee; in 2019 there are 5 and still none included
- Electors have consistently elected different representation since 2008 and that choice must be respected by Council

What I'm Asking For

- I'm asking this Committee, and then Council, to overturn the last Council's decision regarding the current Steering Committee for the reasons I've outlined today, primarily:
 - The undemocratic nature of the process
 - The unrepresentative nature of the Committee
 - The outdated method for selecting the Committee

What I'm Asking For

- In order to do this I think that Council must:
 - Apply an EDI lens (Wilson and Nann's motions)
 - Self-select from all elected Councillors
 - Increase the size of the Steering Committee
 - Consider appointing members of the public

The Case for Diversity in Business

"There is strong evidence that diversity can improve the performance of organizations, **particularly those relying on creativity and innovation**. This is because diverse composition is often accompanied by diverse perspectives and problem-solving heuristics."

BCG Diversity at Work

Extensive research demonstrates the positive impact that diversity and inclusion have on:

- creativity
- problem solving
- innovation
- the ability to attract and retain talented employees
- understanding customers' needs
- engaging employees
- building high-performing teams
- financial returns

An in-depth statistical analysis of the Workplace Employee Survey (WES), a newly released Statistics Canada data set covering more than 7,900 workplaces in 14 sectors with between 15,000 and 20,000 employees from 1999 to 2005, revealed in almost all sectors a significant, **positive relationship between ethnocultural diversity and increased productivity** and revenue.

Momani, Bessma and Jillian Stirk (2017)
Diversity Dividend: Canada's Global Advantage.
Centre for International Governance Innovation
& The Pierre Elliott Trudeau Foundation

The Case for Diversity in Government

“Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. **The diversity of our people and the ideas they generate are the source of our innovation.**”

[Values and Ethics Code for the Public Sector](#)

Government of Canada

- Governments have a responsibility to contribute to the greater good and build a society that is fair and respectful of all individuals.
- A diverse and inclusive public service that can harness the diverse backgrounds, talents and perspectives of its employees is essential to building a better, more productive and more innovative Canada
- Canada's largest employer, the public service is well placed to serve as a model for other employers by learning and living the value that a diverse workforce and an inclusive workplace offers.

Building a Diverse and Inclusive Public Service: Final Report of the Joint Union/Management Task Force on Diversity and Inclusion
Government of Canada (2018)

As part of a task force on building a diverse and inclusive public service, federal public service employees were invited to participate in an online survey that asked questions about contributing factors and barriers to diversity and inclusion.

Top answers to the question **“Please identify what you think are the barriers to achieving diversity in the workforce and inclusion in the workplace.”**

Bias	73%	(8,709)
Discrimination	60%	(7,179)
Harassment	38%	(4,547)
Staffing and recruitment policies or practices	31%	(3,647)
Management or leadership practices	29%	(3,446)
Leadership accountability	28%	(3,327)
Organizational accountability	25%	(2,981)
Lack of education/awareness at hiring manager’s level	24%	(2,904)

Do we have a diversity problem in Hamilton's public sector leadership?

In 2017, the representation of women at the executive level in the federal public service was **47.3%**.

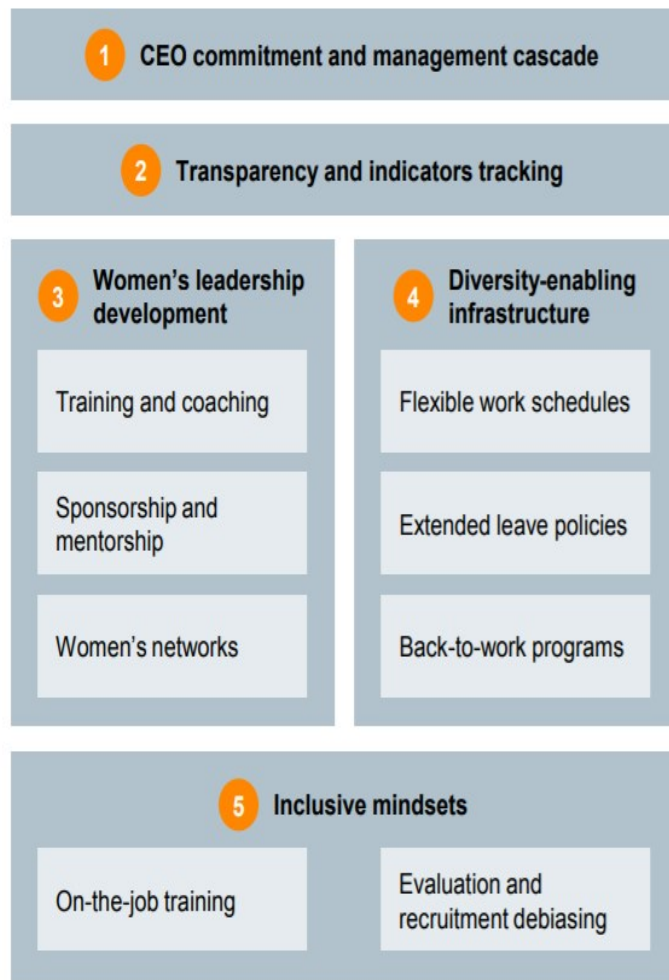
In Hamilton, by comparison, the representation of women at the executive level in the public sector was **almost 9 points lower, at 38.9%**.

EXCLerator Report (2017)

Exhibit E7

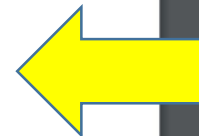
The ecosystem that has been empirically shown to improve diversity comprises five dimensions for action

Dimensions for action



Specific initiatives

- Go beyond a vocal commitment to diversity by cascading a clear business case for change
- Set inclusion targets, track them consistently, share results, and hold leaders accountable to them
- Create formal sponsorship networks to help women navigate promotions at their organizations
- Make flexibility programs compatible with promotions
After leaves of absence, support re-integration of women through formal return-to-work and internship programs
- Increase awareness of unconscious bias with formal training programs
Implement systems to debias recruitment, evaluation, and promotion decisions



Recruitment at Canadian universities

“It is expected that **selection committees will include both women and men and should include members of visible minorities**. If the department does not have diverse representation for selection committee membership, consider inviting a member from a related department to assist in the selection process. Diverse hires are more likely to occur when search committees also contain diverse representation.”

McMaster Faculty Recruitment Toolkit

Diverse committee members offer diverse perspectives and ideas. But perhaps most importantly, **diverse committee members serve as visible reminders that excellence comes in more than one gender or race...**

[T]he best practice of composing a diverse search committee is not based on expectations that women or minority members of the committee will take responsibility for ensuring diversity in the search...

Rather, it is based on research showing that **the presence of diverse search committee members helps the entire committee do their job better.**

*Canada Excellence Research Chairs
Recruitment Best Practices*

How is City Manager/CAO selection committee composed elsewhere?

- Examined bylaws for 15 municipalities
- 9 cases: Council votes by open ballot with no eligibility restrictions
- 3 cases (Burlington, Guelph, Vaughan): Chairs or designates of Standing Committees + other Members of Council interested in participating. Guelph allows adding an optional community member.
- 3 cases (Hamilton, Oshawa, Durham Region): Restricted exclusively to Chairs of Standing Committees.

Research sources:

Bird, K., & Jackson, S. (2017). EXCLerator Project: Women and Diversity in Executive and Community Leadership, Installment 2.0.

BCG (2017). Diversity at Work.

Fenn, M. and D. Siegel (2017). The Evolving Role of City Managers and Chief Administrative Officers. IMFG Papers on Municipal Finance and Governance. University of Toronto/Munk School.

Government of Cda (2018). Building a Diverse and Inclusive Public Service: Final Report of the Joint Union/Management Task Force on Diversity and Inclusion.

McKinsey & Company (2015). Diversity Matters.

McKinsey Global Institute (2017). The power of parity: Advancing women's equality in Canada.

Momani, Bessma and Jillian Stirk (2017). Diversity Dividend: Canada's Global Advantage. Centre for International Governance Innovation and The Pierre Elliott Trudeau Foundation. Waterloo.

Page, Scott E. (2007). *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies*. Princeton University Press.



Hamilton

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

Report 19-001

4:00 p.m.

Tuesday, January 15, 2019

Rooms 192 and 193, City Hall

71 Main Street West

Present: A. Mallet (Chair)
P. Cameron, J. Cardno, P. Lynes, P. Kilburn, T. Manzuk, T. Murphy, A. Nicolls, K. Nolan, T. Nolan, M. Sinclair and B. Semkow

**Absent
with regrets:** Councillor T. Whitehead – City Business, T. Wallis

Also Present: Staff Sergeant J. Savoie

THE ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES PRESENTS REPORT 19-001 AND RESPECTFULLY RECOMMENDS:

1. Canadian Institute for the Blind (CNIB) Event: Dining in the Dark (Added Item 13.4)

That the amount of \$750 be taken from the Reserve Fund 112212 for the Advisory Committee for Persons with Disabilities to be used to purchase 10 tickets to the Canadian Institute for the Blind's event entitled Dining in the Dark, to be held on March 1, 2019, to allow members of the Committee to attend the event.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

There were no Ceremonial Activities at the meeting.

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee that there was a change to the agenda:

Item 13.3, Joe Pedulla, Community Paramedicine and Research, Hamilton Paramedic Services, was moved up the agenda to immediately follow Declarations of Interest.

The agenda for the January 15, 2019 meeting of the Advisory Committee for Persons with Disabilities was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(d) APPROVAL OF MINUTES (Item 4)

(i) December 11, 2018 (Item 4.1)

The minutes of the December 11, 2018 meeting of the Advisory Committee for Persons with Disabilities, were approved, as presented.

(e) CONSENT ITEMS (Item 7)

(i) Built Environment Working Group Notes – November 6, 2018 (Item 7.1(a))

The Built Environment Working Group Meeting Notes of November 6, 2018, were received.

(ii) Housing Issues Working Group Notes – November 20, 2018 (Item 7.2(a))

The Housing Issues Working Group Meeting Notes of November 20, 2018, were received.

(iii) Transportation Working Group Update (Item 7.3)

No report.

(iv) Wheelchair and Scooter Safety Working Group Update (Item 7.4)

No report.

(f) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Accessibility Complaints to the City of Hamilton Update (Item 13.1)

No update.

(ii) Accessibility for Ontarians with Disabilities Act (AODA) Update (Item 13.2)

No update.

(iii) For the Information of Committee: Joe Pedulla, Community Paramedicine & Research, Hamilton Paramedic Service (Item 13.3)

Joe Pedulla, Community Paramedicine & Research addressed the Committee respecting services offered by the Hamilton Paramedic Service, with the aid of handouts. The handout, and the form entitled “My Medical Information Sheet”, have been included in the official record.

The presentation from Joe Pedulla, Community Paramedicine & Research, Hamilton Paramedic Service, was received.

The presentation and handout are available at www.hamilton.ca

**(iv) Canadian Institute for the Blind (CNIB) Event: Dining in the Dark
(Added Item 13.4)**

The Committee discussed the use of Reserve Funds to purchase a table of 10 tickets for the CNIB fundraiser entitled Dining in the Dark, to be held on March 1, 2019, as a means of support to the CNIB and outreach work for the Committee. Staff have consulted with Finance Services to confirm the use of Reserve Funds.

For further disposition, refer to Item 1.

(g) ADJOURNMENT (Item 15)

There being no further business, the Advisory Committee for Persons with Disabilities adjourned at 6:05 p.m.

Respectfully submitted,

A. Mallet, Chair
Advisory Committee for Persons
with Disabilities

Loren Kolar
Legislative Coordinator
Office of the City Clerk



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

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 6, 2019
SUBJECT/REPORT NO:	Special Capital Reinvestment Levy - Reallocation Options (FCS19006) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gloria Rojas (905) 546 2424 Ext. 6247
SUBMITTED BY:	Brian McMullen Acting General Manager Finance and Corporate Services Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the Area Rating Special Capital Reinvestment Reserve Fund balances as at December 31, 2018 be reallocated to the new Wards within the former City of Hamilton based on percentage of assessment in each Ward;
- (b) That the Special Capital Reinvestment Levy continue to be levied only to, and for the benefit of, the properties within the boundary of the former City of Hamilton;
- (c) That Area Rating Special Capital Reinvestment Reserves be established for each of Wards 9, 10 and 14.

EXECUTIVE SUMMARY

In December 2017, the Ontario Municipal Board (OMB) approved the new boundaries for the City of Hamilton in which the alignment of Wards 1 to 8 and the former City of Hamilton (pre 2001) no longer exists. Effective January 1, 2018, Wards 1, 2, 3, 4, 7 and 8 include only properties from the former City of Hamilton. Wards 5, 6, 9, 10 and 14 include properties from the former City of Hamilton and some other former municipalities while Wards 11, 12, 13 and 15 do not include any properties from former City of Hamilton.

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: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 2 of 10**

As a result, an equal distribution of the Area Rating Special Capital Reinvestment Levy approved by Council in 2011 is no longer reasonable and the existing reserve balances need to be redistributed.

Staff is recommending that the reserve balances for former Wards 1 to 8 (total of \$4,141,448 as at December 31, 2018 - unaudited) be redistributed and where a former Ward had properties that are now part of a different Ward, the funds will be distributed to each new Ward based on the percentage of assessment that now lies within each Ward.

Regarding the distribution of the Special Capital Reinvestment Levy in 2019 and going forward, staff is recommending that the funds continue to be levied in the former City of Hamilton only and that each Ward receives the funds based on the amount levied within their Ward. A budget for this levy of \$13,428,870 has been included in the 2019 Preliminary Tax Supported Operating Budget and, if the recommendations in FCS19006, “Special Capital Reinvestment Levy – Reallocation Options” are approved, will be included in the 2019 Tax Policy report scheduled for April of 2019.

In both cases, staff continues to support previous Council approval that the funds be re-invested in the former City of Hamilton in order to address its infrastructure needs. Wards that include properties from other former municipalities will only be able to spend their funds in the former City of Hamilton portion of their Ward.

Appendix “A” to Report FCS19006, Special Capital Reinvestment Levy - Reallocation Options and the Analysis and Rationale section of this Report provide additional details on the recommended options.

Alternatives for Consideration – See Page 6**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Council, at its meeting on April 14, 2011, approved amendments to the previous Area Rating methodology, constituting an “Urban / Rural” model of Area Rating, through Report FCS11042, as follows:

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.

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**SUBJECT: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 3 of 10**

- (a) That the following proposed amendments to the current method of Area Rating, constituting an “Urban / Rural” model be approved:
 - (i) Elimination of Culture from Area Rating;
 - (ii) Area Rating of Recreation based on urban / rural model;
 - (iii) Continuation of Area Rating of Parkland purchases by former area municipality;
 - (iv) Area Rating of Fire services based on an urban / rural model to align to the Fire primary response area;
 - (v) Continuation of Area Rating Sidewalk Snow Clearing within the transit area of Ward 12;
 - (vi) Area rating of Sidewalks and Street Lighting based on an urban / rural model to align to the service area;
- (b) That the proposed urban / rural method of Area Rating, as identified in Recommendation (a), be phased-in over four years;
- (c) That changes to the Area Rating of Transit be deferred until completion of an approved implementation plan for Transit service improvements in response to the recently completed IBI Study; and,
- (d) That the tax shift variance be phased-in and re-invested into former City of Hamilton to address its infrastructure needs.

A \$13.4 M reduction in former City of Hamilton occurred from the tax shifts (recommendation (d)) resulting from the implementation of the “Urban / Rural” area rating model which was then phased-in starting in 2011.

In February 2012, Council approved the Area Rating Special Capital Reinvestment Policy and related reserves for former Wards 1 to 8 through Report FCS12024.

Until the fall of 2018, this levy has been distributed equally amongst Wards 1 to 8 (\$1,678,609 annually for each Ward) as the boundaries of these Wards aligned with the boundaries of the former City of Hamilton.

In December 2017, the Ontario Municipal Board (OMB) approved the new boundaries for the City of Hamilton in which the alignment of Wards 1 to 8 and the former City of Hamilton (pre 2001) no longer exists. Effective January 1, 2018, Wards 1, 2, 3, 4, 7 and 8 include only properties from the former City of Hamilton. Wards 5, 6, 9, 10 and 14 include properties from the former City of Hamilton and some other former municipalities while Wards 11, 12, 13 and 15 do not include any properties from the former City of Hamilton.

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**SUBJECT: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 4 of 10**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Area rating is an annual decision implemented through the annual tax levy by-law.

The recommended allocation of the Special Capital Reinvestment Levy and distribution of the existing reserve funds will not modify the existing area rating methodology approved by Council on April 27, 2011 (Report FCS09087(a) Area Rating Options – Update).

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Reallocation of Existing Area Rating Special Capital Reinvestment Reserve Fund Balances

The new Ward boundaries approved by the Ontario Municipal Board (OMB) in December 2017 resulted in properties that were previously in former City of Hamilton (previous Wards 1-8) now being part of another Ward, either within the boundaries of the former City of Hamilton (for example, moving from Ward 6 to Ward 7), within the boundaries of the new Ward 14 or within the boundaries of Wards 9 or 10, which previously did not cross into the boundaries of the former City of Hamilton.

Staff is recommending that the existing Area Rating Special Capital Reinvestment Reserve Fund balances as at December 31, 2018 (unaudited) be reallocated to Wards 1 to 8, 9, 10 and 14 based on the percentage of assessment. In the case that a former Ward had properties that are now part of a different Ward, the funds will be distributed to each new Ward based on the percentage of assessment that now lies within each Ward. For example, some properties of former Ward 2 are now part of the new Ward 1, some are part of the new Ward 2 and some of the new Ward 3. Under this methodology, the existing reserve funds of former Ward 2 will be reallocated to Wards 1, 2 and 3 based on the assessment that is now in each of those Wards. Staff continues to support previous Council approval that the funds be re-invested in the former City of Hamilton in order to address its infrastructure needs. Appendix “A” to Report FCS19006, Special Capital Reinvestment Levy - Reallocation Options, indicates the redistribution of these funds among Wards.

Staff is also recommending that new reserves be established for Wards 9, 10 and 14.

Table 1 shows the existing reserve fund balances and the resulting reallocation of funds to each Ward based on the recommended methodology.

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**SUBJECT: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 5 of 10**

Table 1

**2018 RE-ALLOCATION OF EXISTING
AREA RATING SPECIAL CAPITAL REINVESTMENT FUNDS**

	RESERVE BALANCE DEC. 31, 2018 (unaudited)	2018 ALLOCATION
Ward 1	\$ 432,197	\$ 443,066
Ward 2	\$ 1,586,783	\$ 1,473,794
Ward 3	\$ 65,481	\$ 167,600
Ward 4	\$ 157,333	\$ 167,529
Ward 5 - Hamilton	\$ 121,170	\$ 110,102
Ward 6 - Hamilton	\$ 666,904	\$ 644,758
Ward 7	\$ 1,094,896	\$ 824,665
Ward 8	\$ 16,684	\$ 291,027
Ward 9 - Hamilton	\$ -	\$ 8,252
Ward 10 - Hamilton	\$ -	\$ 872
Ward 14 - Hamilton	\$ -	\$ 9,782
TOTAL	\$ 4,141,448	\$ 4,141,448

Anomalies due to rounding

(*) Wards 1-4, 7 and 8 are fully contained within the former City of Hamilton

Allocation of the Special Capital Reinvestment Levy for 2019 and Beyond

For 2019 and beyond, staff is recommending that the Special Capital Reinvestment Levy continue to be raised from the properties of the former City of Hamilton regardless of the Ward in which they are located. However, because the new Wards do not align with the former City of Hamilton, equal distribution is no longer reasonable. Therefore, staff is proposing that each Ward will receive the funds based on the amount levied within their Ward. Wards with boundaries that include City of Hamilton and other former municipalities will only be able to spend their funds in the former City of Hamilton portion of their Ward.

Table 2 shows the amount that would be levied and distributed to each Ward with properties within the former City of Hamilton, based on 2018 assessment information.

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**SUBJECT: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 6 of 10**

Table 2

**ALLOCATION OF SPECIAL CAPITAL REINVESTMENT LEVY
2019 AND BEYOND**

	PROPOSED 2019 ALLOCATION
Ward 1	\$ 1,550,418
Ward 2	\$ 1,527,662
Ward 3	\$ 1,282,435
Ward 4	\$ 1,605,961
Ward 5 - Hamilton	\$ 1,468,747
Ward 6 - Hamilton	\$ 1,497,612
Ward 7	\$ 1,892,095
Ward 8	\$ 1,445,638
Ward 9 - Hamilton	\$ 19,415
Ward 10 - Hamilton	\$ 11,639
Ward 14 - Hamilton	\$ 1,127,247
TOTAL	\$ 13,428,870

Anomalies due to rounding

The final allocation for 2019 will be determined based on the updated assessment information provided by Municipal Property Assessment Corporation (MPAC). For future years, the allocation will be calculated in annual tax levy by-law.

Since this option does not change the methodology by which the levy is raised, it does not have a tax impact on any property in the City. There are also no significant changes in the administration of the levy.

ALTERNATIVES FOR CONSIDERATION

Alternatives to Reallocate Existing Reserve Fund Balances

An alternative to the recommended reallocation of the existing reserve balances is to discontinue the allocation by Ward and to create a “Former Hamilton Capital Reserve” where funds would be assigned for specific projects within the former City of Hamilton regardless of the Ward. A policy for the use of these reserve funds would have to be developed. This alternative would consolidate funds which may allow for a larger project that might not occur if the remaining funds are allocated by Ward as recommended. This option is not consistent with distributing the funds among Wards as has been the case since the levy was originally approved. Staff continues to recommend allocating funds to each Ward to be used for their specific needs.

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**SUBJECT: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 7 of 10**

Alternatives for the Special Capital Reinvestment Levy for 2019 and Beyond

Alternative 1: Expand the Special Capital Reinvestment Levy to all Urban Areas

Under this scenario, the Special Capital Reinvestment Levy would be expanded to all urban areas in the City while maintaining the levy currently raised by the properties in former City of Hamilton, which would be levied and distributed as recommended by staff in Recommendation (b).

In order to facilitate the implementation of the additional levy, properties in the urban areas of the other former municipalities would be charged the same tax rate currently paid by the properties within the former City of Hamilton.

This would result in an additional levy of \$11.9 M to be phased-in equally over a four-year term (\$2.98 M each year) to be levied and distributed by Ward based on percentage of assessment. Table 3 shows the levy that would be allocated to each Ward, as well as the average residential tax impact resulting from the additional levy for the first year of the phase-in period, based on 2018 assessment information. The final allocation for 2019 will be determined based on the updated assessment information provided by MPAC.

Table 3
EXPAND THE SPECIAL CAPITAL REINVESTMENT LEVY
AVERAGE RESIDENTIAL TAX IMPACTS - URBAN AREAS
YEAR 1 OF 4 YEAR PHASE-IN

	Special Reinvestment Levy	2018 Average Residential Assessment	Average Impact (%)	Average Impact (\$)
Ward 5 - Stoney Creek	\$ 100,237	\$ 318,400	0.8%	\$ 31
Ward 9 - Stoney Creek	\$ 255,528	\$ 361,200	0.8%	\$ 35
Ward 9 - Glanbrook	\$ 63,655	\$ 380,400	0.8%	\$ 37
Ward 10 - Stoney Creek	\$ 500,297	\$ 370,300	0.8%	\$ 36
Ward 11 - Glanbrook	\$ 129,375	\$ 282,500	0.8%	\$ 36
Ward 12 - Ancaster	\$ 599,790	\$ 489,800	0.8%	\$ 48
Ward 13 - Dundas	\$ 355,316	\$ 418,300	0.8%	\$ 41
Ward 14 - Ancaster	\$ 28,311	\$ 615,900	0.8%	\$ 60
Ward 14 - Glanbrook	\$ 506	\$ 397,500	0.8%	\$ 39
Ward 15 - Flamborough	\$ 307,714	\$ 466,900	0.8%	\$ 46

Under this option, there would be no tax impact for the properties within the boundaries of the former City of Hamilton (refer to Table 2). For all the other properties, the average tax impact in the first year would range from \$31 to \$60 (approximately 0.8% tax impact). Similar impacts would occur in each year of the four-year phase-in.

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**SUBJECT: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 8 of 10**

These funds can only be spent in the urban areas of their respective Wards. Rural areas would not be levied and therefore, would not be eligible for use of the funds.

Expanding the Special Capital Reinvestment Levy to all urban areas of the City would facilitate the funding of specific infrastructure projects in each Ward. However, the tax impacts would be significant in each year of the phase-in period as shown in Table 3. Moreover, additional FTE's will be needed in Corporate Services and Public Works for the administration and execution of the projects. Also, new reserves would have to be established for these funds.

Alternative 2: Eliminate the Special Capital Reinvestment Levy

Under this alternative, properties within the boundaries of the former City of Hamilton would no longer be taxed for the Special Capital Reinvestment Levy, effectively reducing the tax impact. Table 4 shows the savings for the average residential property if the levy was eliminated, based on 2018 assessment information.

Table 4

**ELIMINATION OF THE SPECIAL CAPITAL REINVESTMENT LEVY
AVERAGE RESIDENTIAL TAX IMPACTS**

	2018 Average Residential Assessment	Average Impact (%)	Average Impact (\$)
Ward 1	\$ 357,200	-2.4%	\$ (109)
Ward 2	\$ 241,700	-2.4%	\$ (74)
Ward 3	\$ 191,400	-2.4%	\$ (58)
Ward 4	\$ 205,400	-2.4%	\$ (63)
Ward 5 - Hamilton	\$ 270,500	-2.4%	\$ (83)
Ward 6 - Hamilton	\$ 298,000	-2.4%	\$ (91)
Ward 7	\$ 299,800	-2.4%	\$ (91)
Ward 8	\$ 323,900	-2.4%	\$ (99)
Ward 9 - Hamilton	\$ 509,100	-2.4%	\$ (155)
Ward 10 - Hamilton	\$ 606,600	-2.4%	\$ (185)
Ward 14 - Hamilton	\$ 349,200	-2.4%	\$ (107)

Although the savings (2.4%) are significant, ranging from \$63 to \$185, the elimination of the Special Capital Reinvestment Levy will have an impact on the City's ability to build, replace or improve infrastructure in the former City of Hamilton. To date, the levy has been used in a number infrastructure projects such as road and sidewalk work, traffic signs and signals, recreation centre improvements, city parks and trail development, beautification projects, bus shelters and City library improvements.

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**SUBJECT: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 9 of 10**

Alternative 3: Add the Special Capital Reinvestment Levy to the General Levy

The \$13.4 M on the Special Capital Reinvestment Levy could be redirected from the area rating levy to the general levy and be assigned to a specific purpose reserve that would benefit all of the City or used as a source of general capital financing. This option results in significant tax shifts across Wards, benefiting the Wards or portion of the Wards within the former City of Hamilton and passing the increase onto the rest of the City. Average savings for properties in the former City of Hamilton could be as high as \$87 (approximately -1.1% tax decrease) and average tax increases could be as high as \$99 (approximately 1.4% tax impact) for properties in the urban areas of the other former municipalities. Average tax impacts in rural areas could be as high as \$79 (approximately 1.5% tax impact). Table 5 shows the average residential tax impacts should this option be implemented.

Table 5
SPECIAL CAPITAL REINVESTMENT LEVY IN GENERAL LEVY
AVG. RESIDENTIAL TAX IMPACTS

	2018 Average Residential Assessment	URBAN AREAS		RURAL AREAS	
		Average Impact (%)	Average Impact (\$)	Average Impact (%)	Total Average 2018 Impact (\$)
Ward 1	\$ 357,200	-1.1%	\$ (51)	N/A	N/A
Ward 2	\$ 241,700	-1.1%	\$ (35)	N/A	N/A
Ward 3	\$ 191,400	-1.1%	\$ (27)	N/A	N/A
Ward 4	\$ 205,400	-1.1%	\$ (29)	N/A	N/A
Ward 5 - Hamilton	\$ 270,500	-1.1%	\$ (39)	N/A	N/A
Ward 5 - Stoney Creek	\$ 318,400	1.4%	\$ 51	N/A	N/A
Ward 6 - Hamilton	\$ 298,000	-1.1%	\$ (43)	N/A	N/A
Ward 7	\$ 299,800	-1.1%	\$ (43)	N/A	N/A
Ward 8	\$ 323,900	-1.1%	\$ (46)	N/A	N/A
Ward 9 - Hamilton	\$ 509,100	-1.1%	\$ (73)	N/A	N/A
Ward 9 - Stoney Creek	\$ 361,200	1.4%	\$ 58	1.5%	\$ 58
Ward 9 - Glanbrook	\$ 380,400	1.4%	\$ 61	1.5%	\$ 62
Ward 10 - Hamilton	\$ 606,600	-1.1%	\$ (87)	N/A	N/A
Ward 10 - Stoney Creek	\$ 370,300	1.4%	\$ 60	N/A	N/A
Ward 11 - Glanbrook	\$ 282,500	1.4%	\$ 59	1.5%	\$ 59
Ward 11 - Stoney Creek	\$ 363,100	N/A	N/A	1.5%	\$ 46
Ward 12 - Ancaster	\$ 489,800	1.4%	\$ 79	1.5%	\$ 79
Ward 12 - Flamborough	\$ 400,400	N/A	N/A	1.5%	\$ 65
Ward 13 - Dundas	\$ 418,300	1.4%	\$ 68	1.5%	\$ 68
Ward 13 - Flamborough	\$ 470,600	N/A	N/A	1.5%	\$ 76
Ward 14 - Hamilton	\$ 349,200	-1.1%	\$ (50)	N/A	N/A
Ward 14 - Ancaster	\$ 615,900	1.4%	\$ 99	N/A	N/A
Ward 14 - Glanbrook	\$ 397,500	1.4%	\$ 64	N/A	N/A
Ward 15	\$ 466,900	1.4%	\$ 75	1.5%	\$ 76

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**SUBJECT: Special Capital Reinvestment Levy – Reallocation Options (FCS19006)
(City Wide) – Page 10 of 10**

Under this option, the funds could be allocated to larger projects that may not occur if the funds are allocated by Ward. However, the tax impacts for the properties that are not currently levied are significant. This option could be phased-in.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Redistribution of Existing Area Rating Special Capital Reinvestment Reserves Across Wards – Balances as at December 31, 2018 (unaudited)

GR/dt

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**REDISTRIBUTION OF EXISTING AREA RATING SPECIAL CAPITAL REINVESTMENT RESERVE FUNDS ACROSS WARDS (\$)
 BALANCES AT AT DECEMBER 31, 2018 (UNAUDITED)**

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7	Ward 8	Ward 9	Ward 10	Ward 14	TOTAL TO DISTRIBUTE
Ward 1	432,156	41										432,197
Ward 2	10,910	1,473,753	102,119									1,586,783
Ward 3			65,481									65,481
Ward 4				157,333								157,333
Ward 5				10,196	110,102					872		121,170
Ward 6						553,749	104,903		8,252			666,904
Ward 7						91,009	719,762	284,126				1,094,896
Ward 8								6,902			9,782	16,684
TOTAL TO KEEP	443,066	1,473,794	167,600	167,529	110,102	644,758	824,665	291,027	8,252	872	9,782	4,141,448

Anomalies due to rounding

REDISTRIBUTION OF EXISTING AREA RATING SPECIAL CAPITAL REINVESTMENT RESERVE FUNDS ACROSS WARDS (%)

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7	Ward 8	Ward 9	Ward 10	Ward 14	TOTAL TO DISTRIBUTE
Ward 1	100.0%	0.0%										100%
Ward 2	0.7%	92.9%	6.4%									100%
Ward 3			100.0%									100%
Ward 4				100.0%								100%
Ward 5				8.4%	90.9%					0.7%		100%
Ward 6						83.0%	15.7%		1.2%			100%
Ward 7						8.3%	65.7%	26.0%				100%
Ward 8								41.4%			58.6%	100%
TOTAL TO KEEP	100.7%	92.9%	106.4%	108.4%	90.9%	91.3%	81.5%	67.3%	1.2%	0.7%	58.6%	

Anomalies due to rounding



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

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	February 6, 2019
SUBJECT/REPORT NO:	City of Hamilton and Ministry of Transportation 2018 / 2019 Dedicated Gas Tax Funding Agreement (FCS19009) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Craig Webb, CPA, CMA, (905) 546-2424, Ext. 1870
SUBMITTED BY:	Brian McMullen Acting General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Mayor and the Acting General Manager, Finance and Corporate Services be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the municipality under the Dedicated Gas Tax Funds for Hamilton's Public Transportation Program;
- (b) That the Mayor and Acting General Manager, Finance and Corporate Services be authorized and directed to execute the Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program attached as Appendix "A" to Report FCS19009;
- (c) That the By-law attached as Appendix "C" to Report FCS19009 authorizing and directing the Mayor and Acting General Manager, Finance and Corporate Services to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed;

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SUBJECT: City of Hamilton and Ministry of Transportation 2018 / 2019 Dedicated Gas Tax Funding Agreement (FCS19009) (City Wide) - Page 2 of 4

- (d) That, upon being passed, a certified copy of the By-law authorizing and directing the Mayor and Acting General Manager, Finance and Corporate Services to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, together with two copies of the signed Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be forwarded to the Ministry of Transportation.

EXECUTIVE SUMMARY

The By-law (By-law) authorizing and directing the Mayor and Acting General Manager, Finance and Corporate Services to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program (attached as Appendix “C”), accompanying Agreement (attached as Appendix “A”), 2018 / 2019 Guidelines and Requirements (attached as Appendix “B”) are provided as a condition of the transfer of funding, provided by the Province of Ontario to the City of Hamilton under the Dedicated Gas Tax Funds for Public Transportation Program. Under the terms and conditions of the attached Agreement (Appendix “A”), a by-law is required to authorize the Mayor and City Treasurer to sign the “Letter of Agreement between Her Majesty the Queen in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario and the City of Hamilton related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program”.

Municipalities receiving dedicated gas tax funds must meet the requirements set out in the “2018 / 2019 Guidelines and Requirements”, attached as Appendix “B” to Report FCS19009.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Ratification of the Letter of Agreement (Appendix “A”) is a condition of the City of Hamilton becoming eligible for an estimated \$11,405,923 in provincial funding relating to 2018 / 2019 as part of the 2018 / 2019 program. This represents an increase of 1.9% over the previous 12-month total allocation of \$11,192,903.

Staffing: None.

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SUBJECT: City of Hamilton and Ministry of Transportation 2018 / 2019 Dedicated Gas Tax Funding Agreement (FCS19009) (City Wide) - Page 3 of 4

Legal: The enacting of the supporting By-law per Appendix “C” to Report FCS19009 is a requirement to receive funding under the Dedicated Gas Tax Funds for Public Transportation Program.

HISTORICAL BACKGROUND

In 2013, the Province of Ontario moved forward with its commitment to make Gas Tax funding permanent. As part of that commitment, the Province of Ontario, under the Dedicated Gas Tax Funds for the Public Transportation Program, is providing funding in the amount of \$11,405,923 to the City of Hamilton, in accordance with and subject to the terms set out in the Letter of Agreement (attached as Appendix “A”), which forms part of the authorizing By-law (attached as Appendix “C”) and the 2018 / 2019 Guidelines and Requirements (attached as Appendix “B”). The Province of Ontario, under the above-noted Program, will provide two cents of the existing Provincial Gas Tax to municipalities to support public transportation. In this, the fifteenth year of the program, that is \$364 M in funding.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None.

RELEVANT CONSULTATION

None.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Under the Dedicated Gas Tax Funds for the Public Transportation Program, funding allocated is based on 70% transit ridership and 30% municipal population.

The funding received is deposited into a dedicated reserve that is used to fund the expansion of public transit in terms of capital infrastructure and operating budget funding related to levels of service.

ALTERNATIVES FOR CONSIDERATION

None.

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.

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SUBJECT: City of Hamilton and Ministry of Transportation 2018 / 2019 Dedicated Gas Tax Funding Agreement (FCS19009) (City Wide) - Page 4 of 4

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" - Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program
- Appendix "B" - Ministry of Transportation Dedicated Gas Tax Funds For Public Transportation Program 2018 / 2019 Guidelines and Requirements
- Appendix "C" - 2018 City of Hamilton and Ministry of Transportation Gas Tax Funding Agreement By-law - To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program.

CW/dt/dkm

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Ministry of
Transportation

Ministère des
Transports

Office of the Minister

Bureau du ministre

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

Édifice Ferguson, 3^e étage
77, rue Wellesley Ouest
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports



JAN 22 2019

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

Dear Mayor Eisenberger:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **City of Hamilton** (the "Municipality") and Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario, (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2018/19 Guidelines and Requirements (the "guidelines and requirements").

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

67. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$11,405,923** (the "Maximum Funds") in accordance with, and subject to, the terms set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.

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68. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a certified copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$8,554,442**; and any remaining payment(s) will be provided thereafter.
3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2018/19 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.

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

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print it, secure the required signatures for it, and then return a fully signed copy, in pdf format, to the following email account:

MTO-PGT@ontario.ca

Sincerely,



Jeff Yurek
Minister of Transportation

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

Municipality

Per: _____
Mayor

Date: _____

Per: _____
Chief Financial Officer/Treasurer

Date: _____



MINISTRY OF TRANSPORTATION

**Dedicated Gas Tax Funds For
Public Transportation Program**

2018/19 Guidelines and Requirements

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DEDICATED GAS TAX FUNDS FOR PUBLIC TRANSPORTATION PROGRAM

2018/2019 GUIDELINES & REQUIREMENTS

1. DEFINITIONS

When used in these guidelines and requirements, the words set out below that import the singular include the plural and vice versa:

“baseline spending” means a municipality’s spending level, which equals the average municipal own spending on public transportation for the years 2001 to 2003 and includes a rate of 2% per year for inflation. For new transit systems that were not operational from 2001 to 2003, the baseline will be determined at the Ministry’s discretion until the municipality has three years of operation, whereby the first three years of municipal spending will be averaged and a rate of 2% per year for inflation will be applied.

“Canadian Content Policy” means the Canadian Content for Transit Vehicle Procurement Policy, attached to these guidelines and requirements as Appendix B: Canadian Content Policy, which the Ministry may amend from time to time.

“dedicated gas tax funds” means the money provided by the Ministry to a municipality to be used strictly towards eligible expenditures that are reasonable, in the opinion of the Ministry, and related directly to the provision of public transportation services, and “dedicated gas tax funding” has the same meaning.

“dedicated gas tax funds reserve account” means an interest bearing account set up by a municipality, under its name and in a Canadian financial institution, where dedicated gas tax funds are deposited and can be tracked separately from any other funds that may be in the account. This does not need to be a separate account, so long as the dedicated gas tax funds can be tracked separately.

“DFPTA” means the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3.

“eligible expenditures” means expenditures made by a municipality in direct support of public transportation operating or capital, or both, costs in accordance with Article 3 of these guidelines and requirements.

“guidelines and requirements” means these guidelines and requirements entitled “Dedicated Gas Tax Funds for Public Transportation Program – 2018/2019 Guidelines and Requirements”, including Appendices A, B and C to these guidelines and requirements, which the Ministry may amend from time to time.

“host municipality” means a host municipality as described in Section 4.2.

"indemnified parties" means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees, and employees.

"letter of agreement" means an agreement entered into between the Ministry and a municipality, including a host municipality, that sets out the terms and conditions under which the Ministry agrees to provide dedicated gas tax funds to the municipality, including those under these guidelines and requirements, and any amendments to the letter of agreement.

"losses" means any and all liability, loss, costs, damages or expenses (including legal, expert and consultant fees).

"major refurbishment" means: (a) for a subway car, light rail car, streetcar or trolley bus, the refurbishment where the life cycle is extended for a minimum of six years beyond the designed life cycle set out by the manufacturer; and (b) for a bus thirty feet in length or over, the refurbishment where, when the bus reaches a minimum age of nine years, the life cycle of the bus is extended for a minimum of six years.

"Ministry" and "Minister", respectively, means the Ministry of Transportation, which is responsible for the administration of the Program and the Minister responsible for the Ministry.

"municipal own spending on public transportation" means the funds, including those received from total operating revenue and local public donations, that a municipality contributes towards public transportation expenditures, including funds it contributes for operating and capital expenditures.

"personnel" includes the advisors, appointees, directors, officers, employees, agents, partners, affiliates, volunteers or subcontractors of a municipality.

"proceeding" means any and all causes of action, actions, claims, demands, lawsuits or other proceedings.

"Program" means the Dedicated Gas Tax Funds for Public Transportation Program set up by the Ministry to provide municipalities with dedicated gas tax funds subject to and in accordance with a letter of agreement.

"PRESTO" means the fare payment system for which Metrolinx is responsible.

"public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M. 46, as amended, or under an agreement between a municipality or local board, and a person, firm or corporation, and includes special transportation facilities for transporting persons with disabilities but does not include transportation by special purpose facilities, such as school buses or ambulances.

"public transportation vehicle" refers to a streetcar, bus, subway car, light rail car, specialized vehicles for transporting persons with disabilities or trolley bus used for public transportation.

“reporting forms” means the following forms attached as Appendix A (Reporting Forms) to these guidelines and requirements: 1) Dedicated Gas Tax Funds for Public Transportation 2018 Reporting Form (i.e. form MT-O-16); 2) Dedicated Gas Tax Program – 2018 Conventional Transit Reporting Form (i.e. form MT-O-17); and 3) Dedicated Gas Tax Program – 2018 Specialized Transit Reporting Form (i.e., form MT-O-18).

“subcontractor” means any contractor of a municipality or any of its subcontractors at any tier of subcontracting.

2. INTRODUCTION

The Program is an important element of the ongoing relationship between the province of Ontario and Ontario municipalities. Municipalities receiving dedicated gas tax funds must meet the requirements set out in these guidelines and requirements.

As of 2013 and pursuant to the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3 (“DFPTA”), a portion, (2 cents per litre), of the provincial gasoline tax revenue is dedicated to the provision of grants to municipalities for public transportation, including those pursuant to the Program. The portion of the gas tax that is dedicated in each fiscal year is an amount determined using a formula set out in the DFPTA.

The 2018/19 Program year runs from April 1, 2018 to March 31, 2019. The new allocation of funding for the Program for 107 public transit systems representing 144 municipalities will amount to approximately \$367.5 million.

3. GENERAL ELIGIBILITY REQUIREMENTS AND CONDITIONS

The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services, and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service. To be eligible to receive dedicated gas tax funds, a municipality must contribute financially towards its public transportation services.

For 2018/19, and unless otherwise approved in writing by the Ministry, only municipalities that have submitted their 2017 annual data survey to the Canadian Urban Transit Association (CUTA), and their 2017 Gas Tax reporting forms to the Ministry, will be eligible to receive dedicated gas tax funds.

Subject to the provision of a municipal by-law indicating its intent to provide public transportation services, a municipality that is not currently providing public transportation services, but decides to begin providing such services, may be eligible for funding. Notification of the municipality’s intent to provide public transportation services and specific commitment to annually fund such public transportation services is required. Municipalities are encouraged to contact ministry staff early in their decision making process for providing services. After the

new public transportation services have been implemented, and at the Ministry's sole discretion, dedicated gas tax funding may then be available.

A municipality receiving dedicated gas tax funds must ensure that all funds received and any related interest are used exclusively towards eligible expenditures and, unless otherwise approved in writing by the Ministry, disbursement of dedicated gas tax funds and any related interest must be net of any rebate, credit or refund, for which the municipality has received, will receive, or is eligible to receive.

All public transportation services and public transportation vehicles must be fully accessible in accordance with the requirements set out under the following statutes and regulations, as may be amended from time to time: the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and the *Integrated Accessibility Standards*, O. Reg. 191/11 made under that Act; the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the *Accessible Vehicles*, R.R.O. 1990, Reg. 629 made under that Act; and the *Public Vehicles Act*, R.S.O. 1990, c. P. 54. In addition to the above, the acquisition of public transportation vehicles must comply with the Canadian Content Policy requirements.

Unless the Ministry otherwise approves in writing, in 2018/19, gas tax revenues and any related interest can only be used to support municipal public transportation expenditures above a municipality's baseline spending and not to reduce or replace current levels of municipal public transportation funding. External audit and financial reporting costs are not eligible expenditures which the Ministry may reimburse or to which dedicated gas tax funding can be applied.

(a) Requirements for All Dedicated Gas Tax Funds Received in 2018/19 and Beyond

- Dedicated gas tax funds and any related interest must be spent on:
 - Public transportation capital expenditures that promote increased transit ridership, and are above a municipality's baseline spending;
 - Public transportation operating expenditures that are above a municipality's baseline spending;
 - Capital expenditures for the replacement of any public transportation vehicles that are above a municipality's baseline spending;
 - Capital expenditures that provide improvements to public transportation security and passenger safety, and are above a municipality's baseline spending; or
 - Expenditures for major refurbishment on any fully accessible, or to be made fully accessible, public transportation vehicle, with the exception of specialized vehicles used for the transportation of persons with disabilities, and are above a municipality's baseline spending.

- For municipalities that provide only specialized transit for persons with disabilities, dedicated gas tax funds can be spent on public transit initiatives that may not initially result in ridership growth but will provide increased accessibility.

(b) Additional Requirements for the following Municipalities: Regions of Durham and York, the Cities of Brampton, Burlington, Hamilton, Mississauga, Ottawa and Toronto, and the Town of Oakville.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (b) above will, in addition to any other requirements in this Article 3, be required to:

- Participate in PRESTO and, as participants, will be required to meet their financial obligations for that system.

(c) Additional Requirements for GTA Municipalities: Regions of Durham, Halton, Peel and York, and Cities of Hamilton and Toronto.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (c) above will, in addition to any other requirements in this Article 3, be required to:

- Demonstrate that they have met their responsibility for the payment of the growth and expansion capital costs of Metrolinx pursuant to the *Amendment to Greater Toronto Services Board By-law No. 40*, O. Reg. 446/04, made under the *Metrolinx Act, 2006*, S.O. 2006, c. 16, as amended.

The eligibility requirements for dedicated gas tax funds will be determined in accordance with these guidelines and requirements. The eligibility for any dedicated gas tax funds is at the sole discretion of the Ministry. Municipalities should consider consulting with Ministry staff to determine whether a proposed expenditure is an eligible expenditure for the purpose of dedicated gas tax funds.

4. GENERAL PROGRAM ALLOCATION METHODOLOGY AND PAYMENT PROCESS

4.1 General Program Allocation Methodologies

Based on consultation with municipalities, public transportation operators and stakeholders, the Province recognizes the varying needs of public transportation in Ontario municipalities, including those related to large established public transportation systems and communities with different growth rates and levels of public transportation service. Consistent with the above, the Province has established an allocation formula based on a combination of ridership and population. This formula balances the needs of large established public transportation systems, the growth needs of rapidly growing municipalities, and the needs of smaller municipalities that provide public transportation services.

The Province is implementing an allocation based on 70% transit ridership and 30% municipal population. Fully implemented, 70% of \$367.49 million (up to \$257.24 million) may be distributed to municipalities on the basis of their public transportation ridership levels. Thirty percent (30%) of \$367.49 million (up to \$110.25 million) may be distributed on the basis of

population levels. Public transportation ridership will include the totals of both conventional and specialized public transportation services.

Both ridership and population figures are updated and revised annually for use in the calculation of dedicated gas tax funds.

CUTA annually collects and reproduces, on behalf of the Ministry, transit ridership data in its Ontario Urban Transit Fact Book and its Ontario Specialized Transit Services Fact Book (the "CUTA Fact Books"). The Ministry used the 2017 ridership data from the 2017 CUTA Fact Books for the above calculation. Where a municipality's ridership data have not been collected nor reproduced in the 2017 CUTA Fact Books, the Ministry used the 2017 transit ridership data received from the municipality.

The 2018/19 gas tax allocations were calculated using 2017 population estimates derived from the 2011 census data.

Dedicated gas tax funds provided to each municipality in 2018/19 are not to exceed, based on the 2017 municipal public transportation spending data set out in the CUTA Fact Books, 75% of municipal own spending on public transportation. The Ministry may re-allocate, in support of increasing public transportation ridership, any amounts of moneys dedicated for but that remains undistributed through the Program.

The Ministry may undertake an annual review of the dedicated gas tax allocation methodology and eligibility requirements to ensure these funds support the desired outcome of increased public transportation ridership. Municipal public transportation spending will be reviewed on an annual basis to determine if the limits of the dedicated gas tax funds need to be applied where the gas tax allocation may exceed 75% of municipal own spending on public transportation.

4.2 Payment Process

The Minister will advise each municipality that provides public transportation services of the amount of dedicated gas tax funds it is eligible to receive. The Minister will send a letter of agreement to each of these municipalities. The letter of agreement will set out the terms and conditions upon which the dedicated gas tax funds will be released to the municipality, and by which the municipality will have to agree to be bound.

The Ministry may, on a quarterly basis (or other basis, as the Ministry may decide from time to time), make payments of dedicated gas tax funds only after receipt of the following documents: i) the letter of agreement, provided by the Ministry to the municipality, signed in accordance with the by-law(s) and, if applicable, the resolution(s) described below; and ii) a certified copy of the by-law(s) and, if applicable, any resolution(s) authorizing the letter of agreement and naming municipal signing officers for the letter of agreement.

In addition, the Ministry may withhold payment of dedicated gas tax funds until the reporting requirements under Section 8.4 are met.

Any amount of dedicated gas tax funds provided to the municipality under the Program will be subject to the remedies set out under Article 7.

Any dedicated gas tax funds the Ministry provides to a municipality and any related interest, including those kept by the municipality in a dedicated gas tax funds reserve account, will have to be used by the municipality exclusively towards public transportation services and in accordance with the requirements set out in these guidelines and requirements including, without limitation, those related to eligibility and related conditions, acquisition, disposition, accountability, records, audit, reporting, liability, and indemnity requirements.

If a municipality agrees to provide public transportation services (a "host municipality") for another municipality, the Ministry, at its sole discretion, may only provide the host municipality with dedicated gas tax funds. Prior to the Ministry making any payment of dedicated gas tax funds to the host municipality, the host municipality and the municipality on whose behalf the host municipality is providing transportation services will be required to provide the Ministry with copies of their respective by-law(s) and, if applicable, resolution(s), designating the host municipality as a public transportation service provider for the municipality or authorizing the host municipality to provide public transportation services to the municipality, as applicable. The contributing municipality, on whose behalf the host municipality is providing transportation services, will be required to provide the Ministry with a copy of their by-law(s) and, if applicable, resolution(s), in the year that this arrangement is initiated, and will be required annually to confirm with the Ministry in writing that the arrangement is still in effect. The host municipality will be required to enter into a dedicated gas tax funds letter of agreement with the Ministry and be in compliance with the terms and conditions set out in these guidelines and requirements.

In addition, the host municipality must promptly advise the Ministry of any change in arrangements between the host and contributing municipalities, such as decisions to cease contributions. The Ministry may then, at its sole discretion, make any necessary adjustment to its contribution of dedicated gas tax funds to the host municipality.

5. DEDICATED GAS TAX FUNDS RESERVE ACCOUNT AND INTEREST

5.1 Dedicated Gas Tax Funds Reserve Account

Dedicated gas tax funds must be used only towards the eligible expenditures for public transportation listed under Article 3(a). If the Ministry provides dedicated gas tax funds to a municipality before the municipality's immediate need for the funds, the municipality will be required to keep the funds, and all interest earned on such funds, in a dedicated gas tax funds reserve account. Dedicated gas tax funds received, and any related interest earned on such funds, must be reported annually, using the reporting forms, on a cash basis.

5.2 Interest

Interest must accrue on funds carried over the course of the Program reporting period in a dedicated gas tax funds reserve account. A municipality must calculate interest on its average annual balance of funds. The interest must also be reported annually, using the reporting forms, and can only be applied towards eligible expenditures.

6. ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

If a municipality acquires goods, including supplies, materials, vehicles, equipment or services, or both, with dedicated gas tax funds, it must do so through a process that promotes the best value (with due regard for economy, efficiency and effectiveness) for the dedicated gas tax funds it spends.

The municipality must report, in writing, to the Ministry any funds accrued from the sale, lease or disposal of assets purchased with dedicated gas tax funds, and return such funds to a dedicated gas tax funds reserve account (see Article 5), with the exception that funds accrued from the sale, lease or disposal of transit buses beyond their useful economic life (12 years for conventional and 5 years for specialized), will not be required to be returned to a dedicated reserve account.

7. ADJUSTMENT, WITHHOLDING AND PAYMENT OF DEDICATED GAS TAX FUNDS AND OTHER REMEDIES

If, in the opinion of the Ministry, a municipality: i) fails to comply with any term, condition or obligation set out in a letter of agreement, including these guidelines and requirements; ii) uses any of the dedicated gas tax funds or any related interest for a purpose not authorized without the prior written consent of the Ministry; iii) provides erroneous or misleading information; iv) fails to provide information, including requested audit information and required reports, to the Ministry for any reason whatsoever; or v) is unable to provide or acquire or has discontinued the provision or acquisition of any service or asset for which dedicated gas tax funds have been provided, or it is not reasonable for the municipality to continue to provide or acquire any service or asset for which such funds have been provided ("event of default"), the Ministry may, unless the Ministry provides the municipality with written notice of an opportunity to remedy the event of default, take one or more of the following actions: i) initiate any action the Ministry considers necessary in order to facilitate the successful provision or acquisition of any service or asset provided or acquired with dedicated gas tax funds; ii) suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate; iii) reduce the amount of the dedicated gas tax funds; (iv) cancel further payments of dedicated gas tax funds; (v) demand from the municipality the payment of any dedicated gas tax funds remaining in the possession or under the control of the municipality; (vi) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the municipality used, but did not use in accordance with the letter of agreement; (vii) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the Ministry provided to the municipality; and viii) terminate the letter of agreement at any time, including

immediately, without liability, penalty or costs to the Ministry upon giving notice to the municipality.

Where the Ministry gives the municipality an opportunity to remedy an event of default by giving the municipality notice of the particulars of the event of default and the date by which the municipality is required to remedy it, and: i) the municipality does not remedy the event of default by the date specified in the notice; ii) it becomes apparent to the Ministry that the municipality cannot completely remedy the event of default by the date specified in the notice; or iii) the municipality is not proceeding to remedy the event of default in a way that is satisfactory to the Ministry, the Ministry may extend the date by which the municipality is required to remedy the event of default, or initiate any of the remedies for event of default available to it under this Article.

Upon termination of the letter of agreement pursuant to this Article, the Ministry may take one or more of the actions listed for in the first paragraph to this Article 7. In regards to any demand for payment, the Minister may not demand payment of an aggregate amount greater than the dedicated gas tax funds that were received by the municipality.

Upon the Minister providing a municipality a written demand for payment of dedicated gas tax funds, any related interest, or both, the amount of the demand will be deemed to be a debt due and owing to the Crown of the Province of Ontario and may be recovered as such under applicable law, including, without limitation, the *Financial Administration Act*, R.S.O. 1990, c. F.12, as amended, ("FAA"). In addition to any remedy the Crown may have under the FAA, the Ministry may decide to withhold or adjust the amount of any current or future dedicated gas tax funding, or any other funding program, that may be provided to the municipality in an amount equal to such debt or have the amount of such debt deducted from financial assistance payable on any other project(s) of the municipality under any other initiative in which the Ministry is involved (either current or future). The Ministry may charge the municipality interest on any money owing by the municipality at the then current rate charged by the Province of Ontario on accounts receivable. The municipality will pay any money owing to the Ministry by cheque payable to the "Ontario Minister of Finance" and delivered to the Ministry as the Ministry may require.

If a municipality: i) has failed to comply with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a "failure"); ii) has been provided with notice of such failure in accordance with the requirements of such other agreement; iii) has, if applicable, failed to rectify such failure in accordance with the requirements of such other agreement; and iv) such failure is continuing, the Ministry may suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate.

When the Ministry provides its consent pursuant to a letter of agreement, including these guidelines and requirements, it may impose any terms and conditions on such consent and the municipality will comply with such terms and conditions.

If a municipality fails to comply with any term of a letter of agreement, including these guidelines and requirements, the municipality could only rely on a waiver of the Ministry if the

waiver was in writing and refers to the specific failure to comply. A waiver will not have the effect of waiving any subsequent failures to comply.

Any decision made by the Minister regarding funding under the Program is final.

8. ACCOUNTABILITY, RECORDS, AUDIT AND REPORTING REQUIREMENTS

8.1 Accountability

A municipality receiving dedicated gas tax funds must use such funds, and any interest earned on such funds, exclusively towards public transportation service eligible expenditures and in accordance with these guidelines and requirements. The municipality will not be allowed to use dedicated gas tax funds and related interest to offset other municipal expenditures.

The municipality will also be required to provide such further assurances as the Ministry may request from time to time with respect to any matter to which a letter of agreement, including these guidelines and requirements, pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of these documents to their full extent.

Furthermore, the municipality must ensure any information the municipality provides to the Ministry under the Program is true and complete at the time provided and will continue to be true and complete.

8.2 Records

A municipality receiving dedicated gas tax funds must keep and maintain separate records and documentation related to any dedicated gas tax funds and any related interest, including invoices and any other financially-related documents relating to the provision or acquisition of public transportation services for which dedicated gas tax funds and any related interest have been used. The records and documentation must be kept and maintained in accordance with generally accepted accounting principles. Records containing confidential information must be kept in accordance with all applicable legislation. No provision of these guidelines and requirements shall be construed so as to give the Ministry any control whatsoever over the municipality's records.

8.3 Audit

A municipality receiving dedicated gas tax funds may be subject to audit. The Ministry may, at its sole discretion, audit or have audited by any third party, any records and documentation of the municipality related to any public transportation services provided or acquired with dedicated gas tax funds or any related interest, and such funds. Such audit may require the Ministry, at the municipality's expense (except as provided in the Canadian Content Policy), to retain external auditors. In addition, the Auditor General may, pursuant to the *Auditor General Act*, R.S.O. 1990, c. A. 35, as amended, audit the accounts and records of the municipality

relating to any expenditure of dedicated gas tax funds.

To assist in respect of the rights set out above, a municipality will be required to disclose any information requested by the Ministry, its authorized representatives or an independent auditor identified by the Ministry, and will do so in the form requested by the Ministry, its authorized representatives or an independent auditor.

In addition to any adjustments the Ministry may make to dedicated gas tax funding under these guidelines and requirements, the Ministry may, upon recommendation in an audit report, adjust future dedicated gas tax fund payments or other payments the Province may make to the municipality under any other program.

8.4 Reporting

Accuracy in the calculation and reporting of municipal transit ridership and dedicated gas tax funds and any related interest is paramount. When calculating ridership, municipalities must use one of the acceptable best practices identified in the 2008 Ontario Ridership Data Collection Review Report, published jointly by CUTA and iTrans Consultants (retained by CUTA).

A municipality will be accountable to use dedicated gas tax funds and any related interest towards public transportation expenditures that meet the Program eligibility requirements. Each municipality will be required to report on how dedicated gas tax funds and any related interest are spent on an annual basis, including the provision of its Canadian Content Policy declaration form(s), in accordance with the Canadian Content Policy, for any public transportation vehicle funded with dedicated gas tax funds. The Canadian Content Policy has been amended effective September 21, 2017 to be aligned with government procurement commitments under the Comprehensive Economic Trade Agreement (CETA) between Canada and the European Union (EU). As of September 21, 2017, municipalities are to comply with the amended policy for all transit procurements.

For the purpose of the above reporting, municipalities will be required to use the reporting forms that have been developed in consultation with municipal public transportation stakeholders, and submit these reporting forms to the Ministry prior to February 28, 2019.

Municipalities are strongly advised to carefully verify all data before submitting their reporting forms, to ensure that all information provided is accurate. Municipalities are also encouraged to contact the Ministry if they require any guidance or assistance in completing these reports.

9. COMMUNICATIONS

Unless the Ministry otherwise approves in writing, a municipality receiving dedicated gas tax funds will be required to acknowledge the support of the Ministry in a form and manner as directed by the Ministry.

A municipality will be required to give a minimum of thirty (30) days written notice to the Ministry regarding any planned local dedicated gas tax funding communication or recognition event, or both. The municipality will also be required to provide the Ministry with detailed information regarding such communication or event, or both.

The Ministry and a municipality receiving dedicated gas tax funds will, at all times, remain independent of each other and will not represent themselves to be the agent, joint venturer, partner or employee of the other. Neither the municipality nor the Ministry will be allowed to make representations or take actions that could establish or imply any apparent relationship of agency, joint venture, partnership or employment. In addition, neither the municipality nor the Ministry will be bound in any manner whatsoever by any agreements, warranties or representations made by any of them to any other person or entity, with respect to any other action of the other.

If the municipality publishes any material of any kind, written or oral, relating to public transportation services provided or acquired with dedicated gas tax funds, the municipality will indicate in the material that the views expressed in the material are the views of the municipality and do not necessarily reflect those of the Ministry.

A municipality receiving gas tax funding must comply with the requirements for the installation and maintenance of visual identity signage set out in Appendix C.

10. CONFLICT OF INTEREST

A municipality and its subcontractors and any of their respective personnel must use dedicated gas tax funds and provide and acquire services and assets with such funds without an actual, potential, or perceived conflict of interest.

A conflict of interest includes any circumstances where a municipality or any person who has the capacity to influence the municipality's decisions has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the municipality's objective, unbiased, and impartial judgment relating to the provision or acquisition of services or assets provided or acquired with dedicated gas tax funds, the use of such funds, or both.

A municipality will disclose to the Ministry, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest, and comply with any terms and conditions that the Ministry may prescribe as a result of the disclosure.

11. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

All applications submitted to the Ministry are subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31, as amended ("FIPPA"). The FIPPA provides every person with a right of access to information in the custody or under the control of the Ministry, subject to a limited set of exemptions.

Municipalities are advised that the names of municipalities receiving dedicated gas tax funds, the amount of funds provided, and the purpose for which dedicated gas tax funds are provided, is information the Ministry makes available to the public.

12. LIABILITIES AND INDEMNITIES

A municipality receiving dedicated gas tax funds must agree that it is responsible for anything that may arise, directly or indirectly, in connection with the Program, including, without limitation, any activity under it such as the provision and acquisition of services and assets with dedicated gas tax funds. The Ministry's involvement under the Program is for the sole purpose of, and is limited to, the provision of dedicated gas tax funds.

Furthermore, a municipality receiving dedicated gas tax funds must agree to indemnify and hold harmless the indemnified parties from and against any and all losses or proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of, or in connection with anything done or omitted to be done by the municipality or any municipality on behalf of which the municipality receives dedicated gas tax funds, or any of their respective personnel, the Program, any activity under it, or the letter of agreement, unless the loss or proceeding is solely caused by the negligence or willful misconduct of the indemnified parties.

A municipality receiving dedicated gas tax funds is responsible for its own insurance and must carry, at its own costs and expense, and require the same from its subcontractors and any municipality on behalf of which it receives dedicated gas tax funds, all the necessary and appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Ministry and support the indemnification, as set out above, provided to the Ministry. For greater certainty, the municipality is not covered by the Province of Ontario's insurance program and no protection will be afforded to the municipality by the Government of Ontario for any losses or proceedings that may arise out of the Program or letter of agreement.

For greater certainty, the rights and remedies of the Ministry under a letter of agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

13. COMPLIANCE WITH THE LAW

A municipality receiving dedicated gas tax funds must comply with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the services or assets provided or acquired with the dedicated gas tax funds and the dedicated gas tax funds.

For greater clarity, by receiving dedicated gas tax funds, a municipality may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Public Sector Salary Disclosure Act, 1996*, S.O. 1996, c. 1, Sched. A and the *Auditor General Act*, R.S.O. 1990, c. A.35.

14. WHERE TO APPLY AND REQUEST OR PROVIDE INFORMATION

All forms, agreements, supporting documentation as well as any questions regarding the Program are to be directed to the Strategic Transit Investments Office of the Ministry of Transportation at MTO-PGT@ontario.ca.

APPENDIX A: REPORTING FORMS

APPENDIX B: CANADIAN CONTENT POLICY

APPENDIX C: VISUAL IDENTITY SIGNAGE REQUIREMENTS

1. Purpose of Schedule

This Appendix describes the municipality's responsibilities and obligations involved in installing and maintaining visual identity signage under the Program.

2. Visual Identity Signage

The municipality will install and maintain the exterior and interior visual identity signage on transit vehicles for which dedicated gas tax funds were provided. This is to include replacement buses that have been supported through the Program.

External visual identity signage must be located immediately to the left of the front passenger entrance doors of the vehicle. Internal visual identity signage should be placed on an interior wall in a location and height that will be convenient for passengers to read.

Recognition stickers approximate size — 10" x 3.4". Sample image found below is not to scale.





MINISTRY OF TRANSPORTATION

**Dedicated Gas Tax Funds For
Public Transportation Program**

2018/19 Guidelines and Requirements

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DEDICATED GAS TAX FUNDS FOR PUBLIC TRANSPORTATION PROGRAM

2018/2019 GUIDELINES & REQUIREMENTS

1. DEFINITIONS

When used in these guidelines and requirements, the words set out below that import the singular include the plural and vice versa:

“baseline spending” means a municipality’s spending level, which equals the average municipal own spending on public transportation for the years 2001 to 2003 and includes a rate of 2% per year for inflation. For new transit systems that were not operational from 2001 to 2003, the baseline will be determined at the Ministry’s discretion until the municipality has three years of operation, whereby the first three years of municipal spending will be averaged and a rate of 2% per year for inflation will be applied.

“Canadian Content Policy” means the Canadian Content for Transit Vehicle Procurement Policy, attached to these guidelines and requirements as Appendix B: Canadian Content Policy, which the Ministry may amend from time to time.

“dedicated gas tax funds” means the money provided by the Ministry to a municipality to be used strictly towards eligible expenditures that are reasonable, in the opinion of the Ministry, and related directly to the provision of public transportation services, and “dedicated gas tax funding” has the same meaning.

“dedicated gas tax funds reserve account” means an interest bearing account set up by a municipality, under its name and in a Canadian financial institution, where dedicated gas tax funds are deposited and can be tracked separately from any other funds that may be in the account. This does not need to be a separate account, so long as the dedicated gas tax funds can be tracked separately.

“DFPTA” means the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3.

“eligible expenditures” means expenditures made by a municipality in direct support of public transportation operating or capital, or both, costs in accordance with Article 3 of these guidelines and requirements.

“guidelines and requirements” means these guidelines and requirements entitled “Dedicated Gas Tax Funds for Public Transportation Program – 2018/2019 Guidelines and Requirements”, including Appendices A, B and C to these guidelines and requirements, which the Ministry may amend from time to time.

“host municipality” means a host municipality as described in Section 4.2.

“indemnified parties” means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees, and employees.

“letter of agreement” means an agreement entered into between the Ministry and a municipality, including a host municipality, that sets out the terms and conditions under which the Ministry agrees to provide dedicated gas tax funds to the municipality, including those under these guidelines and requirements, and any amendments to the letter of agreement.

“losses” means any and all liability, loss, costs, damages or expenses (including legal, expert and consultant fees).

“major refurbishment” means: (a) for a subway car, light rail car, streetcar or trolley bus, the refurbishment where the life cycle is extended for a minimum of six years beyond the designed life cycle set out by the manufacturer; and (b) for a bus thirty feet in length or over, the refurbishment where, when the bus reaches a minimum age of nine years, the life cycle of the bus is extended for a minimum of six years.

“Ministry” and “Minister”, respectively, means the Ministry of Transportation, which is responsible for the administration of the Program and the Minister responsible for the Ministry.

“municipal own spending on public transportation” means the funds, including those received from total operating revenue and local public donations, that a municipality contributes towards public transportation expenditures, including funds it contributes for operating and capital expenditures.

“personnel” includes the advisors, appointees, directors, officers, employees, agents, partners, affiliates, volunteers or subcontractors of a municipality.

“proceeding” means any and all causes of action, actions, claims, demands, lawsuits or other proceedings.

“Program” means the Dedicated Gas Tax Funds for Public Transportation Program set up by the Ministry to provide municipalities with dedicated gas tax funds subject to and in accordance with a letter of agreement.

“PRESTO” means the fare payment system for which Metrolinx is responsible.

“public transportation” means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M. 46, as amended, or under an agreement between a municipality or local board, and a person, firm or corporation, and includes special transportation facilities for transporting persons with disabilities but does not include transportation by special purpose facilities, such as school buses or ambulances.

“public transportation vehicle” refers to a streetcar, bus, subway car, light rail car, specialized vehicles for transporting persons with disabilities or trolley bus used for public transportation.

“reporting forms” means the following forms attached as Appendix A (Reporting Forms) to these guidelines and requirements: 1) Dedicated Gas Tax Funds for Public Transportation 2018 Reporting Form (i.e. form MT-O-16); 2) Dedicated Gas Tax Program – 2018 Conventional Transit Reporting Form (i.e. form MT-O-17); and 3) Dedicated Gas Tax Program – 2018 Specialized Transit Reporting Form (i.e., form MT-O-18).

“subcontractor” means any contractor of a municipality or any of its subcontractors at any tier of subcontracting.

2. INTRODUCTION

The Program is an important element of the ongoing relationship between the province of Ontario and Ontario municipalities. Municipalities receiving dedicated gas tax funds must meet the requirements set out in these guidelines and requirements.

As of 2013 and pursuant to the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3 (“DFPTA”), a portion, (2 cents per litre), of the provincial gasoline tax revenue is dedicated to the provision of grants to municipalities for public transportation, including those pursuant to the Program. The portion of the gas tax that is dedicated in each fiscal year is an amount determined using a formula set out in the DFPTA.

The 2018/19 Program year runs from April 1, 2018 to March 31, 2019. The new allocation of funding for the Program for 107 public transit systems representing 144 municipalities will amount to approximately \$367.5 million.

3. GENERAL ELIGIBILITY REQUIREMENTS AND CONDITIONS

The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services, and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service. To be eligible to receive dedicated gas tax funds, a municipality must contribute financially towards its public transportation services.

For 2018/19, and unless otherwise approved in writing by the Ministry, only municipalities that have submitted their 2017 annual data survey to the Canadian Urban Transit Association (CUTA), and their 2017 Gas Tax reporting forms to the Ministry, will be eligible to receive dedicated gas tax funds.

Subject to the provision of a municipal by-law indicating its intent to provide public transportation services, a municipality that is not currently providing public transportation services, but decides to begin providing such services, may be eligible for funding. Notification of the municipality’s intent to provide public transportation services and specific commitment to annually fund such public transportation services is required. Municipalities are encouraged to contact ministry staff early in their decision making process for providing services. After the

new public transportation services have been implemented, and at the Ministry's sole discretion, dedicated gas tax funding may then be available.

A municipality receiving dedicated gas tax funds must ensure that all funds received and any related interest are used exclusively towards eligible expenditures and, unless otherwise approved in writing by the Ministry, disbursement of dedicated gas tax funds and any related interest must be net of any rebate, credit or refund, for which the municipality has received, will receive, or is eligible to receive.

All public transportation services and public transportation vehicles must be fully accessible in accordance with the requirements set out under the following statutes and regulations, as may be amended from time to time: the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and the *Integrated Accessibility Standards*, O. Reg. 191/11 made under that Act; the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the *Accessible Vehicles*, R.R.O. 1990, Reg. 629 made under that Act; and the *Public Vehicles Act*, R.S.O. 1990, c. P. 54. In addition to the above, the acquisition of public transportation vehicles must comply with the Canadian Content Policy requirements.

Unless the Ministry otherwise approves in writing, in 2018/19, gas tax revenues and any related interest can only be used to support municipal public transportation expenditures above a municipality's baseline spending and not to reduce or replace current levels of municipal public transportation funding. External audit and financial reporting costs are not eligible expenditures which the Ministry may reimburse or to which dedicated gas tax funding can be applied.

(a) Requirements for All Dedicated Gas Tax Funds Received in 2018/19 and Beyond

- Dedicated gas tax funds and any related interest must be spent on:
 - Public transportation capital expenditures that promote increased transit ridership, and are above a municipality's baseline spending;
 - Public transportation operating expenditures that are above a municipality's baseline spending;
 - Capital expenditures for the replacement of any public transportation vehicles that are above a municipality's baseline spending;
 - Capital expenditures that provide improvements to public transportation security and passenger safety, and are above a municipality's baseline spending; or
 - Expenditures for major refurbishment on any fully accessible, or to be made fully accessible, public transportation vehicle, with the exception of specialized vehicles used for the transportation of persons with disabilities, and are above a municipality's baseline spending.
- For municipalities that provide only specialized transit for persons with disabilities, dedicated gas tax funds can be spent on public transit initiatives that may not initially result in ridership growth but will provide increased accessibility.

(b) Additional Requirements for the following Municipalities: Regions of Durham and York, the Cities of Brampton, Burlington, Hamilton, Mississauga, Ottawa and Toronto, and the Town of Oakville.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (b) above will, in addition to any other requirements in this Article 3, be required to:

- Participate in PRESTO and, as participants, will be required to meet their financial obligations for that system.

(c) Additional Requirements for GTA Municipalities: Regions of Durham, Halton, Peel and York, and Cities of Hamilton and Toronto.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (c) above will, in addition to any other requirements in this Article 3, be required to:

- Demonstrate that they have met their responsibility for the payment of the growth and expansion capital costs of Metrolinx pursuant to the *Amendment to Greater Toronto Services Board By-law No. 40*, O. Reg. 446/04, made under the *Metrolinx Act, 2006*, S.O. 2006, c. 16, as amended.

The eligibility requirements for dedicated gas tax funds will be determined in accordance with these guidelines and requirements. The eligibility for any dedicated gas tax funds is at the sole discretion of the Ministry. Municipalities should consider consulting with Ministry staff to determine whether a proposed expenditure is an eligible expenditure for the purpose of dedicated gas tax funds.

4. GENERAL PROGRAM ALLOCATION METHODOLOGY AND PAYMENT PROCESS

4.1 General Program Allocation Methodologies

Based on consultation with municipalities, public transportation operators and stakeholders, the Province recognizes the varying needs of public transportation in Ontario municipalities, including those related to large established public transportation systems and communities with different growth rates and levels of public transportation service. Consistent with the above, the Province has established an allocation formula based on a combination of ridership and population. This formula balances the needs of large established public transportation systems, the growth needs of rapidly growing municipalities, and the needs of smaller municipalities that provide public transportation services.

The Province is implementing an allocation based on 70% transit ridership and 30% municipal population. Fully implemented, 70% of \$367.49 million (up to \$257.24 million) may be distributed to municipalities on the basis of their public transportation ridership levels. Thirty percent (30%) of \$367.49 million (up to \$110.25 million) may be distributed on the basis of

population levels. Public transportation ridership will include the totals of both conventional and specialized public transportation services.

Both ridership and population figures are updated and revised annually for use in the calculation of dedicated gas tax funds.

CUTA annually collects and reproduces, on behalf of the Ministry, transit ridership data in its Ontario Urban Transit Fact Book and its Ontario Specialized Transit Services Fact Book (the "CUTA Fact Books"). The Ministry used the 2017 ridership data from the 2017 CUTA Fact Books for the above calculation. Where a municipality's ridership data have not been collected nor reproduced in the 2017 CUTA Fact Books, the Ministry used the 2017 transit ridership data received from the municipality.

The 2018/19 gas tax allocations were calculated using 2017 population estimates derived from the 2011 census data.

Dedicated gas tax funds provided to each municipality in 2018/19 are not to exceed, based on the 2017 municipal public transportation spending data set out in the CUTA Fact Books, 75% of municipal own spending on public transportation. The Ministry may re-allocate, in support of increasing public transportation ridership, any amounts of moneys dedicated for but that remains undistributed through the Program.

The Ministry may undertake an annual review of the dedicated gas tax allocation methodology and eligibility requirements to ensure these funds support the desired outcome of increased public transportation ridership. Municipal public transportation spending will be reviewed on an annual basis to determine if the limits of the dedicated gas tax funds need to be applied where the gas tax allocation may exceed 75% of municipal own spending on public transportation.

4.2 Payment Process

The Minister will advise each municipality that provides public transportation services of the amount of dedicated gas tax funds it is eligible to receive. The Minister will send a letter of agreement to each of these municipalities. The letter of agreement will set out the terms and conditions upon which the dedicated gas tax funds will be released to the municipality, and by which the municipality will have to agree to be bound.

The Ministry may, on a quarterly basis (or other basis, as the Ministry may decide from time to time), make payments of dedicated gas tax funds only after receipt of the following documents: i) the letter of agreement, provided by the Ministry to the municipality, signed in accordance with the by-law(s) and, if applicable, the resolution(s) described below; and ii) a certified copy of the by-law(s) and, if applicable, any resolution(s) authorizing the letter of agreement and naming municipal signing officers for the letter of agreement.

In addition, the Ministry may withhold payment of dedicated gas tax funds until the reporting requirements under Section 8.4 are met.

Any amount of dedicated gas tax funds provided to the municipality under the Program will be subject to the remedies set out under Article 7.

Any dedicated gas tax funds the Ministry provides to a municipality and any related interest, including those kept by the municipality in a dedicated gas tax funds reserve account, will have to be used by the municipality exclusively towards public transportation services and in accordance with the requirements set out in these guidelines and requirements including, without limitation, those related to eligibility and related conditions, acquisition, disposition, accountability, records, audit, reporting, liability, and indemnity requirements.

If a municipality agrees to provide public transportation services (a “host municipality”) for another municipality, the Ministry, at its sole discretion, may only provide the host municipality with dedicated gas tax funds. Prior to the Ministry making any payment of dedicated gas tax funds to the host municipality, the host municipality and the municipality on whose behalf the host municipality is providing transportation services will be required to provide the Ministry with copies of their respective by-law(s) and, if applicable, resolution(s), designating the host municipality as a public transportation service provider for the municipality or authorizing the host municipality to provide public transportation services to the municipality, as applicable. The contributing municipality, on whose behalf the host municipality is providing transportation services, will be required to provide the Ministry with a copy of their by-law(s) and, if applicable, resolution(s), in the year that this arrangement is initiated, and will be required annually to confirm with the Ministry in writing that the arrangement is still in effect. The host municipality will be required to enter into a dedicated gas tax funds letter of agreement with the Ministry and be in compliance with the terms and conditions set out in these guidelines and requirements.

In addition, the host municipality must promptly advise the Ministry of any change in arrangements between the host and contributing municipalities, such as decisions to cease contributions. The Ministry may then, at its sole discretion, make any necessary adjustment to its contribution of dedicated gas tax funds to the host municipality.

5. DEDICATED GAS TAX FUNDS RESERVE ACCOUNT AND INTEREST

5.1 Dedicated Gas Tax Funds Reserve Account

Dedicated gas tax funds must be used only towards the eligible expenditures for public transportation listed under Article 3(a). If the Ministry provides dedicated gas tax funds to a municipality before the municipality’s immediate need for the funds, the municipality will be required to keep the funds, and all interest earned on such funds, in a dedicated gas tax funds reserve account. Dedicated gas tax funds received, and any related interest earned on such funds, must be reported annually, using the reporting forms, on a cash basis.

5.2 Interest

Interest must accrue on funds carried over the course of the Program reporting period in a dedicated gas tax funds reserve account. A municipality must calculate interest on its average annual balance of funds. The interest must also be reported annually, using the reporting forms, and can only be applied towards eligible expenditures.

6. ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

If a municipality acquires goods, including supplies, materials, vehicles, equipment or services, or both, with dedicated gas tax funds, it must do so through a process that promotes the best value (with due regard for economy, efficiency and effectiveness) for the dedicated gas tax funds it spends.

The municipality must report, in writing, to the Ministry any funds accrued from the sale, lease or disposal of assets purchased with dedicated gas tax funds, and return such funds to a dedicated gas tax funds reserve account (see Article 5), with the exception that funds accrued from the sale, lease or disposal of transit buses beyond their useful economic life (12 years for conventional and 5 years for specialized), will not be required to be returned to a dedicated reserve account.

7. ADJUSTMENT, WITHHOLDING AND PAYMENT OF DEDICATED GAS TAX FUNDS AND OTHER REMEDIES

If, in the opinion of the Ministry, a municipality: i) fails to comply with any term, condition or obligation set out in a letter of agreement, including these guidelines and requirements; ii) uses any of the dedicated gas tax funds or any related interest for a purpose not authorized without the prior written consent of the Ministry; iii) provides erroneous or misleading information; iv) fails to provide information, including requested audit information and required reports, to the Ministry for any reason whatsoever; or v) is unable to provide or acquire or has discontinued the provision or acquisition of any service or asset for which dedicated gas tax funds have been provided, or it is not reasonable for the municipality to continue to provide or acquire any service or asset for which such funds have been provided (“event of default”), the Ministry may, unless the Ministry provides the municipality with written notice of an opportunity to remedy the event of default, take one or more of the following actions: i) initiate any action the Ministry considers necessary in order to facilitate the successful provision or acquisition of any service or asset provided or acquired with dedicated gas tax funds; ii) suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate; iii) reduce the amount of the dedicated gas tax funds; (iv) cancel further payments of dedicated gas tax funds; (v) demand from the municipality the payment of any dedicated gas tax funds remaining in the possession or under the control of the municipality; (vi) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the municipality used, but did not use in accordance with the letter of agreement; (vii) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the Ministry provided to the municipality; and viii) terminate the letter of agreement at any time, including

immediately, without liability, penalty or costs to the Ministry upon giving notice to the municipality.

Where the Ministry gives the municipality an opportunity to remedy an event of default by giving the municipality notice of the particulars of the event of default and the date by which the municipality is required to remedy it, and: i) the municipality does not remedy the event of default by the date specified in the notice; ii) it becomes apparent to the Ministry that the municipality cannot completely remedy the event of default by the date specified in the notice; or iii) the municipality is not proceeding to remedy the event of default in a way that is satisfactory to the Ministry, the Ministry may extend the date by which the municipality is required to remedy the event of default, or initiate any of the remedies for event of default available to it under this Article.

Upon termination of the letter of agreement pursuant to this Article, the Ministry may take one or more of the actions listed for in the first paragraph to this Article 7. In regards to any demand for payment, the Minister may not demand payment of an aggregate amount greater than the dedicated gas tax funds that were received by the municipality.

Upon the Minister providing a municipality a written demand for payment of dedicated gas tax funds, any related interest, or both, the amount of the demand will be deemed to be a debt due and owing to the Crown of the Province of Ontario and may be recovered as such under applicable law, including, without limitation, the *Financial Administration Act*, R.S.O. 1990, c. F.12, as amended, ("FAA"). In addition to any remedy the Crown may have under the FAA, the Ministry may decide to withhold or adjust the amount of any current or future dedicated gas tax funding, or any other funding program, that may be provided to the municipality in an amount equal to such debt or have the amount of such debt deducted from financial assistance payable on any other project(s) of the municipality under any other initiative in which the Ministry is involved (either current or future). The Ministry may charge the municipality interest on any money owing by the municipality at the then current rate charged by the Province of Ontario on accounts receivable. The municipality will pay any money owing to the Ministry by cheque payable to the "Ontario Minister of Finance" and delivered to the Ministry as the Ministry may require.

If a municipality: i) has failed to comply with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a "failure"); ii) has been provided with notice of such failure in accordance with the requirements of such other agreement; iii) has, if applicable, failed to rectify such failure in accordance with the requirements of such other agreement; and iv) such failure is continuing, the Ministry may suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate.

When the Ministry provides its consent pursuant to a letter of agreement, including these guidelines and requirements, it may impose any terms and conditions on such consent and the municipality will comply with such terms and conditions.

If a municipality fails to comply with any term of a letter of agreement, including these guidelines and requirements, the municipality could only rely on a waiver of the Ministry if the

waiver was in writing and refers to the specific failure to comply. A waiver will not have the effect of waiving any subsequent failures to comply.

Any decision made by the Minister regarding funding under the Program is final.

8. ACCOUNTABILITY, RECORDS, AUDIT AND REPORTING REQUIREMENTS

8.1 Accountability

A municipality receiving dedicated gas tax funds must use such funds, and any interest earned on such funds, exclusively towards public transportation service eligible expenditures and in accordance with these guidelines and requirements. The municipality will not be allowed to use dedicated gas tax funds and related interest to offset other municipal expenditures.

The municipality will also be required to provide such further assurances as the Ministry may request from time to time with respect to any matter to which a letter of agreement, including these guidelines and requirements, pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of these documents to their full extent.

Furthermore, the municipality must ensure any information the municipality provides to the Ministry under the Program is true and complete at the time provided and will continue to be true and complete.

8.2 Records

A municipality receiving dedicated gas tax funds must keep and maintain separate records and documentation related to any dedicated gas tax funds and any related interest, including invoices and any other financially-related documents relating to the provision or acquisition of public transportation services for which dedicated gas tax funds and any related interest have been used. The records and documentation must be kept and maintained in accordance with generally accepted accounting principles. Records containing confidential information must be kept in accordance with all applicable legislation. No provision of these guidelines and requirements shall be construed so as to give the Ministry any control whatsoever over the municipality's records.

8.3 Audit

A municipality receiving dedicated gas tax funds may be subject to audit. The Ministry may, at its sole discretion, audit or have audited by any third party, any records and documentation of the municipality related to any public transportation services provided or acquired with dedicated gas tax funds or any related interest, and such funds. Such audit may require the Ministry, at the municipality's expense (except as provided in the Canadian Content Policy), to retain external auditors. In addition, the Auditor General may, pursuant to the *Auditor General Act*, R.S.O. 1990, c. A. 35, as amended, audit the accounts and records of the municipality

relating to any expenditure of dedicated gas tax funds.

To assist in respect of the rights set out above, a municipality will be required to disclose any information requested by the Ministry, its authorized representatives or an independent auditor identified by the Ministry, and will do so in the form requested by the Ministry, its authorized representatives or an independent auditor.

In addition to any adjustments the Ministry may make to dedicated gas tax funding under these guidelines and requirements, the Ministry may, upon recommendation in an audit report, adjust future dedicated gas tax fund payments or other payments the Province may make to the municipality under any other program.

8.4 Reporting

Accuracy in the calculation and reporting of municipal transit ridership and dedicated gas tax funds and any related interest is paramount. When calculating ridership, municipalities must use one of the acceptable best practices identified in the 2008 Ontario Ridership Data Collection Review Report, published jointly by CUTA and iTrans Consultants (retained by CUTA).

A municipality will be accountable to use dedicated gas tax funds and any related interest towards public transportation expenditures that meet the Program eligibility requirements. Each municipality will be required to report on how dedicated gas tax funds and any related interest are spent on an annual basis, including the provision of its Canadian Content Policy declaration form(s), in accordance with the Canadian Content Policy, for any public transportation vehicle funded with dedicated gas tax funds. The Canadian Content Policy has been amended effective September 21, 2017 to be aligned with government procurement commitments under the Comprehensive Economic Trade Agreement (CETA) between Canada and the European Union (EU). As of September 21, 2017, municipalities are to comply with the amended policy for all transit procurements.

For the purpose of the above reporting, municipalities will be required to use the reporting forms that have been developed in consultation with municipal public transportation stakeholders, and submit these reporting forms to the Ministry prior to February 28, 2019.

Municipalities are strongly advised to carefully verify all data before submitting their reporting forms, to ensure that all information provided is accurate. Municipalities are also encouraged to contact the Ministry if they require any guidance or assistance in completing these reports.

9. COMMUNICATIONS

Unless the Ministry otherwise approves in writing, a municipality receiving dedicated gas tax funds will be required to acknowledge the support of the Ministry in a form and manner as directed by the Ministry.

A municipality will be required to give a minimum of thirty (30) days written notice to the Ministry regarding any planned local dedicated gas tax funding communication or recognition event, or both. The municipality will also be required to provide the Ministry with detailed information regarding such communication or event, or both.

The Ministry and a municipality receiving dedicated gas tax funds will, at all times, remain independent of each other and will not represent themselves to be the agent, joint venturer, partner or employee of the other. Neither the municipality nor the Ministry will be allowed to make representations or take actions that could establish or imply any apparent relationship of agency, joint venture, partnership or employment. In addition, neither the municipality nor the Ministry will be bound in any manner whatsoever by any agreements, warranties or representations made by any of them to any other person or entity, with respect to any other action of the other.

If the municipality publishes any material of any kind, written or oral, relating to public transportation services provided or acquired with dedicated gas tax funds, the municipality will indicate in the material that the views expressed in the material are the views of the municipality and do not necessarily reflect those of the Ministry.

A municipality receiving gas tax funding must comply with the requirements for the installation and maintenance of visual identity signage set out in Appendix C.

10. CONFLICT OF INTEREST

A municipality and its subcontractors and any of their respective personnel must use dedicated gas tax funds and provide and acquire services and assets with such funds without an actual, potential, or perceived conflict of interest.

A conflict of interest includes any circumstances where a municipality or any person who has the capacity to influence the municipality's decisions has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the municipality's objective, unbiased, and impartial judgment relating to the provision or acquisition of services or assets provided or acquired with dedicated gas tax funds, the use of such funds, or both.

A municipality will disclose to the Ministry, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest, and comply with any terms and conditions that the Ministry may prescribe as a result of the disclosure.

11. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

All applications submitted to the Ministry are subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31, as amended ("FIPPA"). The FIPPA provides every person with a right of access to information in the custody or under the control of the Ministry, subject to a limited set of exemptions.

Municipalities are advised that the names of municipalities receiving dedicated gas tax funds, the amount of funds provided, and the purpose for which dedicated gas tax funds are provided, is information the Ministry makes available to the public.

12. LIABILITIES AND INDEMNITIES

A municipality receiving dedicated gas tax funds must agree that it is responsible for anything that may arise, directly or indirectly, in connection with the Program, including, without limitation, any activity under it such as the provision and acquisition of services and assets with dedicated gas tax funds. The Ministry's involvement under the Program is for the sole purpose of, and is limited to, the provision of dedicated gas tax funds.

Furthermore, a municipality receiving dedicated gas tax funds must agree to indemnify and hold harmless the indemnified parties from and against any and all losses or proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of, or in connection with anything done or omitted to be done by the municipality or any municipality on behalf of which the municipality receives dedicated gas tax funds, or any of their respective personnel, the Program, any activity under it, or the letter of agreement, unless the loss or proceeding is solely caused by the negligence or willful misconduct of the indemnified parties.

A municipality receiving dedicated gas tax funds is responsible for its own insurance and must carry, at its own costs and expense, and require the same from its subcontractors and any municipality on behalf of which it receives dedicated gas tax funds, all the necessary and appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Ministry and support the indemnification, as set out above, provided to the Ministry. For greater certainty, the municipality is not covered by the Province of Ontario's insurance program and no protection will be afforded to the municipality by the Government of Ontario for any losses or proceedings that may arise out of the Program or letter of agreement.

For greater certainty, the rights and remedies of the Ministry under a letter of agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

13. COMPLIANCE WITH THE LAW

A municipality receiving dedicated gas tax funds must comply with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the services or assets provided or acquired with the dedicated gas tax funds and the dedicated gas tax funds.

For greater clarity, by receiving dedicated gas tax funds, a municipality may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Public Sector Salary Disclosure Act, 1996*, S.O. 1996, c. 1, Sched. A and the *Auditor General Act*, R.S.O. 1990, c. A.35.

14. WHERE TO APPLY AND REQUEST OR PROVIDE INFORMATION

All forms, agreements, supporting documentation as well as any questions regarding the Program are to be directed to the Strategic Transit Investments Office of the Ministry of Transportation at MTO-PGT@ontario.ca.

APPENDIX A: REPORTING FORMS

APPENDIX B: CANADIAN CONTENT POLICY

APPENDIX C: VISUAL IDENTITY SIGNAGE REQUIREMENTS

1. Purpose of Schedule

This Appendix describes the municipality's responsibilities and obligations involved in installing and maintaining visual identity signage under the Program.

2. Visual Identity Signage

The municipality will install and maintain the exterior and interior visual identity signage on transit vehicles for which dedicated gas tax funds were provided. This is to include replacement buses that have been supported through the Program.

External visual identity signage must be located immediately to the left of the front passenger entrance doors of the vehicle. Internal visual identity signage should be placed on an interior wall in a location and height that will be convenient for passengers to read.

Recognition stickers approximate size — 10" x 3.4". Sample image found below is not to scale.



Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

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

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

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

1. The Mayor and Acting General Manager, Finance & Corporate Services are authorized and directed to sign the Letter of Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation which is attached Schedule A and forms part of this By-law.
2. This By-law may be cited for all purposes as the 2018/2019 City of Hamilton/Ministry of Transportation Gas Tax Funding Agreement Bylaw.
3. This By-law is deemed to have come into force on _____, 2019.

PASSED this _____ day of _____, 2019.

Fred Eisenberger
MAYOR

Janet Pilon
ACTING CLERK

CITY OF HAMILTON MOTION

General Issues Committee: February 6, 2019

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY MAYOR / COUNCILLOR.....

Ranked Balloting for Municipal Elections

WHEREAS, ranked ballot elections have been successfully used in Canadian elections, as with the London Ontario 2018 municipal election, and leadership races for Provincial and Federal parties;

WHEREAS, ranked ballot elections are in use globally at various levels of government in Australia, India, Ireland, Malta, New Zealand, Northern Ireland, Pakistan, Republic of Ireland, Scotland, Sri Lanka, United Kingdom, United States of America, and Nepal;

WHEREAS, the candidate with the broadest support and the most votes will win, and a candidate who is opposed by a majority of voters cannot win in elections that use ranked ballots;

WHEREAS, ranked ballot elections eliminate “vote splitting”; wherein two or more candidates with similar platforms “split” a finite base of support. With ranked ballot elections, voters are able to vote for who they want to win rather than voting strategically against who they want to lose;

WHEREAS, the ranking of candidates on the ballot ensures that votes are not “wasted”, rather, if the voter’s first choice is eliminated their vote will transfer to their second choice and so on until a winner is selected; and,

WHEREAS, a study done in Portland, Oregon after implementation of ranked ballots in 2011 found that voters were not confused by a ranked ballot; 94% of voters said that they “Fully Understood” the ballot design and instructions (attached hereto);

THEREFORE, BE IT RESOLVED:

That the appropriate staff report back to General Issues Committee on the feasibility of adopting ranked ballots (including all associated costs) for future Hamilton Municipal Elections, beginning in 2022.

CITY OF HAMILTON MOTION

General Issues Committee: February 6, 2019

MOVED BY MAYOR EISENBERGER.....

SECONDED BY COUNCILLOR.....

Code of Conduct for Council-Appointed Citizen Members of External Boards and Agencies

WHEREAS, on March 8, 2017, Council approved the Advisory Committee / Task Force Code of Conduct applicable to Council-appointed citizen members of Advisory Committees and Task Forces that report to Council;

WHEREAS, the City of Hamilton has not approved a Code of Conduct applicable to Council-appointed citizen members of independent external boards and agencies that do not report to Council; and,

WHEREAS, notwithstanding that some of those independent external boards and agencies have enacted their own Codes of Conduct for board members, it is desirable that the City of Hamilton establish its own standards of conduct, demeanour and ethics for its Council-appointed citizen members.

THEREFORE, BE IT RESOLVED:

That staff be directed to report back to the General Issues Committee with recommendations for implementing a code of conduct applicable to Council-appointed citizen members of independent external boards and agencies, including addressing the use of discriminatory language or actions, and the receiving of gifts or benefits by citizen board/agency members.

CITY OF HAMILTON

NOTICE OF MOTION

General Issues Committee: February 6, 2019

MOVED BY COUNCILLOR B. CLARK

Protocol for Public Release of Information as it relates to Bids for Any International, National, Provincial Games, Award Shows, Musical Concerts, Conventions, Conference, Trade Shows, and Partisan Political Conventions

That staff be directed to apply the following protocol to all future City initiated, private for profit, not for profit and any municipal/ third party shared bids for any international, national, provincial games, award shows, musical concerts, conventions, conference, trade shows, and partisan political conventions:

- (i) That the City of Hamilton release the negotiated upset limit for staff time, grants, loans, policy exemptions and in-kind contributions 24 hours, prior to the submission of the bid;
- (ii) That the actual bid document for any third party, proprietary bids remain confidential; and,
- (iii) That the actual bid document for any City of Hamilton initiated bid be made public 24 hours after the bid decision is released.