



City of Hamilton

CITY COUNCIL ADDENDUM

19-003

Wednesday, February 13, 2019, 5:00 P.M.

Council Chambers, Hamilton City Hall

71 Main Street West

5. COMMUNICATIONS

5.7 Correspondence respecting the Selection & Hiring Committee for the next City Manager:

*5.7.j Deborah Tomlinson-Veit

*5.7.k Grace Evans

*5.7.l Evan Hall

Recommendation: Be received and referred to the consideration of Item 7.1.

5.10 Correspondence from Pierre Ranger, Chairman, Let's Remember Adam - STOP FOR THE SCHOOL BUS requesting the City of Hamilton's assistance to put an end to stop-arm violations in order to make travel to and from school safer for children in Hamilton.

*5.10.x Gail Seabrook

*5.10.y Julie Phillips

*5.10.z Kim Freeman

*5.10.aa Katherine Vatcher

- *5.10.ab Krista Gabriele
- *5.10.ac Meagan Duetta
- *5.10.ad Sherry LeDrew
- *5.10.ae Taylor Cameron
- *5.10.af Mary Westerhof
- *5.10.ag Bill Bradburn
- *5.10.ah Lori Frankum
- *5.10.ai Lena Thorne
- *5.10.aj Lori Godon
- *5.10.ak Alison Thomas
- *5.10.al Andy MacKey
- *5.10.am Cora Barton

Recommendation: Be received and referred to the Chief of the Hamilton Police Service and the Hamilton Police Services Board for appropriate action.

- *5.12 Correspondence from Lakewood Beach Community Council respecting the City of Hamilton Annual Collision Report.

Recommendation: Be received and referred to the consideration of Item 4 of the General Issues Committee Report 19-003.

- *5.13 Correspondence respecting the February 9th City Manager Recruitment Steering Committee meeting:

- *5.13.a Craig Burley

- *5.13.b Deanna Allain

Recommendation: Be received.

- *5.14 Correspondence from David Smosarski expressing his concerns regarding the recent release of information regarding the state of friction of the Red Hill Valley Parkway that was described in a report that was completed in 2013 by Tradewind Scientific.

Recommendation: Be received.

8. NOTICES OF MOTIONS

*8.1 Red Hill Valley Parkway Safety

10. PRIVATE AND CONFIDENTIAL

*10.6 Appointment to the Hamilton Port Authority Board of Directors (distributed under separate cover)

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees

Pilon, Janet

Subject: City Manager Hiring Committee

From: Deborah Tomlinson

Sent: February 8, 2019 1:51 PM

To: clerk@hamilton.ca

Cc: Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>

Subject: City Manager Hiring Committee

For: General Issues Committee - February 13th 2019

Mayor Fred Eisenberger & Members of City Council
2nd Floor
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mr. Mayor and Members of Hamilton City Council,

As a Citizen of the City of Hamilton, I am writing to urge you to vote to expand the Selection & Hiring Committee for the next City Manager. Especially, in light of comments made by councillors earlier this week suggesting they understand diversity or women's issues because they have daughters. Or Councillor Whitehead's comments that the discussion regarding race and gender "concerns him".

The province of Ontario has had several steps back in terms of equity and inclusion making this hiring process all the more important. This is the most influential, non-elected job in the City system. City Council has one opportunity to set the tone for how the City of Hamilton is to be managed for the foreseeable future. We need the right hire for this position.

How can you as council do this? Start by looking around the horseshoe. For the first time in Hamilton's history you have near gender parity on council; 47% of council are women. In addition, 30% council members are new. These are significant changes. It makes sense that this hiring committee reflect the current term of council and the residents of the city they represent.

I question the reasons to keep new Councillors from participating in the hiring process and am troubled by it. No hiring committee should be based on tradition over best practice. More, new and different voices add value, experience and perspective to the sort of city we are building and their election to Council is proof that residents respect and want this representation.

I urge you to ensure that the makeup of the hiring committee includes all interested Councillors incumbent or not.

Thank you,

Deborah Tomlinson-Veit

Pilon, Janet

Subject: City Manager Hiring Committee

From: Grace Evans

Sent: February 8, 2019 12:11 PM

To: clerk@hamilton.ca

Cc: Farr, Jason <Jason.Farr@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>

Subject: City Manager Hiring Committee

For: General Issues Committee - February 13th 2019

Mayor Fred Eisenberger & Members of City Council
2nd Floor
71 Main Street West
Hamilton, Ontario
L8P 4Y5

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I urge you to ensure that the makeup of the hiring committee includes all interested Councillors incumbent or not.

Thank you,

Grace Evans

Pilon, Janet

Subject: FW: City Manager Hiring Committee

From: hallevanj

Sent: February 8, 2019 12:46 PM

To: clerk@hamilton.ca

Cc: Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>

Subject: City Manager Hiring Committee

For: General Issues Committee - February 13th 2019

Mayor Fred Eisenberger & Members of City Council
2nd Floor
71 Main Street West
Hamilton, Ontario
L8P 4Y5

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How can you as council do this? Start by looking around the horseshoe. For the first time in Hamilton's history you have near gender parity on council; 47% of council are women. In addition, 30% council members are new. These are significant changes. It makes sense that this hiring committee reflect the current term of council and the residents of the city they represent.

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I urge you to ensure that the makeup of the hiring committee includes all interested Councillors incumbent or not.

Thank you,

Evan Hall, Ward 3

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: Gail Seabrook
Sent: February-08-19 3:59 PM
To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

We need to put cameras on every school bus, both front and back. Too many drivers are ignoring the stop sign and flashing lights.

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: J Phillips
Sent: February-10-19 11:17 AM
To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

We need to stop drivers from breaking the law & ignoring school bus stop signs! An easy fix with cameras. Be Proactive & lets get the job done. If it saves 1 child's life it is worth it! I've seen way too many near accidents that could be avoided with cameras as a deterrent & fines implemented....time for change!

Julie Phillips

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: Kim Freeman
Sent: February-10-19 8:26 AM
To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Hi

I think we have cameras every where to prevent crime. The children are very important and should also be protected. It is a terrible crime to drive around a school bus and hit a child. With cameras the person would be caught. It would also stop people from doing it because even if they didn't hurt someone this time the hefty fine they get will stop them.

--

Sent from Outlook Email App for Android

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: Kathrine Vatcher
Sent: February-10-19 12:03 AM
To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Dearest member

Our children are our greatest asset. We need to protect them from this "needless" harm...it is very unfortunate that drivers are still failing to stop for school buses when LIGHTS ARE FLASHING AND A STOP SIGN is out. Please help us to end the death or our future.. Adam and the many other children that have already lost their precious innocent lives, should not be in vain...Install cameras on ALL school buses...

Sincerely,

Kathrine, parent and grandmother...

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

-----Original Message-----

From: Krista Gabriele
Sent: February-09-19 10:38 PM
To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Please consider implementing better measures to protect our kids when riding the school bus.

KG - Stoney Creek

Sent from my iPhone

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

-----Original Message-----

From: Meagan Duetta
Sent: February-08-19 8:32 PM
To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Cameras on bus stop signs!!!

30,000 cars illegally passing per day?? Unacceptable!!!

Sent from my iPhone

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: Sherry LeDrew
Sent: February-08-19 8:08 PM
To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Our children are the future of this country...we have to keep them safe...

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

-----Original Message-----

From: Tay Cameron
Sent: February-11-19 1:47 PM
To: lisa.thompson@pc.ola.org; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Hi there,

It is imperative that we implement cameras on stop arms for the school buses to ensure that no other child is injured or worse by citizens who do not want to follow the safety rules of the road.

By adding cameras to the stop arms it would put people willing to break the rule at far greater risk of being caught and hopefully make them think twice before doing this.

Thank you for your time,
Taylor Cameron

Sent from my iPhone

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

-----Original Message-----

From: Mary Westerhof
Sent: February-11-19 1:04 PM
To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

In todays technology society how difficult would it be to put a camera on the sign? If it saves a life and catches law breakers then I want them now! If governments can spent money to have meetings in expensive Spa's with expensive meals then a small camera on school bus stop signs is certainly affordable!

Mary Westerhof
Hamilton Ontario

Sent from my iPhone

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: Bill Bradburn
Sent: February-11-19 3:36 PM
To: lisa.thompson@pc.ola.org; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Please put camera's on all school Bus STOP SIGNS

Pilon, Janet

Subject: Let's Remember Adam Stop Arm Cameras on All School Buses.. please this has gone on long enough back in the 80s I was a crossing guard and I seen 17 children get hit by a passing vehicles they need to stop they need to pay attention and the best way t

From: lorifrankum

Sent: February 12, 2019 10:57 AM

To: clerk@hamilton.ca

Subject: RE: Let's Remember Adam Stop Arm Cameras on All School Buses.. please this has gone on long enough back in the 80s I was a crossing guard and I seen 17 children get hit by a passing vehicles they need to stop they need to pay attention and the best way t

Mrs Lori Frankum

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: Lena Thorne
Sent: February-12-19 8:44 AM
To: lisa.thompson@pc.ola.org; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Good morning

I live in the north end of hamilton in a 30 km/hr zone and constantly see drivers race to get ahead of a stopping school bus or completely ignore the arm out with flashing lights because there are gou g in the opposite direction . Cameras I believe would greatly reduce this knowing drivers would later be ticketed and charge. Thank you for your time in this matter.

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

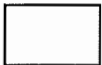
From: Lori Godon
Sent: February-11-19 9:05 PM
To: lisa.thompson@pc.ola.org; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

I am a school bus driver in Hamilton, Ontario, and see the many vehicles who do not stop for the flashing lights on my bus. As hard as I try, I cannot get all the information necessary to file an official report - license plate number, make, model and colour of the car, and a description of the driver! Please, PLEASE put the safety of the children as a priority and install cameras on all school buses! Too many children have already died due to the carelessness of those drivers.

Contact any bus company, and I am sure they would let you ride along on a bus route to see for yourself how many children are put at risk every day.

Thank you for your time.

Lori Godon
Hamilton, Ontario



Virus-free. www.avast.com

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: Alison Thomas
Sent: February-11-19 8:09 PM
To: lisa.thompson@pc.ola.org; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Put this bill through. Think of the children!

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

-----Original Message-----

From: Andy Mackey
Sent: February-11-19 6:26 PM
To: lisa.thompson@pc.ola.org; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

Good evening

My name is Andy, I am originally from Mattawa Ontario but live in Hamilton Ontario. In 2000, I graduated high school in Oakville, but just before that, in February, a young child was killed in my hometown of Mattawa Ontario by a driver who decided not to stop for a school bus.

Please do whatever needs to be done to put cameras on all school buses across the province and country to catch any other driver that might decide they don't need to stop. Please also do whatever is necessary to increase penalties for such drivers.

Thank you

Andy

Sent from my iPhone

Pilon, Janet

From: clerk@hamilton.ca
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

From: Cora Barton
Sent: February-11-19 7:56 PM
To: lisa.thompson@pc.ola.org; Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca; doug.ford@pc.ola.org; minister.mto@ontario.ca
Cc: letsrememberadam@gmail.com
Subject: Let's Remember Adam Stop Arm Cameras on All School Buses

We need Stop Arm Cameras in the City of Hamilton. One life lost to a driver that wouldn't stop is one too many. I hope this is something you seriously consider. Thank you for your time.

Warmest Regards,
Cora Barton

Pilon, Janet

From: clerk@hamilton.ca
Subject: City of Hamilton Annual Collision Report

From: Lakewood Beach Community Council <LakewoodBeachCC@hotmail.com>
Sent: February-07-19 9:26 PM
To: clerk@hamilton.ca
Cc: DL - Council Only <dlcouncilonly@hamilton.ca>
Subject: City of Hamilton Annual Collision Report

Janet, can you please add this to Council Agenda correspondence.

Dear Mayor & Council

Further to the annual collision report presented to GIC on February 6, 2019, we are respectfully requesting that in addition to having this report list the Intersections with the Highest # of Collisions (Page 23 of 68), you also consider requesting details on the Intersections with the highest ratio to traffic counts.

While we believe it is extremely important to focus resources on improvements where the most citizens are at risk (high traffic areas where there are 20,000 vehicles per day), we believe it is also equally as important to focus resources at intersections that have high collisions relative to the # of vehicles per day. For example, 4 per year or more where there are 7,000 vehicles per day are missing from this report.

We would also like to suggest, that this report shouldn't only list the Intersections with the highest # of Pedestrian and Cyclist collisions. We feel it should list every intersection in the city that had 1 or more ped/cyclist collision in the last 5 years. Pedestrians and cyclists are our most vulnerable and of the 11 such collisions we've had reported in Ward 10 from 2013 to 2017, none of those are reflected in this latest report even though some are multiple times at the same intersections.

Thank you for your consideration

Lakewood Beach Community Council

Pilon, Janet

From: clerk@hamilton.ca
Subject: Closed Meeting Complaint re 2019-02-09 City Manager Recruitment Steering Committee
Attachments: Letter re Closed Meeting Complaint 2019-02-09.pdf

From: Craig Burley
Sent: February-09-19 6:50 PM
To: clerk@hamilton.ca
Cc: Office of the Mayor <mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>
Subject: Closed Meeting Complaint re 2019-02-09 City Manager Recruitment Steering Committee

Dear Clerk, Councillors and Mayor,

I enclose for you a courtesy copy of a Closed Meeting Complaint submitted today to the Closed Meeting Investigator, regarding today's Resort and Spa Meeting of the City Manager Recruitment Steering Committee.

Please note my particular concern about the serious and deplorable departure from Canadian public standards in denying access to the public during the discussion of Declarations of Interest. **I do not want to see this repeated, ever, by bodies conducting this City's business.**

We the people not only have a right to clean government, we have a right to seen clean government be done. Denying the public access to the discussion of Declarations of Interest raises serious questions about what discussions may have occurred under that item. **You have every right to conduct certain matters *in camera*. You do not have the right, ever, to declare or discuss interests *in camera*.** I have asked the Investigator to review that item specifically, and its discussion, and to compare it to the minutes that are eventually produced. I will be asking for the recording myself of this open portion of the Resort and Spa Meeting through MFIPPA.

Wishing you all the very best in the ongoing budget debates,

Craig
--
Craig Burley
Barrister & Solicitor
craig.burley@gmail.com

Craig Burley is located at 20 Hughson St. South, Suite 203, Hamilton, ON L8N 2A1 in the heart of downtown Hamilton. He can be reached at 905-870-0196.



Craig Burley, Barrister and Solicitor

20 Hughson Street South, Suite 203, Hamilton ON, L8N 2A1
(905) 870-0196
craig@craigburley.com

Office of the Ombudsman (Ontario)
Closed Meetings Investigator, City of Hamilton
VIA ONLINE SUBMISSION

February 9, 2019

Dear Investigator,

I am writing to you to make a closed meeting complaint, under section 239.1 of the *Municipal Act, 2001*, (Ontario), S.O. 2001, c. 25 (the "**Municipal Act**"), in respect of:

- the meeting of the City of Hamilton CITY MANAGER'S RECRUITMENT STEERING COMMITTEE, Saturday, February 9, 2019, 8:30 A.M., Whiteoaks [sic] Conference Centre, 253 Taylor Road, Niagara-on-the-Lake, Ontario (the "**Resort and Spa Meeting**")

This meeting denied access to the public in several ways. I will enumerate them below.

1. LOCATION OF THE RESORT AND SPA MEETING

The Resort and Spa Meeting was held at the White Oaks Conference Resort and Spa (its trade name) in Niagara-on-the-Lake, Ontario, 66km from the City of Hamilton, in the Regional Municipality of Niagara. The Procedural By-Law, 18-270, of the City of Hamilton requires meetings of Council to be held "in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine," (section 3.3) or, *for special meetings of Standing Committees only*, "at locations and times to permit convenient access for members of the public most affected by such a matter with at least 48 hours notice, delivering notice in accordance with subsections 3.4(3) and 3.4(4)." (section 5.4)

The location of the Resort and Spa Meeting was improper under the Procedural By-Law as it was not in the City of Hamilton. It was therefore also improper under section 236 of the Municipal Act as this section provides that meetings must be held at places that conform to the Procedural By-Law.

Even if the special meetings of Standing Committees section is allowed to apply, the Resort and Spa Meeting was not at the most convenient place for members of the public, and therefore was not in accordance with section 5.4 of the Procedural By-Law. Members of the public attempted to attend this meeting and found it impossible to transport there, as will be detailed below.

The remote scheduling of the Resort and Spa Meeting contrary to the Municipal Act effectively barred many Hamiltonians from this meeting.



Craig Burley, Barrister and Solicitor

20 Hughson Street South, Suite 203, Hamilton ON, L8N 2A1
(905) 870-0196
craig@craigburley.com

2. TIMING OF THE RESORT AND SPA MEETING

The Resort and Spa Meeting was originally scheduled for 9:00am on Saturday, February 9, 2019, was reported as such and notice was duly and timely given. It appears that at some point after 9:00am on Thursday, February 9, 2019, but before the Friday evening, that time was changed to 8:30am.

This would mean that there was insufficient notice of the Resort and Spa Meeting, as both subsection 5.5(2) and 3.3(4) require 48 hours' notice for such a meeting, and 3.2(1)(f) requires meetings otherwise to be at times approved by Council; when the Resort and Spa Meeting was approved, the schedule stated it was to take place at 9:00am. Even on the day of the meeting, the Committee meeting listing page still listed the Resort and Spa Meeting as happening at 9:00am. I can provide this document.

The selected time made the attendance of certain announced attendees at the Resort and Spa Meeting impossible. This appears to have been deliberate. Several proposed attendees (see section 3 below for further details) announced plans to attend in Niagara-on-the-Lake to observe the public portions of the Resort and Spa Meeting (they had also wanted to provide public delegations to the Steering Committee on Equity, Diversity and Inclusion matters, but had been denied by the Clerk). They announced plans to travel together via public transit, via GO, and the first bus put them there before 9am but not before 8:30am.

As such, the improper timing of the Resort and Spa Meeting served to deny access, and therefore close, the Resort and Spa Meeting to the public.

3. PHYSICAL DENIAL OF ACCESS TO THE RESORT AND SPA MEETING

Several persons attempted to attend the public portions of the Resort and Spa Meeting nevertheless. These included Deanna Allain and Eric Gillis, who spoke about their denial of access in several public interviews. They took public transit as discussed above, and arrived at approximately 9:00am. I can provide contact information for them and link you to those public statements. They were ordered to produce invitations to the Resort and Spa Meeting, according to those public statements. When they could not produce invitations, they were physically ejected from White Oaks Conference Resort and Spa.

The Procedural By-Law, section 8.4, contains a requirement that Council make an announcement to "provide members of the public and the media time to return to the meeting room" when they return from closed session for more than 30 minutes. I submit that this was not done at the Resort and Spa Meeting, and the physical denial of access to White Oaks Conference Resort and Spa would have made such a "return" a mockery in any case.



Craig Burley, Barrister and Solicitor

20 Hughson Street South, Suite 203, Hamilton ON, L8N 2A1
(905) 870-0196
craig@craigburley.com

The physical denial of access to members of the public to the Resort and Spa Meeting, I submit, violates section 239 of the Municipal Act.

4. DENIAL OF DELEGATION RIGHTS

Members of the public submitted delegation requests in a timely manner to the Steering Committee but were rebuffed. I note public statements by multiple individuals and I will provide these to you.

PARTICULAR CONCERN RE DECLARATIONS OF INTEREST

I have particular concerns about the public having been entirely excluded from the Declarations of Interest public portions of this meeting. The need for clean government in the hiring of a top executive is critical. We have seen recent examples from the Regional Municipality of Niagara of the danger to the public that happens when there is a lack of transparency and cleanliness in the hiring of municipal chief executives. **I have grave concerns over the probity of allowing a public meeting of this sort to take place without the discussion of Declarations of Interest being observed. I urge the Ombudsman, as part of this investigation, to please review the recording of the public portions of this meeting to ensure that the recorded minutes of the Declarations of Interest match the actual discussions that took place amongst the members of the Committee about this item. For such matters to be discussed in secret only is a fundamental erosion of the standards of probity we expect in Canadian public life.**

We do not know why there was a need for such furious secrecy of the open, public portions of the Resort and Spa Meeting. But there was, and my gravest concerns are for its probity.

Please contact me at craig@craigburley.com to discuss the details of this complaint. Thank you.

With many thanks and regards for your service to the City,

Craig Burley
Barrister and Solicitor

Pilon, Janet

From: clerk@hamilton.ca
Subject: COUNCIL CORRESPONDENCE: City Manager Meeting

From: Deanna Allain

Sent: February-11-19 8:33 AM

To: clerk@hamilton.ca; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Collins, Chad <Chad.Collins@hamilton.ca>; Jackson, Tom <Tom.Jackson@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>

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Subject: COUNCIL CORRESPONDENCE: City Manager Meeting

Hello City Clerk, Mr. Mayor, and Members of City Council,

Please find attached the written form of my delegation which the City of Hamilton City Manager Recruitment Steering Committee declined to hear this past Saturday, February 9th, 2019. **I am formally submitting this email and attached document as correspondence for the upcoming City Council meeting on Wednesday, February 13th.**

Though it was not in front of the committee, a video of my public delegation, along with the delegations of two others who wished to speak on Saturday, can be found

here: https://www.facebook.com/deanna.allain.5/videos/1004972616379338/?hc_ref=ART1W_ctJ4PLwXL7ZC4lpMZKy4XBPo5dp7kxl4-70PcYA96rrQOHtpJZcewzWAp7B0M

Thank you,
Deanna Allain

Hello Mr. Mayor and members of Council,

My name is Deanna Allain, I am a lifelong Hamiltonian and passionate member of many communities across our city, particularly around my home on the mountain. I am a strong advocate for many things, including transit, poverty reduction, and affordable housing, but today I am not here to discuss these things.

I am here today, at White Oaks Resort and Spa in Niagara-on-the-Lake, or I was before we were denied access, to speak about accountability, transparency, accessibility, and democratic principle respecting the recruitment and hiring process of our next City Manager.

First and foremost, I would like to reiterate that my attendance, in addition to the attendance of fellow advocates here today, bears no threat to the in camera and confidential elements of today's meeting, and is not intended to in any way disrupt the processes of a formal public meeting. I travelled to Niagara-on-the-Lake today with the intention of attending all public elements of this public meeting, and I did seek approval to speak before you all today in the form of a delegation, which was declined.

I do have several concerns to raise with you about the decisions made respecting this meeting being organized.

Why is Hamilton City Council holding a public meeting outside of the boundaries of the City of Hamilton, 66 kilometres away from City Hall itself? Were council chambers, community centres, public and private spaces all booked? As a committee, are you all comfortable with the expenses of this room rental, mileage, food, potentially overnight accommodations, and staff pay being covered by the City of Hamilton?

I would also like to bring to your attention that this meeting was impossible to arrive to on time using public transit. When taking the earliest possible buses this morning, I arrived within walking distance of this building at 9:00am. The morning of Friday, February 8th, the City of Hamilton changed this committee meeting start time to 8:30am, meaning I would not be able to help arriving well over 30 minutes late to this meeting. Recognizing that the public elements of this meeting are expected to be only when the meeting is called to order and when it is adjourned, this meant that I knew I would be arriving to this meeting when it was already in camera. It is incredibly disappointing, not only that the timing of the meeting made it impossible to arrive on time using transit, but also that the City of Hamilton changed the listed start time of this meeting from 9:00am to 8:30am without publicly notifying residents of the change, and only made this change less than 48 hours before the meeting would begin.

I would like to further call to your attention that this committee was formed in the last term of Council, but did not hire a new City Manager prior to the election. This resulted in a committee comprised of only incumbents making decisions on who Hamilton's next City Manager would be in this new term of Council with newly elected representatives. Councillor Nann put forth a motion calling for the hiring process to be halted, which members of Council voted down, and Councillor Wilson has a motion being brought forward at the upcoming City Council meeting. Councillor Wilson's motion calls for a redefinition of the recruitment procedure, calls for Equity, Diversity, and Inclusion lenses to be used throughout the process, and that the committee be reformed to reflect "not less than 50% of those elected members who identify as females along with not less than one-third of the newly elected members of City Council."


I wholeheartedly support the efforts made by Councillors Nann, Wilson, and Danko to pause the hiring process briefly. I urge all of Council to support Councillor Wilson's motion being presented to ensure that our newly elected council uphold and maintain the integrity, transparency, and accountability needed to successfully complete this hiring process in the best interest of our city.

I was born and raised in Hamilton, and am now in my first year attending McMaster University. The decisions made by our members of Hamilton City Council, especially this decision on how the hiring process will occur, is going to impact myself and many others for decades to come. Now more than ever it is essential to engage in such important processes with upmost focus on upholding accountability and democratic practices. This can be achieved by ensuring all public meetings are as accessible to the public as possible, and that a call for public delegations like these occur so that you may hear directly from concerned citizens what we feel needs to be changed in this hiring practice.

I am deeply disappointed that this delegation could not be spoken in front of the City of Hamilton City Manager Recruitment Steering Committee Meeting. My statement today will be submitted formally as correspondence for the upcoming Council meeting. I trust that although the committee did not want to hear from myself or other advocates here today, that the message we send by being here today will speak for itself.

David Smosarski

Ancaster, Ontario,



February 12, 2019

Mayor and City Council
C/O Hamilton City Clerk
71 Main St W,
Hamilton, ON L8P 4Y5

Dear Mayor Eisenberger and City Council Members,

I thank Councillor Brad Clark for reaching out to me on February 11, 2019 regarding this matter. I understand the next city council meeting is on February 13, 2019 at 5 pm and I am hoping Councillor Clark can bring this letter to your attention at that meeting. I am writing this letter to express my concerns regarding the recent release of information regarding the state of friction of the Red Hill Valley Parkway that was described in a report that was completed in 2013 by Tradewind Scientific.

I am one of the families affected by the Parkway in that I lost my daughter, Olivia Smosarski, in a crossover accident on May 5, 2015. This accident has been well described by the media over the past years and I have always felt perplexed by the cause of it. To this day my family does not have any answers on why the car my daughter was a passenger in lost control that night. The Hamilton Police accident reconstruction team stated the car Olivia was in skidded across the Parkway as if “on ice”. My family has always felt that there was something inherently wrong with the surface of the Parkway. This has been echoed by numerous families over the years initiated by reports of numerous accidents on the Parkway.

I am sure you can imagine my surprise and anger to hear that there was information pertaining to the surface of the Parkway 18 months before the passing of my daughter. I do not understand why this report was not brought to the knowledge of the public and yourselves for so many years. It is extremely disconcerting and shakes the foundation of belief and trust in our municipal government. Perhaps if this information was released something could have been done to decrease the number of tragedies that have occurred on the Parkway including the loss of my daughter.

As such I am advocating for a judicial review of the process that led to the delay in the release of the Tradewind Scientific report. I am sure I am supported by many in that I have lost faith in our municipal government. The public deserves to have answers. The answers need to be delivered by an arms length process that has the power to affect

change and to restore trust and faith in our municipal government. For that reason I am asking for a judicial review of the process that led to the delay in the release of the Tradewind Scientific report.

Sincerely,

David Smosarski

CITY OF HAMILTON

NOTICE OF MOTION

Council: February 13, 2019

MOVED BY COUNCILLOR S. MERULLA.....

Red Hill Valley Parkway Safety

WHEREAS in January 2013, Council directed staff to investigate lighting and improved signs/lane markings for the Red Hill Valley Parkway (RHVP) near Mud/Stone Church, and costing/alternatives for consideration;

WHEREAS, in April 2013, Golders & Associates was hired to complete a six-year condition assessment on the RHVP, a subsequent second phase of study was completed by Golder & Associates (Tradewind Scientific) which was primarily focused on friction testing;

WHEREAS, the report covering the first phase of work by Golders & Associates in April 2013 was not shared publicly or with Council at the time;

WHEREAS in November 2013 Council received information from staff regarding the 2013 safety audit from CIMA which made recommendations on changes to signage, pavement markings, installation of cat eyes and friction testing;

WHEREAS, in May 2015, Council received information from staff regarding the 2013 safety audit from CIMA and progress made on safety improvements, and directed staff to investigate additional safety measures for the RHVP and the Lincoln Alexander Parkway, (Linc), such as additional guardrails, lighting, lane markings or other means to help prevent further fatalities and serious injuries;

WHEREAS, in November 2015, Council directed staff to report on total costs and feasibility of expanding the Linc and RHVP to six lanes;

WHEREAS, in December 2015, Council received information from staff regarding the 2015 safety audit from CIMA which made recommendations on short, medium and long-term safety improvements for the Linc and RHVP, and Council directed staff to seek out provincial approval from the Ministry of Transportation to allow the City of Hamilton to implement photo radar on the Linc and RHVP, and to report back on the costs and processes of investigating an improved lighting system on the RHVP and Linc;

WHEREAS, in September 2016, Council received information related to lighting which recommended further investigation, and directed staff to undertake a lighting study on the RHVP;

WHEREAS, in October 2016, Council received information regarding the need to study options before expanding the RHVP and Linc, and the need for an environmental assessment and connection issues with the 403 and Queen Elizabeth way (QEW);

WHEREAS, in February 2017, Council directed staff to consult with Hamilton Police Services to bring forward an annual collision report summarizing collisions on Linc and RHVP, and requested an update on costs and implications of installing barriers;

WHEREAS, in August 2017, Council directed staff to undertake speed limit reduction feasibility study for both Linc and RHVP;

WHEREAS, in December 2017 Golders & Associates was hired to evaluate the surface skid resistance of the Red Hill Valley Parkway and the report was not shared publicly or with Council at the time;

WHEREAS, in January 2018, Council received an update on the 2015 safety audit from CIMA and directed staff to implement short and medium term collision counter measures, undertake a detailed annual collision analysis on both the Linc and RHVP, to request Hamilton Police Services to undertake regular speed and aggressive driving enforcement on the Linc and RHVP, to undertake an annual traffic count, to install median barriers as part of any future widening, and to report back with an update on overall operating conditions on the Linc and RHVP with a focus on Ministry of Transportation (MTO) activities for widening, truck activity, safety and information needed for widening;

WHEREAS, in July 2018, Golders & Associates was hired to complete an assessment of whether or not hot in place recycling can be used on the Red Hill Valley Parkway and the report was not shared publicly or with Council at the time;

WHEREAS, in October 2018, CIMA was hired to complete a roadside safety assessment on the RHVP to assess roadside safety infrastructure such as guiderails, shoulders, and speed enforcement areas and the report was not shared publicly or with Council at the time;

WHEREAS, in February 2019, CIMA was hired to complete a review of safety on the RHVP alongside the pavement friction testing results from the 2013 Tradewind Scientific Report, and this report was shared publicly; and

WHEREAS, staff have reported to Council that all actions items arising from the CIMA review of safety on the RHVP have been, or are in the process of being actioned.

THEREFORE, BE IT RESOLVED:

- (a) That the 2015 and subsequent 2018 safety analysis of the RHVP and Linc, by the external engineering firm CIMA, be made public;
- (b) That the City, in coordination with Hamilton Police Services, prepare a public education campaign that addresses the recommendations from the external expert engineers (CIMA) as it relates to the risks of speeding in excess of posted limits and distracted driving on the RHVP and Linc;
- (c) That City staff report back to Council on the feasibility of requesting that the Provincial Auditor General undertake an independent investigation of issues surrounding the reporting of friction on the Red Hill Valley Parkway.