



## City of Hamilton

# GENERAL ISSUES COMMITTEE REVISED

**Meeting #:** 19-004  
**Date:** February 20, 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

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	<b>Pages</b>
<b>1. CEREMONIAL ACTIVITIES</b>	
1.1 Vic Djurdjevic - Tesla Medal Awarded, by the Tesla Science Foundation United States, to the City of Hamilton in Recognition of the City Support and Recognition of Nikola Tesla (no copy)	
<b>2. APPROVAL OF AGENDA</b>	
(Added Items, if applicable, will be noted with *)	
<b>3. DECLARATIONS OF INTEREST</b>	
<b>4. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>	
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<b>5. COMMUNICATIONS</b>	
<b>6. DELEGATION REQUESTS</b>	
6.1 Tim Potocic, Supercrawl, to outline the current impact of the Festival to the City of Hamilton (For the March 20, 2019 GIC)	35
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**7. CONSENT ITEMS**

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| 7.1 | Barton Village Business Improvement Area (BIA) Revised Board of Management (PED19037) (Wards 2 and 3)  | 37 |
| 7.2 | Residential Special Event Parking Plan for the 2019 Canadian Open Golf Tournament (PED19047) (Ward 12) | 40 |
| 7.3 | Public Art Master Plan 2016 Annual Update (PED19053) (City Wide)                                       | 50 |

**8. PUBLIC HEARINGS / DELEGATIONS**

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| 8.1 | Vic Djurdjevic, Nikola Tesla Educational Corporation, respecting the Tesla Educational Corporation Events and Activities | 64 |
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**9. STAFF PRESENTATIONS**

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| 9.1 | 2018 Annual Report on the 2016-2020 Economic Development Action Plan Progress (PED19036) (City Wide) | 88 |
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**10. DISCUSSION ITEMS**

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| 10.1 | Capital Projects Work-in-Progress Sub-Committee Report 19-001, January 28, 2019                                  | 120 |
| 10.2 | Capital Projects Work-in-Progress Sub-Committee Report 19-002, February 4, 2019                                  | 139 |
| 10.3 | Utilization of the Hamilton Amazon Bid Package (PED19017) (City Wide)  | 141 |
| 10.4 | Ottawa Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment (PED19038) (Wards 3 and 4) | 146 |
| 10.5 | Ontario's Main Street Revitalization Initiative Program Update (PED19039/PW19017) (City Wide)                    | 150 |

- 10.6 Temporary Delegated Authority - Financial Incentive Programs Administered by the Urban Renewal Section and Real Estate Transactions (PED18135(a)) (City Wide) 196

Discussion of Confidential Appendix “B” to Report PED18135(a) in Closed Session would be 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.

- \*10.7 Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) 202
- \*10.8 Bill 66 - Restoring Ontario's Competitiveness Act, 2018 (LS19011) (City Wide) 216

## 11. MOTIONS

- 11.1 Protocol for Public Release of Information as it relates to Bids for Any International, National, Provincial Games, Award Shows, Musical Concerts, Conventions, Conferences, Trade Shows and Partisan Political Conventions 222

## 12. NOTICES OF MOTION

## 13. GENERAL INFORMATION / OTHER BUSINESS

## 14. PRIVATE AND CONFIDENTIAL

- 14.1 February 6, 2019

Pursuant to Section 8.1, Sub-sections (b), (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (b), (e), and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees; litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

14.2 Waterfront Lease Update (LS18053(a)) (Ward 2)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e), and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

\*14.3 Bill 66: Schedule 9: "Non Construction Employer" (LS19001(a)) (City Wide)

Pursuant to Section 8.1, Sub-sections (d) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (d) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to labour relations or employee negotiations; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**15. ADJOURNMENT**





## **GENERAL ISSUES COMMITTEE MINUTES 19-003**

9:30 a.m.

Wednesday, February 6, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent:** Councillor J. Partridge - Personal

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### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. Advisory Committee for Persons with Disabilities Report 19-001, January 15, 2019 (Item 10.1)**

**(Jackson/Eisenberger)**

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

That the amount of \$750 be taken from 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.

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

NOT PRESENT - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Deputy-Mayor Chad Collins

YES - Mayor Fred Eisenberger

NOT PRESENT - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

NOT PRESENT - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**2. Special Capital Reinvestment Levy - Reallocation Options (FCS19006) (City Wide) (Item 10.2)**

**(Jackson/Eisenberger)**

- (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; and,
- (c) That Area Rating Special Capital Reinvestment Reserves be established for each of Wards 9, 10 and 14.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 NOT PRESENT - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 NOT PRESENT - Councillor Sam Merulla  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**3. City of Hamilton and Ministry of Transportation 2018 / 2019 Dedicated Gas Tax Funding Agreement (FCS19009) (City Wide) (Item 10.3)**

**(Eisenberger/VanderBeek)**

- (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; and,
- (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.

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

YES - Councillor Maureen Wilson  
 NOT PRESENT - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 YES - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**4. City of Hamilton Annual Collision Report – 2017 (PW19012) (City Wide)  
(Item 10.4)**

**(Whitehead/VanderBeek)**

That Report PW19012, respecting the City of Hamilton Annual Collision Report – 2017, be received.

**CARRIED**

**5. Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP)  
Transportation and Safety Update (PW18008(a)) (City Wide) (Item 10.5)**

**(Whitehead/Johnson)**

- (a) That staff be directed to develop a Terms of Reference (TOR) for a functional design of the Lincoln M. Alexander Parkway and Red Hill Valley Parkway, with the TOR to address the long-term needs of these facilities as per PW18008;
- (b) That the Terms of Reference for the for a functional design of the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway generate a Request for Proposals (RFP) to include a review of overall operating conditions on the LINC and RHVP;
- (c) That the Request for Proposals, for a functional design of the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway (RHVP), address the implementation of potential future widening and connections with Highways 403 and Queen Elizabeth Way, truck movements, transit opportunities and safety enhancements (lighting, medians, geometrics), to be funded through account #4031711015 RHVP Rehabilitation to an upset limit of \$150,000;
- (d) That staff be directed to report to the Public Works Committee to present the results of the Request for Proposals, for a functional design of the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway, for consideration, prior to awarding the project; and,
- (e) That the Outstanding Business List Item, Lighting on the Red Hill Valley Parkway (RHVP), be identified as complete and removed from the Public Works Outstanding Business List.

**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 Sam Merulla  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins

YES - Mayor Fred Eisenberger  
NOT PRESENT - 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

**6. Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways (PW19014) (City Wide) (Item 10.6)**

**(Eisenberger/Ferguson)**

- (a) That the existing speed limit be reduced to 80 km/h on the Red Hill Valley Parkway from the Greenhill Interchange to the Queen Elizabeth Way;
- (b) That Hamilton Police Services be requested to continue to undertake regular speed and aggressive driving enforcement on both the Lincoln M. Alexander and the Red Hill Valley Parkways, and that the results be reported annually to the Public Works Committee as part of the Hamilton Strategic Road Safety Program Annual Report;
- (c) That the Outstanding Business List Item, Speed Limit Reduction Feasibility Study on Lincoln M. Alexander Parkway and the Red Hill Valley Parkway be identified as completed and removed from the Public Works Outstanding Business List; and,
- (d) ***That the by-law, attached as Appendix "A" to Report PW19014, being a by-law to Amend By-law No. 01-215 – a By-law to Regulate Traffic, by reducing the existing speed limit on the Red Hill Valley Parkway from the Greenhill Interchange to the Queen Elizabeth Way to 80km per hour, be passed.***

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

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
YES - Councillor Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Deputy-Mayor Chad Collins  
YES - Mayor Fred Eisenberger  
NOT PRESENT - 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

**7. Code of Conduct for Council-Appointed Citizen Members of External Boards and Agencies (Item 11.2)**

**(Eisenberger/Whitehead)**

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 ***as well as the inclusion of a confidentiality agreement and remedies available to Council to address breaches of conduct and confidentiality.***

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 YES - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - 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

**8. Request for Enhanced and Dedicated Speed Enforcement on the Red Hill Valley Parkway (Item 11.3)**

**(Eisenberger/Danko)**

That staff be directed to request that Hamilton Police Service provide enhanced and dedicated speed enforcement on the Red Hill Valley Parkway.

**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 Sam Merulla  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - 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

**9. Independent Special Investigation of the City's Internal Processes, Managerial Systems and Procedures Regarding Friction Management in Relation to the Red Hill Valley Parkway (Item 11.4)**

- (a) That the Director of Audit Services be directed to conduct an independent special investigation of the City's internal processes, managerial systems and procedures regarding friction management in relation to the Red Hill Valley Parkway and report back with recommendations and a management response to the General Issues Committee; and,
- (b) That the Director of Audit Services issue as "Special Report", pursuant to the Council-approved Roads Construction Audit for this audit of friction management.

**10. Roads Audit Update (AUD19002) (City Wide) (Item 14.3)****(Pearson/Johnson)**

That Report AUD19002, respecting the Roads Audit Update, 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 Sam Merulla  
YES - Councillor Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Deputy-Mayor Chad Collins  
YES - Mayor Fred Eisenberger  
NOT PRESENT - 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

**11. Roads Infrastructure Litigation and Review Assessment (LS19010) (City Wide) (Item 14.4)****(Eisenberger/Whitehead)**

That Report LS19010, respecting the Roads Infrastructure Litigation and Review Assessment, 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 Sam Merulla  
YES - Councillor Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Deputy-Mayor Chad Collins  
YES - Mayor Fred Eisenberger  
NOT PRESENT - 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

**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 from Adam G.R. Spence, Coordinator of the Stoney Creek Library Conversation Commons Group, respecting Ranked Balloting for Municipal Elections

Recommendation: Be received and referred to the consideration of Item 11.1.

**2. DELEGATION REQUESTS (Item 6)**

- 6.7 Fiona Parascandalo, respecting Ranked Balloting for Municipal Elections (For the February 6, 2019 GIC)
- 6.8 Nicholas Tsergas, respecting Ranked Balloting for Municipal Elections (For the February 6, 2019 GIC)
- 6.9 Kojo Dampsey, respecting the Hiring Practices of the Next City Manager (For the February 6, 2019 GIC)

**3. DISCUSSION ITEMS (Item 10)**

- 10.4 City of Hamilton Annual Collision Report – 2017 (PW19012) (City Wide)
- 10.5 Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Transportation and Safety Update (PW18008(a)) (City Wide)
- 10.6 Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways (PW19014) (City Wide)

Please note that Item 10.6 – Report PW19014 requires a by-law, which has been added to the report as Appendix “A”. As well, Report PW19014 will also require an amendment to have that by-law passed, which will be addressed when the matter is before you on the agenda.

**4. NOTICES OF MOTION (Item 12)**

12.2 Postponement of the City Manager Recruitment Steering Committee Meetings

**5. PRIVATE & CONFIDENTIAL (Item 14)**

14.2 Code of Conduct Matter (no copy)

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.

14.3 Roads Audit Update (AUD19002) (City Wide)

Pursuant to Section 8.1, Sub-section (e) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (e) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals.

14.4 Roads Infrastructure Litigation and Review Assessment (LS19010) (City Wide)

Pursuant to Section 8.1, Sub-sections (b), (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (b), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees; litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**(Merulla/Nann)**

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

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 NOT PRESENT - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)**

**(i) January 16, 2019 (Item 4.1)**

**(Whitehead/Ferguson)**

That the Minutes of the January 16, 2019 meeting of the General Issues Committee be approved, as presented.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson

YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(d) COMMUNICATIONS (Item 5)**

- (i) Correspondence from Adam G.R. Spence, Coordinator of the Stoney Creek Library Conversation Commons Group, respecting Ranked Balloting for Municipal Elections (Item 5.1)**

**(Pearson/Clark)**

That the correspondence from Adam G.R. Spence, Coordinator of the Stoney Creek Library Conversation Commons Group, respecting Ranked Balloting for Municipal Elections, be received and referred to the consideration of Item 11.1.

**CARRIED**

**(e) DELEGATION REQUESTS (Item 6)**

- (i) Cameron Kroetsch respecting Item 11.1 – a Motion regarding Ranked Balloting for Municipal Elections (Item 6.1)**

**(Ferguson/Whitehead)**

That the delegation request, submitted by Cameron Kroetsch, respecting Item 11.1 - a Motion regarding Ranked Balloting for Municipal Elections, be approved to appear before the General Issues Committee at its meeting of February 6, 2019.

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

YES - Councillor Maureen Wilson  
YES - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
NOT PRESENT - Councillor Tom Jackson  
YES - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Deputy-Mayor Chad Collins  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
YES - Councillor Arlene VanderBeek  
YES - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Brenda Johnson  
YES - Councillor Maria Pearson  
YES - Councillor Brad Clark

**(ii) Vic Djurdjevic, Nikola Tesla Educational Corporation, respecting the Tesla Educational Corporation Events and Activities (Item 6.2)**

**(Pearson/Clark)**

That the delegation request, submitted by Vic Djurdjevic, Nikola Tesla Educational Corporation, respecting the Tesla Educational Corporation Events and Activities, be approved to appear before the General Issues Committee at its meeting of February 20, 2019.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(iii) Cameron Kroetsch respecting his formal comments with regard to the 2018 Municipal Election in Hamilton (Item 6.3)**

**(VanderBeek/Whitehead)**

That the delegation request, submitted by Cameron Kroetsch, respecting his formal comments with regard to the 2018 Municipal Election in Hamilton, be approved to attend before the General Issues Committee at the same meeting that the staff report comes forward.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins

YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

- (iv) **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 (Item 6.4)**

**(Merulla/Wilson)**

That the delegation request, submitted by 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, be approved to appear before the General Issues Committee at its meeting of February 6, 2019.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

- (v) **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 (Item 6.5)**

**(Clark/Ferguson)**

That the delegation request, submitted by 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, be approved to appear before the General Issues Committee at its meeting of February 6, 2019.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

- (vi) **Rob MacIsaac, President and CEO, Hamilton Health Sciences, Annual Presentation respecting an Overview of Current Issues, Opportunities and Future Planning (Item 6.6)**

**(Eisenberger/Whitehead)**

That the delegation request, submitted by Rob MacIsaac, President and CEO, Hamilton Health Sciences, Annual Presentation respecting an Overview of Current Issues, Opportunities and Future Planning be approved to appear before the General Issues Committee at its meeting of April 3, 2019.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(vii) Fiona Parascandalo, respecting Ranked Balloting for Municipal Elections (Item 6.7)**

**(Nann/Merulla)**

That the delegation request, submitted by Fiona Parascandalo, respecting Ranked Balloting for Municipal Elections, be approved to appear before the General Issues Committee at its meeting of February 6, 2019.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(viii) Nicholas Tsergas, respecting Ranked Balloting for Municipal Elections (Item 6.8)**

**(Danko/Pauls)**

That the delegation request, submitted by Nicholas Tsergas, respecting Ranked Balloting for Municipal Elections, be approved to appear before the General Issues Committee at its meeting of February 6, 2019.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann



YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(ix) Kojo Dampthey, respecting the Hiring Practices of the Next City Manager (Item 6.9)**

**(Clark/Eisenberger)**

That the delegation request, submitted by Kojo Dampthey, respecting the Hiring Practices of the Next City Manager, be approved to appear before the General Issues Committee at its meeting of February 6, 2019.

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)****(i) Anthony Marco, Hamilton District Labour Council, proposing that the City of Hamilton become a Living Wage Employer in 2019 (Item 8.1)**

Anthony Marco, Hamilton District Labour Council, addressed Committee, proposing that the City of Hamilton become a Living Wage Employer in 2019.

**(Ferguson/VanderBeek)**

That the presentation, provided by Anthony Marco, Hamilton District Labour Council, proposing that the City of Hamilton become a Living Wage Employer in 2019, be received.

**CARRIED****(ii) Denise Christopherson, YWCA Hamilton, respecting the Establishment of a new Steering Committee for the Recruitment of the City Manager (Item 8.2)**

Denise Christopherson, YWCA Hamilton, addressed Committee respecting the Establishment of a new Steering Committee for the Recruitment of the City Manager.

**(Eisenberger/Whitehead)**

That the presentation, provided by Denise Christopherson, YWCA Hamilton, respecting the Establishment of a new Steering Committee for the Recruitment of the City Manager, be received.

**CARRIED****(iii) 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 (Item 8.3)**

Cameron Kroetsch, addressed Committee 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.

**(Pauls/Wilson)**

That the presentation, provided by 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, be received.

**CARRIED**

A copy of the presentation is available on the City's web site at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

- (iv) **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 (Item 8.4)**

Karen Bird, Department of Political Science, McMaster University, addressed Committee, 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.

**(Jackson/Pauls)**

That the presentation, provided 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 will be listed on the February 13, 2019 Council agenda, be received.

**CARRIED**

A copy of the presentation is available on the City's web site at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

- (v) **Cameron Kroetsch, respecting the Motion regarding Item 11.1 - Ranked Balloting for Municipal Elections (Item 8.5)**

Cameron Kroetsch, addressed Committee respecting the Motion regarding Item 11.1 - Ranked Balloting for Municipal Elections.

**(Nann/Wilson)**

That the presentation, provided by Cameron Kroetsch, respecting the Motion regarding Item 11.1 - Ranked Balloting for Municipal Elections, be received.

**CARRIED**

A copy of the presentation is available on the City's web site at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of this matter, please refer to Information Item (i)(i).

- (vi) **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 (Item 8.6)**

Jeff Lang-Weir addressed Committee 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.

**(Clark/Pearson)**

That the presentation, provided by 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, be received.

**CARRIED**

- (vii) 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 (Item 8.7)**

Craig Burley addressed Committee 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.

**(Eisenberger/Pearson)**

That the presentation, provided by 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, be received.

**CARRIED**

- (viii) Fiona Parascandalo, respecting Ranked Balloting for Municipal Elections (Item 8.8)**

Fiona Parascandalo addressed Committee respecting Ranked Balloting for Municipal Elections.

**(Farr/Jackson)**

That the presentation, provided by Fiona Parascandalo, respecting Ranked Balloting for Municipal Elections, be received.

**CARRIED**

For disposition of this matter, please refer to Information Item (i)(i).

- (ix) Nicholas Tsergas, respecting Ranked Balloting for Municipal Elections (Item 8.9)**

Nicholas Tsergas addressed Committee respecting Ranked Balloting for Municipal Elections.

**(Farr/Nann)**

That the presentation, provided by Nicholas Tsergas, respecting Ranked Balloting for Municipal Elections, be received.

**CARRIED**

For disposition of this matter, please refer to Information Item (i)(i).

**(x) Kojo Dampthey, respecting the Hiring Practices of the Next City Manager (Item 8.10)**

Kojo Dampthey addressed Committee respecting the Hiring Practices of the Next City Manager.

**(Pauls/Merulla)**

That the presentation, provide by Kojo Dampthey, respecting the Hiring Practices of the Next City Manager, be received.

**CARRIED**

**(g) DISCUSSION ITEMS (Item 10)**

**(Eisenberger/Ferguson)**

That Items 10.4 to 10.6, respecting the following matters, be deferred to after the Closed Session portion of the meeting:

- 10.4 City of Hamilton Annual Collision Report – 2017 (PW19012) (City Wide)
- 10.5 Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Transportation and Safety Update (PW18008(a)) (City Wide)
- 10.6 Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways (PW19014) (City Wide)

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

YES - Councillor Maureen Wilson  
 NOT PRESENT - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 YES - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

- (i) **Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways (PW19014) (City Wide) (Item 10.6)**

**(Eisenberger/Ferguson)**

That Report PW19017, respecting a Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways, be amended by adding a new sub-section (d) to read as follows:

- (d) ***That the by-law, attached as Appendix "A" to Report PW19014, being a by-law to Amend By-law No. 01-215 – a By-law to Regulate Traffic, by reducing the existing speed limit on the Red Hill Valley Parkway from the Greenhill Interchange to the Queen Elizabeth Way to 80km per hour, be passed.***

**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 Sam Merulla  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - 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

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

**(h) MOTIONS (Item 11)**

- (i) **Ranked Balloting for Municipal Elections (Item 11.1)**

**(Farr/Nann)**

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:

- (a) 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, with that report include an assessment of the City of London’s post-election report, when available, and,
- (b) That the report, respecting the feasibility of adopting ranked ballots, be posted on the City’s web site 30 days prior to being considered by the General Issues Committee to allow for a 30-day written comment period.

**Result: Motion DEFEATED by a vote of 8 to 7, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NO - Councillor Tom Jackson  
 NO - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 NO - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 NO - Councillor Terry Whitehead

NO - Councillor Arlene VanderBeek  
 NO - Councillor Lloyd Ferguson  
 NO - Councillor Brenda Johnson  
 NO - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(ii) City of Hamilton - Living Wage Employer (11.3)**

That staff be directed to report back, during the 2019 Operating Budget process, to becoming a living wage employer by paying all minimum wage employees a rate of \$15.85 per hour, including part-time, seasonal and other contract employees with increases consistent with cost of living in Hamilton.

**Result: Motion CARRIED by a vote of 12 to 1, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - 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

**(i) NOTICES OF MOTION (Item 12)**

Councillor B. Clark introduced the following Notice of Motion:

**(i) 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 (Item 12.1)**

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.

Councillor N. Nann introduced a Notice of Motion respecting the Postponement of the City Manager Recruitment Steering Committee Meetings.

**(ii) Postponement of the City Manager Recruitment Steering Committee Meetings (Item 12.2)**

**(Nann/Clark)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Postponement of the City Manager Recruitment Steering Committee Meetings.

**Result: Motion CARRIED by a Two-Thirds vote of 13 to 2, as follows:**

YES - Councillor Maureen Wilson  
 NO - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 YES - Councillor Tom Jackson  
 YES - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 NO - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(Nann/Wilson)**

WHEREAS, a Terms of Reference was never established for the City Manager Recruitment Steering Committee;

WHEREAS, the 2014-2018 Council pre-determined the composition of the City Manager Recruitment Steering Committee set from a practice established in 2008;

WHEREAS, the composition was set to be made up of the Mayor and Chairs of Standing Committees;

WHEREAS, for no reason other than tradition, the chairs of standing committees are exclusively incumbent Councillors;

WHEREAS, best practices for achieving inclusive excellence in recruitment, selection and hiring are rooted in Equity, Diversity and Inclusion (EDI) frameworks;

WHEREAS, the 2018-2022 Council is made up of 47% women, less than 7% racialized people, and 33% new representatives who did not serve on the previous term of council;

WHEREAS, the Committee ought to more accurately reflect both the composition of this term of Council and the demographic makeup of the city's residents;

WHEREAS, recent studies show that of 12 of 15 Canadian municipalities, which recently hired for such a position, the composition of the recruitment steering committee was not restricted to the chairs of standing committees;

WHEREAS, the other 3 municipalities explicitly allow interested new Councillors to participate and some also include optional community members and residents;

WHEREAS, the City of Hamilton's Procedural By-law imposes no restriction on which Councillors are eligible to participate in the selection process;

WHEREAS, under the *Municipal Act* all elected members of Council enjoy the same rights and privileges;

WHEREAS, the General Issues Committee approved public delegations on the Establishment of a New Steering Committee for the Recruitment of the City Manager to be heard at the General Issues Committee on February 6, 2019;

WHEREAS, the public calendar of Council and Committees shows the current Steering Committee is scheduled to begin meeting on February 1, 2019;

WHEREAS, the date of public delegation is five days after the first publicly posted Steering Committee meeting; and,

WHEREAS, the input received through public delegations and Council's vote may influence the direction and makeup of the Steering Committee;

THEREFORE, BE IT RESOLVED:

That all scheduled meeting dates for the City Manager Recruitment Steering Committee be postponed until public delegations have been received and the Council has voted on and ratified a decision on the composition and direction of the City Manager Recruitment Steering Committee.

**Result: Motion DEFEATED by a vote of 8 to 7, as follows:**

NO - Councillor Maureen Wilson  
 NO - Councillor Jason Farr  
 NO - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NO - Councillor Tom Jackson  
 NO - Councillor Esther Pauls  
 NO - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NO - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 NO - Councillor Brad Clark

Councillor B. Clark introduced the following Notice of Motion, which he subsequently withdrew:

**(iii) City of Hamilton's Current Practice respecting the Living Wage (Item 12.3)**

That staff be directed to report to the Audit, Finance & Administration Committee with respect to the City of Hamilton's Current Practice respecting the Living Wage.

**(j) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Amendments to the Outstanding Business List (Item 13.1)**

**(Farr/Nann)**

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

**(a) Items to be removed:**

- (i) Stelco Lands – This matter is no longer relevant, as the lands have been sold.**

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

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - 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

**(k) PRIVATE & CONFIDENTIAL (Item 14)**

Councillor VanderBeek provide the Clerk with an adjustment to the Councillor's attendance.

**(i) Closed Session Minutes – January 16, 2019 (Item 14.1)**

**(Wilson/Farr)**

- (a)** That the Closed Session Minutes of the January 16, 2019 General Issues Committee meeting be approved, ***as amended***; and,
- (b)** That the Closed Session Minutes of the January 16, 2019 General Issues Committee meeting, remain confidential.

**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 Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(Farr/VanderBeek)**

That Committee move into Closed Session, respecting Items 14.2 to 14.4, pursuant to Section 8.1, Sub-sections (b), (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (b), (e), and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees; litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Chad Collins  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 YES - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson  
 YES - Councillor Brad Clark

**(ii) Code of Conduct Matter (Item 14.2)**

Staff were provided with direction in Closed Session with nothing further to report out.

**(I) ADJOURNMENT (Item 13)**

**(Wilson/Johnson)**

That there being no further business, the General Issues Committee be adjourned at 10:35 p.m.

Respectfully submitted,

C. Collins, 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 Monday, February 4, 2019 - 9:02 am

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Tim Potocic

**Name of Organization:** Supercrawl

**Contact Number:** 905-777-1223

**Email Address:** [tim@sonicunyon.com](mailto:tim@sonicunyon.com)

**Mailing Address:** Unit 4A 97 James St N

**Reason(s) for delegation request:** To Outline the current economic Impact of the festival to the City of Hamilton, General update on the state of the festival and its effect on Hamilton.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes

## 6.2

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

Submitted on Friday, February 8, 2019 - 2:07 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

**Name of Individual:** Ed Smith**Name of Organization:** A Better Niagara**Contact Number:****Email Address:****Mailing Address:****Reason(s) for delegation request:**

A Better Niagara wishes to make a delegation to city council to further explain our position in regards to the NPCA and our court action in regards to Board composition. We will also present information in regards to the NPCA budget and operations.

We wish to present to all of Council if possible.

**Will you be requesting funds from the City?** No**Will you be submitting a formal presentation?** Yes





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Economic Development Division*

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Barton Village Business Improvement Area (BIA) Revised Board of Management (PED19037) (Wards 2 and 3)
<b>WARD(S) AFFECTED:</b>	Wards 2 and 3
<b>PREPARED BY:</b>	Julia Davis (905) 546-2632
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That the following individuals be appointed to the Barton Village Business Improvement Area (BIA) Board of Management:

Peter Mokrycke  
Philip Green

## EXECUTIVE SUMMARY

Appointments to the Barton Village Business Improvement Area (BIA) Board of Management.

### *Alternatives for Consideration – Not Applicable*

## FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The *Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of, (a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality”. Section 204 Subsection (12)

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**SUBJECT: Barton Village Business Improvement Area (BIA) Revised Board of Management (PED19037) (Wards 2 and 3) - Page 2 of 3**

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stipulates "...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area."

**HISTORICAL BACKGROUND**

A meeting of the membership of the Barton Village BIA took place on October 30, 2018. At this meeting, the membership approved the increase in size of the Board from seven directors to nine directors. Subsequently, the Barton Village BIA Board of Directors held a board meeting on November 26, 2018 at which time a motion was put forward and carried to nominate and appoint Peter Mokrycke and Philip Green to the Board of Directors.

Should Council adopt the recommendation in Report PED19037, the nominated BIA members would be appointed to serve on the Barton Village Board of Management through the end of 2022.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

N/A

**ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and 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.*

**Economic Prosperity and Growth**

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

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**SUBJECT: Barton Village Business Improvement Area (BIA) Revised Board of Management (PED19037) (Wards 2 and 3) - Page 3 of 3**

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**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable.

JS:dt



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Transportation Planning and Parking Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Residential Special Event Parking Plan for the 2019 Canadian Open Golf Tournament (PED19047) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Amanda Mcilveen (905) 546-2424 Ext. 5958
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That a residential Special Event Parking Plan be adopted for the 2019 Canadian Open Golf Tournament:
- (i) That temporary “Special Event Permit Parking” signs be erected on residential streets within the defined boundaries, as outlined in Appendix “A” to Report PED19047, to restrict parking to permit holders from the following dates and times:
- Monday, June 3, 2019 to Thursday, June 6, 2019 from 7:00 a.m. to 7:00 p.m.;
  - Friday, June 7, 2019 to Saturday, June 8, 2019 from 7:00 a.m. to 12:00 a.m. (midnight);
  - Sunday, June 9, 2019 from 7:00 a.m. to 7:00 p.m., inclusive.
- (ii) That “Special Event Parking Permits” be issued to area residents in accordance with the guidelines outlined in Appendix “B” attached to Report PED19047.

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**SUBJECT: Residential Special Event Parking Plan for the 2019 Canadian Open Golf Tournament (PED19047) (Ward 12) - Page 2 of 4**

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- (b) That the amendment to the Parking By-law 01-218, attached as Appendix “C” to Report PED19047, which has been prepared in a form satisfactory to the City Solicitor, be approved.

**EXECUTIVE SUMMARY**

The Hamilton Golf and Country Club, on Golf Links Road in Ancaster, has been selected to host the 2019 Canadian Open Golf Tournament from Monday, June 3, 2019 to Sunday, June 9, 2019.

A Special Event Parking Plan, similar to the Council approved plans implemented during the 2003, 2006 and 2012 tournaments, is recommended to minimize the effects to neighbourhood on-street parking.

***Alternatives for Consideration – Not Applicable***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Cost associated with implementing the parking plan (i.e. manufacturing, erecting and maintaining the required permit parking signs, permit printing and mail outs) will be covered by the event organizer.

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

Golf Canada is the National Sport Federation and governing body for golf in Canada that operates the RBC Canadian Open golf championship each year, hosts national and international amateur golf championships, and organizes and oversees golf specific programming.

Golf Canada notified the City of Hamilton, by way of a letter dated March 15, 2018, that Golf Canada desired to enter into a multi-year contract from 2018 to 2023 with the City of Hamilton to host Golf Canada events. These events included Hamilton being the host city of the 2019 and 2023 RBC Canadian Open championships at the Hamilton Golf and Country Club, located at 232 Golf Links Road, Ancaster. A Host Contract between the City and Golf Canada was authorized by Council through its adoption of Item 12.2 from the General Issues Committee Report No. 18-011 on May 23, 2018. The Host Contract addresses the commitments of both Golf Canada and the City with respect to the 2019 and 2023 RBC Canadian Opens and Golf Canada events during the interim years of 2020, 2021 and 2022.

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**SUBJECT: Residential Special Event Parking Plan for the 2019 Canadian Open Golf Tournament (PED19047) (Ward 12) - Page 3 of 4**

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**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

By-law 01-218.

**RELEVANT CONSULTATION**

- Canadian Open Organization Committee
- Public Works Department

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The recommended plan will minimize the infiltration of spectator parking by prohibiting on-street parking by all vehicles within the boundary shown in Appendix “A” attached to this Report, except residents and visitors who have obtained the required “Special Events Parking Permit”. The guidelines surrounding the permit process are shown in Appendix “B”, attached to this Report. The temporary changes to By-law 01-218, in order to facilitate the special events resident program for the Canadian Open, can be found in Appendix “C”, attached to this Report.

Staff will be mailing out two “Special Event Parking Permits” to each property within the defined area, in advance of the event, and an additional two permits per household may be obtained. Residents will be required to display the permit on their vehicles rear view mirror when parking on the street.

As part of the parking plan, parking will be prohibited, using staff’s delegated authority, on one side of certain streets, within the area, to ensure that adequate access can be maintained for emergency vehicles, by way of temporary signage.

Further, the Public Works Department will be closing both Golf Links Road and Halson Street, two streets that feed into the special event parking area, and temporary “No Parking” signs will be installed on both Golf Links Road and Halson Street to ensure unrestricted movement of emergency vehicles on these roadways. In order to allow residents access to their homes on these two streets, staff will also be issuing “Access Permits” to the residents of both Golf Links Road and Halson Street.

It should be noted that this is a residential parking plan. Visitors to the Canadian Open will have multiple parking options, including the Ancaster Fairgrounds, which is being arranged and organized by Golf Canada.

Details of this plan, if approved, will be available at a public meeting to be convened by Councillor Lloyd Ferguson, planned for March 20, 2019 at the Ancaster Town Hall, from 6:00 p.m. to 8:00 p.m.

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**SUBJECT: Residential Special Event Parking Plan for the 2019 Canadian Open  
Golf Tournament (PED19047) (Ward 12) - Page 4 of 4**

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**ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Healthy and Safe Communities**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Map identifying the Special Event Permit Parking Area

Appendix “B” – Special Event Parking Permits Qualification Guidelines

Appendix “C” – Amendments to Parking By-law 01-218

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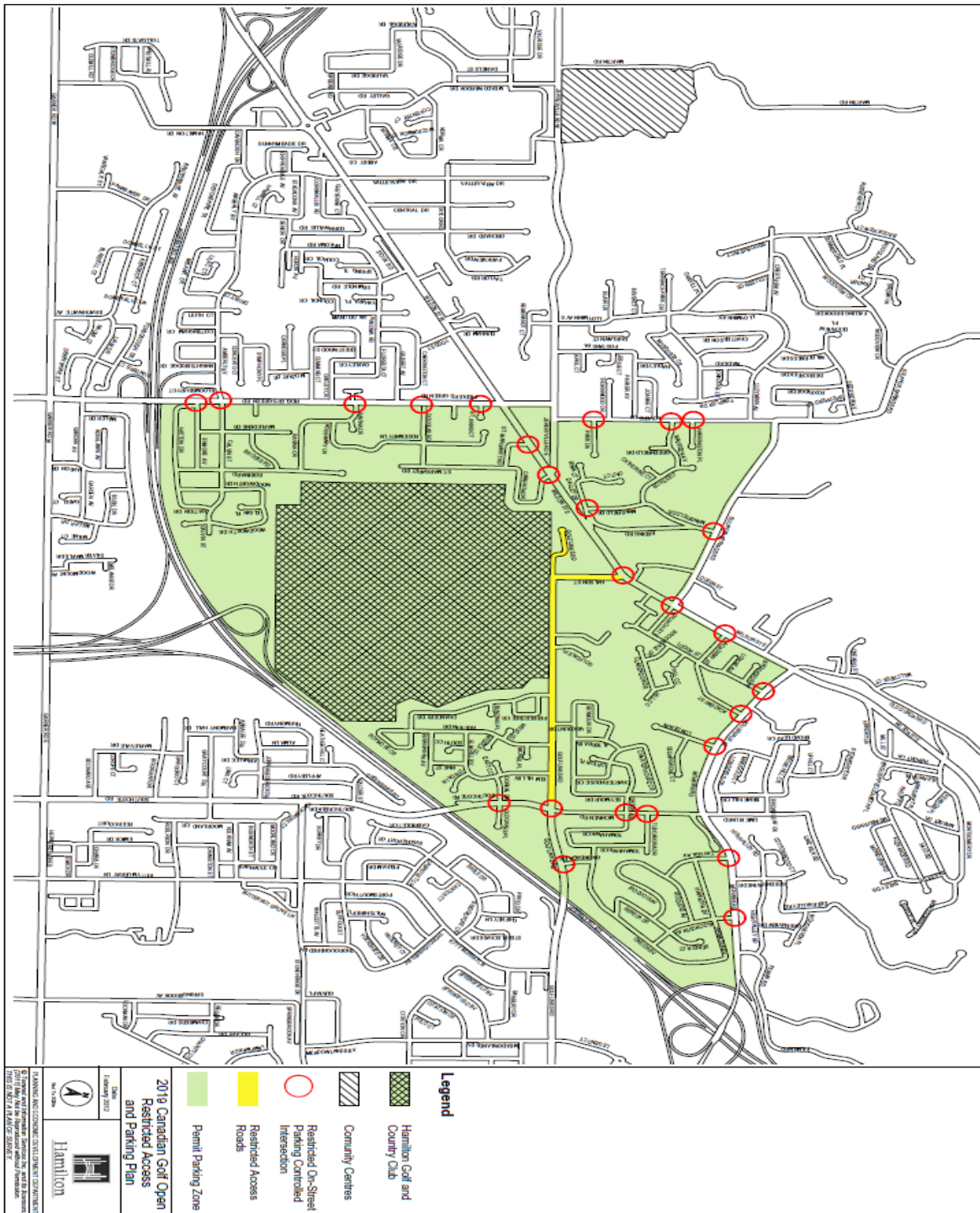
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### Special Event Permit Parking Map





**Appendix “B” to Report PED19047**  
**Page 1 of 1**

### **Special Event Permit Parking**

That “Special Event Parking Permits” be issued to area residents and area businesses in accordance with the following guidelines:

1. Two “Special Event Parking Permits” will be issued to each residential unit (including apartment buildings) within the Special Event Parking area shown in Appendix “A”.
2. “Special Event Parking Permits” (two per household) will be mailed in advance of the 2019 Canadian Open. The permits will allow residents to park in all legal areas within the defined boundary. Spectator parking will not be allowed.
3. Two additional permits per household will be available for pickup at the Ancaster Municipal Centre, 300 Wilson St. E., Ancaster, ON L9G 2B9, if needed; license plate numbers will be required for the two additional permits.
4. Any concerns about permit requests exceeding the standards will be addressed on an individual basis by the Hamilton Municipal Parking System, in consultation with the Ward Councillor.
5. “Special Event Parking by Permit Only” signs will be placed at each roadway entrance to the defined boundary area to inform motorists that they are entering the special event parking area.
6. All Special Event Parking signs will be displayed at least 12 hours prior to the scheduled start of the event in order to allow motorists to either obtain a permit (if they have not already done so) or to make alternate parking arrangements.
7. Parking will be prohibited on Golf Links Rd. and Halson St.
8. Parking will be prohibited on one side of some streets located in the Special Events Parking area to maintain adequate emergency access.

**Appendix “C” to Report PED19047  
Page 1 of 4**

**CITY OF HAMILTON**

**BY-LAW NO. XX -**

**To Amend By-law No. 01-218, as amended,  
Being a By-law To Regulate On-Street Parking**

**WHEREAS** *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*,

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

**AND WHEREAS** it is necessary to amend By-law No. 01-218, as amended.

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

1. Schedule 4 (Special Event Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "A" thereof the following items, namely:

Cait Crt.	End to End
Catherine Crt.	End to End
Dalley Dr.	End to End
Greenfield Dr.	End to End
Harrington Pl.	End to End
Irma Crt.	End to End
Judith Cres.	End to End
Mansfield Dr.	End to End
Maureen Av.	End to End
Park Lane	End to End
Reding Rd.	End to End
Academy St.	End to End
Alterra Blvd.	End to End
Brookdale Dr.	End to End
Brookside Dr.	End to End
Cedar Grove Crt.	End to End
Charterhouse Cres.	End to End
Church St.	End to End

**Appendix "C" to Report PED19047**  
**Page 2 of 4**

Clarendon Dr.	End to End
Hill Crest	End to End
Lodor Lane	End to End
Lodor St.	End to End
Lorne Ave.	End to End
Lowden Av.	End to End
Orton Av.	End to End
Orton Pl.	End to End
Seymour Dr.	End to End
Cameron Dr.	End to End
Douglas Rd.	End to End
St. Anns Crt.	End to End
St. Margarets Rd.	End to End
Brooks Rd.	End to End
Calvin St.	End to End
Elgin Pl.	End to End
Enmore Av.	End to End
Hatton Dr.	End to End
Mapledene Dr.	End to End
Ravina Crt.	End to End
Ravina Cres.	End to End
Robina Rd.	End to End
Woodworth Dr.	End to End
Rosemary Lane	End to End
Algonquin Av.	End to End
Cayuga Av.	End to End
Hiawatha Av.	End to End
Iroquois Av.	End to End
Oneida Blvd.	End to End
Onondaga Dr.	End to End
Seneca Dr.	End to End
Seneca Crt.	End to End

**Appendix “C” to Report PED19047**  
**Page 3 of 4**

Tomahawk Cres.	End to End
Tuscarora Dr.	End to End
Bunting Pl.	End to End
Chancery Dr.	End to End
Dorval Dr.	End to End
East Crest	End to End
Elm Hill Blvd.	End to End
Evergreen Av.	End to End
Hostein Dr.	End to End
Lynda Lane	End to End
McNeil Pl.	End to End
Middle Crest	End to End
Old Oakes Pl.	End to End
Peppertree Cres.	End to End
Pine St.	End to End
Roymor Cres.	End to End
South Crest	End to End
West Crest	End to End
Southcote Road	Highway 403 to Golf Links Road
MicNiven Road	End to End
Golf Links Road	Southcote/McNiven to west end
Golfdale Place	End to End
Halsen Street	End to End
Sulphur Springs Road	Lover’s Lane to Wilson Street
Jerseyville Road	Fiddler’s Green to Wilson Street
Rousseaux Street	End to End
Mohawk Road	Rousseaux Street to McNiven Road”

2. Subject to the amendments made in this By-law, in all other respects, By-law No.01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect at 1:00 a.m. on the 3<sup>rd</sup> day of June, 2019, and shall be repealed and no longer in force and effect at 1:00 a.m. on the 10<sup>th</sup> day of June, 2019.

**Appendix "C" to Report PED19047**  
**Page 4 of 4**

**PASSED** this        day of    , 2019.

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F. Eisenberg  
MAYOR

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Janet Pilon  
Acting CITY CLERK



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Public Art Master Plan 2016 Annual Update (PED19053) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Ken Coit (905) 546-2424 Ext. 6281
<b>SUBMITTED BY:</b>	Carrie Brooks-Joiner Acting Director, Tourism and Culture Planning and Economic Development Department
<b>SIGNATURE:</b>	

## Council Direction:

On November 16, 2016 Council directed Tourism and Culture staff to provide an annual update on implementation of the Public Art Master Plan 2016 (PED16221) to the General Issues Committee.

## Information:

### Implementation Update

This is the second update on the Public Art Master Plan 2016 since it was approved by Council in November 2016. The first update was provided in December 2017 (PED17211).

### Purpose of the Public Art Master Plan

The City of Hamilton Public Art Master Plan is an important tool in the ongoing implementation of Public Art in Hamilton. Its primary intent is to identify and prioritize potential sites and opportunities for new Public Art projects across the City, recommend project budgets and to outline the principles by which sites are selected and this art is commissioned.

Developed in consultation with the public, Councillors, City staff, and stakeholders, the Public Art Master Plan 2016 identified, from over 110 projects initially considered, 14

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**SUBJECT: Public Art Master Plan 2016 Annual Update (PED19053) (City Wide) -  
Page 2 of 4**

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priority sites for Public Art projects. These along with a series of 15 projects already in progress are to be funded and implemented between 2016 and 2022.

**Project Updates**

A list of the projects completed since the approval of Public Art Master Plan 2016 and the current status of the other projects identified in the Master Plan is attached as Appendix 'A' to Report PED19053 – Public Art Projects Status Update, December 2018.

**Financial Update**

In the year starting November 1, 2017 and ending October 31, 2018 \$68,698 of capital funds were spent to implement Public Art projects including contract, artist fees, fabrication, installation, maintenance, policy development and selection process costs.

The funding for Public Art projects is from the Public Art Reserve, the Downtown Public Art Reserve, project specific capital budgets, area rating and community partners. The Public Art Reserve is funded through an annual transfer from operating in the amount of \$171,000. The Downtown Public Art Reserve is funded from voluntary contributions from developers working in the Downtown Community Improvement Plan Area therefore these funds can only be spent on projects in that area. It is anticipated that contributions to the Downtown Public Art Reserve will diminish in the next few years as incentive programs for downtown are scaled back. Public Art projects have been identified as important components of capital projects such as the West Harbour, and Gore Park. Therefore, these projects have included funding for Public Art in their budgets. Community partners such as the Tesla Foundation have proposed to provide funding for specific Public Art projects identified in the Master Plan.

Staff will continue to seek Council approval for the use of funds from the respective reserve at the initiation of each Public Art project. A detailed Public Art Implementation and Funding Plan is attached as Appendix 'B' to Report PED19053 - Public Art Implementation and Funding Plan 2018-2022.

**Staffing Update**

Public Art in 2018 was implemented by the Public Art and Projects Section of the Tourism and Culture Division. Beginning Jan 1, 2019 Public Art will be implemented by the Placemaking, Public Art and Projects Section of the Tourism and Culture Division. This Section is also responsible for the implementation of the Arts Awards Program and other art in public places projects in addition to being staff liaison to the Arts Advisory Commission.

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**SUBJECT: Public Art Master Plan 2016 Annual Update (PED19053) (City Wide) -  
Page 3 of 4**

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### **Public Art Background and Definition**

Cities around the world are increasingly realizing the economic and social benefits, and quality of life enhancements that flow from creativity and investment in culture and the expression of a community's culture through mediums such as Public Art. In addition to bringing vibrancy to a city's public spaces, Public Art is a tremendous source of civic pride and conveys the identity and cultural image of a city to its residents and visitors.

The City of Hamilton defines Public Art as follows:

Public Art is created by artists, or in collaboration with artists, through a public process and existing on a publicly accessible City of Hamilton owned property.

Public Art is created with the intention of reflecting and engaging the community and has undergone a formal adjudicated selection process as per the City's Call for Artists Policy.

Public Art can take a variety of forms and media; it may have functional as well as aesthetic qualities; it may be integrated into its site, or it may be a discrete piece; it can be permanent or temporary.

### **The Public Art Call for Artists Policy**

The Public Art Call for Artists Policy outlines the process for commissioning Public Art. This process requires community consultation, in the form of a stakeholder focus group and/or public meeting, to determine a theme or goals for the project. During the competition period, it requires a public input phase allowing for the public to submit comments on the finalists, either online or in select locations that are easily accessible. Selection of finalists is decided by a jury of volunteer citizens, representative of a broad range of backgrounds, skills and experience.

### **Public Art Project Site Selection Criteria**

The Public Art Master Plan is intended to be a living document that will evolve in accordance with changes in urban development, Public Art practice and policy. It therefore anticipates that new opportunities for Public Art may come forward. Given limited resources any new opportunity would be evaluated based on how well it aligns with the following:

- Site to be owned by The City of Hamilton,
- The potential visibility and public accessibility of the artwork,

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**SUBJECT: Public Art Master Plan 2016 Annual Update (PED19053) (City Wide) -  
Page 4 of 4**

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- The historic and cultural significance to the community in which the artwork will be located,
- The response to the project during public consultation,
- The implementation potential, including synergies with other City projects and available funding, and,
- The distribution of projects across the City.

### **Art in Public Places Policy**

Public Art as defined above is only one type of art that can be used to animate public places. There are other processes that businesses, community groups and the City can employ to commission art for public and publicly accessible private property that are not selected through the formal City-led Public Art Call for Artists process. These types of projects include donated art, community art, integrated art, art on publicly accessible private property and memorials.

There is a growing demand for these types of projects, especially community art and art on publicly accessible private property such as murals.

Staff will develop an Art in Public Places Policy in 2019 to support the creation of a wider range of art projects in the public realm.

### **Appendices and Schedules Attached**

Appendix 'A' to Report PED19053 – Public Art Projects Status Update, November 2018

Appendix 'B' to Report PED19053 – Public Art Implementation and Funding Plan 2018-2022

KC:ro

## ***Public Art Projects Status Update, January 2019***

### **1.0 COMPLETED PROJECTS**

The following provides a list of the projects completed since the approval of Public Art Master Plan 2016.

#### **1.1 The James Street South Public Art Mural Project - Ward 2**

*Gateway*, Vivian Rosas & Vesna Asanovic

Location: Exterior wall on James Street South, across from the Hamilton GO Centre

Project Cost: \$23,200

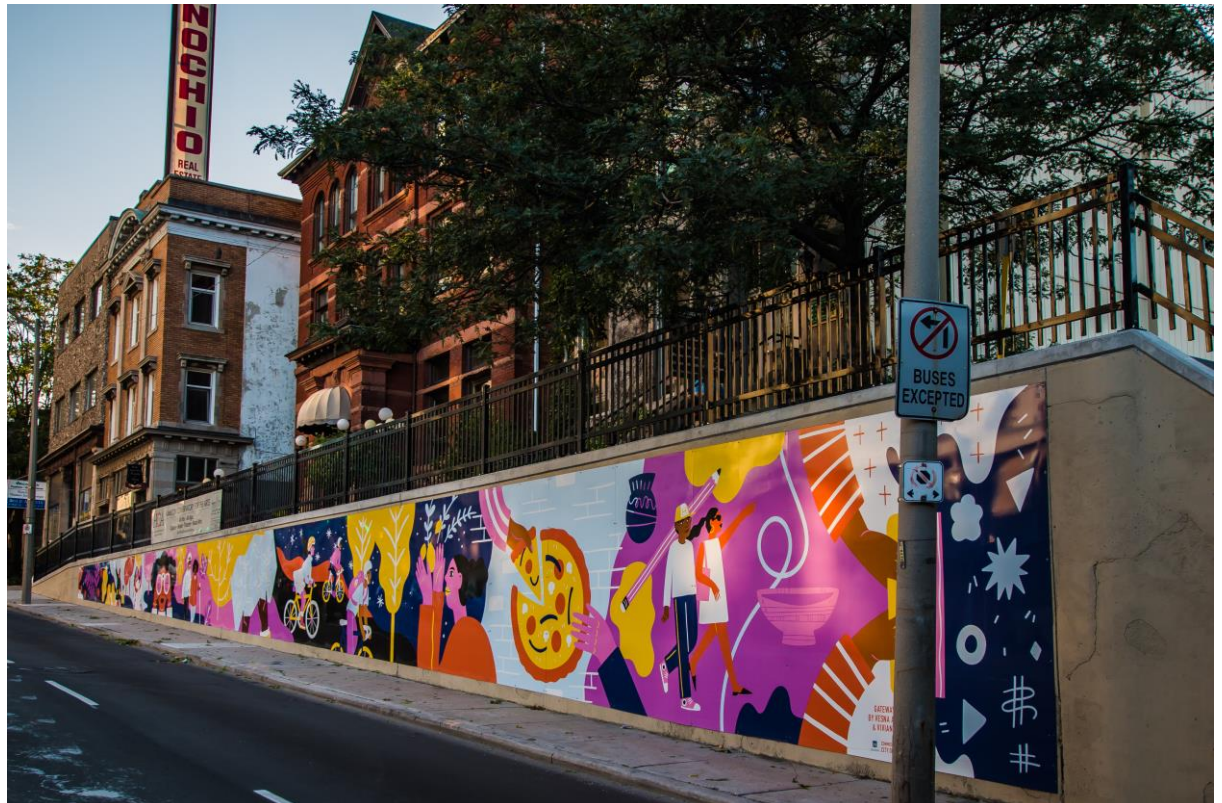


Photo by Kobby Crabbe

**Appendix 'A' to Report PED19053**  
**Page 2 of 7**

**1.2 The Ancaster Fieldcote Gateway Public Art Project – Ward 12**

*Landmark*, Simon Frank

Location: Fieldcote Walkway, in the Fieldcote woodlot, Ancaster

Project Cost: \$60,000



**1.3 The Market District Public Art Project – Ward 2**

*Raising the Barn*, Aluminium Quilting Society coordinated by David Hind

Location: Hamilton Farmers' Market – York Blvd at MacNab St

Project Cost: \$140,000



Photos by  
Jeff Tessier

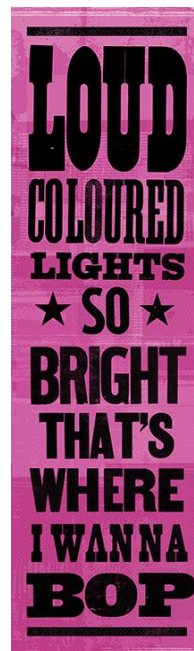
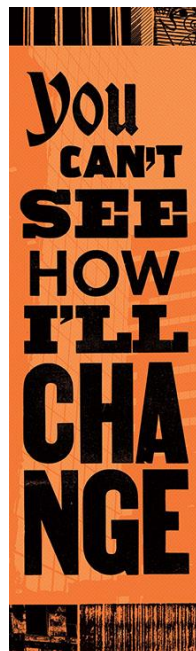
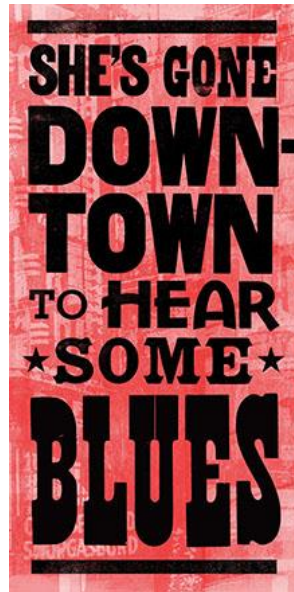


1.4 The Gore Park Beacons Public Art Project Beacon 1 – Ward 2

*Music City Markers*, Dave Kuruc

Location: Gore Park, West Entrance

Project Cost: \$5,000 Artist Fees. (Beacon and Glass Fabrication by Gore Park project budget)



## 2.0 PROJECTS CURRENTLY IN PROGRESS

The following provides the status of the projects identified in Public Art Master Plan 2016 that have approved capital funding and have been initiated.

### 2.1 Churchill Park Public Art Project

Artwork: A series of works addressing the theme of human rights.

Status: Call for Artists issued, six artists shortlisted and preparing Stage 2 submissions. Public consultation is planned for March 2019. Installation anticipated Fall 2019/ Winter 2020

Budget: \$280,500

Ward: 1

### 2.2 The Dundas Driving Park Public Art Project Phase 2

Artwork: "The Big Bounce" by Paul Slipper and Mary Anne Liu

Status: Artwork complete, installation planned for Q2 2019.

Budget: \$145,000 (Downtown Public Art Reserve)

Ward: 13

### 2.3 The King William Art Walk Public Art Project

Status: Call for Artists scheduled to be issued Q1 2019.

Budget: \$190,000

Ward: 2

### 2.4 Copps Pier (Formerly Pier 8 Promenade Park)

Status: Three artworks are included as part of the park design, "Hamilton Hammer City", which won the Pier 8 Promenade Park Design Competition in 2017. These artworks are designed and are to be fabricated and installed as part of the park construction in 2019-20 pending the tender of the park.

Budget: Artist's fees: \$20,000. Fabrication costs are included in park construction budget.

Ward: 2

### 2.5 Interpretive Panels for "Eagles Among Us" Public Artwork

Battlefield House Museum & Park

Status: Draft panel design completed. Installation planned for 2019.

Budget: \$16,000

Ward: 5

### 2.6 Century Street Parkette Public Art Project

Status: Initial public consultation in Q1 2019.

Budget: \$150,000 (Ward 3 Area Rating)

Ward: 3

### 2.7 Traffic Signal Box Wraps in Downtown Hamilton

Status: Initial public consultation in Q1 2019.

Budget: \$90,000 (Downtown Public Art Reserve)

**Appendix 'A' to Report PED19053**  
**Page 5 of 7**

**2.8 Desjardin Canal Bridge Columns**

Status: Ministry of Transportation of Ontario (MTO) has successfully retained 10 columns in place from the demolished Hwy. 403 bridge. Staff is waiting for completion of MTO work before reviewing the columns for material stabilization and anti-graffiti coating as required. Initial public consultation anticipated in Q3 2019.

Budget \$70,000 for art work, \$18,000 for stabilization

Ward: 1

**3.0 CANCELLED PROJECTS**

**3.1 Tim Horton's Stadium Plaza Public Art Project**

Status: Cancelled due to lack of funding. Funding, originally allocated to the project in the stadium budget, was needed to cover other items required by the recent settlement of construction issues with the contractor, province and Tiger Cats.

Ward: 3

**3.2 Public Art as a component of HSR bus shelters (5 projects)**

Locations as follows:

- Queenston Rd at Nash, NW corner
- Queenston Rd. at Parkdale Ave S., NW corner
- Upper James St at Fennell Ave, SE corner
- West 5<sup>th</sup> St at Fennell Ave,
- Limeridge Transit Terminal

Status: Funding re-directed to transit infrastructure by Council.

**4.0 PROJECTS SCHEDULED TO BE INITIATED IN 2019**

The following provides a list of the projects identified in Public Art Master Plan 2016 proposed to be initiated in 2019.

**4.1 Central Memorial Recreation Centre Area Mural**

93 West Avenue South

Scale: Small – Budget \$17,500

Ward: 2

**4.2 Confederation Park**

Centennial Parkway & North Service Rd

Project: Gateway Entrance

Scale: Major – Budget \$250,000

Ward: 5

Pending start of construction of the new entrance

**4.3 James Street North between King and Strachan Streets**

Project: Bike Racks by Artists

Scale: Small – Budget \$55,000

Ward: 2

**Appendix 'A' to Report PED19053**  
**Page 6 of 7**

**4.4 Public Art at as part of the Harbour West Redevelopment**

Pier 6 at the foot of James Street North at Guise St. North

Project: Waterfront Gateway

Scale: Major – Minimum Budget \$250,000

Ward: 2

Pending start of construction of Piers 5-7

**4.5 Waterdown Memorial Park**

Project: A work to complement the skating loop

Scale: Medium – Minimum Budget \$75,000

Ward: 15

**5.0 PROJECTS TO BE INTIATED 2020-2022**

The following provides a list of the projects identified in Public Art Master Plan 2016 proposed to be initiated in 2019-2022.

The order presented is not intended to direct the sequence in which these public art projects will be initiated.

- Gore Park Veterans' Place
- Ancaster Arts Centre (formerly Ancaster Memorial School)
- Andrew Warburton Memorial Park
- Arts District - James Street North
- Binbrook Branch, Hamilton Public Library
- Dundas Branch, Hamilton Public Library
- Johnson Tew Park and Arboretum
- King Street Parkette at Highway No. 8
- Hamilton the Electric City; Nikola Tesla and the 5 Johns – Beachfront Trail
- Pipeline Trail at Kenilworth Avenue North
- Sam Lawrence Park
- Vincent Massey Park
- William Connell Community Park

**Appendix 'A' to Report PED19053**  
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In addition to these sites, 85 sites are identified in the Public Art Master Plan 2016 for future consideration should additional staff resources or funding become available.

## **6.0 HAMILTON PUBLIC ART COLLECTION**

The City of Hamilton Public Art Collection currently includes 40 works located across the city. An online mapping tool that illustrates, explains and locates each artwork in the collection can be accessed from the City of Hamilton website at [www.hamilton.ca/publicart](http://www.hamilton.ca/publicart).



**PUBLIC ART IMPLEMENTATION AND  
FUNDING PLAN 2018-2022**

31-Oct-18

**Funding Allocations by Project**

Project	Proposed Initiation	Ward	Public Art Capital funding in place	Public Art Reserve	Downtown Public Art Reserve	Other /specific project funding in place	Notes/Comments
Gore Park beacons	2017	2				\$2,000	Second Beacon to be installed in 2019 pending park construction
Battlefield Park Art Interpretive signs	2018	9	\$16,000				
King William Art Walk Public Art Project	2018	2	\$231,800				\$100,000 transferred from the Downtown Public Art Reserve (108049) to the King William Art Walk Public Art Project (7101558508). PED17024
Traffic Signal Box Wraps	2018	2	\$91,500				From the Downtown Public Art Reserve PED18061
Desjardin Canal Bridge Stabilization	2018	1		\$20,000			
Churchill Park	2018	1	\$285,247				From Ward 1 Area Rating
Binbrook Branch, Hamilton Public Library	2019	11		\$75,000			
Bike Racks by Artists - James Street North	2019	2	\$91,500				Identified by the Ward 2 participatory budget process. Funded from Downtown Public Art Reserve PED18601
West Hamilton Rail Trail	2019	1	\$65,000				
Waterdown Memorial Park Ice Loop	2019	15	\$75,000				Funding from project budgets and Public Art Reserve PED18127
Central Memorial Recreation Centre Area Mural	2019	2	\$21,350				Ward 2 Area Rating and Downtown Public Art Reserve
Desjardin Canal Bridge Public Art	2019	1		\$60,000			
Arts District Public Art - Wilson and James N	2019		\$427,000				From the Downtown Public Art Reserve PED18061 and the Gore Park Project
Waterfront Public Art Projects	2019	2				\$1,840,000	Public Art projects as outlined in the West Harbour Rec Master Plan. Funding Source: Harbour West Redevelopment Project Budget

**Funding Allocations by Project Continued**

Project	Proposed Initiation	Ward	Public Art Capital funding in place	Public Art Reserve	Downtown Public Art Reserve	Other /specific project funding in place	Notes/Comments
Temporary art in public places pilot project	2020	2	\$73,200				From the Downtown Public Art Reserve PED18061
Hamilton The Electric City, Tesla and the 5 Johns	2020	5		\$100,000		\$100,000	Matching funding by Nikola Tesla Educational Charity
Ancaster Memorial School - arts and culture centre	2020	12		\$250,000			
William Connell Community Park	2020	8		\$150,000			
King Street Parkette at Queenston Road	2020	10		\$100,000			Additional funding may be available from LJM Developments re: development at the corner of Highway 8 and Ellington Avenue. Still to be confirmed
Pipeline Trail - Kenilworth Ave N. area	2020	4		\$100,000			
Arts District Public Art - Wilson and James N	2019		\$427,000				From the Downtown Public Art Reserve PED18061
Waterfront Public Art Projects	2019	2				\$1,840,000	Public Art projects as outlined in the West Harbour Rec Master Plan. Funding Source: Harbour West Redevelopment Project Budget
Gore Park - Veterans' Place Peace Project	2020	2	\$116,000			\$250,000	Funding from the Gore Park project and the Downtown Public Art Reserve PED18061
Dundas Branch Hamilton Public Library	2020	13		\$75,000			
New Entrance to Confederation Park	2020	5		\$250,000			
Vincent Massey Park	2020	6		\$125,000			
Andrew Warburton Memorial Park	2021	4		\$125,000			
Johnson Tew Park and Arboretum	2021	14		\$250,000			
Sam Lawrence Park	2021	7		\$125,000			
<b>TOTAL Allocated Funding to 2022</b>			<b>\$1,920,597</b>	<b>\$1,805,000</b>	<b>\$0</b>	<b>\$4,032,000</b>	

**Available Funding in Reserves**

				<b>Public Art Reserve</b>	<b>Downtown Public Art Reserve</b>		
Reserve Funds as of Nov 1 ,2018				\$1,148,794	\$49,219		
Annual Contribution 4X \$171,000				\$684,000			
<b>Total Available funds to 2022</b>				<b>\$1,832,794</b>	<b>\$49,219</b>		
Total Allocated Funding to 2022				\$1,805,000	\$0		
<b>BALANCE</b>				\$27,794	\$49,219		

Hello To All City Council Representatives of Hamilton Ontario, Civic Administrators and Citizens Alike;

My Name is Nicholas A. Baio. I am the US Delegate and Expo Team Select for Host Year 2025 & 2026 our Worlds Fairs Select for Both Ontario, USA & its Respected 1st Nations of Tribal Nations within the AIPH Congress & Governing Body of The International Association of Horticultural Producers; the Sister Organization to the Beauru of International Exposition . To which I am "Truly Honored" and "Humbled" to Present to The Nation Of Canada and Its National Government the Following Information for your Review. Growing up in our Region it is evident that not many Global Events "Grace" our Cities... To which I am honored today to present the following information for your Review (The President of the United States Donald J. Trump, Prime Minister Trudeau, President Bellegrande & President Todd Gates (Of Six Nations, now Rickey Armstrong Sr, Six Nations with Current Native Elections) in July 2018; was issued our "Great Compromise to Host" From the Senior Leadership of AIPH for Expo 2025 (2026 Horticultural Expo Being Secured in 2017 at the 69th Congress of the AIPH & our Nations US Synopsis Attached can showcase our Achievements for your Review). As a Cousin to The Nation of Canada & Your Expo Managing Director, A US Delegate to AIPH & One Very Proud Business Owner in Niagara County; to include our Beautiful Friend "The Nation of Canada". As a Neighbor & Regional Partner in Niagara / Erie Counties to Ontario is a "Pure Honor"& I know the "Time is Ours" in Niagara, I applaud all "Partners, Collaborators and Citizens to Join the Conversation of World's Fairs & Horticultural Expos", & Especially with our Rich History of Nikola Tesla, Westington House and Our Current Leadership in Clean Energy for "Both Nations". The Cities of Ontario which are Selected as "Host Cities" are the following:

(Fort Erie, Niagara Falls, Ontario & The City of Toronto For Expos 2025 (Paired with Buffalo, Niagara Falls & Flushing Meadows, NYC, New York) & 2026 is Rochester New York) Our 1st Expos in North America is upon our Doorsteps Ladies and Gentle of Hamilton Ontario. There are Hundreds of Reasons to support the World's Fairs Organization to which I could speak for hours on the Cross Development Opportunities such as Industries of "Biomass, Solar, Wind, Hydro Power (Large or Small)" or To Celebrate "Extracting Toxic Waste' For all Ecosystems which R.I.T. Educators & Youth Developed a Way to Remove Toxic Waste from the Learned & Modern Environment. The Ability for Ontario, Canada to Host a World's Fair is 100% Secure and our Nation's intent to Correct our Grandfathers Mistakes throughout all Nations with Toxic Ecosystems which couldn't be otherwise extracted until Now....) to Assist all Ecosystems in North America and Cities like Hamilton, or Toronto or Niagara Falls New York (It is our Obligation, it is our Duty and our Responsibility to Assist our communities where need be as "City of Good Neighbors" ) across Mother Earth; and the Potential to Create Ecosystems on the Moon, or in Space with the Next Frontier gives us credence and reason to Showcase at our Expos between each nation, with "Best Practices" so we don't continue making the Past Mistakes; and can give our Children a "Brighter Future" like Nikloa Tesla Did in 1901. Our Mutual Global Efforts also Celebrate the many innovative and

upcoming breakthroughs of “Clean Energy” that Celebrate the Canadian Way of Life (Its Educators, Game Changers, Break through Science which Cures Cultures & Youth yet to Lead our Nations; to which our Opportunities today Secure The Future with Support of our Expos and Cities Like Hamilton), the “City of Good Neighbors” allowed us & our team to present and “Submit to The International Association of Horticultural Producers” Through President Obama’s Administration in 2015, Securing our Nation’s 1st Cross Nation and Anchor our Belief that we can “Achieve Great Things Together” & with a “Little Hope” and Perseverance “The American 1st is Mutually Ontario’s Dream Current with New Trade Deals”, Our Mutual Democracy in Trade and Diplomacy, Enhances all Nations and “Together Canada, USA & Its 1st Natives Peoples Can Achieve Great Things Together Once More” by hosting together the Most Prestigious Event Known to Universe for all its Peoples, Residents, Youth, Elders and City Councilmembers like yourselves.

I am Providing Vic, our AIPH Manual to provide for Record & Ethics with The Ontario National Government, “The United States Presidential Great Compromise” To which Prime Minister Trudeau, Premier Ford, City of Fort Erie, Niagara Falls, Ontario & The City of Toronto Administrations have, along with President Trump, Majority Leader Peoples-Stokes of New York State, Governor Cuomo’s Office and all Cities Select for the USA (Buffalo, Niagara Falls & Flushing Meadows, NYC) also have been briefed, Currently Updated and our Expo Team Submits Reports Every 6 Months for Ethics and Compliance with AIPH Senior Leadership & Can Be Accessed if Need. I have have attached for your Convenience the “AIPH Manual for all Expos with AIPH” (In Case Hamilton would like to Bid in Future Forward or Support Full Canadian Membership Future Forward; or supportive documents you may need from myself as US Delegate) All information is also available online, Vic can provide your Office of the AIPH Manual for Hosting (Please follow our “Approved and Selected World Fairs “B” Rated Expo Formate”, in the Current AIPH Manual Provided) and Our 2017 USA Exploratory Mission Report, 69th Congress of The AIPH, Taiwan Official USA Synopsis (To Which my Report showcases the Benefit to Membership of AIPH and to “Host” or Participate as an Expo Pavilion (Currently there are Nations Bids which are Open for Submission if Interested) “All can be Reached through the Manual or Through Online” and within Senior Leadership of AIPH. The information can be easily accessed (AIPH.ORG / BIE.ORG (Please spell out Beaurio of International Expositions to reach online) Thank You For your Time~

Truly Yours,

US Delegate to AIPH

Expo Team Select 2025 & 2026 “B” Rated Horticultural World's Fair & Expo.

Nicholas A. Baio  
(716) 370-4205

cbhglobal1@gmail.com



Dear Mr. President and The 45th Administration;

It is with extreme honor to inform the Presidential Office and the 45th Administration, we have been offered a "Great Compromise". Due to the BIE (Bureau of International Expositions) Rules Change, our Nation's bid For the Specialized World's Fair for host year 2025 will not take place. Thus, the sister organization, AIPH (International Association of Horticultural Producers) has sent word to our team and Nation to Host the 2025 Horticultural Expo, in conjunction with the approved 2026 Horticultural Expo (advanced in Taiwan, China Sept 2017 during our USA Exploratory Mission) and upon final review by The AIPH Congress & Senior Leadership. Both Expos will be "B" Rated and our Nation's 1st Horticultural Expos in History. It will also be North America's First Expos (Date of Opening) In 41yrs for hosting any one type of Expo. This will also mark and celebrate the 125th Anniversary of the 1901 Pan-American Exposition. All Submissions and Legacy Buildings can proceed, and Municipalities select (Niagara Falls, NY-Buffalo, NY -Flushing, NYC-Rochester-NY & Niagara Falls, Ontario-Fort Erie, Ont-Toronto, CA) will as many report, be the most revenue gained in Expo History and surely set the bar for Future Generations and Administrations to come. Due to the State Department New Expo Unit, we have confirmed these findings and cross referenced the rules change by the AIPH Senior Leadership. Thus, the AIPH and Secretary General Tim Briarcliff, has offered us our Nation and Trade Partners an "Equal Opportunity" and to many, "A Great Compromise". This is a tremendous opportunity to provide hundreds of jobs, removal of Toxicity for Environmental Application and Ecosystems around the World. This moment for humanity is crucial and will be celebrated throughout time the moment you signed "H.R.534" Into Law (and together we achieved a Unanimous Vote by Congress for all our Efforts). Sir, our Nation, its 1st Nations (567 Federally Recognized US Tribal Nations ) & Canada; it's 2nd Assembly of 1st Nations), will host the 1st Cross Nation Expos in History. The State Capital Of New York through Assemblyman Morniello of the 145th District, has confirmed their dedication to this "Great American Project" and alongside the many Hundreds and thousands of Americans, Youth, Union Workers, State Officials,

Federal Employees and Tribal Elders. Mr President, our Generation will provide a new opportunity in innovation and development, a solid roadmap to assist developing nations and provide countless opportunities for our Nation & the millions of Americans, with technological advancements in Hydro Power as well as the many topics and development opportunities such as Clean Oil, Clean Coal, Solar, Wind and Biomass, all due to the industrious beginnings from Nikola Tesla, to the current generations advancements such as - Rochester Institute of Technology and two students who developed a way to remove the nuclear components from waste. These new discoveries mark the first time in history, that our Skilled and Trained Citizens around the World will be able to remove what our Grandfathers and Grandmothers wanted when we 1st tried to Clean up the Ecological disaster here in Niagara County, "Love Canal". Which will shine as an example of how people overcome obstacles, rise above political parties and finally remove the Toxicity located just miles away from The 8th Wonder of the World; The Mighty Niagara Falls. But most importantly, "The Last Known Body of Fresh Water" according to scientific models. These new discoveries, which can be considered "Safe Waste", through the many industries will in the meanwhile uplift millions of people who are still susceptible to environmental disasters generated by our past generations leadership and the lack of technology to remove the mishap of a few. This new compassion for mankind and Nation building allows these Expos to not just set the bar, but become the ball for change our Children can be proud of. Thus, these new discoveries should be celebrated by all mankind, and implemented. Your Administration and the 44th Administration, will go down in our Nation's history as making the potentially colossal impact through diplomacy and society impact. Congratulations, Mr. President and the 45th Administration. We look forward to working together. I also would like to extend a Thank You, on behalf of our Nations people for the tremendous strides made towards a peaceful resolution with North and South Korea. Together Sir, we have made Monumental & Historical moments as of late. This moment for Democracy will surely shine with your legacy Sir and to the Republic to which you Stand. Our Nation, Team Select & all Global Leaders all owe

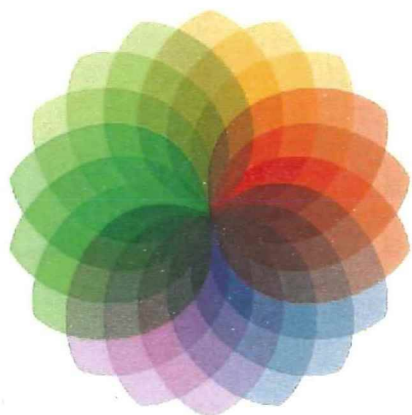
your Administration a great big Thank You, and we are at your disposal with an open- door policy. We look forward to building your legacy and providing new opportunities for Korea as well as other Nations for our Expos Select.

With Warm Regards,

Nicholas A. Baio

US Consultant & Delegate to the AIPH





**AIPH**

**AIPH Regulations for International Horticultural Exhibitions**

Approved by AIPH General Meeting 21 October 2015, Stresa, Italy

**International Association of Horticultural Producers**

**Horticulture House**

**19 High Street**

**Theale**

**Reading, RG7 5AH**

**United Kingdom**

**[www.aiph.org](http://www.aiph.org)**

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## Section 1 AIPH Objective and Role

The AIPH objective for international horticultural exhibitions (Expos) is to promote the products of the horticultural industry to the general public, businesses and governments and to increase global appreciation for horticulture in terms of its benefits to individuals and societies.

The role of AIPH is to ensure expos are successful through a defined approval and monitoring process and through regulating the number of permitted expos.

Successful expos will:

- Stimulate the increased use of plants to improve the health and wellbeing of society, the enhancement of the environment and the strengthening of economies.
- Clearly demonstrate society's need for horticulture and the role it plays in linking people with their environment.
- Bring together horticultural excellence from different countries to promote the best knowledge and practice from all over the world and to celebrate cultural and horticultural diversity.
- Promote productivity and international co-operation in professional horticulture

## Section 2 AIPH Governance and Regulatory Authority

The International Association of Horticultural Producers (AIPH) is an international non-profit association registered in Brussels, Belgium. Registration number 546.558.178.

The approval and implementation of the AIPH Regulations for International Horticultural Exhibitions is done in accordance with the Charter and Internal Regulations of AIPH as published on the AIPH website [www.aiph.org](http://www.aiph.org).

AIPH has international responsibility for the approval of international horticultural exhibitions.

### A1 Exhibitions:

According to Article 4.B.2 of the Convention Relating to International Exhibitions, the Bureau International des Expositions (BIE) will grant recognition to A1 horticultural exhibitions approved by the International Association of Horticultural Producers (AIPH), provided that there is an interval of at least two years between such exhibitions in different countries and at least ten years between events held in the same country; due to be held in the interval between two registered exhibitions.

A1 International Horticultural Exhibitions must comply with the Regulations of both AIPH and BIE.

**Section 3**  
**Exhibition Categories**

Expo class	Expo name	Frequency	BIE approval	Duration	Application period	Specific provisions	Fees
A1	World Horticultural Exhibition	<p>Not more than one at any time</p> <p>Not more than five per decade</p> <p>Not more than one per country per decade</p>	Required	<p>Minimum 3 months</p> <p>Maximum 6 months</p>	Application submitted 6-12 years before opening date	<p>Minimum exhibition area of 50ha of which a maximum of 10% is taken up by buildings (excluding buildings used for indoor exhibitions)</p> <p>At least 5% of the exhibition area reserved for full-time international participants</p> <p>Minimum of 10 countries participating</p> <p>Invitations can be issued through diplomatic channels</p>	<p>Financial guarantee €150,000 (one hundred and fifty thousand euro)</p> <p>Licence Fee: €400,000 (four hundred thousand euro)</p> <p>Plus a gate fee charge equivalent to 1% of all gate income over €40,000,000 (forty million euro)</p>
B	International Horticultural Exhibition	<p>Not more than two at any one time</p> <p>Not more than two per year</p> <p>Interval of at least 3 months between respective opening dates when they take place on the same continent and at least 3 weeks on different continents</p> <p>Opening and closing dates must not clash with opening and closing</p>	No	<p>Minimum 3 months</p> <p>Maximum 6 months</p>	Application submitted 3-10 years before opening date	<p>Minimum exhibition area of 25ha of which a minimum of 3% is reserved for international participants</p> <p>Minimum of 10 international participants</p>	<p>Financial guarantee €100,000 (one hundred thousand euro)</p> <p>Licence Fee: €350,000 (three hundred and fifty thousand euro)</p> <p>Plus a gate fee charge equivalent to 1% of all gate income over €35,000,000 (thirty five million euro)</p>

		dates of an A1 exhibition					
C	International Horticultural Show	<p>Not more than two at any one time</p> <p>Interval of at least 3 months between respective opening dates when they take place on the same continent and at least 3 weeks on different continents</p> <p>Opening and closing dates must not clash with opening and closing dates of an A1 exhibition</p>	No	<p>Minimum 5 days</p> <p>Maximum 20 days</p>	Application submitted 3-7 years before opening date	<p>Minimum exhibition area of 6,000m<sup>2</sup> of which a minimum of 10% is reserved for international participants</p> <p>Minimum of 6 international participants</p>	<p>Financial guarantee €10,000 (ten thousand euro)</p> <p>Licence Fee: €15,000 (fifteen thousand euro)</p>
D	International Horticultural Trade Exhibition	<p>Not more than two at any one time on the same continent</p> <p>Opening and closing dates must not clash with opening and closing dates of an A1 or B Class exhibition</p>	No		Application submitted 1-5 years before opening date	<p>Exhibition aimed at horticultural trade visitors and promoting business to business commerce</p> <p>At least 60% of exhibition participants must be involved in the production of horticultural products or supplying that sector.</p> <p>Exhibitions can incorporate conferences and symposia.</p>	<p>Financial guarantee € 20,000 (twenty thousand euro)</p> <p>Licence Fee: € 10,000 (ten thousand)</p>



#### **Section 4 Application Process**

Application for AIPH recognition must be supported by a Full Member organization of AIPH in the country where the exhibition will be held.

In the case of a country where there is no Full Member of AIPH an application can be submitted without the support of a Full Member of AIPH but the financial guarantee will be increased by 100% and AIPH may require further investigative work which will be at the cost of the applicant.

A1 Expo applications should also have the documented support of the national government.

The application must be submitted to the Secretariat General of AIPH at least 6 weeks prior to the next AIPH Marketing & Exhibitions Committee and General Meeting. The Secretariat General reserves the right not to put forward for approval any application received later than this.

An application will consist of the following documents:

- AIPH questionnaire
- Feasibility study
- AIPH Site inspection report
- Formal letter of support from the AIPH member (if applicable)
- Formal letter of support from the host city/region (for B)
- Formal letter requesting approval from the organization or authority making the application. This should be signed by the most senior person in that organization
- Confirmation that the necessary finance will be provided to deliver the proposed exhibition
- Confirmation of support from national government (Class A1 only)

The relevant financial guarantee must be paid to AIPH 30 days prior to the AIPH meeting where the application will be considered or before an AIPH Site Inspection, whichever is sooner.

The documents will be circulated to all AIPH members prior to the next Marketing & Exhibitions Committee and General meeting.

The applicant will be invited to make a presentation of the application during the meeting of the AIPH Marketing & Exhibitions Committee.

#### **Section 5 Approval**

AIPH will consider the application in closed session and inform the applicant of the decision at the earliest opportunity. The General Meeting is entitled to grant approval subject to conditions.

In the event that there is competition for a particular time period for hosting an exhibition AIPH will reach a judgement on the matter.

For Class A1 World Horticultural Exhibitions it is also necessary to gain recognition from the BIE ([www.bie-paris.org](http://www.bie-paris.org)). AIPH approval is required prior to making an application to BIE.

## Section 6 Reporting to AIPH

### Class A1 and B Exhibitions

Following approval from AIPH, organisers are required to verbally report progress to AIPH meetings and field questions from members. Reports must be presented in English. The frequency of reports required will be specified by the AIPH Secretariat General but will be at least once per year following approval.

During the four years prior to an A1 and B Class exhibition organisers will be subject to the following on-site inspections:

Four years before opening of exhibition

- One on site visit by AIPH inspector(s) – See Annex I for '4 years before' inspection

Three years before opening of exhibition

- One on-site visit by AIPH inspector(s) – See Annex II for '3 years before' inspection

Two years before opening of exhibition

- One on-site visit by AIPH inspector(s) – See Annex III for '2 years before' inspection

One year before opening of exhibition

- One on-site visit by AIPH inspector(s) – See Annex IV for '1 year before' inspection

The number of inspectors within the AIPH inspection team will be determined by AIPH but will normally be two. Following each inspection a report will be produced by the AIPH inspector. This report will be made available to the organisers and to AIPH Full Members.

AIPH reserves the right to require more frequent inspections if non-conformities are identified during an annual inspection or if requested by the organiser.

Organisers are required to provide, at their cost, the following for up to two AIPH inspectors per visit:

- Hotel accommodation
- Food and drink
- Transportation from point of arrival for the duration of the visit

In addition organisers are required to cover the cost of:

- Travel costs for the inspectors from their home destination. This includes flight costs (minimum of 'premium economy / economy plus' for flights over six hours), rail travel and car mileage depending on the form of transport.

For any additional inspections required beyond the annual inspections (at request of AIPH or the organiser) then an additional fee per day will be required to cover the additional time cost. Fees will be specified by Secretariat General.

### Class C and D Exhibitions



Following approval from AIPH, organisers are required to verbally report progress to AIPH meetings and field questions from members. Reports must be presented in English. The frequency of reports required will be specified by the AIPH Secretariat General but will be at least once per year following approval.

Class C and D exhibitions will not automatically require an on-site inspection in advance of the exhibition. However, AIPH reserves the right to do so in the following circumstances:

- Concerns about progress
- If a complaint is raised by a member of AIPH
- If requested by the organiser
- If the exhibition is new and has never been run before

When an inspection is required then organisers are required to provide, at their cost, the following for up to two AIPH inspectors per visit:

- Hotel accommodation
- Food and drink
- Transportation from point of arrival for the duration of the visit

In addition organisers are required to cover the cost of:

- Travel costs for the inspectors from their home destination. This includes flight costs (minimum of 'premium economy / economy plus' for flights over six hours), rail travel and car mileage depending on the form of transport.

For any additional inspections required beyond the annual inspections (at request of AIPH or the organiser) then an additional fee per day will be required to cover the additional time cost. Fees will be specified by Secretariat General.

### **Final Reports**

Exhibition organisers are required to submit a final report to the AIPH Secretariat within 90 days of the closing of the exhibition. The report must include the points outlined in Annex V.

### **Section 7 Sanctions**

If, after approval has been granted to an exhibition by AIPH, it transpires that the organizers have not respected the provisions of the regulations, or have respected them only partially, the approval will be withdrawn, and all members of AIPH will be informed of this decision.

In the event that inspection visits highlight serious concerns that could prevent the organisers from achieving the quality of exhibition required by AIPH or if the exhibition fails to meet other obligations to AIPH then AIPH reserves the right to withdraw its approval of the exhibition.

Any decision to withdraw approval would require majority approval by the AIPH General Meeting.

In the event that approval is withdrawn there would be no reimbursement of any of the financial guarantee and the organisers would be liable to pay to AIPH the full gate fee payment as agreed at the original approval.

When approval is withdrawn the exhibition must remove all reference to AIPH in any communication relating to the event.



For Class A1 exhibitions then AIPH would inform BIE of its decision.

### **Section 8** **Services Provided by AIPH**

AIPH will provide the following services to approved A1 exhibitions:

- AIPH assists in organizing 3 International Honorary Jury rounds and pays for the flight tickets (economy class) and hotel rooms of 4 foreign Honorary Jury Members; at least two of them are to be nominated by AIPH.
- AIPH will maintain and make available a list of competent International Honorary Jury members.
- AIPH donates a prize for the International competition. This prize consists of an AIPH certificate, and an 'AIPH award trophy'.
- AIPH will encourage its member organizations by all means to participate in the exhibition.
- AIPH can provide support in the development and organization of competitions during the Expo. This includes the following:
  - Assistance in preparing competition rules
  - Assistance in organization and management of the juries (national and international competitions)
  - Assistance in determining the results of jury deliberations
- AIPH will promote the exhibition and seek to gain publicity for the exhibition and for prize winners through the AIPH website, media releases and newsletters. AIPH will also seek to attract more international visitors to the exhibition.
- AIPH will endeavour to respond to questions relating to technological, infrastructural and horticultural aspects of exhibitions or to recommend appropriate consultancy support.
- AIPH will give access to the 'AIPH Guide for the Organisers of International Horticultural Exhibitions' as well as to related Technical Guidance Notes
- AIPH will provide access to the Final Reports from previous Exhibitions
- In exceptional situations the Executive Committee of AIPH can decide to adjust the financial obligations of AIPH. The organizing committee will be informed by AIPH if such a situation occurs.

AIPH will provide the following services to approved Class B exhibitions:

- AIPH assists in organizing 2 International Honorary Jury rounds and pays for the flight tickets (economy class) and hotel rooms of 4 foreign Honorary Jury Members; at least two of them are to be nominated by AIPH.

- AIPH will maintain and make available a list of competent International Honorary Jury members.
- AIPH donates a prize for the International competition. This prize consists of an AIPH certificate, and an 'AIPH award trophy'.
- AIPH will encourage its member organizations by all means to participate in the exhibition.
- AIPH can provide support in the development and organization of competitions during the Expo. This includes the following:
  - Assistance in preparing competition rules
  - Assistance in organization and management of the juries (national and international competitions)
  - Assistance in determining the results of jury deliberations
- AIPH will promote the exhibition and seek to gain publicity for the exhibition and for prize winners through the AIPH website, media releases and newsletters. AIPH will also seek to attract more international visitors to the exhibition.
- AIPH will endeavour to respond to questions relating to technological, infrastructural and horticultural aspects of exhibitions or to recommend appropriate consultancy support.
- AIPH will give access to the 'AIPH Guide for the Organisers of International Horticultural Exhibitions' as well as to related Technical Guidance Notes
- AIPH will provide access to the Final Reports from previous Exhibitions
- In exceptional situations the Executive Committee of AIPH can decide to adjust the financial obligations of AIPH. The organizing committee will be informed by AIPH if such a situation occurs.

AIPH will provide the following services to approved Class C exhibitions:

- AIPH assists in organizing one International Honorary Jury round and pays for the flight tickets (economy class) and hotel rooms of 4 foreign Honorary Jury Members; at least two of them are to be nominated by AIPH.
- AIPH will maintain and make available a list of competent International Honorary Jury members.
- AIPH donates a prize for the International competition. This prize consists of an AIPH certificate, and an 'AIPH award trophy'.
- AIPH will encourage its member organizations by all means to participate in the exhibition.
- AIPH will promote the exhibition and seek to gain publicity for the exhibition and for prize winners through the AIPH website, media releases and newsletters.

- AIPH will endeavour to respond to questions relating to technological, infrastructural and horticultural aspects of exhibitions or to recommend appropriate consultancy support.
- In exceptional situations the Executive Committee of AIPH can decide to adjust the financial obligations of AIPH. The organizing committee will be informed by AIPH if such a situation occurs.

AIPH will provide the following services to approved Class D exhibitions:

- AIPH assists in organizing one International Honorary Jury round and pays for the flight tickets (economy class) and hotel rooms of 2 foreign Honorary Jury Members nominated by AIPH.
- AIPH donates a prize for an International competition for the best stand. This prize consists of an AIPH certificate, and an 'AIPH award trophy'.
- AIPH will encourage its member organizations by all means to participate in the exhibition.
- AIPH will promote the exhibition and seek to gain publicity for the exhibition and for prize winners through the AIPH website, media releases and newsletters.
- AIPH will endeavour to respond to questions relating to technological, infrastructural and horticultural aspects of exhibitions or to recommend appropriate consultancy support.
- In exceptional situations the Executive Committee of AIPH can decide to adjust the financial obligations of AIPH. The organizing committee will be informed by AIPH if such a situation occurs.

## **Section 9**

### **Fees**

#### Financial Guarantee:

Applicants for recognition of an exhibition by AIPH are obliged to pay a financial guarantee to AIPH directly as the application is submitted, AIPH will send an invoice to the organization that applies for AIPH approval.

Provided that the organizers have fulfilled all their obligations, including the submission of a final report (format as in Appendix V) not later than ninety days after the closing date, AIPH will refund the following proportion of the financial guarantee:

Class A1: € 100,000

Class B: € 60,000

Class C: € 6,000

Class D: € 12,500

If an application is not accepted by AIPH, or if within one year of definitive recognition the application is withdrawn, 20% of the financial guarantee will be repaid by AIPH. If an application is withdrawn more than one year after definitive approval, AIPH will retain the whole financial guarantee.

#### License Fee:

For all exhibitions, the organizers are bound to pay to AIPH the specified license fee (See section 3).



When a specified gate income is exceeded then an additional gate fee charge is payable.

Expo Class	Financial Guarantee	License Fee (Euros)	Gate Fee
A1	€150,000	€400,000	1% on all gate income above €40,000,000
B	€100,000	€350,000	1% on all gate income above €35,000,000
C	€10,000	€15,000	Not applicable
D	€20,000	€10,000	Not applicable

Payment of the license fee starts from 3 years ahead of the opening of the exhibition for A1 and B Class exhibitions and is due for payment by the following times:

- 3 years before opening: 25% of total fee
- 1 year before opening: 25% of total fee
- 1 month before closing: remaining outstanding fee

Payment of the license fee starts from 2 years ahead of the opening of the exhibition for C and D Class exhibitions and is due for payment by the following times:

- 2 years before opening: 25% of total fee
- 1 year before opening: 25% of total fee
- 1 month after closing: remaining outstanding fee

#### Gate Fee:

In the event that an A1 Exhibition collects a gate income that exceeds €40,000,000 (forty million euro) then any income above this will be subject to a 1% gate fee charge payable to AIPH within ninety days of the closing ceremony.

In the event that a B Exhibition collects a gate income that exceeds €35,000,000 (thirty five million euro) then any income above this will be subject to a 1% gate fee charge payable to AIPH within ninety days of the closing ceremony.

AIPH requires a declaration by an independent financial auditor, approved by a professional body, regarding the gate income collected by the Expo and the relevant payment to AIPH.

AIPH is registered for Value Added Tax (VAT) in the United Kingdom. Payment should be made following receipt of invoice which will include the addition of UK VAT for exhibitions organised in the European Union.

#### Penalties:

In the event that any payment is not made by the due date then interest will be charged on outstanding debts. As AIPH finances operate from the United Kingdom the interest rate applied will be in accordance with the 2002 amendment to the UK Late Payment of Commercial Debts (Interest) Act 1998. This entitles AIPH to charge an 8% interest rate plus the Bank of England Base Rate. The interest charged will be the sum of these two interest rates.

## Section 10 Use of AIPH Brand

AIPH encourages the use of the AIPH brand in association with the promotion and endorsement of exhibitions. Organisers are required to follow the AIPH Brand Use Rules as outlined in Annex VI.

As a minimum the AIPH brand must be used as follows:

- In all promotional material produced for the exhibition
- On the exhibition website, including link to AIPH website
- On information provided to exhibitors
- On media releases
- Visible at exhibition entrances
- On exhibition entry tickets
- On a flag displayed

The AIPH brand can be used on merchandise sold from the exhibition. In this case all uses must obtain prior approval from the AIPH Secretariat and may be subject to a royalty charge.

## Section 11 Exhibition Requirements

### 11.1 – Opening and Closing Ceremonies

All exhibitions are required to have an opening ceremony. Class A1 and B exhibitions are also required to have a closing ceremony. Organisers must allow for a speech from an AIPH representative during these ceremonies. AIPH undertakes to provide a representative to make a speech in English. The speech will be delivered by the AIPH Secretary General, the AIPH President or an alternative senior AIPH office holder. AIPH Prizes can also be presented during these ceremonies.

Organisers are required to provide, at their cost, the following for the AIPH officer delivering the speech:

- Hotel accommodation
- Food and drink
- Transportation from point of arrival for the duration of the visit

In addition organisers are required to cover the cost of:

- Travel costs from their home destination. This includes flight costs (minimum of 'premium economy / economy plus' for flights over six hours), rail travel and car mileage depending on the form of transport.

### 11.2 – International Participation

Participants from all countries should be allowed to participate in an international horticultural exhibition under the same conditions in order to permit an unprejudiced comparison between the products of the different countries.



To that end it is necessary that the products of foreign participants can be exhibited as unhindered by measures and restrictions of customs and phytosanitary rules as products from the organizing country. Products to be displayed should be allowed at the exhibition in their original state (e.g. kind and form of the products, substrates, container growth, varieties and species) and there must be no discrimination between participants from the host country and foreign participants in the international section of an exhibition.

The AIPH member associations should support only those horticultural exhibitions or shows of a specialized horticultural nature which have been recognized by the General Meeting of AIPH after consultation with the AIPH Marketing Committee. In the event of a conflict between exhibitions, AIPH members are obliged to give preference to participation in the exhibition recognized by AIPH.

In each country/region where an exhibition is planned, there must be one organization or committee responsible for the participation in an international horticultural exhibition.

This should be the function of an AIPH member organization. If the member organization adopts other arrangements, AIPH must be informed.

All exhibitors must be approved by a Committee established by the organizer. This can include the AIPH member (where there is one) from the country which wishes to participate in an international horticultural exhibition. It will be possible in this manner to prevent particular undesirable exhibitors from participating in an international horticultural exhibition.

Exhibitions which have been registered with the BIE should only admit or reject foreign exhibitors with the approval of the Commissioner of the Government of the country concerned.

International horticultural exhibitions which have been recognized by AIPH must set up a committee consisting of one delegate from each of the participating countries. The function of committee is to ensure the equal observance of the rights and duties of exhibitors and they should be enabled, in an advisory capacity, to assist the organizers of exhibitions in laying down the conditions for exhibiting and for the regulation of the award of the prizes.

Reimbursement of travel and lodging costs of delegates (travel tickets, hotel costs, subsistence etc.) is the responsibility of member organizations or the organizing committees in the various countries.

### 11.3 – Competitions

Competitions are an important component of horticultural exhibitions. They stimulate the interest of both participants and visitors; they provide incentive for exhibitors and enable organizers to reward excellence.

Organizers of international horticultural exhibitions are therefore required to include competitions in their events, to make efficient arrangements for their judging and to award appropriate prizes to those whose exhibits are of exceptional quality. Organizers are required to provide information about these aspects when answering the application questionnaire and their response will be taken into account in the review procedure. However, AIPH recognizes that arrangements for these activities will differ between exhibitions. Therefore recommendations have been prepared for the guidance of organizers (Annex VII).

The organizers are obliged to send to the AIPH secretariat details of the regulations relating to their competitions not later than one year prior to the opening of the exhibition concerned. AIPH will respond with required amendments within one month of submitting the regulations. Organizers are required to accept the amendments requested.

The organizers must guarantee that all exhibitors who participate in an international exhibition will be entitled, without discrimination of nationality, to participate in all the competitions which are organized by the organizing committee and to be eligible for prizes awarded by this committee.

An international jury is to be organized as outlined in Section 8 and procedures for dealing with jury members are outlined in Annex VII. Organizers are required to make practical and travel arrangements for the international jury.

Organisers are required to provide, at their cost (with exception of costs covered by AIPH as outlined in Section 8), the following for international jury members:

- Hotel accommodation
- Food and drink
- Transportation from point of arrival for the duration of the visit

In addition organisers are required to cover the cost of:

- Travel costs from their home destination. This includes flight costs (minimum of 'premium economy / economy plus' for flights over six hours), rail travel and car mileage depending on the form of transport.

#### 11.4 – Obligations to participants

The organizers must notify the conditions for participation, and submit them in the English language to AIPH for approval:

- at least three years before the opening date of an A1 exhibition for outdoor exhibitions;
- at least two years before the opening date of an A1 exhibition for indoor exhibitions;
- at least one year before the opening of B, C and D Class exhibitions.

##### 11.4.1 – Transport Costs (Class A1, B and C)

The organizers shall undertake to contribute to the costs of two-way transport of plants and materials necessary for the building of the stands.

The minimum contribution to these costs shall be reimbursement of the two-way trip from the national border (customs post, port, airport) to the location of the exhibition.

These costs are calculated on the basis of transport rates applicable in the host country.

No payment shall be due for the return leg of the journey:

- for cut flowers;
- if the plants on the exhibition stand are sold in the country where the exhibition is taking place.

##### 11.4.2 – Customs Formalities (Class A1, B and C)

Exemption from customs which is normally granted for exhibitions products must be ensured. Moreover, it is recommended that each country should also endeavor to obtain exemption from custom duties in the country in which the exhibition is held for products exhibited which will be offered free and will remain in that country.



For category A1 exhibition, the possibility of local customs clearance at the exhibition site must be provided.

In any case, for all categories of exhibition, all possible facilities concerning customs clearance must be provided, both for importation and re-exportation.

#### 11.4.3 – Plant Health (Class A1, B)

The organizers of the exhibition must guarantee three years before the start of Class A1 and B exhibitions (1 year for Class C and D) that measures are in place with the plant health authorities to minimize problems for participants and that clear guidance has been provided to participants to ensure they can comply with national phytosanitary rules.

Phytosanitary checks must be made without causing loss of time, preferably on the exhibition site.

#### 11.4.4 – Stand Equipment and Staging (Class A1, B and C only)

The exhibition hall and grounds must be made available to the collective and individual country exhibitor without charge. The organizers of the exhibition must supply at no cost the materials which are necessary for exhibition purposes (substrate, soil, water, electricity, wi-fi, etc.) in the stand or the exhibition ground. If it is necessary to heat exhibition halls to 20-22 degrees centigrade then this must be provided at no charge.

These conditions must also be applicable to personnel employed for heavy work and made available by the organizers. The costs of the personnel employed in the erection and finishing off of stands or the preparation of the exhibition area can be paid by the exhibitors.

For a short term exhibition, the maintenance during the exhibition of products exhibited in exhibition halls is the responsibility of the exhibitor.

However, in the case of products exhibited in the open and in the case of long term exhibitions in halls, their maintenance and care are the responsibility of the organizers.

#### 11.4.5 – Insurance

Organizers of and exhibitors at international horticultural exhibitions must take out an insurance for civil liability.

#### 11.4.6 – Financial compensation (Class A1, B and C only)

Organizers are required reduce the cost of exhibiting for participants. This can be done either by contributing to the cost of construction and maintenance or offering money prizes.

##### Overall amount of money prizes

Organizers who decide to award money prizes must consult the AIPH Secretariat on the overall value of money prizes to be awarded for an exhibition.



11.4.7 – Advertising other exhibitions

The organizers of AIPH registered exhibitions must allow the organizers of other AIPH registered exhibitions to place advertising signs in the stand of their country, or in the immediate vicinity of their stand.

The scale and content of such advertising/information should be agreed between the organizer and the exhibitor.

In the absence of the country where an exhibition being promoted is to take place, the organizers shall provide space for advertising, in a place which is accessible to the public.

Any costs in connection with such advertising will be met by the exhibition arranging it.

11.4.8 – Promotion

The exhibition is required to provide information for the international media relating to the exhibition and to enable it to be promoted worldwide. There must be a clear media contact point with information available in appropriate languages, including English.

11.4.9 – Exhibition Regulations for Participants

The organizer of an international exhibition has to inform the international exhibitors about the rules and regulations of working permits.

## **Section 12**

### **Rules for Participation**

12.1 – Sponsorship

All participants in AIPH recognized exhibitions shall be free to negotiate financial and other support from third parties, provided that support is permissible under the legislation of the host country and, in the case of BIE recognized events, complies with that organization's requirements.

Organizers of all exhibitions recognized by AIPH shall include in their conditions for participation full details of any restrictions which will apply to the display of advertisements, the distribution of literature and any other activities intended to promote products and services other than those exhibited by the participant.

These conditions shall permit participants to promote such products and services but the organizers are entitled to limit the inclusion of or reference to them to a maximum of 5% of the total surface area of the exhibit itself.

As far as publicity is made within the exhibition, sponsorship agreements concluded by exhibitors may not be conflicting with the sponsorship interests of the organizer of the exhibition nor with the image of the exhibition.

On collective country exhibits of exhibitions the sale of national products which might be in conflict with agreements of the organizer made with sponsors must be allowed.

**12.2 – Commercial activities**

Retail sales on the stand are permitted. However, these must not exceed 20% of the total covered area of the exhibit or 100 m<sup>2</sup>, whichever is the smallest area. For stands that are larger than 2000 m<sup>2</sup> then the area allocated for retail sales should be determined through negotiation between organizer and exhibitor. Any product sold should be related to the exhibit and linked with the exhibiting country and in a way that supports the objectives of the exhibit.

With a view to distribution of commercial information, an information area can be made available ONLY FOR THE TRADE in the NATIONAL stands (stands representing countries, or regions if the country itself is not taking part, or of communities which are representing a country).

An information area is only allowed on national stands with a minimum area of 500 m<sup>2</sup> (or when 500 m<sup>2</sup> was requested but not granted).

The maximum area of this information area: 100 m<sup>2</sup> to be set up and incorporated in the stand in such a way that it is not "visible" to the general public.

The form, layout and design of the information stand must be submitted to the organizers for approval.

The cost of setting up an information stand will be met by the exhibitor.

**12.3 – Commercial contact days**

In order to improve the commercial appeal of Class A1 and B exhibitions, the organizers must make it possible for participants to organize commercial contact days.

### **Section 13**

#### **Managing disputes**

Disputes between organizers and participants must be submitted to a disputes committee.

For A1 exhibitions, this committee shall consist of the commissioners general of the participating countries – for other exhibitions this committee shall be composed of representatives of the organizers, of the participating countries, and AIPH.

**Annexes**

Annex I – On site inspection for A1 and B Expos – 4 years before opening

Annex II – On site inspection for A1 and B Expos – 3 years before opening

Annex III – On site inspection for A1 and B Expos – 2 years before opening

Annex IV – On site inspection for A1 and B Expos – 1 year before opening

Annex V – Final Report Template

Annex VI – AIPH Brand Use Rules

Annex VII – Competition Guidelines



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	2018 Annual Report on the 2016-2020 Economic Development Action Plan Progress (PED19036) (Outstanding Business List Item) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Graeme Brown (905) 546-2424 Ext. 2363
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

## Council Direction:

To report back on the progress of implementing the 2016-2020 Economic Development Action Plan (EDAP) on an annual basis, providing a regular and consistent overview on the status of the 11 Stretch Targets and 61 Actions identified within the Action Plan.

## Information:

On December 7, 2016, the 2016–2020 EDAP was presented to and approved by City Council. The EDAP communicated the six high level goals identified by stakeholders as priorities, and further identified the nine areas of focus that staff would concentrate efforts and resources on to realize those goals.

The EDAP identified eleven measurable stretch targets and 61 specific actions that staff would pursue over the next five years and committed to having staff provide annual updates on the status of each one. The EDAP has been approved for over two years, and the Planning and Economic Development Department has delivered updates on progress made during the past two years in reports to Council in the first half of 2017 and 2018 (Report PED17041 and Report PED18066), providing a baseline for future progress reporting. This Information Report is the third annual update, covering progress made during the 2018 calendar year.

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**Update on the Eleven Stretch Targets**

The EDAP identified 11 Stretch Targets, which were expected to be ambitious, multi-year objectives that have a quantitatively measurable state of completion, and that City staff could provide a regular status update on. Each of the eleven Stretch Targets have been connected to a relevant City Division, and information relating to the prior year's activities on each Stretch Target have been collected and documented. The information can be found in the attached Appendix "A" to PED19036–2018 Stretch Target Report Card, and summarized in the chart below.

Chart 1: High Level Overview of Stretch Targets Status

Stretch Targets	Current Status of Stretch Goal
Increase Hamilton's shovel-ready land supply 500 acres	On Target
Add seven million square feet of new Industrial/Commercial space	In Progress
Generate a total of \$2 B in Industrial and Commercial construction value	In Progress
Triple the municipal tax assessment from Stelco lands	Behind Target
Extend regular HSR service (connected to the broader BLAST network) to the interior of the Red Hill, Flamborough, and Stoney Creek Business Parks and offer 24/7 service to John C. Munro Hamilton International Airport	In Progress
Reduce Hamilton's office vacancy rate to 7%	In Progress
Add the following new Major economic development assets	
A major film studio	On Target
A data centre	ACHIEVED
An 800-1200 seat multi-use performance centre	On Target
A manufacturing incubation space	ACHIEVED
Have ten local companies on the PROFIT Magazine "Fastest Growing Businesses" list	ACHIEVED
Attract five major events (like the JUNOs) that generate a total combined economic impact of at least \$50 M	ACHIEVED
Achieve Intelligent Communities Forum Top 7 Ranking	ACHIEVED
Enhance Hamilton's Image as a Digital City by enabling access to broadband internet speeds of:	
250 megabit/second to all rural Hamilton	In Progress
1 gigabit/second to all urban Hamilton	In Progress
10 gigabit/second to all of our business parks and major commercial areas	In Progress

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There has been significant progress made on the 11 Stretch Targets established in the EDAP, with two additional Stretch Targets and part of a third being achieved in 2018 including:

- Ten local companies on the PROFIT Magazine “Fastest Growing Businesses” list;
- Attract five major events (Like the JUNOs) that generate a total combined economic impact of at least \$50 Million; and
- Establishment of a manufacturing incubator space.

Two of the remaining ten Stretch Targets are currently assessed as being “On Target” to be achieved by the end of 2020, with five Stretch Targets being identified as being “In Progress”.

There has been a consistent materially negative trend as it relates to the municipal tax assessment on the Stelco lands since the establishment of the 11 Stretch Targets. The Stelco lands related stretch target has an ambitious goal of tripling of the 2016 municipal tax assessment for those lands by 2020. Considering the MPAC reassessment in 2018, and the City’s limited ability to affect the redevelopment of the surplus lands, the status of that Stretch Target has been flagged as “Behind Target”.

### **Update on the 61 Actions**

The 2016-2020 EDAP also identified 61 Actions that City staff would pursue completion of over the five-year duration of the EDAP, in addition to their existing work plan responsibilities, with the assistance and partnership of external stakeholders. An overview of the status of all 61 Actions as of the end of 2018 can be seen in the chart below.

Chart 2: High Level Overview of the Status of the 61 Identified Actions

Completed in 2018	Total Actions Complete	In Progress Expected Completion in 2019	In Progress Expected Completion after 2019
12	22	13	26

All the 61 identified Actions have been started in some capacity, with staff reporting that 12 actions were completed in 2018, with an additional 13 actions expected to be completed by the end of 2019. In Report PED18066, staff provided an overview of the 2017 EDAP work plan, which forecasted that 15 Actions would be completed.

The following chart provides visibility into the status (as of the end of 2018) of those previously identified Actions and provides an update to that list to include additions to the Work Plan that took place over the course of the 2018 calendar year.

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Chart 3: Overview of 2018 EDAP Work Plan Progress

2018 Workplan - Actions Completed or Deferred in 2018	Status
Complete an Internet of Things Cluster Feasibility Study	Completed
Develop a regional manufacturing asset map, identifying key service providers and supply chain linkages	Completed
Update Commercial Market Assessments for specific Business Improvement Areas	Completed
Create and implement a Creative Cultural Industries Sector Strategy	Completed
Create and implement a FIRE Sector Strategy	Completed
Develop and implement a Comprehensive Customer Service Program	Completed
Design and deliver an Annual Work Intentions Survey to current post-secondary students and workers commuting in and around Hamilton	Completed
Pursue potential funding and partnership opportunities related to the Premier's Highly Skilled Workforce Expert Panel report	Added and Completed
Create and implement an Incentive Program for Business Parks and Industrial Areas to increase the investment attractiveness for targeted investments	Added and Completed
Collaborate with stakeholders on a comprehensive review of the potential opportunities associated with Stelco lands	Added and Completed
Complete a re-zoning of the Port lands to accommodate appropriate uses and multi-modal activity	Added and Completed
Establish the Bi-National Research, Innovation and Education Corridor	Added and Completed
Obtain official designation for lands around the Hamilton International Airport as a Foreign Trade Zone Point	Significant Progress in 2018 - Completion in 2019
Complete a comprehensive asset mapping exercise of all ICT sector companies and infrastructure	Significant Progress in 2018 - Completion in 2019
Create and implement a Digital Strategy for the City of Hamilton that identifies strategies to improve the ICT infrastructure (broadband internet) in the City	Significant Progress in 2018 - Completion in 2019
Create an updated Global Hamilton Strategy (formerly known as the Immigration Attraction Strategy)	Significant Progress in 2018 - Completion in 2019
Redevelopment of the Tourism website	Significant Progress in 2018 - Completion in 2019
Develop and implement an ICT and Digital Media Sector Strategy	Deferred until 2019
Create and implement a Life Science Sector Strategy	Deferred until 2019
Conduct analysis on the viability of operating the SBEC across multiple sites in the City	Deferred until 2019

Of the 15 Actions originally scheduled to be complete in 2018, only seven were completed during the calendar year, but an additional five Actions that were not originally identified were started and completed, bringing the annual total of completed

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actions to 12. Five Actions are close to completion and are expected to be complete in 2019, and the remaining three Actions were deferred until 2019 based on feedback from stakeholders and partners, or the identification of new partners or champions helping to deliver those Actions.

As done in the previous annual updates, this information report includes a list of Actions that are forecasted to be completed during the current calendar year. The following chart lists thirteen Actions that are expected to be complete during 2019.

Chart 4: Actions Expected to be Complete in 2019

Actions to be Complete in 2019	Area of Focus
Complete a feasibility study on a food business incubator to provide space, training, resources and distribution assets for entrepreneurs to access wholesale or retail markets	Agriculture/Food Processing - Key Sector
Obtain official designation for lands around the Hamilton International Airport as a Foreign Trade Zone Point	Goods Movement - Key Sector
Update the Goods Movement Sector Strategy	Goods Movement - Key Sector
Complete a comprehensive asset mapping exercise of all ICT sector companies and infrastructure	ICT/Digital Media - Key Sector
Create and implement a Digital Strategy for the City of Hamilton that identifies strategies to improve the ICT infrastructure (broadband internet) in the City	ICT/Digital Media - Key Sector
Develop and implement an ICT and Digital Media Sector Strategy	ICT/Digital Media - Key Sector
Create an updated Global Hamilton Strategy (formerly known as the Immigration Attraction Strategy)	International Connectivity
Create an international business "Soft-Landing" space in Hamilton	International Connectivity
Create and implement a Life Science Sector Strategy	Life Sciences - Key Sector
Conduct analysis on the viability of operating the SBEC across multiple sites in the City	Small Business Development
Pursue extension in scope and funding for programs delivered by the SBEC	Small Business Development
Redevelopment of the Tourism website	Tourism - Key Sector
Create and implement a comprehensive Business Succession Program	Workforce Development

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Plan Progress (PED19036) (City Wide) - Page 6 of 6**

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**Appendices and Schedules Attached:**

Appendix "A" to Report PED19036 – 2018 Stretch Target Report Card

GB:dt

## 2018 Stretch Target Report Card

Stretch Targets	Lead Area(s)	Prior Year Performance (2018)	Cumulative Performance (2016-2018)	Current Year Trend (2019)	Current Status of Stretch Goal
Increase Hamilton's shovel-ready land supply 500 acres	Growth Management	302.5 acres (299 acres industrial, 3.5 acres commercial)	459.5 acres (395.5 acres industrial, 64 acres commercial)	146 acres	On Target
Add seven million square feet of new Industrial/Commercial space	Economic Development	955,000 square feet added 434,000 square feet of commercial 521,000 square feet of industrial	3,270,000 square feet added 1,309,000 square feet of commercial 1,961,000 square feet of industrial	A number of known projects expected to be realized in 2019 and 2020 should significantly contribute to the target.	In Progress
Generate a total of \$2 B in Industrial and Commercial construction value	Economic Development	\$265 M in estimated value \$125 M commercial \$140 M industrial	\$983 M in estimated value \$572 M commercial \$411 M industrial	There are a number of known projects expected to be realized in 2019 which should significantly contribute to the target.	In Progress
Triple the municipal tax assessment from Stelco lands	Economic Development	\$44.6 M total assessment CTN - \$5.6 M LTN - \$28.7 M LUN - \$10.3 M	(\$65.8 M) total assessment CTN - (\$1.5 M) LTN - (\$64.7 M) LUN - \$400 K	Stelco has purchased all of the lands from the Receiver and is aggressively working to put an industrial subdivision plan in place. The City is working with them to field enquiries.	Behind Target
Extend regular HSR service (connected to the broader BLAST network) to the interior of the Red Hill, Flamborough, and Stoney Creek Business Parks and offer 24/7 service to John C. Munro Hamilton International Airport	Transit	Small improvements made by HSR.	Small improvements made by HSR.	Major change is on hold until Area Rating is discussed during current term of council or other funding sources are identified.	In Progress
Reduce Hamilton's office vacancy rate to 7%	Economic Development	Downtown Urban Growth Centre Vacancy Rate of 12.7% in 2018.	A total reduction of 1.12% based on the reported vacancy rate of 13.82% in 2016.	Launching a multi-year campaign focused on highlighting Hamilton's commercial office opportunities.	In Progress
Add the following new Major economic development assets					
A major film studio	Tourism and Culture	Secured a brand new film business, Hamilton Film Studios, for a 6,000+ square foot business that offers green screen studio space and expendables (film shoot supplies).	Discussions and new enquiries with various developers/businesses wanting to build/open a full-service film studio in Hamilton who have filmed in the City within the last two years.	Continue to respond to an increase in number of business enquiries. Indications are reasonably strong for reaching this stretch target.	On Target
A data centre	Economic Development	Cryptoglobal, a company operating a cryptocurrency mining data centre, was established in Hamilton. Cryptoglobal was acquired by HyperBlock, a diversified cryptocurrency leader based in Toronto, Canada.	One data centre has been established (Cryptoglobal). Have received a number of investment inquiries; Met with Hamilton's public CTO's to assess co-location interest; Partnered with CIRC to conduct a feasibility study.	Pursuing new data centre leads.	ACHIEVED
An 800-1200 seat multi-use performance centre	Economic Development	Participated in discussions and responded to enquiries about locations for potential new venue. Mohawk College continued to market and upgrade the MacIntyre Centre to meet the identified needs for a multi-use space. The New Vision Music Hall project is another opportunity being pursued to meet this market need.	Participated in discussions, assisted with feasibility study and responded to enquiries about locations for potential new venue.	Continue to support efforts and enquiries.	On Target
A manufacturing incubation space	Economic Development	Innovation Factory, The Forge and the Centre for Integrated Transportation and Mobility will expand into a \$2.4 M, 10,000 square foot collaborative space at McMaster Innovation Park, providing access to advanced equipment for the design and building of innovative new products.	Funding was announced for the expanded 10,000 square foot facility in 2018, and work is scheduled to be complete in 2019.	The renovations to the new space at McMaster Innovation Park is underway and is anticipated to be completed in 2019.	ACHIEVED
Have ten local companies on the PROFIT Magazine "Fastest Growing Businesses" list	Economic Development	Hamilton had 12 companies on the list in 2018 - Nine companies on the Growth 500 list - Three companies on the Start-up 50 list	The number of Hamilton companies featured on the "Fastest Growing Businesses" list has tripled since 2016, growing from four companies to 12.	The "Hamilton Fast 40" will be run again in 2019 to identify candidates for the National Program.	ACHIEVED
Attract five major events (like the JUNOs) that generate a total combined economic impact of at least \$50 M	Tourism and Culture	Secured the 2019 RBC Canadian Open, the 2020 Canadian Country Music Week, and the 2023 RBC Canadian Open.	Secured North American Indigenous Games 2017 (selected sports and cultural festival) and Canadian Country Music Week (2018 and 2020) and the RBC Canadian Open (2019 and 2023).	Continuing to pursue additional major meetings and conventions, events and sports tournaments.	ACHIEVED
Achieve Intelligent Communities Forum Top 7 Ranking	City Wide	The City of Hamilton was announced a Top 7 Intelligent Community in February 2018 and participated in Intelligent Communities events in 2018, including hosting a conference. The City chose to not submit an application in 2018.	Hamilton did not submit an application in 2016 or 2018. Hamilton submitted an application in 2017 and was successful in being designated a Top 7 City based on that application.	The City of Hamilton is considering submitting an application in 2019.	ACHIEVED
Enhance Hamilton's Image as a Digital City by enabling access to broadband internet speeds of:					
250 megabit/second to all rural Hamilton	Chief Digital Officer	The City of Hamilton continued to participate in discussions with various internet infrastructure organizations and associated stakeholders to advocate for additional or expedited investments in infrastructure.	The City of Hamilton and the other Digital City partners are working on a collective strategy to advance the state of broadband and other internet infrastructure in Hamilton. Telecommunications companies continue to build infrastructure to support their customer base.	There will be a major announcement in 2019.	In Progress
1 gigabit/second to all urban Hamilton	Chief Digital Officer				In Progress
10 gigabit/second to all of our business parks and major commercial areas	Chief Digital Officer				In Progress

# EC DEV ACTION PLAN

2018 Annual Update

*End of Year Three*









# Hamilton, Canada



**3<sup>rd</sup>**

Largest Projected GDP Growth  
of Large CMAs in Canada (2018)

**2<sup>nd</sup>**

Lowest Unemployment Rate  
in Ontario  
(3.9% - January 2019)

**3<sup>rd</sup>**

Top Cities for Youth to Work in  
Canada (2019)

**.95**

Economic Structure Diversity  
Score (2018)

Highly Diverse = 1  
Not diverse = 0

# Hamilton, Canada



Statistics  
Canada

**3<sup>rd</sup>**

Best Cities to Find a Job  
in Canada (Hamilton - 2018)

**1<sup>st</sup>**

Largest Overnight Express Cargo  
Airports in Canada (Hamilton  
International Airport – 2018)

**1<sup>st</sup>**

Largest Sea Port in Ontario  
(Port of Hamilton – 2018)

**939**

Increase to the Number of  
Businesses Operating in Hamilton  
Since 2015

# Hamilton, Canada



**1<sup>st</sup>**

Busiest of all Canadian Great Lake Ports  
(Port of Hamilton – 2018)

**1<sup>st</sup>**

Fastest-Growing Restaurant Cities in the US and Canada  
(Hamilton – 2018)

**1<sup>st</sup>**

Fastest Growing Airports in North America (Hamilton International Airport - 2018)

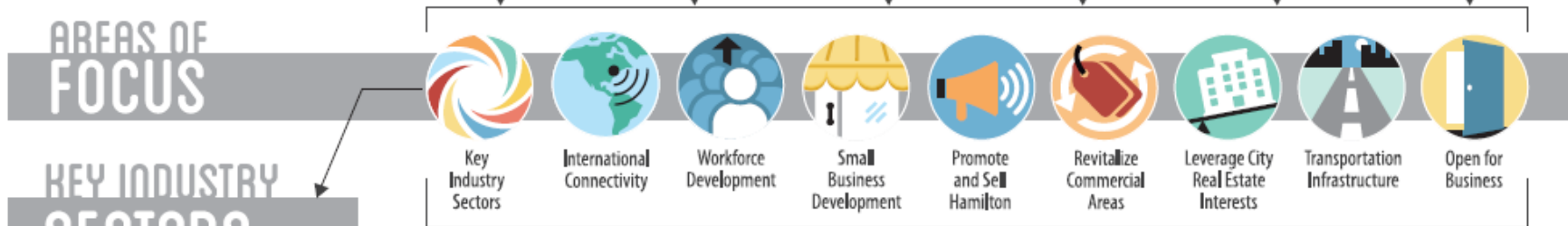
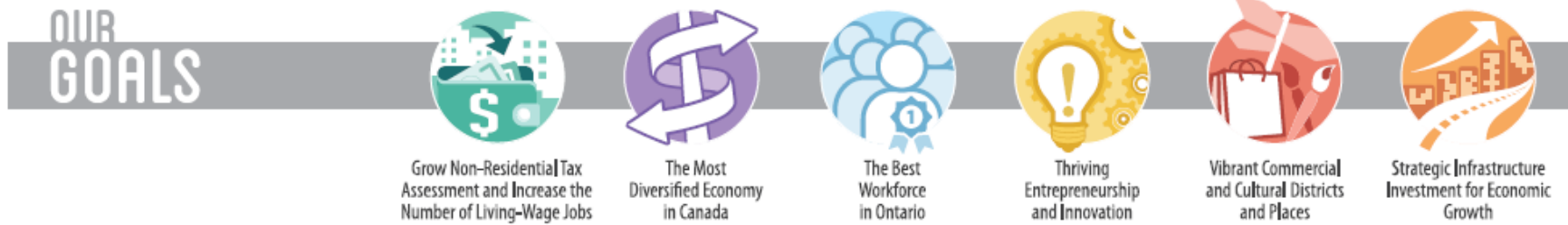
**4<sup>th</sup>**

Largest Number of Startup 50 Companies by City  
(Hamilton – 2018)

CITY OF HAMILTON  
**STRATEGIC PLAN PRIORITIES**  
 2016-2025



**ECONOMIC DEVELOPMENT**  
**ACTION PLAN 2016-2020**



**ACTIONS & STRETCH TARGETS**

**ACTIVITIES**



## What is a *Stretch Target*?

- Specific and aggressive objectives that cannot be realized by increments or small improvements.
- They are ambitious targets that will help focus and direct our work.
- Our current Action Plan has 11 Stretch Targets.

## What is an *Action*?

- A major initiative that requires dedicated financial resources and staff time, and is supported by a number of staff led activities and activities led by our external partners.
- Our current Action Plan has 61 Actions.

# Stretch Target Overview

Stretch Targets	Current Status of Stretch Goal
Increase Hamilton's shovel-ready land supply 500 acres	On Target
Add seven million square feet of new Industrial/Commercial space	In Progress
Generate a total of \$2 B in Industrial and Commercial construction value	In Progress
Triple the municipal tax assessment from Stelco lands	Behind Target
Extend regular HSR service (connected to the broader BLAST network) to the interior of the Red Hill, Flamborough, and Stoney Creek Business Parks and offer 24/7 service to John C. Munro Hamilton International Airport	In Progress
Reduce Hamilton's office vacancy rate to 7%	In Progress
Add the following new Major economic development assets	
A major film studio	On Target
A data centre	ACHIEVED
An 800-1200 seat multi-use performance centre	On Target
A manufacturing incubation space	ACHIEVED
Have ten local companies on the PROFIT Magazine "Fastest Growing Businesses" list	ACHIEVED
Attract five major events (like the JUNOs) that generate a total combined economic impact of at least \$50 M	ACHIEVED
Achieve Intelligent Communities Forum Top 7 Ranking	ACHIEVED
Enhance Hamilton's Image as a Digital City by enabling access to broadband internet speeds of:	
250 megabit/second to all rural Hamilton	In Progress
1 gigabit/second to all urban Hamilton	In Progress
10 gigabit/second to all of our business parks and major commercial areas	In Progress

# Stretch Target Overview (End of 2017)

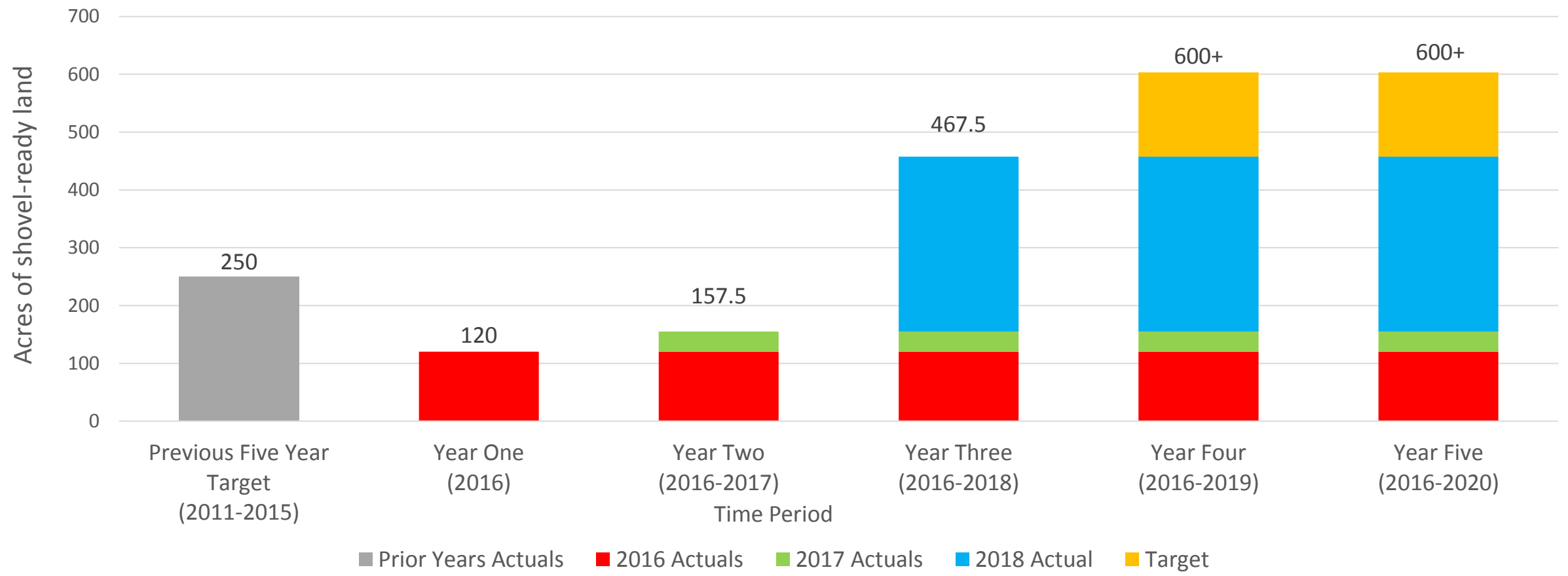
		<ul style="list-style-type: none"> <li>Add economic development assets:               <ul style="list-style-type: none"> <li>An 800-1200 seat multi-use performance centre</li> <li>Manufacturing incubation space                   <ul style="list-style-type: none"> <li>A major film studio</li> </ul> </li> </ul> </li> </ul>	
	Extend regular HSR service to Business Parks and offer 24/7 service to Hamilton Airport	Increase Hamilton's shovel-ready land supply by 500 acres	
	Reduce Hamilton's office vacancy rate to 7%	Add 7 million square feet of new Industrial / Commercial space	
	Have ten local companies on the PROFIT Magazine "Fastest Growing Businesses" list	Generate a total of \$2 Billion in Industrial and Commercial construction value	<ul style="list-style-type: none"> <li>Add economic development asset               <ul style="list-style-type: none"> <li>Data Centre</li> </ul> </li> </ul>
Triple the municipal tax assessment from Stelco lands	Enhance Hamilton's image as a Digital City by enabling access to fast broadband internet speeds	Attract five major events (like the JUNOs) that generate a cumulative \$50 million in economic impact	Achieve Intelligent Communities Forum Top 7 Ranking
Behind Target	In Progress	On Target	Achieved

# Stretch Target Overview (End of 2018)

	Generate a total of \$2 Billion in Industrial and Commercial construction value		
	Add 7 million square feet of new Industrial / Commercial space		Add economic development assets: <ul style="list-style-type: none"> <li>• Manufacturing incubation space</li> <li>• Data centre</li> </ul>
	Extend regular HSR service to Business Parks and offer 24/7 service to Hamilton Airport		Attract five major events (like the JUNOs) that generate a cumulative \$50 million in economic impact
	Reduce Hamilton's office vacancy rate to 7%	Add economic development assets: <ul style="list-style-type: none"> <li>• An 800-1200 seat multi-use performance centre</li> <li>• A major film studio</li> </ul>	Have ten local companies on the PROFIT Magazine "Fastest Growing Businesses" list
Triple the municipal tax assessment from Stelco lands	Enhance Hamilton's image as a Digital City by enabling access to fast broadband internet speeds	Increase Hamilton's shovel-ready land supply by 500 acres	Achieve Intelligent Communities Forum Top 7 Ranking
Behind Target	In Progress	On Target	Achieved

# Increase Hamilton's shovel-ready land supply by 500 acres

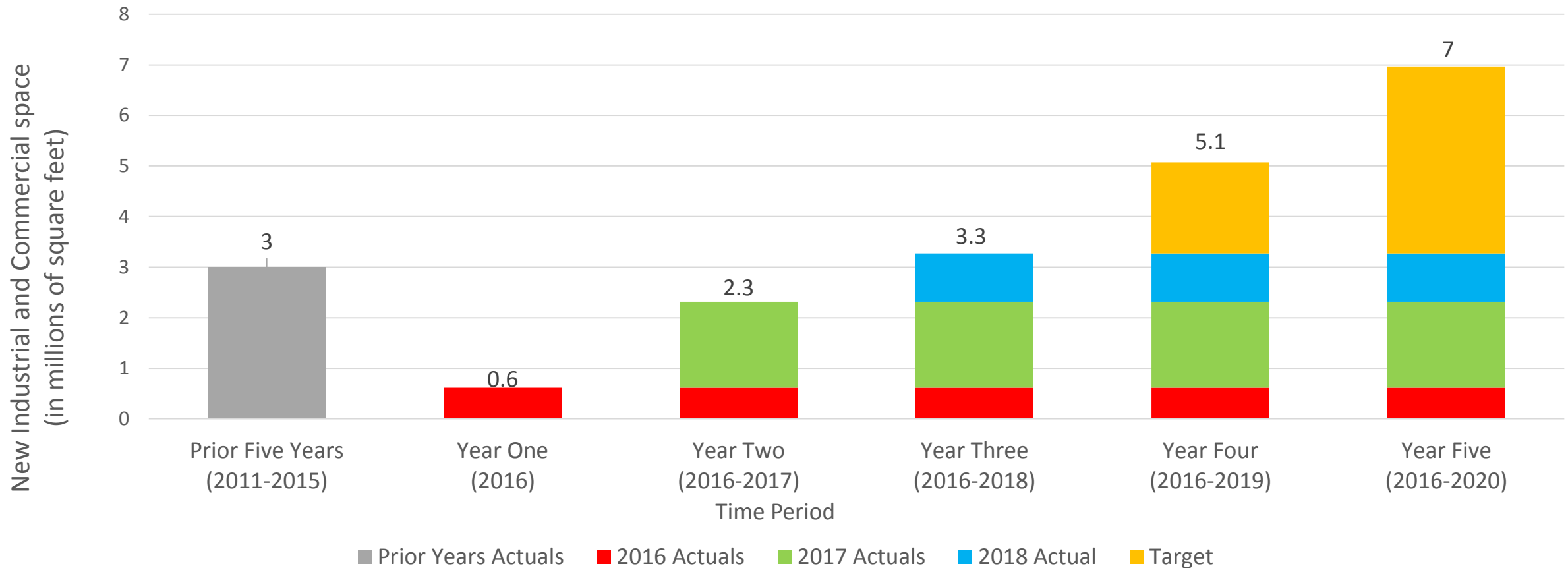
**ON TARGET**



Based on information provided by the Growth Management Division.

# Add 7 million square feet of new Industrial and Commercial space

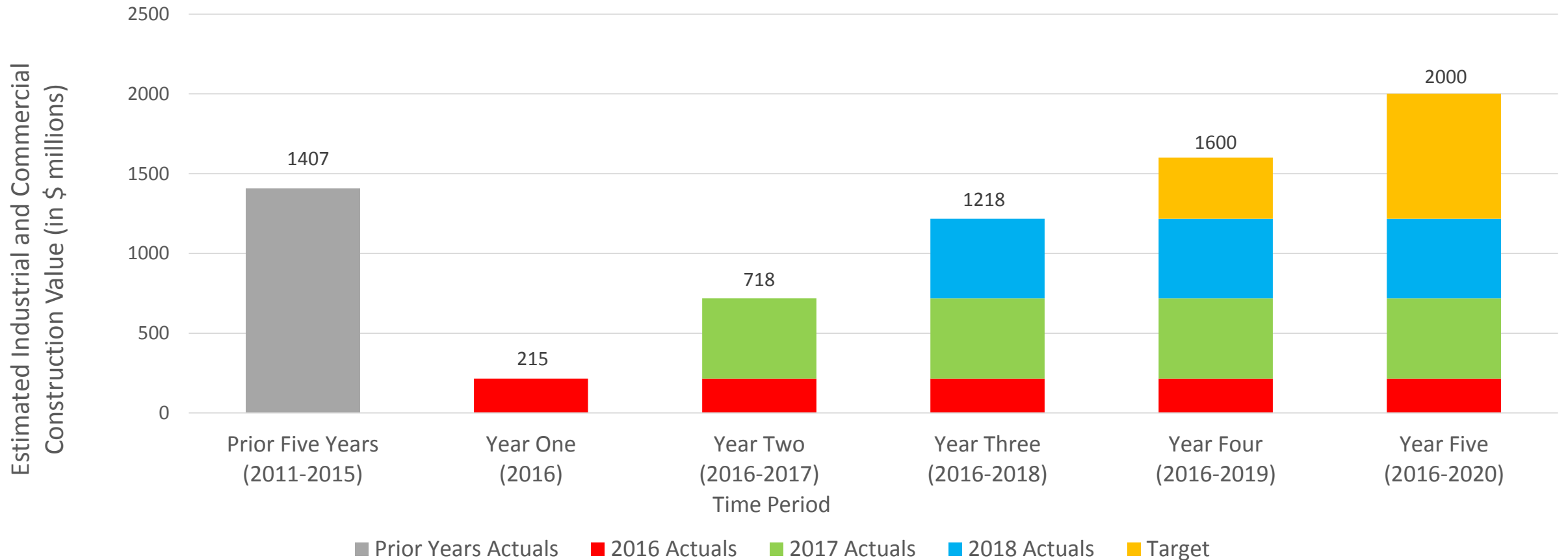
**IN  
PROGRESS**



Based on information provided in building permits, obtained from the Building Division.

# Generate a total of \$2 Billion in Industrial and Commercial construction value

**IN  
PROGRESS**

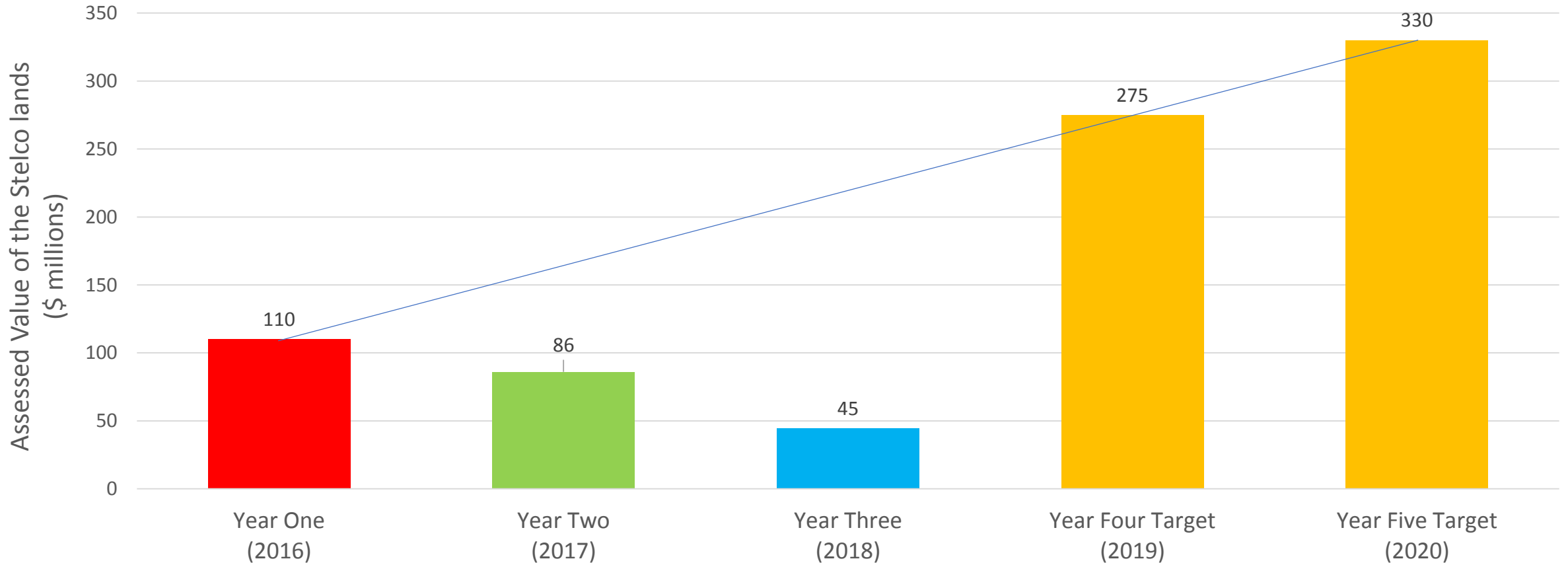


Based on information provided in building permits, obtained from the Building Division.



# *Triple the municipal tax assessment generated from Stelco lands*

**BEHIND  
TARGET**



Based on assessments conducted by MPAC. Information provided by the Corporate Services Department.

*Extend regular HSR service to the interior of the Red Hill, Flamborough, and Stoney Creek Business Parks and offer 24/7 service to the Airport*

**IN  
PROGRESS**

### PRIOR YEAR (2018)

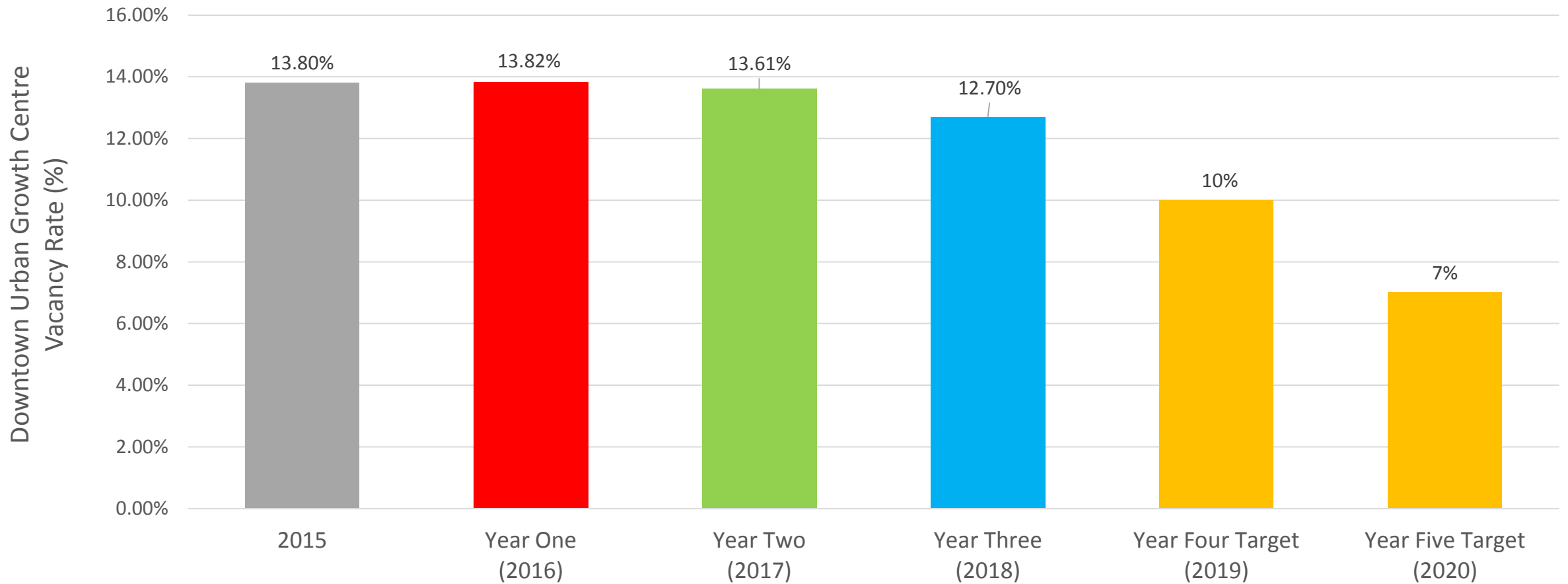
- A number of route enhancements were implemented as proposed during the summer and fall of 2018.

### CURRENT YEAR (2019)

- Additional enhancements planned effective Sept. 2019, pending budget approval.
- The HSR is currently consulting local residents, students, and businesses to understand existing and future transit needs through a “(re)envision” campaign.
- The results of the campaign in addition to identified growth opportunities will shape how the HSR provides transit service in Hamilton.

# Reduce Hamilton's office vacancy rate to 7%

**IN  
PROGRESS**



Based on information provided semi-annually by property owners in the Downtown Urban Growth Centre.

# Add the following new major economic development assets



Major film studio



*Multiple Inquiries Discussions Ongoing*

Data centre - ACHIEVED



*Operation established in Hamilton*

An 800-1200 seat multi-use performance centre

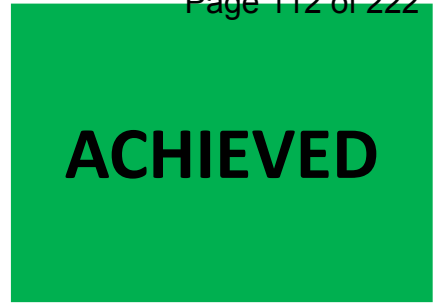


*Multiple Inquiries Discussions Ongoing*

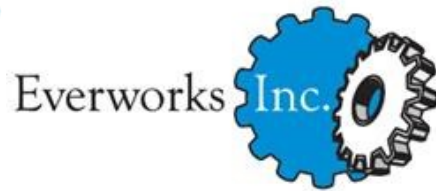
Manufacturing incubation space - ACHIEVED



# Have ten local companies on Canadian Business Magazine's "Fastest Growing Businesses" list



Nine Companies



Three Companies



Attract five major events (like the Junos) that generate a total combined economic impact of at least \$50 million

**ACHIEVED**



\* Selected sports and cultural festival held in Hamilton

Achieve Intelligent Communities  
Top 7 ranking

**ACHIEVED**

**TOP7**  
**INTELLIGENT**  
**COMMUNITIES**  
**OF 2018**



# Enhance Hamilton’s image as a Digital City by enabling access to broadband internet speeds of:

**IN  
PROGRESS**

250 megabit / second  
to all rural Hamilton

1 gigabit / second  
to all urban Hamilton

10 gigabit / second  
to all business parks and  
commercial areas

## Digital Infrastructure Working Group – Service Providers



# Update on the 61 Actions

The 2016-2020 EDAP also identified 61 Actions that City staff would pursue completion of over the five-year duration of the EDAP with the assistance and partnership of external stakeholders.

An overview of the status of all 61 Actions as of the end of 2018 can be seen in the chart below.

<b>Completed in 2018</b>	<b>Total Actions Complete</b>	<b>In Progress Expected Completion in 2019</b>	<b>In Progress Expected Completion after 2019</b>
12	22	13	26

# Update on the 61 Actions

2018 Work Plan - Actions Completed in 2018	Status
Complete an Internet of Things Cluster Feasibility Study	Completed
Develop a regional manufacturing asset map, identifying key service providers and supply chain linkages	Completed
Update Commercial Market Assessments for specific Business Improvement Areas	Completed
Create and implement a Creative Cultural Industries Sector Strategy	Completed
Create and implement a FIRE Sector Strategy	Completed
Develop and implement a Comprehensive Customer Service Program	Completed
Design and deliver an Annual Work Intentions Survey to current post-secondary students and workers commuting in and around Hamilton	Completed
Pursue potential funding and partnership opportunities related to the Premier's Highly Skilled Workforce Expert Panel report	Added and Completed
Create and implement an Incentive Program for Business Parks and Industrial Areas to increase the investment attractiveness for targeted investments	Added and Completed
Collaborate with stakeholders on a comprehensive review of the potential opportunities associated with Stelco lands	Added and Completed
Complete a re-zoning of the Port lands to accommodate appropriate uses and multi-modal activity	Added and Completed
Establish the Bi-National Research, Innovation and Education Corridor	Added and Completed

# Update on the 61 Actions

Actions to be Complete in 2019	Area of Focus
Complete a feasibility study on a food business incubator to provide space, training, resources and distribution assets for entrepreneurs to access wholesale or retail markets	Agriculture/Food Processing - Key Sector
Obtain official designation for lands around the Hamilton International Airport as a Foreign Trade Zone Point	Goods Movement - Key Sector
Update the Goods Movement Sector Strategy	Goods Movement - Key Sector
Complete a comprehensive asset mapping exercise of all ICT sector companies and infrastructure	ICT/Digital Media - Key Sector
Create and implement a Digital Strategy for the City of Hamilton that identifies strategies to improve the ICT infrastructure (broadband internet) in the City	ICT/Digital Media - Key Sector
Develop and implement an ICT and Digital Media Sector Strategy	ICT/Digital Media - Key Sector
Create an updated Global Hamilton Strategy (formerly known as the Immigration Attraction Strategy)	International Connectivity
Create an international business "Soft-Landing" space in Hamilton	International Connectivity
Create and implement a Life Science Sector Strategy	Life Sciences - Key Sector
Conduct analysis on the viability of operating the SBEC across multiple sites in the City	Small Business Development
Pursue extension in scope and funding for programs delivered by the SBEC	Small Business Development
Redevelopment of the Tourism website	Tourism - Key Sector
Create and implement a comprehensive Business Succession Program	Workforce Development

# Questions



Hamilton

**CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW  
SUB-COMMITTEE  
REPORT 19-001**

**1:00 p.m.  
January 28, 2019  
Council Chambers  
Hamilton City Hall**

**Present:** Councillors M. Pearson (Chair), J.P. Danko (Vice-Chair), N. Nann, and M. Wilson

**Absent:** T. Whitehead – City Business

**THE CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW SUB-COMMITTEE  
PRESENTS REPORT 19-001 AND RESPECTFULLY RECOMMENDS:**

**1. Appointment of Chair and Vice-Chair (Item 1)**

- (a) That Councillor Pearson be appointed as Chair of the Capital Projects Work-In-Progress Sub-Committee for the 2018 – 2022 term.
- (b) That Councillor Danko be appointed as Vice Chair of the Capital Projects Work-In-Progress Sub-Committee for the 2018 – 2022 term.

Councillor Pearson relinquished the Chair to Vice-Chair Danko.

**2. Capital Projects Status Report (Excluding Public Works) as of June 30, 2018 (FCS18079) (City Wide) (Item 10.1)**

That the Capital Projects Status Report (excluding Public Works), as of June 30, 2018, attached as Appendix "A" to Report FCS18079, be received.

**3. Capital Projects Closing Report as of September 30, 2018 (FCS18079) (City Wide) (Item 10.2) (Attached hereto as Appendix 'A')**

- (a) That the Acting General Manager of Finance and Corporate Services be authorized to transfer a combined \$272,401.00 from the Unallocated Capital Levy Reserve (108020) and other Program Specific Reserves to the capital projects as outlined in Appendix "A" to Report FCS18078(a);

- (b) That the Acting General Manager of Finance and Corporate Services be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Report FCS18078(a) in accordance with the Capital Closing Policy;
- (c) That Appendix "C" to Report FCS18078(a), Capital Projects Budget Appropriations for the period covering July 1, 2018 through September 30, 2018, be received for information; and,
- (d) That Appendix "D" to Report FCS18078(a), Capital Projects Budget to be merged for the period covering July 1, 2018 through September 30, 2018 totalling \$311,171.60, be approved.

Councillor Pearson assumed the Chair.

**4. Capital Projects Status Report (Excluding Public Works) as of September 30, 2018 (FCS18079(a)) (City Wide) (Item 10.3)**

That the Capital Projects Status Report (excluding Public Works), as of September 30, 2018, attached as Appendix "A" to Report FCS18079(a), be received.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

There were no changes to the agenda.

The agenda for the January 28, 2019 Capital Projects Work-In-Progress Review Sub-Committee meeting was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

Councillor Pearson relinquished the Chair to Vice-Chair Danko.

**(i) September 11, 2018 (Item 4.1)**

The Minutes of the September 11, 2018 meeting of the Capital Projects Work-In-Progress Review Sub-Committee meeting were approved, as presented.



**(ii) Clerk's Report - September 20, 2018 (Item 4.2)**

The Clerk's Report from the September 20, 2018 meeting of the Capital Projects Work-In-Progress Review Sub-Committee meeting was received.

Councillor Pearson assumed the Chair.

**(d) ADJOURNMENT (Item 15)**

There being no further business, the Capital Projects Work-In-Progress Review Sub-Committee, adjourned at 1:44 p.m.

Respectfully submitted,

Councillor Pearson, Chair  
Capital Projects Work-in-Progress  
Sub-Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



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

<b>TO:</b>	Chair and Members Capital Projects Work-in-Progress Sub-Committee
<b>COMMITTEE DATE:</b>	January 21, 2019
<b>SUBJECT/REPORT NO:</b>	Capital Project Closing Report as of September 30, 2018 (FCS18078(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Samantha Blackley (905) 546-2424 Ext. 2132 Joseph Spiler (905)-546-2424 Ext. 4519
<b>SUBMITTED BY:</b>	Cindy Mercanti Director, Customer Service and POA Acting Director, Financial Planning and Policy Corporate Services Department
<b>SIGNATURE:</b>	

### RECOMMENDATIONS

- (a) That the Acting General Manager of Finance and Corporate Services be authorized to transfer a combined \$272,401.00 from the Unallocated Capital Levy Reserve (108020) and other Program Specific Reserves to the capital projects as outlined in Appendix "A" to Report FCS18078(a);
- (b) That the Acting General Manager of Finance and Corporate Services be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Report FCS18078(a) in accordance with the Capital Closing Policy;
- (c) That Appendix "C" to Report FCS18078(a), Capital Projects Budget Appropriations for the period covering July 1, 2018 through September 30, 2018, be received for information;
- (d) That Appendix "D" to Report FCS18078(a), Capital Projects Budget to be merged for the period covering July 1, 2018 through September 30, 2018 totalling \$311,171.60, be approved;

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*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: Capital Project Closing Report as of September 30, 2018  
(FCS18078(a)) (City Wide) – Page 2 of 8**

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## **EXECUTIVE SUMMARY**

Report FCS18078(a) presents the capital projects which have been completed or cancelled as of September 30, 2018.

Appendix "A" to Report FCS18078(a) summarizes net transfers to both the Unallocated Capital Levy Reserve and the Program Specific Reserves.

Appendix "B" to Report FCS18078(a) lists the individual projects to be closed. A total of 71 projects with a combined budget of \$82,064,909.11 is being recommended for closure and is summarized as follows:

- \$1,886,300.00 relating to completed projects with surpluses to be returned to or deficits to be funded from the Unallocated Capital Levy Reserve (108020);
- \$3,026,065.00 relating to completed projects with deficits to be funded by Program Specific Reserves;
- \$868,000.00 relating to cancelled or delayed projects; and
- \$76,284,544.11 relating to projects completed on or under budget that do not impact reserves.

All capital projects listed for closure in Appendix "B" to Report FCS18078(a) have been reviewed and determined to be complete, with all revenue and expenditure transactions relating to these projects having been processed. Any funding adjustments necessary to close the projects in accordance with the Capital Closing Policy are reflected in the amounts presented.

Appendix "C" to Report FCS18078(a) lists all the re-appropriation of funds between capital projects for the period covering July 1, 2018 through September 30, 2018.

Appendix "D" to Report FCS18078(a) lists all the capital projects requiring Council approval to merge projects for the period covering July 1, 2018 through September 30, 2018.

### ***Alternatives for Consideration – Not Applicable***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: As outlined in Appendix "A" to Report FCS18078(a) and summarized in Table 1, a combined total of \$1,131.82 in funding is required from the Unallocated Capital Levy Reserve (108020) to offset projects in a negative position. These projects are offset by projects in a positive position totalling \$109,875.09, resulting in a net transfer to this Reserve of \$108,743.27.

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**SUBJECT: Capital Project Closing Report as of September 30, 2018  
(FCS18078(a)) (City Wide) – Page 3 of 8**

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Table 1  
City of Hamilton  
Capital Project Closings as of September 30, 2018  
Unallocated Capital Levy Reserve Impact (108020)

Year	Approved	Project ID	Description	Surplus / (Deficit)
Projects requiring funds				
2015	4031518347		Bridge 347 - Carlisle Rd, 355 m w/o Wildberry Way	\$ 2,979.42
2015	7201558503		Battlefield Gage House Interior - Hall and Upper Rooms	0.51
2016	4031611222		New Sidewalk Program - 2016	1,191.27
2017	7401751701		VFD Protective Eqp Uniform	105,672.90
2018	4401856807		Glanbrook Hills Phase 2	30.99
				<u>\$109,875.09</u>
Projects returning funds				
2012	5181260240		Shrewsbury Drainage & Path	\$ (306.18)
2015	5161555640		Non-Trunk Flow Monitoring	(63.54)
2016	4401656610		Turner Park Ball Field Irrigation	(762.10)
				<u>\$ (1,131.82)</u>
Net impact to the Unallocated Capital Levy Reserve				<u>\$108,743.27</u>

As outlined in Appendix "A" to Report FCS18078(a) and summarized in Table 2, a net total of \$381,144.27 in funding is required from Other Program Specific Reserves (Wards 2, 3 & 7 Capital Infrastructure, Hamilton Beach Reserve, Transit Capital Reserve, Linear WW Re/NR and Unallocated Current Funds-Sanitary) to offset projects in a deficit position that were submitted for closure.

Table 2  
City of Hamilton  
Capital Project Closings as of September 30, 2018  
Impacting Reserves and Capital Projects

Year	Approved	Project ID	Description	Surplus / (Deficit)
Projects requiring funds				
2005	5140566508		Lynden Water Supply – Land and EA	\$(258,129.81)
2013	4241309205		Central Memorial Rec Centre - Patio	(15.30)
2014	2861451700		HBRU Renos & Equip Purchase	(1,767.00)
2015	5161555640		Non-Trunk Flow Monitoring	(63.54)
2015	5311584501		PASS SUS&CERT Software Modules	(12,160.97)
2016	5141655420		Freelton Water Meter Accuracy	(68,955.40)
2017	4241709370		Wentworth Stairs	(440.67)
2017	5141755010		Water System Planning	<u>(39,611.58)</u>
Net impact to Other Program Specific Reserves				<u>\$(381,144.27)</u>

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

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**SUBJECT: Capital Project Closing Report as of September 30, 2018  
(FCS18078(a)) (City Wide) – Page 4 of 8**

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Appendix "C" to Report FCS18078(a) details the appropriations between projects during the period covering July 1, 2018 to September 30, 2018. A total of \$16,432,372.55 was moved between capital projects with each appropriation transfer being in compliance with the Capital Project Monitoring Policy. They are summarized in Table 3 as follows:

Table 3  
City of Hamilton  
Capital Project Appropriations as of September 30, 2018  
Transfers by Department

Department	Amount
Tax Supported Capital Budget	
City Managers	\$ 17,750.00
Council Infrastructure	120,132.55
Corporate Services	1,452,400.00
Community and Emergency Services Department	13,200.00
Planning and Economic Development Department	76,000.00
Public Works Department	<u>14,299,890.00</u>
	<b>\$15,979,372.55</b>
Rate Supported Capital Budget	
Public Works Department	<u>453,000.00</u>
Total	<b><u>\$16,432,372.55</u></b>

Appendix "D" to Report FCS18078(a) details the projects that have been recommended to be merged. A total of \$311,171.60 is required to be transferred from the older projects to the most recent ones in order for the older ones to be closed. The number of projects and the requested transfer amounts are summarized in Table 4:

Table 4  
City of Hamilton  
Capital Project to be Merged as of September 30, 2018

Description	Projects From	Projects To	Amount
<b>Planning &amp; Economic Development</b>			
Transit Program	2	1	\$165,740.00
<b>Public Work (Tax)</b>			
Transit	2	1	<u>145,431.60</u>
Total			<b><u>\$311,171.60</u></b>

Staffing: N/A

Legal: N/A

**SUBJECT: Capital Project Closing Report as of September 30, 2018  
(FCS18078(a)) (City Wide) – Page 5 of 8**

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## **HISTORICAL BACKGROUND**

The Capital Status and Capital Project Closing reports are submitted to City Council three times a year at June 30, September 30 and December 31.

On December 14, 2011, Council approved Report FCS11073(a) which directed staff to review the Capital Projects Status and Closing process and that a process where departments report to their respective Standing Committee on the status of the Capital Work-in-Progress projects be implemented. Standing Committee reporting commenced as of the June 30, 2013 reporting period. Reports are brought forward to the Standing Committee three times per reporting year at June 30, September 30 and December 31. This allows the Standing Committee to review the status of a fewer number of projects, in greater detail, applicable to their area of oversight.

The Capital Projects Closing Report has remained the responsibility of the Capital Budgets section of the Financial Planning, Administration and Policy Division in order to ensure suitable controls are maintained, projects are appropriately closed and to centralize the function.

On January 10, 2015, Council approved changes to the City's Capital Project Monitoring Policy and Capital Project Closing Policy. The amended Policy has staff submit the Capital Project Status Reports and Capital Project Closing Reports to the Capital Projects Work-in-Progress Sub-Committee.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The submission of the Capital Projects Closing Report is a requirement of the City's Capital Closing Policy Reports (Reports FCS05044 and FCS07081(a)) and Capital Projects Monitoring Policy Report (Report FCS14031).

The City's Capital Closing Policy (Reports FCS05044 / FCS07081(a)) states:

- i) That any approved Capital project, whose construction stage has not begun after three years, be closed and be re-submitted to Council for approval.
- ii) That any closing surplus or deficit be distributed as follows:
  1. Surplus:
    - a) If funded from a specific reserve, return funds to that reserve.
    - b) If funded from debentures, apply to reduce future debenture requirements.
    - c) If funded from current contribution, apply to the Unallocated Capital Levy Reserve or apply to reduce Outstanding Debt.

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**SUBJECT: Capital Project Closing Report as of September 30, 2018  
(FCS18078(a)) (City Wide) – Page 6 of 8**

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2. Deficit:

- a) If funded from a specific reserve, fund from that reserve.
- b) If funded from debentures, increase future debenture requirements only if no other source of financing is available.
- c) If funded from current contribution, fund from the Unallocated Capital Levy Reserve.

The City's Capital Projects Monitoring Policy Report (Report FCS14031), as amended by Council on 10, 2015, states:

- i) That a Capital Projects Status Report be submitted by departments to Capital Projects Work-in-Progress Sub Committee three times a year as of June 30, September 30 and December 31.
- ii) That a Capital Projects Closing Report be compiled by Corporate Services Department and submitted to the Capital Projects Work-in-Progress Sub-Committee three times a year as of June 30, September 30 and December 31.
- iii) That unfavourable project variances be funded according to the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy. If available funding cannot be found within the limits of the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy, a report explaining the variance and recommending a source of funding be submitted to the appropriate Committee of Council for approval.
- iv) Approval authority for the re-appropriation of funds in each financial year be at the same levels as the City's Procurement Policy:
  1. Council must approve re-appropriations of \$250,000 or greater
  2. City Manager or designate must approve appropriations greater than \$100,000
  3. General Managers or delegated staff be authorized to approve appropriations up to \$100,000

**RELEVANT CONSULTATION**

Staff from the following departments, boards, and / or agencies submitted the included capital projects for closure:

- Public Works Department
- Planning and Economic Development Department
- Corporate Services Department
- Healthy and Safe Communities Department

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**SUBJECT: Capital Project Closing Report as of September 30, 2018  
(FCS18078(a)) (City Wide) – Page 7 of 8**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Council approved that capital projects are reviewed in accordance with the City's approved capital policies. For each Capital Project Status Report, staff determines if projects can be closed (inactivated) and also monitors financial activity to ensure that Council is aware of any capital projects which deviate significantly from approved budgeted amounts. Where projects are determined to be complete or cancelled, they are submitted by departments to Capital Budgets for inclusion in the Capital Projects Closing Report. These submissions are reviewed by Capital Budgets to ensure transactions are finalized, all purchase orders cleared, and a funding source is identified, where necessary.

Inactivating completed projects helps to keep the number of capital projects in the financial system to a manageable size and eliminates redundant data from reports. More importantly, it ensures that projects which are complete and / or no longer required do not unnecessarily tie up budget resources that could be re-directed to other needs / capital projects.

Appendix "D" to Report FCS18078(a) details the Capital Projects recommended to be merged. Both the Planning and Economic Development and Public Works Departments have submitted two projects to be merged into one, requiring a transfer of \$311,171.60 between the projects. By merging these projects reporting will become more efficient.

**ALTERNATIVES FOR CONSIDERATION**

There are no alternatives as the Capital Projects Closing Report deals primarily with historical information and application of corporate policies.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and 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.*

**Economic Prosperity and Growth**

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

**Built Environment and Infrastructure**

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

**Our People and Performance**

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

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**SUBJECT: Capital Project Closing Report as of September 30, 2018  
(FCS18078(a)) (City Wide) – Page 8 of 8**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Capital Project Closings as of September 30, 2018 – Projects Impacting the Unallocated Capital Levy Reserve (108020) and Other Reserves

Appendix "B" – Capital Projects Closing Schedule as of September 30, 2018

Appendix "C" – Capital Projects Budget Appropriation Schedule for the Period Covering July 1, 2018 through September 30, 2018

Appendix "D" – Capital Projects to be Funded to be Merged / Adjusted for the Period covering July 1, 2018 Through September 30, 2018

SB/dt

City of Hamilton Capital Project Closings As of September 30, 2018 Projects impacting the Unallocated Capital Levy Reserve & Other Reserves						
Year Approved	ProjectID	Description	Surplus/ (Deficit) (\$)	Reserve	Description	
<b>Projects requiring funds</b>						
2015	4031518347	Bridge 347 - Carlisle Rd, 355 m w/o Wildberry Way	2,979.42	108020	Unalloc Capital Levy	
2015	7201558503	Battlefield Gage House Interior - Hall and Upper Room	0.51	108020	Unalloc Capital Levy	
2016	4031611222	New Sidewalk Program - 2016	1,191.27	108020	Unalloc Capital Levy	
2017	7401751701	VFD Protective Eqp Uniform	105,672.90	108020	Unalloc Capital Levy	
2018	4401856807	Glanbrook Hills Phase 2	30.99	108020	Unalloc Capital Levy	
			<b>109,875.09</b>			
<b>Projects returning funds</b>			<b>\$</b>			
2012	5181260240	Shrewsbury Drainage & Ped Path	(306.18)	108020	Unalloc Capital Levy	
2015	5161555640	Non-Trunk Flow Monitoring	(63.54)	108020	Unalloc Capital Levy	
2016	4401656610	Turner Park Ball Field Irrigation	(762.10)	108020	Unalloc Capital Levy	
			<b>(1,131.82)</b>			
<b>Net impact to the Unallocated Capital Levy Reserve</b>			<b>108,743.27</b>			
<b>Projects requiring funds</b>			<b>\$</b>			
2005	5140566508	Lynden Water Supply – Land&EA	(258,129.81)	5169309324	Unalloc Current Funds-Sanitary	
2013	4241309205	Central Memorial Rec Centre - Patio	(15.30)	108052	Ward 2-Capital Infrastructure	
2014	2861451700	HBRU Renos & Equip Purchase	(1,767.00)	110005	Hamilton Beach Rescue	
2015	5161555640	Non-Trunk Flow Monitoring	(63.54)	110340/110341	LinearWW-RE/LinearWW-NR	
2015	5311584501	PASS SUS&CERT Software Modules	(12,160.97)	108025	Transit Capital Reserve	
2016	5141655420	Freelton Water Meter Accuracy	(68,955.40)	5169309324	Unalloc Current Funds-Sanitary	
2017	4241709370	Wentworth Stairs	(440.67)	108052/108057	Ward 2 & 7-Capital Infrastructure	
2017	5141755010	Water System Planning	(39,611.58)	5169309324	Unalloc Current Funds-Sanitary	
<b>Net impact to Other Reserves</b>			<b>(381,144.27)</b>			
<b>Total Net impact to the Unallocated Capital Levy Reserve &amp; Other Reserves</b>			<b>(272,401.00)</b>			

CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
AS OF SEPTEMBER 30, 2018

Appendix "B" to Report FCS18078(a)

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YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
<b>UNALLOCATED CAPITAL LEVY RESERVE</b>							
2012	5181260240	Shrewsbury Drainage & Ped Path	90,000.00	90,000.00	90,306.18	(306.18)	100%
2015	4031518347	Bridge 347 - Carlisle Rd, 355 m w/o Wildberry Way	100,000.00	71,239.63	68,260.21	2,979.42	68%
2015	5161555640	Non-Trunk Flow Monitoring	440,000.00	440,063.54	440,127.08	(63.54)	100%
2015	7201558503	Battlefield Gage House Interior - Hall and Upper Rooms	76,300.00	76,279.30	76,278.79	0.51	100%
2016	4031611222	New Sidewalk Program - 2016	480,000.00	389,066.67	387,875.40	1,191.27	81%
2016	4401656610	Turner Park Ball Field Irrigation	100,000.00	100,000.00	100,762.10	(762.10)	101%
2017	7401751701	VFD Protective Eq Uniform	500,000.00	500,000.00	394,327.10	105,672.90	79%
2018	4401856807	Glanbrook Hills Phase 2	100,000.00	100,000.00	99,969.01	30.99	100%
<b>TOTAL FUNDS FROM UNALLOCATED CAPITAL LEVY (8)</b>			<b>1,886,300.00</b>	<b>1,766,649.14</b>	<b>1,657,905.87</b>	<b>108,743.27</b>	<b>88%</b>
<b>OTHER PROGRAM SPECIFIC RESERVES</b>							
2005	5140566508	Lynden Water Supply – Land&EA	1,790,000	1,790,000.00	2,048,129.81	(258,129.81)	114%
2013	4241309205	Central Memorial Rec Centre - Patio	11,000.00	11,000.00	11,015.30	(15.30)	100%
2014	2861451700	HBRU Renos & Equip Purchase	25,000.00	25,000.00	26,767.00	(1,767.00)	107%
2015	5161555640	Non-Trunk Flow Monitoring	440,000.00	440,063.54	440,127.08	(63.54)	100%
2015	5311584501	PASS SUS&CERT Software Modules	197,000.00	197,000.00	209,160.97	(12,160.97)	106%
2016	5141655420	Freelton Water Meter Accuracy	110,000.00	110,000.00	178,955.40	(68,955.40)	163%
2017	4241709370	Wentworth Stairs	153,065.00	153,065.00	153,505.67	(440.67)	100%
2017	5141755010	Water System Planning	300,000.00	300,000.00	339,611.58	(39,611.58)	113%
<b>TOTAL FUNDS FROM PROGRAM SPECIFIC RESERVES (8)</b>			<b>3,026,065.00</b>	<b>3,026,128.54</b>	<b>3,407,272.81</b>	<b>(381,144.27)</b>	<b>113%</b>
<b>DELAYED/CANCELLED PROJECTS</b>							
2012	5161261240	WSI-Leeds-Burl E Gate Removal	300,000.00	265,772.36	265,772.36	0.00	89%
2016	2861651700	HBRU Renovations & Equipment	68,000.00	0.00	0.00	0.00	0%
2016	4661617725	Claremont Access Bike Lanes	0.00	0.00	0.00	0.00	0%
2017	4401718002	Pedestrian Bridge Repl&Repair	0.00	0.00	0.00	0.00	0%
2017	5141767422	New PD2 Water PS	500,000.00	0.00	0.00	0.00	0%
2018	4401849008	Extreme Park Makeover Program	0.00	0.00	0.00	0.00	0%
<b>TOTAL DELAYED/CANCELLED PROJECTS (6)</b>			<b>868,000.00</b>	<b>265,772.36</b>	<b>265,772.36</b>	<b>0.00</b>	<b>31%</b>
<b>COMPLETED PROJECTS</b>							
<b>CITY MANAGER DEPARTMENT</b>							
<b>City Manager Program</b>							
2016	3381657504	Service Delivery Improvements	132,250.00	132,250.28	132,250.28	0.00	100%
<b>CORPORATE SERVICE DEPARTMENT</b>							
<b>Transition Program &amp; One Time Projects</b>							
2001	2110155011	HR Transition Projects	144,430.00	143,810.92	143,810.92	0.00	100%
<b>PLANNING &amp; ECONOMIC DEVELOPMENT DEPARTMENT(TAX BUDGET)</b>							
<b>Tourism &amp; Culture</b>							
2015	7101558510	Public Art - Waterdown Memorial Hall Mural	15,000.00	15,000.00	15,000.00	0.00	100%
<b>Growth Management</b>							
2014	4141446107	DiCenzo Gardens Ph 10	17,070.00	17,066.32	17,066.32	0.00	100%
2014	4141446101	Paramount Subdivision	94,590.00	94,586.79	94,586.79	0.00	100%
<b>Economic Development</b>							
2017	8121741301	HTC Bldg Maintenance	49,161.31	49,161.31	49,161.31	0.00	100%

CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
AS OF SEPTEMBER 30, 2018

Appendix "B" to Report FCS18078(a)  
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YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e = c/a
<b>Recreation Facilities</b>							
2005	7100554707	Flamborough Twin Pad Arena	18,820,170.00	22,182,372.19	22,182,372.19	0.00	118%
<b>Transportation Program</b>							
2017	4661717726	Bay Street - Bike Lanes	600,000.00	495,516.31	495,516.31	0.00	83%
<b>COMMUNITY AND EMERGENCY SERVICES DEPARTMENT (TAX BUDGET)</b>							
<b>Public Health</b>							
<b>Long Term Care Homes</b>							
2016	6301651603	ML & WL Lighting Replacement	1,096,000.00	963,355.04	963,355.04	0.00	88%
2017	6301709701	Heritage Courtyard Project	20,560.00	20,560.00	20,560.00	0.00	100%
<b>Housing</b>							
2014	6731441302	Social Housing Capital Repairs	486,800.00	486,759.83	486,759.83	0.00	100%
2016	6731641606	Domestic Violence Survi-housing	1,200,000.00	372,970.35	372,970.35	0.00	31%
<b>Hamilton Fire Department</b>							
2017	7401751700	Fire Equipment Replacement	680,000.00	648,628.35	648,628.35	0.00	95%
<b>OTHER BOARDS AND AGENCIES</b>							
<b>Hamilton Police Department</b>							
2014	3761457403	Time and Attendance System	300,000.00	300,000.00	300,000.00	0.00	100%
<b>Hamilton Beach Rescue</b>							
2015	2861551700	HBRU Renovations & Equipment	77,000.00	74,400.00	74,400.00	0.00	97%
<b>PUBLIC WORKS (TAX BUDGET)</b>							
<b>Parks &amp; Cemeteries (Tax Budget)</b>							
2014	4401453100	Cemetery Software Replacement	50,000.00	50,000.00	50,000.00	0.00	100%
2015	4401549503	Cemetery Development	166,520.00	166,518.78	166,518.78	0.00	100%
2016	4241609104	Victoria Park Playground	80,000.00	61,590.87	61,590.87	0.00	77%
2016	4401641001	Cemetery Building Repairs	63,600.00	63,590.30	63,590.30	0.00	100%
2017	4401749008	Extreme Park Makeover	19,900.00	19,836.38	19,836.38	0.00	100%
2017	4401751501	Sportsfield Irrigation System	23,050.00	23,050.15	23,050.15	0.00	100%
2017	4401756711	Felker Park Play Structure	95,000.00	74,111.95	74,111.95	0.00	78%
<b>Open Space &amp; Development (Tax Budget)</b>							
2012	4401256516	Trillium Garden Park	102,900.00	102,904.07	102,904.07	0.00	100%
2012	4401256892	Crown Point E Property-Acquisition-new park	845,000.00	844,996.39	844,996.39	0.00	100%
2014	4401456300	Parkside Hills	9,800.00	9,800.27	9,800.27	0.00	100%
2015	4401556802	Beach Park Dev Program	100,000.00	32,193.17	32,193.17	0.00	32%
<b>Energy Initiatives</b>							
2014	7901448403	Low E Ceilings-Arenas	118,940.00	101,699.00	101,699.00	0.00	86%
2016	7901641603	Parkdale Firestone Ceiling	98,000.00	98,000.00	98,000.00	0.00	100%
<b>Fleet</b>							
2016	4941651004	Street Sweeper Purchase	1,282,400.00	1,282,402.74	1,282,402.74	0.00	100%
<b>Recreation (Tax Budget)</b>							
2012	4241209208	Beasley Banner installation	8,000.00	7,835.54	7,835.54	0.00	98%

CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
AS OF SEPTEMBER 30, 2018

Appendix "B" to Report FCS18078(a)  
Page 3 of 3

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e = c/a
<b>Waste (Tax Budget)</b>							
2015	5121551700	MRF Equipment Upgrades	1,784,012.80	1,734,006.48	1,734,006.48	0.00	97%
<b>Transit (Tax Budget)</b>							
2004	5300483400	ATS Master Plan-Policy Revise	900,000.00	755,371.08	755,371.08	0.00	84%
2008	5300855100	Rapid Transit Studies	11,203,390.00	10,785,674.01	10,785,674.01	0.00	96%
2015	5301555501	Transit Priority Measures	130,000.00	99,216.18	99,216.18	0.00	76%
2015	5301584505	Transit Passenger Count System	500,000.00	493,187.91	493,187.91	0.00	99%
<b>Roads (Tax Budget)</b>							
2015	4241509114	Cromwell Cres Roads & Sidewalk	300,000.00	264,937.18	264,937.18	0.00	88%
2016	4031619669	Winterberry - LINC to Old Mud	190,000.00	190,000.00	190,000.00	0.00	100%
2016	4241609601	Mohawk - Up Sherman to Up Gage	680,000.00	513,811.20	513,811.20	0.00	76%
2016	4241609602	Mohawk - Up Gage to Up Ottawa	880,000.00	620,417.21	620,417.21	0.00	71%
2017	4031711224	Sidewalk Rehabilitation Program - 2017	700,000.00	700,000.00	700,000.00	0.00	100%
<b>PUBLIC WORKS (RATE BUDGET)</b>							
<b>Water (Rate Budget)</b>							
2006	5140667650	Carlisle Communal Well Upgrade	4,840,000.00	4,693,711.46	4,693,711.46	0.00	97%
2009	5140967951	ISF-714-Hillcrest Reservoir	13,400,000.00	12,777,268.03	12,777,268.03	0.00	95%
2013	5161366360	Flares at Biogas Facility	3,280,000	3,109,667.19	3,109,667.19	0.00	95%
2015	5141567576	Low Lift PS Upgrades Phase 2	221,000.00	144,460.69	144,460.69	0.00	65%
2017	5141711101	Road Restoration Program - 2017	5,400,000.00	5,400,000.00	5,400,000.00	0.00	100%
2017	5141762078	Substandard Water Service Replacement Program - 2017	4,000,000.00	4,000,000.00	4,000,000.00	0.00	100%
<b>Wastewater (Rate Budget)</b>							
2015	5161562542	Binbrook Wastewater System	280,000.00	257,505.87	257,505.87	0.00	92%
2016	5161655010	Wastewater Systems Planning	300,000.00	280,915.56	280,915.56	0.00	94%
<b>StormWater (Rate Budget)</b>							
2017	5181717458	Catch Basin Replacement/Rehabilitation Program - 2017	500,000.00	500,000.00	500,000.00	0.00	100%
<b>TOTAL COMPLETED PROJECTS (49)</b>			<b>76,284,544.11</b>	<b>76,255,117.35</b>	<b>76,255,117.35</b>	<b>0.00</b>	<b>100%</b>
<b>GRAND TOTAL COMPLETED/CANCELLED PROJECTS (71)</b>			<b>82,064,909.11</b>	<b>81,313,667.39</b>	<b>81,586,068.39</b>	<b>(272,401.00)</b>	<b>99%</b>

CITY OF HAMILTON CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE FOR THE PERIOD COVERING JULY 1, 2018 THROUGH SEPTEMBER 30, 2018						
Appropriated From	Description	Appropriated To	Description	Amount(\$)	Council Approval / Comments	LongDescr
<b>CITY MANAGERS</b>						
<u>City Managers Office</u>						
3381657504	Service Delivery Improvements	3381757504	Performance Excellence Program	17,750.00	N/A- Within Limits	APPR 18-111(Budget): Transfer surplus funds from project 3381657504 to 3381757504-SBLACKLEY
<u>City Managers (1)</u>				17,750.00		
<b>CORPORATE PROJECTS</b>						
<u>Corporate Projects Program</u>						
5300855100	Annual Bus Rapid Trans Studies	5300855100	Annual Bus Rapid Trans Studies	1,452,400.00	FCS17078b	APPR 18-120(Budget) Transfer debt funding to reserve funding for project 5300855100 as approved by June 30th Capital Closing Report Appendix D-SBLACKLEY
<u>Corporate Projects (1)</u>				1,452,400.00		
<b>COUNCIL INFRASTRUCTURE</b>						
<u>Council Initiatives</u>						
4241309103	W1 Snrs Activity Centre	7101754703	Senior Centre Retrofits	105,800.00	N/A- Within Limits	APPR 18-108(Budget): Transfer surplus funds from project 4241309103 to project 7101754703-SBLACKLEY
4241309202	McLaren Park - redevelopment	4401356002	Beasley Park Rehabilitation	14,332.55	N/A- Within Limits	APPR 18-106(Budget): Transfer surplus funds from project 4241309202 to project 4401356002- SBLACKLEY
<u>Council Infrastructure (2)</u>				120,132.55		
<b>COMMUNITY AND EMERGENCY SERVICES DEPARTMENT</b>						
<u>Social Housing Program</u>						
6731441302	Social Housing Capital Repairs	6731741302	Social Housing Capital Repairs	13,200.00	N/A- Within Limits	APPR 18-119(Budget): Transfer surplus funds from project 6731441302 to project 6731741302-SBLACKLEY
<u>Community and Emergency Services Department (1)</u>				13,200.00		
<b>PLANNING AND ECONOMIC DEVELOPMENT</b>						
<u>Economic Development</u>						
3621755102	Brownfield Pilot Project	3621708002	Annual Brownfield Development	60,000.00	N/A- Within Limits	APPR 18-99( Budget) Transfer surplus funds from project 3621755102 to project 3621708002- SBLACKLEY
8121741301	HTC Bldg. Maintenance	8201641800	Annual Heritage Prop Impr Grant	16,000.00	N/A- Within Limits	APPR 18-114(Budget): Transfer surplus funds from project 8121741301 to project 8021641800 approved by GIC July 9, 2018(PED8162)-SBLACKLEY
<u>Planning and Economic Development (2)</u>				76,000.00		
<b>PUBLIC WORKS TAX FUNDED</b>						
<u>Roads Division</u>						
4031319101	Road Reconstruction 2013	4031780781	Hwy 8 Improvements Class EA	40,000.00	N/A- Within Limits	APPR 18-113(Budget): Transfer surplus funds from project 4031319101 to project 4031780781-SBLACKLEY
4031710006	Annual Minor Construction	4041817384	Annual Guiderail Upgrade 2018	10,000.00	N/A- Within Limits	APPR 18-124(Budget): Transfer surplus funds from project 4031710006 to project 4041817384-SBLACKLEY
<u>Road Development</u>				50,000.00		
4030980977	Road EA for N-W Quad Hwy 5 & 6	4031780781	Hwy 8 Improvements Class EA	30,000.00	N/A- Within Limits	APPR 18-125(Budget): Transfer surplus funds from project 4030980977 to project 4031780781-SBLACKLEY
4030980977	Road EA for N-W Quad Hwy 5 & 6	4031780781	Hwy 8 Improvements Class EA	30,000.00	N/A- Within Limits	APPR 18-125(Budget): Transfer surplus funds from project 4030980977 to project 4031780781-SBLACKLEY
4030980986	TrinityChurchCorridor-53&Stone	4031480485	Glover Road Cul-de-Sac	245,000.00	N/A- Within Limits	APPR 18-123(Budget): Transfer surplus funds from project 4030980986 to project 4031480485-SBLACKLEY
				305,000.00		



CITY OF HAMILTON CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE FOR THE PERIOD COVERING JULY 1, 2018 THROUGH SEPTEMBER 30, 2018						
Appropriated From	Description	Appropriated To	Description	Amount(\$)	Council Approval / Comments	LongDescr
<u>Transit Program</u>						
5301751701	HVAC Upgrades-2200 Upper James	5301885801	Exterior Upgrades to MTC	775,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301751701	HVAC Upgrades-2200 Upper James	5301885801	Exterior Upgrades to MTC	775,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301755700	Transit Priority Measures	5301785708	Customer Service Software	397,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301755700	Transit Priority Measures	5301785708	Customer Service Software	398,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301755700	Transit Priority Measures	5301884801	Transit Network Review	400,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301755700	Transit Priority Measures	5301884801	Transit Network Review	400,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301755700	Transit Priority Measures	5301885801	Exterior Upgrades to MTC	300,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301755700	Transit Priority Measures	5301885802	Upgrade Operator Seats	228,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301755700	Transit Priority Measures	5301885802	Upgrade Operator Seats	227,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301784710	Automated Passenger Counters	5301751500	Replace Bus Hoists	1,000,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301784710	Automated Passenger Counters	5301751500	Replace Bus Hoists	1,000,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301784710	Automated Passenger Counters	5301885801	Exterior Upgrades to MTC	100,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301785701	Transit Mtnc&Storage Facility	5301749701	Transit Capital Infrastructure	1,350,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301785701	Transit Mtnc&Storage Facility	5301749701	Transit Capital Infrastructure	1,350,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301785701	Transit Mtnc&Storage Facility	5301751500	Replace Bus Hoists	2,000,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
5301785701	Transit Mtnc&Storage Facility	5301885801	Exterior Upgrades to MTC	1,950,000.00	PW18054 Appendix A	To appropriate transit funds as per PW18054 Appendix A- MCERMINA
				12,650,000.00		
<u>Fleet Division</u>						
4941651004	Street Sweeper Purchase	4941851004	Street Sweeper Purchase	17,600.00	N/A- Within Limits	APPR 18-107(Budget): Transfer surplus funds from project 4941651004 to 4941851004-SBLACKLEY
<u>Energy Initiatives</u>						
7901641605	Valley Park LED Light	7901641602	Fire Stations LED Light	5,500.00	N/A- Within Limits	APPR 18-109(Budget): Transfer surplus funds from project 7901641605 to project 7901641602- SBLACKLEY
7901641605	Valley Park LED Light	7901448403	Low E Ceilings-Arenas	18,940.00	N/A- Within Limits	APPR-110(Budget): Transfer surplus funds from project 7901641605 to project 7901448403-SBLACKLEY
				24,440.00		
<u>Open Space Development</u>						
4401256516	Trillium Garden Park	4401856820	Waterford Park	147,160.00	N/A- Within Limits	APPR 18-112(Budget): Transfer funds from 4401256516 to Waterford Park per(PW18040)-SBLACKLEY
4401256516	Trillium Garden Park	4401856820	Waterford Park	88,020.00	N/A- Within Limits	APPR 18-112(Budget): Transfer funds from 4401256516 to Waterford Park per(PW18040)-SBLACKLEY
4401256516	Trillium Garden Park	4401856820	Waterford Park	6,370.00	N/A- Within Limits	APPR 18-112(Budget): Transfer funds from 4401256516 to Waterford Park per(PW18040)-SBLACKLEY
4401556504	Trails Master Plan Update	4401856819	Waterfalls Viewing	15,000.00	N/A- Within Limits	APPR 18-102(Budget): Transfer surplus funds from project 4401556504 to project 4401856819-SBLACKLEY
				256,550.00		

CITY OF HAMILTON CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE FOR THE PERIOD COVERING JULY 1, 2018 THROUGH SEPTEMBER 30, 2018						
Appropriated From	Description	Appropriated To	Description	Amount(\$)	Council Approval / Comments	Long Descr
<u>Parking Operations Program</u>						
4901841800	Fence Replacement - Carparks	4901245100	Repairs-York Boulevard Parkade	90,000.00	N/A- Within Limits	APPR-100(Budget): Transfer surplus funds from project 4901841800 to project 4901245100-SBLACKLEY
<u>Culture Program</u>						
7201558503	Bat-Gage House-Hall & Up Rooms	7201758703	Gage House Upper Rooms	116,300.00	N/A- Within Limits	APPR 18-105(Budget): Transfer surplus funds from project 7201558503 to project 7201758703-SBLACKLEY
7201741703	St Marks Restoration Phase 2	7201841803	St Marks Interior Restoration	240,000.00	FCS17078b Appendix D	APPR 18-126(Budget): Transfer surplus funds from project 7201741703 to project 7201841803 as approved by December 31 Capital Closing Report FCS17078b Appendix D-SBLACKLEY
7201758702	2018 Canadian Country Music	7201858702	Canadian Country Music Wk. 2020	550,000.00	PED18058(a)	APPR 18-98(Budget): Transfer surplus funds from project 7201758702 to project 7201858702 per approved by PED18058(a)-SBLACKLEY
				906,300.00		
<b>Public Works Tax Funded (32)</b>				<b>14,299,890.00</b>		
<b>PUBLIC WORKS RATE FUNDED</b>						
<u>Waterworks Regular Programs</u>						
5141571301	Replace Program - Roads 2015	3381857801	Social Procurement Consultant	22,000.00	N/A- Within Limits	APPR 18-116(Budget): Transfer surplus funds from project 5141571301 to project 3381857801 per Dan McKinnon request for shared consultant project-SBLACKLEY
5141766421	WTP Fluoride Building HVAC	5141166110	WTP - Process Upgrades	220,000.00	N/A- Within Limits	APPR 18-101(Budget): Transfer surplus funds from project 5141766421 to project 5141166110-SBLACKLEY
				242,000.00		
<u>Wastewater Program</u>						
5161460450	Iona Trunk Sewer Odour Control	5161761241	Eastn Interc Rehab-SSR Frtland	70,000.00	N/A- Within Limits	APR 18-104(Budget): Transfer surplus funds from project 5161460450 to 5161761241-SBLACKLEY
5161771015	Sewer Lateral Replace-Roads	3381857801	Social Procurement Consultant	22,000.00	N/A- Within Limits	APPR 18-115(Budget): Transfer surplus funds from project 516177015 to project 3381857801 as requested by Dan McKinnon for a shared consulting project-SBLACKLEY
				92,000.00		
<u>Storm Sewers Regular Program</u>						
5181560515	Inlet & Outlet Damage Repairs	5181817458	Catch Basin Replace & Rehab	8,000.00	N/A- Within Limits	APPR 18-121(Budget): Transfer surplus funds from project 5181560515 to project 5181817458-SBLACKLEY
5181560999	Closed Projects - Storm	5181817458	Catch Basin Replace & Rehab	37,000.00	N/A- Within Limits	APPR 18-122(Budget): Transfer surplus funds from project 5181560999 to project 5181817458-SBLACKLEY
5181672290	Storm Sewer Upgrades 2016	3381857801	Social Procurement Consultant	22,000.00	N/A- Within Limits	APPR 18-117(Budget): Transfer surplus funds from project 5181672290 to project 3381857801 per Dan McKinnon requested for shared consulting project-SBLACKLEY
5181672290	Storm Sewer Upgrades 2016	3381857801	Social Procurement Consultant	22,000.00	N/A- Within Limits	APPR 18-118(Budget): Transfer surplus funds from project 5181672290 to project 3381857801
5181872293	Bayside Av Storm Sewer Replace	5181817458	Catch Basin Replace & Rehab	30,000.00	N/A- Within Limits	APPR 18-120(Budget): Transfer surplus funds from project 5181817458 to project 5181872293-SBLACKLEY
				119,000.00		
<b>Public Works Rate Funded (9)</b>				<b>453,000.00</b>		
<b>BUDGET APPROPRIATION (48)</b>				<b>16,432,372.55</b>		

CITY OF HAMILTON CAPITAL PROJECTS TO BE MERGED/ADJUSTED FOR THE PERIOD COVERING JUNE 30, 2018 to SEPTEMBER 30, 2018					
<b>Recommendations</b>					
Appropriated From	Description	Appropriated To	Description	Amount (\$)	LongDescr
<b>Planning &amp; Economic Development</b>					
<i>Transit Program</i>					
4031655940	2016-Transportation Tomorrow Survey	4031755940	2017 Trans Tomorrow Survey	165,740.00	Transfer surplus funds to annual project for closure
<b>Planning &amp; Economic Development Total</b>				<b>\$ 165,740.00</b>	
<b>Public Works (Tax)</b>					
<i>Transit</i>					
5301555500	Mtnc & Storage Facility Expn Study	5301641500	Transit Storage Facility	145,431.60	Merge Projects to consolidate accounts
<b>Public Works (Tax) Total</b>				<b>\$ 145,431.60</b>	
<b>Project Totals</b>				<b>\$ 311,171.60</b>	



Hamilton

**CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW  
SUB-COMMITTEE  
REPORT 19-002**

**1:00 p.m.  
February 4, 2019  
Council Chambers  
Hamilton City Hall**

**Present:** Councillors M. Pearson (Chair), J.P. Danko (Vice-Chair), N. Nann, and M. Wilson

**Absent:** T. Whitehead

**THE CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW SUB-COMMITTEE  
PRESENTS REPORT 19-002 AND RESPECTFULLY RECOMMENDS:**

- 1. Public Works - Capital Projects Status Report as of September 30, 2018 (FCS18077(a)) (City Wide) (Item 10.1)**
  - (a) That the Capital Projects Status Report, Public Works Tax Supported Projects, as of September 30, 2018, attached as Appendix "A" to Report FCS18077(a), be received;
  - (b) That the Capital Projects Status Report, Public Works Rate Supported Projects, as of September 30, 2018, attached as Appendix "B" to Report FCS18077(a), be received.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

There were no changes to the agenda.

The agenda for the February 4, 2019 Capital Projects Work-In-Progress Review Sub-Committee meeting was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) January 28, 2019 (Item 4.1)**

The Minutes of the January 28, 2019 meeting of the Capital Projects Work-In-Progress Review Sub-Committee meeting were approved, as presented.

**(d) ADJOURNMENT (Item 15)**

There being no further business, the Capital Projects Work-In-Progress Review Sub-Committee, adjourned at 1:39 p.m.

Respectfully submitted,

Councillor Pearson, Chair  
Capital Projects Work-in-Progress  
Sub-Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Economic Development Division*

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Utilization of the Hamilton Amazon Bid Package (PED19017) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Michael Marini (905) 546-2424 Ext. 1781
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Report PED19017 on the use of the Hamilton Amazon bid assets be received;
- (b) That the requirement to report back annually on the usage of the Hamilton Amazon bid no longer be required;
- (c) That the matter respecting the use of the Amazon Bid Package be identified as complete and removed from the General Issues Committee Outstanding Business List.

### EXECUTIVE SUMMARY

2017 was a watershed moment in Economic Development site selection practices. Searching for a location for its second North American headquarters (HQ2), Amazon put an open call out to municipalities from across the continent to respond to a Request for Proposals (RFP) to make the case as to why their municipality was the optimal location for this \$5 B plus investment.

Traditionally, corporate site selection has been a very quiet process with companies dealing directly with a handful of municipalities in very confidential discussions/negotiations. Parties to these discussions generally are not privy to learning who their direct competitors are, and if so, are not privy to their competitors' negotiation strategy/tactics.

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**SUBJECT: Utilization of the Hamilton Amazon Bid Package (PED19017) (City Wide) - Page 2 of 5**

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The Amazon RFP changed all of this. The company used international media coverage to impressive effect to make their criteria known across the globe, and in turn, municipalities were extremely public regarding their rationale as to why Amazon should choose their municipality for this once in a generation type of investment.

The City of Hamilton was one of 238 municipalities to bid on this RFP and over the course of three weeks amassed a team and a bid that made a compelling, rational and succinct case for Hamilton as the site of Amazon HQ2.

The total cost for the bid was \$500 K with \$250 K coming directly from City accounts and \$250 K raised via corporate partners and neighbouring municipalities.

The City of Hamilton, in particular, the Economic Development and Tourism and Culture Divisions, were provided with information and high-level data that has been and continues to be used for investment leads, presentations and proposals. As well, the marketing assets have been used in a variety of ways across the community.

The data contained in the Amazon Report has been used specifically for:

- A joint submission for the 2020 Indigenous Games with the City of Niagara Falls;
- An email blast to over 2,000 subscribers on the Economic Development Office's e-newsletter (generally comprised of site selectors, developers, commercial/industrial brokers);
- A major presentation for the Senior Executive Officer onboarding from investors from Mexico and Brazil;
- Investment overview presentations to Federal and Provincial Government International Trade Representatives and to the Ontario Investment Office;
- Investment overview documents on trade missions via the Consider Canada Cities Alliance (CCCA);
- Day-to-day investment discussions with investors via the Economic Development Office;
- A successful Top 7 bid for the Intelligent Community Forum (ICF) world's Most Intelligent Community—global non-profit policy research organization, focusing on job creation and economic development in the broadband economy; and,
- A base component of all the Revenue Generation section's presentations to local, regional, and national corporations regarding sponsorship and business opportunities in the City of Hamilton.

The bid's "Welcome to Unstoppable" imagery and message has been used:

- In documents and displays across City Hall;
- As a large welcome poster at the domestic arrivals hall at the John C. Munro Hamilton International Airport (over 500,000 visitors will see this annually); and,

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**SUBJECT: Utilization of the Hamilton Amazon Bid Package (PED19017) (City Wide) - Page 3 of 5**

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- Extensively on the City of Hamilton, Economic Development, Tourism Hamilton and Mayor of Hamilton's social media accounts.

In addition, the video that was produced has served as a key element in many investment related presentations as well as being shown at local sporting events (Hamilton Bulldogs) and on Cable 14.

Finally, a chat bot was created for the homepage of investinhamilton.ca for the period after the City's submission was made and before the shortlist was announced to ensure a rapid response system in the event that there were inquiries from Amazon staff. This was instituted in December 2017 and continues on the Economic Development website. Although no direct inquiries were received through the chat bot from Amazon staff, the app itself has helped Economic Development staff handle over 700 inquiries to date and was instrumental in starting conversations with investors for two major investments.

The media ad equivalency value (the value of the media coverage when converted into hard advertising costs to reach the same audiences) is valued at \$1.197 M.

Moving forward, given that the information contained within the bid is being used on a regular basis and that much of this information will be migrated to the new investinhamilton.ca website set to launch in Q2 of 2019, staff recommended that the requirement to report back to Council on an annual basis on the use of the Amazon bid no longer be required.

***Alternatives for Consideration – N/A***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

On September 7, 2017, Amazon, the world's largest online retailer, announced plans to build a second headquarters somewhere in North America (HQ2). The announcement launched a flurry of bids from municipalities across North America to win the investment of over \$5 B and 50,000 jobs.

Hamilton City Council on September 27, 2017 directed staff to formally submit a bid for HQ2 at a cost of up to \$500 K before Amazon's deadline of October 19, 2017. Over the course of the next three weeks, Hamilton City staff worked amongst themselves and with

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**SUBJECT: Utilization of the Hamilton Amazon Bid Package (PED19017) (City Wide) - Page 4 of 5**

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a limited number of consultants including PWC (project management) and Cundari (bid marketing) to amass a great amount of technical information and synthesize it into a compelling bid book of nearly 200 pages.

Although half of the funds were obtained by City Accounts, the City also raised the other half via corporate partnerships and funding from the Region of Niagara and the City of Burlington.

The Amazon work was important in two distinct ways:

Firstly, it afforded the opportunity to bring together relevant staff from across the Corporation and community and industry partners to amass a very high-level trove of information about Hamilton's economy. Never has this happened before and because the bid was the highest of "Corporate priorities" for those three weeks in October, extensive resources were freed up, information flowed at a lightning pace and the unanimous support of Council and Senior Leadership Team (SLT) truly empowered staff to the benefit of the Corporation. In short, such cooperation in such a short time period to this scale was unprecedented and advantageous.

Secondly, the exercise produced information that continues to be of great use to the Corporation, in the Economic Development Office. This information is used daily by the Economic Development staff to make the case to investors as to why they should put their money in Hamilton. The bid contains important information on utilities, transportation networks, labour force, post-secondary talent and capabilities and quality of life features that would attract a knowledge workforce.

By the deadline of October 19, 2017, the City of Hamilton provided a comprehensive and compelling argument as to why Hamilton should be the choice for HQ2. Although Amazon's ultimate choice was split between two cities located directly in the shadow of America's financial and political capitals, Hamilton still has information that is of great use for future investment opportunities. In fact, the information contained in the bid was of great use to those pursuing Hamilton's involvement in the Federal Advanced Manufacturing Supercluster and Provincial Autonomous Vehicle Innovation Network. The bid information has also been used on global trade delegations to Europe and India over the past year.

On January 24, 2018, Hamilton City Council directed Economic Development staff to report back on the use of the bid information and the jobs associated. It must be made clear that any investment is not contingent on one factor. There are several variables that drive investment decisions, but critical to helping a company make that ultimate investment decision is the immediate ability to provide relevant, fresh economic data and information.

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**SUBJECT: Utilization of the Hamilton Amazon Bid Package (PED19017) (City Wide) - Page 5 of 5**

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Although there are a few investment related conversations and negotiations happening currently (much of which cannot be disclosed in this Report because they are in fact active economic development transactions), there has not been one investment that can solely be pointed to and said that it was only because of the Amazon bid. Rather, staff can point to several investments that have occurred and may still occur because the Amazon bid information was available during discussions. The important point is that because this bid exists, it enables staff to draw on data from a large swath of areas to help make the case that an investment should happen in Hamilton with so many other specific factors on the minds of investors. Without the bid, Hamilton would be much further behind, particularly in the tech information realm.

Moving forward, staff has no reservations in providing a broad overview of progress to Council during the Economic Development Action Plan updates, or upon the request of Council.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

- City Manager's Office;
- Planning and Economic Development Department; and,
- Industry Partners.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

N/A

**ALTERNATIVES FOR CONSIDERATION**

N/A

**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.*

**APPENDICES AND SCHEDULES ATTACHED**

N/A

MM:dt

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**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Economic Development Division*

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Ottawa Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment (PED19038) (Wards 3 and 4)
<b>WARD(S) AFFECTED:</b>	Wards 3 and 4
<b>PREPARED BY:</b>	Julia Davis (905) 546-2632
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the 2019 Operating Budget for the Ottawa Street Business Improvement Area, attached as Appendix "A" to Report PED19038, in the amount of \$133 K be approved;
- (b) That the levy portion of the Operating Budget for the Downtown Hamilton Business Improvement Area in the amount of \$133 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 PED19038;
- (d) That the following schedule of payments for 2019 be approved:

February	\$66,500
June	\$66,500

Note: Assessment appeals may be deducted from the levy payments.

### EXECUTIVE SUMMARY

This Report deals with the approval of the 2019 Budget and Schedule of Payments for the Ottawa Street Business Improvement Area (BIA).

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**SUBJECT: Ottawa Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment (PED19038) (Wards 3 and 4) - Page 2 of 3**

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***Alternatives for Consideration – Not Applicable*****FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The \$133 K is completely levied by the BIA through its members. There is no cost to the City of Hamilton for any part of the Operating Budget.

Staffing: There are no staffing implications.

Legal: The *Municipal Act, 2001*, Section 205, Sub-section (2) dictates that City Council must approve Budgets of BIAs.

**HISTORICAL BACKGROUND**

At its Annual General Meeting on Wednesday November 14, 2018, the Ottawa Street BIA Board of Management presented its proposed Budget for 2019.

The process followed to adopt the Ottawa Street BIA's Budget was in accordance with The *Municipal Act, 2001*, and the BIA's Procedure By-law.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The *Municipal Act, 2001*, Section 205, Sub-section (2) dictates that City Council must approve Budgets of BIAs.

**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

N/A

**ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN****Economic Prosperity and Growth**

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**SUBJECT: Ottawa Street Business Improvement Area (BIA) Proposed Budget and  
Schedule of Payment (PED19038) (Wards 3 and 4) - Page 3 of 3**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Ottawa Street Business Improvement Area (BIA) Proposed 2019 Operating Budget.

JD:dt

**OTTAWA STREET  
BUSINESS IMPROVEMENT AREA (BIA)  
PROPOSED 2019 OPERATING BUDGET**

<b>Revenue</b>	
BIA Levy	\$133,000
<b>Total Revenues</b>	<b>\$133,000</b>
<b>Expenses</b>	
Insurance	\$3,500
Office Facilities	\$28,500
Contract Workers	\$40,000
Administrative Expenses	\$5,000
Beautification	\$16,500
Marketing/Events	\$23,500
Events/Operational	\$15,000
Office Improvements	\$1,000
<b>Total Expenses</b>	<b>\$133,000</b>



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Economic Development Division  
 and  
**PUBLIC WORKS DEPARTMENT**  
 Transportation Operations and Maintenance Division

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Ontario's Main Street Revitalization Initiative Program Update (PED19039/PW19017) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Julia Davis (905) 546-2424 Ext. 2632 Jennifer DiDomenico (905) 546-2424 Ext. 5596
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Edward Soldo Director, Transportation Operations and Maintenance Public Works Department

### RECOMMENDATION

- (a) That staff be authorized to release the Ontario's Main Street Revitalization Initiative Program Funding from Reserve Account No. 104051 to Department ID No. 815010;
- (b) That staff be directed to apply the \$294,574 of the \$504,574 in funding made available through the Ontario's Main Street Revitalization Initiative (OMSRI) for the following purposes:
- (i) \$20 K allocated to each of the 13 existing Business Improvement Area for projects to be approved by staff that are in scope of the eligible expenditures

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**SUBJECT: Ontario's Main Street Revitalization Initiative Program Update  
(PED19039/PW19017) (City Wide) - Page 2 of 10**

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of the Ontario's Main Street Revitalization Initiative Project description (\$260 K total);

- (ii) \$34,547 allocated to the execution of a marketing campaign to bring awareness and promotion to the "One City. Spend It Here" brand with the goal of driving business to all Business Improvement Areas.
- (c) That staff satisfy and execute all the program requirements of the Ontario's Main Street Revitalization Initiative Guide to the Municipal Funding Agreement found in Appendix "A" to Report PED19039/PW19017 and the elements of the Municipal Funding Agreement Ontario's Main Street Revitalization Initiative as outlined in Appendix "B" to Report PED19039/PW19017;
- (d) That the item related to Utilization of the Main Street Revitalization Funds be identified as complete and removed from the General Issues Committee Outstanding Business List

### **EXECUTIVE SUMMARY**

On January 23, 2018, the Minister of the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) and Small Business announced the Ontario's Main Street Revitalization Initiative (OMSRI) and the government's approach to the distribution of the \$26 M support for Ontario's main streets and their business communities. All single and lower tier municipal governments (except Toronto) are to receive funding that will enhance and revitalize downtowns and main street areas.

As of April 1, 2018, municipal governments can invest in revitalization activities that will support small businesses through activities undertaken to revitalize main streets. The work can be identified as priority through an existing Community Improvement Plan (CIP) or municipal physical infrastructure priorities identified through other municipal land use planning documents for the municipality's main street that involves the construction, renewal, renovation or redevelopment, or material enhancement. The funding can be used to support revitalization efforts related to energy efficiency, accessibility, aesthetics and marketability. As identified in the Municipal Funding Agreement (MFA) attached as Appendix "B" to Report PED19039/PW19017, there will be two program categories:

1. Implementing priority financial incentives under existing CIP (includes grants for renovations, retrofits and structural improvements); and/or,
2. Funding for strategic municipal infrastructure improvements that will support main street businesses in CIP or in land use planning policy documents, such as signage, streetscape improvement and marketing plan implementation.

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**SUBJECT: Ontario's Main Street Revitalization Initiative Program Update  
(PED19039/PW19017) (City Wide) - Page 3 of 10**

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Municipalities can fund projects in one or both categories and have until March 31, 2020 to spend the funds on an eligible project.

On May 2, 2018 the Mayor and Members of Council approved and carried Report FCS18045 – Ontario's Main Street Revitalization Initiative in which:

- (a) The Mayor and City Clerk were authorized and directed to sign a Municipal Funding Agreement between the City of Hamilton and the Association of Municipalities of Ontario for the transfer of Main Street Revitalization Funds, together with all necessary associated documents in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services;
- (b) The By-law to Authorize the Signing of the Municipal Funding Agreement for the Transfer of Main Street Revitalization funds between the Association of Municipalities of Ontario and the City of Hamilton, attached as Appendix "A" to Report PED19039/PW19017 was passed;
- (c) A certified copy of the approved by-law authorizing the signing of the Municipal Funding Agreement was forwarded Association of Municipalities of Ontario;
- (d) The 2018 Main Street Revitalization funds were allocated to a new dedicated reserve – Main Street Revitalization Reserve (104051); and,
- (e) That staff of the departments of Planning and Economic Development and Public Works report back to the General Issues Committee with recommendations for the utilization of Main Street Revitalization Funds.

In addition to seeking approval for the recommendations, included Report PED19039/PW19017 will provide Council with background and updates on relevant consultation and proposed initiatives. Specific detail is provided within the Analysis and Rationale for Recommendation within this Report.

**Alternatives for Consideration – See Page 9**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The funding allocated to the City of Hamilton through the Association of Municipalities of Ontario (AMO), the OMSRI (\$504,574) was received and placed into a dedicated Reserve No. 104051. Staff are recommending that \$294,574 be moved to Department ID No. 815010 to be utilized for the recommendations included within Report PED19039/PW19017.

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**SUBJECT: Ontario's Main Street Revitalization Initiative Program Update  
(PED19039/PW19017) (City Wide) - Page 4 of 10**

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The remaining Reserve funding of \$210,000 has been approved through the 2019 Capital Budget to support the following municipal projects:

- Cigarette Litter Prevention Program (\$65 K – Project ID No. 5121990900);
- Public Space and Special Event Containers (\$70 K – Project ID No. 5121990700); and,
- Signal Controller Wrapping Project (\$75 K – Project ID No. 4661920988).

**Staffing:** No additional staffing is required. Staff will work internally and with members from the Business Improvement Areas, Keep Hamilton Clean and Green Committee and the Cleanliness and Security in the Downtown Core Task Force as required.

**Legal:** By-law 18-116 attached as Appendix “C” to Report PED19039/PW19017 authorizing the signing of the MFA which was approved May 9, 2018 and submitted to the AMO.

## **HISTORICAL BACKGROUND**

On January 23, 2018, the Ontario Government announced an investment of \$26 M for the OMSRI that has been designed to support capital improvements for energy efficiency, accessibility, aesthetics, and marketability of small businesses within main street areas, and encourage strategic public investments in businesses. This initiative is part of a \$40 M outlay over three years in the Main Street Enhancement Fund to help strengthen small businesses in downtown and main street municipal infrastructure that will support main street areas. Funding has been allocated to municipalities based on population size, using the most recent data from the 2016 Statistics Canada Census of Population. Hamilton has been advised that its initial OMSRI allocation will be \$504,574.02.

The AMO has agreed to administer the funding on behalf of OMAFRA. Funding will follow a model similar to the Federal Gas Tax Fund (GTF) and as such, there is no application process. Municipal governments will need a by-law authorizing it to sign a MFA with an AMO.

As of April 1, 2018, municipal governments can invest in revitalization activities that will support small businesses through activities undertaken to revitalize main streets. The work can be identified as priority through an existing CIP or municipal physical infrastructure priorities identified through other municipal land use planning documents for the municipality's main street that involves the construction, renewal, renovation or redevelopment, or material enhancement in each of the following categories:

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**SUBJECT: Ontario's Main Street Revitalization Initiative Program Update  
(PED19039/PW19017) (City Wide) - Page 5 of 10**

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Implementation of priority financial incentives in existing Community Improvement Plans such as:

- a) Commercial building façade improvements;
- b) Preservation and adaptive reuse of heritage and industrial buildings;
- c) Provision of affordable housing;
- d) Space conversion for residential and commercial uses;
- e) Structural improvements to buildings (e.g. Building Code upgrades);
- f) Improvement of community energy efficiency; and,
- g) Accessibility enhancements.

Funding of strategic municipal physical infrastructure in CIP or other land use planning documents such as:

- a) Signage–wayfinding/directional and gateway;
- b) Streetscaping and landscape improvements–lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails; and
- c) Marketing plan implementation–business attraction and promotion activities, special events.

Municipalities can identify projects in one or both categories and have until March 31, 2020 to spend the funds on an eligible project. During this time, municipalities may earn interest on OMSRI funds.

The City of Hamilton entered into a MFA with the AMO and enacted a Municipal By-law authorizing the execution of such an agreement with respect to the OMSRI included as Appendix “C” to Report PED9039/PW19017.

On May 2, 2018, the Mayor and Members of Council approved and carried Report FCS18045–Ontario's Main Street Revitalization Initiative in which:

- (a) The Mayor and City Clerk were authorized and directed to sign a MFA between the City of Hamilton and the AMO for the transfer of Main Street Revitalization Funds, together with all necessary associated documents in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services;
- (b) The By-law to Authorize the Signing of the Municipal Funding Agreement for the Transfer of Main Street Revitalization funds between the Association of Municipalities of Ontario and the City of Hamilton, attached as Appendix “A” to Report PED19039/PW19017 was passed;

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**SUBJECT: Ontario's Main Street Revitalization Initiative Program Update  
(PED19039/PW19017) (City Wide) - Page 6 of 10**

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- (c) A certified copy of the approved by-law authorizing the signing of the Municipal Funding Agreement was forwarded Association of Municipalities of Ontario;
- (d) The 2018 Main Street Revitalization funds were allocated to a new dedicated reserve – Main Street Revitalization Reserve (104051); and,
- (e) That staff of the departments of Planning and Economic Development and Public Works report back to the General Issues Committee with recommendations for the utilization of Main Street Revitalization Funds.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

By-law 18-116 – To Authorize the Signing of a Municipal Funding Agreement for the Transfer of Main Street Revitalization Funds between the Association of Municipalities of Ontario and the City of Hamilton.

**RELEVANT CONSULTATION**

Through the consultation process, staff engaged with the following City of Hamilton Divisions, Committees and Boards to assist with the development of the recommendations included within this Report:

- Public Works, Environmental Services Division, Waste Collection Section;
- Public Works, Transportation Operations and Maintenance Division, Transportation Operations Section;
- Planning and Economic Development, Economic Development Division, Urban Renewal Section;
- Planning and Economic Development, Tourism and Culture Division, Placemaking, Public Art and Projects Section;
- Planning and Economic Development, Tourism and Culture Division, Heritage Resources Management Section;
- Corporate Services, Financial Planning, Administration and Policy Division;
- 13 Business Improvement Areas (Ancaster Village, Barton Village, Concession Street, Downtown Dundas, Downtown Hamilton, International Village, King Street West, Locke Street, Main West Esplanade, Ottawa Street, Stoney Creek, Waterdown Village and Westdale Village);
- Keep Hamilton Clean and Green Volunteer Advisory; and,
- Cleanliness and Security in the Downtown Task Force.

All consultations resulted in detailed feedback of the proposed recommendations included within this Report and support the information provided within.

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**SUBJECT: Ontario's Main Street Revitalization Initiative Program Update  
(PED19039/PW19017) (City Wide) - Page 7 of 10**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Since the initiative was announced and details were made available, many discussions have occurred internally and with external stakeholder group with respect to potential uses of the funding. City of Hamilton staff have engaged with all 13 Business Improvement Areas (BIA) across the City on proposed utilization of the funding in addition to reviewing capital projects that would be eligible within the Program criteria to come to the recommendations presented in this Report.

The recommended utilization of the funding is as follows:

**Allocation to Each Business Improvement Area**

Through the eligible criteria outlined in the OMSRI Guide to the MFA included as Appendix "B" to Report PED19039/PW19017, Urban Renewal staff will work directly with each BIA to approve expenditures that align with priorities and ensure compliance with funding allowances and project timelines. Each BIA will be allocated \$20 K in funding from the Program (\$260 K in total to all BIAs) which must be spent prior to March 31, 2020 to implement improvements to each jurisdiction. Each BIA area will work with their current Board of Directors to put forward eligible projects and will engage with City of Hamilton staff to execute planned expenditures successfully and within the identified timelines.

The City of Hamilton BIA's are eligible to utilize this funding for implementation of strategic physical infrastructure or other land use planning documents such as:

- a) Signage—wayfinding/directional and gateway;
- b) Streetscaping and landscape improvements—lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails; and,
- c) Marketing plan implementation—business attraction and promotion activities, special events.

**Cigarette Litter Prevention Program**

The Cigarette Litter Prevention Program was created following an approved motion from the City of Hamilton General Issues Committee on May 2, 2018. The motion put forward was from the Cleanliness and Security in the Downtown Core Task Force recommending staff to identify potential funding sources for the Cigarette Litter Prevention Program and investigate the feasibility of enforcement by Municipal Law Enforcement Officers.

On September 26, 2018 Hamilton City Council approved a Motion from the Planning Committee recommending that the cost to dedicate a part time Municipal Law

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**SUBJECT: Ontario's Main Street Revitalization Initiative Program Update  
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Enforcement Officer towards the enforcement of Cigarette Litter Prevention Program include warnings of impending enforcement.

The Cigarette Litter Prevention Program involves the coordinated efforts of various stakeholders including representatives from various sections within in Public Works (Business Programs, Waste Collections and Policy and Programs), Planning and Economic Development (Service Delivery, Urban Renewal) and Healthy and Safe Communities (Tobacco Control and Prevention) and external stakeholders from the Keep Hamilton Clean and Green Advisory Committee, the BIA Advisory Committee and the Cleanliness and Security in the Downtown Core Task Force. The Project is focused on reducing cigarette litter in Hamilton's BIAs and other commercial areas across the City and will also contribute to a long-term reduction in cigarette litter City-wide. Other long-term benefits of this Program include empowerment of community members to clean their neighbourhood of cigarette litter and minimize cigarette-related municipal operating costs.

#### Signal Controller Wrapping Project

In alignment with the Graffiti Management Strategy Workplan timelines as approved by the General Issues Committee on November 13, 2017 in Report PED17078/PW17198, staff are working to implement an anti-graffiti traffic box wraps projects across the City as a component of the Victim Assistance Program within the strategy.

Staff from Public Works (Policy and Programs and Traffic Operations and Engineering) as well as Planning and Economic Development (Urban Renewal, Placemaking, Public Art and Programs and Heritage Resource Management) have developed a working group to initiate this Program for traffic signal and street light electrical boxes across the City of Hamilton. The purpose of this working group is to analyse funding, identify target locations across the City of Hamilton for wraps to be implemented, engagement of the community through consultation and a Public Art call and installation of wraps by end of Q1 2020.

Successful implementation of anti-graffiti signal controller wraps across the City of Hamilton is intended to reduce the instances of graffiti on municipally owned assets, beautify neighbourhoods where the program is executed and fulfil key milestones within the Graffiti Management Strategy Workplan.

#### Public Space and Special Event Containers

Through consultation and feedback from the Cleanliness and Security in the Downtown Task Force, Business Improvement Area Advisory Committee (BIAAC), and Keep Hamilton Clean and Green Committee, a need has been identified for funding towards capital costs and installation of waste receptacles, including those with cigarette litter disposal features, across the City in public spaces and containers at special events.

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**SUBJECT: Ontario's Main Street Revitalization Initiative Program Update  
(PED19039/PW19017) (City Wide) - Page 9 of 10**

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The OMSRI will provide an opportunity to update and replace receptacles which are in poor condition or lacking in certain areas. Staff from Waste Collections and members of the BIAAC will review the current inventory and recommend the locations for installation through observation and community engagement through Q4 2019.

### Spend It Here Marketing Campaign

On February 15, 2017 the City of Hamilton General Issues Committee approved funding of the "One City. Spend It Here" Branding Campaign and launched a marketing initiative that ran throughout 2017 promoting the 13 BIA's across the City of Hamilton utilizing print advertising, a radio campaign, external banner advertisements on HSR buses and the production of a two-minute video. This campaign was successful and since then various BIAs have been using this branding to engage their customers across print, web and social media advertising.

To further leverage the "One City. Spend It Here" branding, a similar marketing program will be undertaken through Q1 2020 to promote visitation, spending and community involvement across all 13 BIA's in Hamilton. This initiative will use similar strategies to the 2017 campaign while also emphasizing social media presence through targeted ads also promoting and highlighting BIA specific events all year long.

Successful execution of this marketing campaign will cross promote all BIAs across Hamilton and will drive traffic locally to these jurisdictions. The economic spin-off and benefit to the communities and the business owners will mean an increase in exposure, visitation and customer base.

### **ALTERNATIVES FOR CONSIDERATION**

Should Council not wish to adopt the recommendations included within this Report then staff should be directed to investigate additional projects outside of the ones presented in Report PED19039/PW19017 that align with the OMSRI and report back to the General Issues Committee. Staff are not recommending this alternative as extensive consultation has been conducted and the projects included have received positive feedback across the City. All recommendations included within Report PED19039/PW19017 fit within the program criteria and can be completed within the identified timeline, fully executed by March 31, 2020.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Community Engagement and 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: Ontario's Main Street Revitalization Initiative Program Update  
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**Economic Prosperity and Growth**

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

**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.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A"—Ontario's Main Street Revitalization,  
Initiative Guide to the Municipal Funding Agreement

Appendix "B"—Municipal Funding Agreement  
Ontario's Main Street Revitalization Initiative

Appendix "C"—City of Hamilton By-Law 18-116

JD:dt

Appendix "A" to Report PED19039/PW19017  
Page 1 of 15



ONTARIO'S  
**MAIN STREET**  
REVITALIZATION INITIATIVE

**GUIDE TO THE MUNICIPAL FUNDING AGREEMENT**

CONTACT: [mainstreets@amo.on.ca](mailto:mainstreets@amo.on.ca)  
200 University Avenue, Suite 801  
Toronto, ON., M5H 3C6  
P: 416.971.9856

MARCH 2018

Appendix "A" to Report PED19039/PW19017  
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Guide to the Municipal Funding Agreement / March 2018

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04\_ Introduction

04\_ FAQ

06\_ New information added - May 2018

12\_ Appendices

**Appendix “A” to Report PED19039/19017**  
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# MUNICIPAL CHECKLIST

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3

Guide to the Municipal Funding Agreement / March 2018

Immediate Action	Where is More Info	When
Pass Municipal By-Law Authorizing MFA	See <b>Appendix A</b> for a sample	As soon as possible
E-sign MFA and electronically submit to AMO E-mail ( <a href="mailto:mainstreets@amo.on.ca">mainstreets@amo.on.ca</a> ) the Authorizing By-law to AMO	See <b>page 9</b> for more information	As soon as possible
2018 Project notification for communications purposes to AMO	See <b>page 10</b> for details on what is required	As soon as possible
Longer Term Action	Where is More Info	When
Annual and Results Report	See <b>page 10</b> for details on what is required	By May 15th of every year (until funds are spent)

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## Appendix “A” to Report PED19039/PW19017 Page 4 of 15

# INTRODUCTION

The Main Street Revitalization Initiative is a \$26 million fund to help municipal governments undertake main street revitalization activities that support and benefit small businesses. AMO has agreed to administer the funding on behalf of the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). AMO signed the Agreement with OMAFRA on March 12, 2018. The Agreement’s effective date is April 1, 2018.

All lower and single tier municipal governments are eligible for the allocation based funding. The formula for the funding was established by OMAFRA without the need for an application or matching funding. It empowers municipalities to make investment decisions within the program’s parameters.

## What is eligible?

As of April 1, 2018, municipal governments can invest in revitalization activities that will support small businesses through activities undertaken to revitalize main streets. The work can be identified as priority through an existing Community Improvement Plan or municipal physical infrastructure priorities identified through other municipal land use planning document for the municipality’s main street that involves the construction, renewal, renovation or redevelopment, or material enhancement in each of the following categories:

Implementation of priority financial incentives in existing Community Improvement Plans such as:

- a. Commercial building façade improvements;
- b. Preservation and adaptive reuse of heritage and industrial buildings;
- c. Provision of affordable housing;
- d. Space conversion for residential and commercial uses;
- e. Structural improvements to buildings (e.g. Building Code upgrades);
- f. Improvement of community energy efficiency; and
- g. Accessibility enhancements.

Funding of strategic municipal physical infrastructure such as:

- a. Signage – wayfinding/directional, and gateway;
- b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails; and
- c. Marketing plan implementation – business attraction and promotion activities, special events.

Municipalities can identify projects in one or both categories.



## Appendix “A” to Report PED19039/19017 Page 5 of 15

### What types of costs are eligible?

#### Eligible Costs

- Costs directly and reasonably incurred on or after April 1, 2018 up to and including March 31, 2020 for construction, renewal, or material enhancement activities funded under existing Community Improvement Plan financial incentive programs; and/or,
- Costs directly and reasonably incurred on or after April 1, 2018 up to and including March 31, 2020 for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

#### Ineligible Costs

- Costs incurred prior to April 1, 2018 or after March 31, 2020;
- Any costs associated with providing any Reports to AMO;
- Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- Costs for infrastructure works in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- Costs of infrastructure works that does not improve energy efficiency, accessibility, aesthetics or marketability of small business within a main street area;
- Costs of infrastructure works outside of main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- The cost of leasing of equipment, any overhead costs, including salaries and other employment benefits of any employees, its direct or indirect operating or administrative costs, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with eligible costs above;
- Taxes, to which the municipality is eligible for a tax rebate;
- Purchase of land or any interest therein, and related costs; and,
- Routine repair and maintenance costs.

### Would the development of a Community Improvement Plan be eligible?

No. The program is focused on implementation of existing Community Improvement Plans or priorities through other existing municipal land use planning policies. Municipalities that do not have a Community Improvement Plan can implement eligible priority projects through the official plan, economic development strategy, downtown revitalization plan or another related plan in support of the municipal main street.

## Appendix “A” to Report PED19039/PW19017

### Page 6 of 15

## Further interpretation of eligibility

A number of small municipalities have asked for additional discussion on project eligibility and some examples of projects that might be eligible in the absence of a Community Improvement Plan (CIP), a discernible “main street” area or in the case of very limited commercial activity in the community.

Main Street projects must be consistent with the [requirements](#) set out in the transfer payment agreement (TPA). The following discussion is intended to reflect a broader interpretation of the rules to assist municipal staff and councils in the deliberations in selecting appropriate projects that comply with the TPA.

Ultimately, the purpose of the program is to support revitalization, economic activity and enterprises in the municipality. All Main Street projects should support this purpose. While there is room for interpretation consistent with the program objectives, municipal staff and Councils should take note of the TPA provisions excluding certain types of costs (i.e., projects and expenditures) which are [categorically ineligible](#).

Here are some ideas that may be helpful.

In municipalities where there is no defined main street (or your main street is a provincial highway), the funding should be used within any built-up area, defined through municipal planning policy (e.g., hamlets, villages).

Main Street funding cannot be used to create a Community Improvement Plan (CIP). However, a municipality can create a CIP using other resources and then use Main Street funding to implement financial incentives under the new CIP (by March 31, 2020).

The Main Street funding cannot be used to create a strategic marketing plan. However, the funding can be used for activities related to implementing part of a strategic marketing plan. For example: some costs for a one-time festival in the municipality that is intended to attract visitors or to otherwise generate economic activity could be eligible. Alternately, tangible capital assets purchased (e.g., lights, staging, fencing, signage, banners) to support an annual gathering or festival in accordance with a strategic marketing plan or similar approved plan could be eligible. Any marketing or promotional activity as part of a strategic marketing plan could be eligible.

Under the category of Municipal Physical Infrastructure, there is considerable scope for creative project ideas. Here are some project ideas that might be considered:

- The development of a centrally located space that can be used for rotating commercial activity, such as a farmers’ market, seasonal craft market, flea market, or pop-up retail, etc.
- Equipping a key location (e.g., dockside, parking lot, picnic area, trail head) with electricity, lighting, etc., to support visiting food truck, commercial stalls, etc.
- Beautification, landscaping, tree planting or murals etc., within the planned, built-up area of the community with no defined “Main Street”.
- Improvements to public spaces and buildings (exclusive of routine repair and maintenance) that enhance the aesthetic appeal of the community, including public spaces associated with municipal buildings, community centres, church properties, historic cemetery etc.

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- Renewal or restoration of an historic or heritage site, monument or public space owned by the municipality.
- Wayfinding signage throughout the municipality that highlights locations of interest e.g., historic sites, farm stands, boat lunches etc.
- Accessibility or other improvements to a playground, community centre or other places where people gather.
- Creating a gateway to the community including features such as signage, lighting, benches, local information, etc.
- Creating facilities (or events) that make your community a destination for cyclists, hikers, snowmobilers, boaters, rowers, skaters, skateboarders, artists, hobbyists, crafts people, etc.

In the case of all of the above examples, the purpose of the expenditure of Main Street funding should be to create an environment that will benefit small business activity in the community or support the attraction of economic activity (e.g., tourism).

### When does the money have to be spent?

Municipalities have to March 31, 2020 to spend the funds on an eligible project. During this time, municipalities must earn interest on the Funds so that they have more for the project later.

### What about the municipal share of a project that will receive funding from another revenue source or program?

Municipalities can fund 100% of total project costs with Main Street dollars. If another program has restrictions on the use of funds, they must be adhered to.

If you are using multiple sources of funding, the project also has to be eligible under the terms and conditions of these multiple programs.

### What if our municipality wants to partner on a project?

The Main Street Agreement encourages collaboration, building of partnerships and strategic alliances when working on eligible projects.

If a municipality is transferring funds to another municipality, it must be done via by-law. The



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municipality transferring funds is responsible for reporting on the transfer in annual reporting. The municipality receiving Main Street Funds is responsible for reporting that the Funds were received and is responsible for all other reporting requirements, including project details and spending.

- 8 If a municipality is transferring funds to a non-municipal entity, such as a for-profit company, council will have to endorse the project through a grant agreement. Under this situation, municipalities are still responsible for meeting all the requirements of the Agreement related to the use of the transferred Main Street Funds, including all reporting.

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### What is the allocation formula?

$$\text{Municipal Allocation} = \text{Base Funding} + \text{Small Community Adjustment} + \text{Per Capita Allocation}$$

Base Funding is the amount distributed equally among all eligible municipalities

Small Community Adjustment is the amount distributed equally among municipalities with a population less than 25,000

Per Capita Allocation is a per capita amount based on 2016 population, as outlined in the 2016 Census of Population

Total funding, less administrative costs, is allocated as follows across the three components:

Base Funding:	50% of total funding;
Small Community Adjustment:	11.5% of total funding;
Per Capita Component:	38.5% of total funding.

Once a municipal government has fully executed an Agreement with AMO and provide the appropriate information for the transfer of the funds, the one time allocation will be paid out.

### How much of the funding is AMO using for administration?

AMO will need just 6% of the \$26 million to deliver this program to all eligible municipalities and report in aggregate to OMAFRA as required by the Agreement.

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### What reporting is required of municipalities?

Building on the success of the risk management framework established under the federal Gas Tax Agreement, municipalities only need to report initial upfront anticipated projects for 2018 and then once annually on projects until all the funds are spent.

### Remind me how the audit framework works?

Municipalities will not have to complete audits. Instead the program will use a risk based approach that recognizes municipalities as a mature and accountable order of government. In this approach, the municipal contact for the Main Street Municipal Funding Agreement will be the Treasurer, no exceptions. In addition, AMO will audit approximately 10% of municipalities annually to provide assurance to Ontario on municipal compliance.

### Is there an agreement municipalities have to sign?

Yes. AMO is using the a digital platform provided by its partner, Solutions Notarius Inc., to sign the Municipal Funding Agreement (MFA). A municipality must electronically sign (e-sign) the MFA with AMO to receive funding. Please have the appropriate signing officers e-sign the MFA. The municipal by-law authorizing the municipality to enter into the agreement can be emailed to AMO at [mainstreets@amo.on.ca](mailto:mainstreets@amo.on.ca). See Appendix A for a sample by-law.

Appendix B includes a cross-reference between the MFA with the OMAFRA-AMO Agreement.

### What is e-signing?

An e-signature is a signature that can be applied in a document by a signer electronically. AMO uses Notarius' Consigno Cloud software to sign documents electronically.

The municipal signing officer will receive a signature request to the MFA by email from AMO. They will be asked to open a link to a signing session in that email. The Consigno Cloud software certifies a signer's identity with two-factor authentication. The signing officer will be asked to provide a second authentication credential (e.g. an answer to a security question, like an online money transfer) before they can access the document. Once they are able to access the document, they will be asked to fill-in specific fields prior to finally signing off on the MFA. AMO will then be notified that the document has been signed and staff will review to ensure the document is complete before AMO e-signs the MFA. A final, signed copy of the MFA will then be provided to the municipality and to AMO electronically for record keeping.

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Signing officers to the MFA are not required to subscribe or install any software on their computer to sign the document. Documents can be signed on a mobile device or on a desktop computer. For further details on the e-signing requirement, please refer to the process document.

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## What else is required of municipalities?

There are a number of requirements both now and over the life of the Agreement.

As soon as possible, notification to AMO of the types of projects council wishes to undertake in 2018 is required.

As well there is annual reporting and results reporting similar to what municipalities already do under the federal Gas Tax Agreement through AMO's website. These reports will be due to AMO by May 15, 2019 and every year thereafter until the funds are spent.

## What is results reporting?

The results report will demonstrate how the funding has been invested in a community to support revitalization within main street areas:

### Community Improvement Plan Eligible Projects

- Number of small businesses supported;
- Total value of physical improvements;
- Total Main Street Funds provided;
- Total Municipal investment; and,
- Total private investment.

### Municipal Physical Infrastructure Eligible Projects

- Total value of physical improvements;
- Total Main Street Funds provided; and
- Total municipal investment.

More details are in Schedule D of the MFA.

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## Are there communication requirements?

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Yes. Municipal governments will be expected to acknowledge funding of projects by the Province by inviting the Province to participate in media events or announcements related to projects funded under the Main Street Revitalization Initiative.

More details are in Section 3 of the MFA.

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## Can we sell the asset?

Assets purchased or constructed using Main Street funds must be for public use and benefit. If a municipality wishes to dispose of assets prior to March 31, 2021 and it is valued at more than \$50,000 at the time of disposal the written consent of the province is required.

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# APPENDIX A

## Sample Municipal By-Law

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WHEREAS the Municipality wishes to enter into an Agreement in order to participate in Ontario’s Main Streets Revitalization Initiative;

AND WHEREAS the Municipality acknowledges that Funds received through the Agreement must be invested in an interest bearing reserve account until the earliest of expenditure or March 31, 2020;

Now THEREFORE, the Council of the [MUNICIPAL NAME], a municipal corporation pursuant to the Municipal Act, 2001;

### ENACTS AS FOLLOWS

That the Mayor/Reeve/Regional Chair/Warden and [SIGNING AUTHORITY, i.e. Clerk] are hereby authorized to execute this Municipal Funding Agreement for the transfer of Main Streets Revitalization Initiatives funds between the Association of Municipalities of Ontario and [MUNICIPAL NAME] as in Schedule A attached hereto.

Schedule A shall form part of this by-law.

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# APPENDIX B

● **Cross-Reference Table Between MFA and OMAFRA-AMO Agreement**

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Municipal Funding Agreement (MFA) Provision	OMAFRA-AMO Agreement Provision
Section 1 - Definitions and Interpretation	Schedule A Article 1
Section 1.1 Definitions	Schedule A Article A1.2
Section 1.2 Interpretation	Schedule A Article A1.1
Section 2 - Term of Agreement	Schedule A Article A3
Section 2.1 Term	Schedule A Article A3.1
Section 2.2 Amendment	Section 3.1
Section 2.3 Notice	Schedule A Article A12
Section 3 - Recipient Requirements	Schedule A Article A5, A8
Section 3.1 Communications	Schedule B Article B1.7
Section 3.2 Contracts	Schedule A Article A5.2
Section 4 - Eligible Projects	Schedule D Article D2.1
Section 4.1 Eligible Projects	Schedule D Article D2.1 5 and 6
Section 4.2 Recipient Fully Responsible	Schedule A Article A4.4
Section 5 - Eligible Costs	Schedule D Article D3.1
Section 5.1 Eligible Costs	Schedule D Article D3.1
Section 5.2 Discretion of Ontario	Schedule D Article D2.1
Section 5.3 Unspent Funds	Schedule A Article A15
Section 5.4 Reasonable Access	Schedule A Article A7
Section 5.5 Retention Receipts	Schedule A Article A7
Section 6 - Funds	Schedule C Activity 1
Section 6.1 Allocation of Funds	Schedule C Activity 1
Section 6.2 Transfer of Funds to a Municipality	AMO Provision
Section 6.3 Transfer of Funds to a non-municipal entity	AMO Provision
Section 6.4 Use of Funds	Schedule D Article D2.1
Section 6.5 Payout of Funds	AMO Provision
Section 6.6 Use of Funds	Schedule A Article A4.6
Section 6.7 Funds Advanced	Schedule A Article A17
Section 6.8 Expenditure of Funds	Schedule B Article B1.2
Section 6.9 GST & HST	Schedule A Article A4.10
Section 6.10 Limit of Ontario's Financial Commitments	Schedule A Article A4.2
Section 6.11 Stacking	AMO Provision
Section 6.12 Insufficient funds provided by Ontario	AMO Provision
Section 7 - Reporting Requirements	Schedule F

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14 Guide to the Municipal Funding Agreement / march 2018	Section 7.1 Communication Report	Schedule F
	Section 7.2 Annual Report	Schedule F
	Section 7.3 Results Report	Schedule F
	Section 8 - Records and Audit	Schedule A Article A7
	Section 8.1 Accounting Principles	Schedule A Article A1.1, A7.2
	Section 8.2 Separate Records	Schedule A Article A7.2
	Section 8.3 External Auditor	Schedule A Article A7.3
	Section 9 - Insurance and Indemnity	Schedule A Article A11
	Section 9.1 Insurance	Schedule A Article A11
	Section 9.2 Certificates of Insurance	Schedule A Article A11.2
	Section 9.3 AMO not liable	AMO Provision
	Section 9.4 Recipient to Compensate Ontario	Schedule A Article A11
	Section 9.5 Recipient to Indemnify AMO	AMO Provision
	Section 10 - Disposal	Schedule A Article A5.3
	Section 10.1 Disposal	Schedule A Article A5.3 and Schedule B Article B1.5
	Section 11 - Default and Termination	Schedule A Article A14
	Section 11.1 Event of Default	Schedule A Article A14.1
	Section 11.2 Waiver	AMO Provision
	Section 11.3 Remedies of Default	Schedule A Article A14.3
	Section 11.4 Repayment of Funds	Schedule A Article A14.2
	Section 12 - Conflict of Interest	Schedule A Article A6
	Section 12.1 No conflict of interest	Schedule A Article A6.2
	Section 13 - Notice	Standard Provision
	Section 13.1 Notice	Standard Provision
	Section 13.2 Representatives	Standard Provision
	Section 13.3 Addresses for Notice	Standard Provision
	Section 14 - Miscellaneous	Various sections listed in detail below
	Section 14.1 Counterpart Signature	Section 2.1
	Section 14.2 Severability	Schedule A Article A20
	Section 14.3 Waiver	Schedule A Article A21
	Section 14.4 Governing Law	Schedule A Article A24
	Section 14.5 Survival	Schedule A Article A30
	Section 14.6 AMO, Ontario and Recipient independent	Schedule A Article A22
	Section 14.7 No Authority to Represent	AMO Provision
Section 14.8 Debts Due to AMO	Schedule A Article A15, A17.2	
Section 14.9 Priority	Schedule A Article A1.3	
Section 15 - Schedules	Standard Provision	
Section 16 - Signatures	Standard Provision	
Schedule A - Municipal Allocation	Schedule C Activity 1	
Schedule B - Eligible Projects	Schedule D Article D2.1 5 and 6	
Schedule C - Eligible and Ineligible Costs	Schedule D Article D3.1	
Schedule D - Reporting	Schedule F	

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Main Streets Revitalization Initiative is funded by the  
Ontario Ministry of Agriculture, Food and Rural Affairs





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**MUNICIPAL FUNDING AGREEMENT**

**ONTARIO'S MAIN STREET REVITALIZATION INITIATIVE**

This Agreement made as of 1st day of April, 2018.

**BETWEEN:**

**THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO**

(referred to herein as “AMO”)

**AND:**

**THE [INSERT MUNICIPAL NAME]**

(a municipal corporation pursuant to the Municipal Act, 2001, referred to herein as the “Recipient”)

**WHEREAS** the Province of Ontario is making \$26 million available for allocation for the purposes of supporting municipal Main Street Revitalization Initiatives in Ontario;

**WHEREAS** the Province of Ontario, Ontario municipalities as represented by AMO are signatories to Ontario's Main Street Revitalization Initiative Transfer Payment Agreement on March 12, 2018 (the “OMAFRA-AMO Agreement”), whereby AMO agreed to administer Main Street Revitalization funds made available to all Ontario municipalities, excluding Toronto;

**WHEREAS** the OMAFRA-AMO Transfer Payment Agreement contains a framework for the transfer of provincial funds to Ontario lower-tier and single-tier municipalities represented by AMO;

**WHEREAS** the Recipient wishes to enter into this Agreement in order to participate in Ontario's Main Street Revitalization Initiative;

**WHEREAS** AMO is carrying out the fund administration in accordance with its obligations set out in the OMAFRA-AMO Agreement and it will accordingly undertake certain activities and require Recipients to undertake activities as set out in this Agreement.

**THEREFORE** the Parties agree as follows:

**1. DEFINITIONS AND INTERPRETATION**

1.1 **Definitions.** When used in this Agreement (including the cover and execution pages and all of the schedules), the following terms shall have the meanings

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ascribed to them below unless the subject matter or context is inconsistent therewith:

**“Agreement”** means this Agreement, including the cover and execution pages and all of the schedules hereto, and all amendments made hereto in accordance with the provisions hereof.

**“Annual Report”** means the duly completed report to be prepared and delivered to AMO as described in Section 7.2 and Section 2 of Schedule D.

**“Association of Municipalities of Ontario (AMO)”** means a legally incorporated entity under the Corporations Act, 1990 R.S.O. 1990, Chapter c.38.

**“Communication Report”** means the duly completed report to be prepared and delivered to AMO as described in Section 7.1 and Section 1 of Schedule D.

**“Community Improvement Plan”** has the meaning as defined under section 28(1) of the Planning Act, R.S.O. 1990, c. P.13.

**“Contract”** means an agreement between the Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

**“Effective Date”** is April 1, 2018.

**“Eligible Costs”** means those expenditures described as eligible in Schedule C.

**“Eligible Projects”** means projects as described in Schedule B.

**“Eligible Recipient”** means a

- a. Municipality or its agent (including its wholly owned corporation); and
- b. Non-municipal entity, including for profit, non-governmental and not-for profit organizations, on the condition that the Municipality(ies) has (have) indicated support for the Eligible Project through a formal grant agreement between the Municipality and the non-municipal entity.

**“Event of Default”** has the meaning given to it in Section 11.1 of this Agreement.

**“Funds”** mean the Funds made available to the Recipient through the Main Street Revitalization Initiative, a program established by the Government of Ontario. Funds are made available pursuant to this Agreement and includes any interest earned on the said Funds. For greater certainty: (i) Funds transferred to another Municipality in accordance with Section 6.2 of this Agreement, other than as set out in Sections 7.1(a), (c) and (f), are to be treated as Funds by the Municipality to which the Funds are transferred and are not to be treated as Funds by the Recipient; and (ii) any Funds transferred to a non-municipal entity

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in accordance with Section 6.3 of this Agreement shall remain as Funds under this Agreement for all purposes and the Recipient shall continue to be bound by all provisions of this Agreement with respect to such transferred Funds.

**“Ineligible Costs”** means those expenditures described as ineligible in Schedule C.

**“Lower-tier Municipality”** means a Municipality that forms part of an Upper-tier Municipality for municipal purposes, as defined under the Municipal Act, 2001 S.O. 2001, c.25.

**“Municipal Fiscal Year”** means the period beginning January 1st of a year and ending December 31st of the same year.

**“Municipality” and “Municipalities”** means every municipality as defined under the Municipal Act, 2001 S.O. 2001 c.25.

**“Municipal Physical Infrastructure”** means municipal or regional, publicly or privately owned, tangible capital assets primarily for public use or benefit in Ontario.

**“Ontario”** means Her Majesty in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs.

**“Parties”** means AMO and the Recipient.

**“Project Completion Date”** means the Recipient must complete its Project under this Agreement by March 31, 2020.

**“Recipient”** has the meaning given to it on the first page of this Agreement.

**“Results Report”** means the report prepared and delivered to AMO by the Recipient by which reports on how Funds are supporting progress towards achieving the program objective, more specifically described in Section 3 of Schedule D.

**“Single-tier Municipality”** means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes as defined under the Municipal Act, 2001, S.O. 2001 c. 25.

**“Third Party”** means any person or legal entity, other than the Parties to this Agreement who participates in the implementation of an Eligible Project by means of a Contract.

**“Transfer By-law”** means a by-law passed by Council of the Recipient pursuant to Section 6.2 and delivered to AMO in accordance with that section.

**“Unspent Funds”** means the amount reported as unspent by the Recipient as of December 31, as submitted in the Recipient's Annual Report.

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**1.2 Interpretations:**

**Herein, etc.** The words “herein”, “hereof” and “hereunder” and other words of similar import refer to this Agreement as a whole and not any particular schedule, article, section, paragraph or other subdivision of this Agreement.

**Currency.** Any reference to currency is to Canadian currency and any amount advanced, paid or calculated is to be advanced, paid or calculated in Canadian currency.

**Statutes.** Any reference to a federal or provincial statute is to such statute and to the regulations made pursuant to such statute as such statute and regulations may at any time be amended or modified and in effect and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.

**Gender, singular, etc.** Words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa.

**2. TERM OF AGREEMENT**

2.1 **Term.** Subject to any extension or termination of this Agreement or the survival of any of the provisions of this Agreement pursuant to the provisions contained herein, this Agreement shall be in effect from the date set out on the first page of this Agreement, up to and including March 31, 2020.

2.2 **Amendment.** This Agreement may be amended at any time in writing as agreed to by AMO and the Recipient.

2.3 **Notice.** Any of the Parties may terminate this Agreement on written notice.

**3. RECIPIENT REQUIREMENTS**

3.1 **Communications.** The Recipient will comply with all requirements outlined, including providing upfront project information on an annual basis, or until all Funds are expended for communications purposes in the form described in Section 7.1 and Section 1 of Schedule D.

a) Unless otherwise directed by Ontario, the Recipient will acknowledge the support of Ontario for Eligible Projects in the following manner: “The Project is funded [if it is partly funded the Recipient should use “in part”] by the Ontario Ministry of Agriculture, Food and Rural Affairs.”

b) The Recipient shall notify Ontario within five (5) business days of planned media events or announcements related to the Project, organized by the Recipient to facilitate the attendance of Ontario. Media events and

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announcements include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.

- 3.2 **Contracts.** The Recipient will award and manage all Contracts in accordance with its relevant policies and procedures and, if applicable, in accordance with the Canadian Free Trade Agreement and applicable international trade agreements, and all other applicable laws.
- a) The Recipient will ensure any of its Contracts for the supply of services or materials to implement its responsibilities under this Agreement will be awarded in a way that is transparent, competitive, consistent with value for money principles and pursuant to its adopted procurement policy.

#### 4. ELIGIBLE PROJECTS

- 4.1 **Eligible Projects.** Costs directly and reasonably incurred by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs or activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the role of small businesses in main street areas as more specifically described in Schedule B and Schedule C
- 4.2 **Recipient Fully Responsible.** The Recipient is fully responsible for the completion of each Eligible Project in accordance with Schedule B and Schedule C.

#### 5. ELIGIBLE COSTS

- 5.1 **Eligible Costs.** Schedule C sets out specific requirements for Eligible and Ineligible Costs.
- 5.2 **Discretion of Ontario.** Subject to Section 5.1, the eligibility of any items not listed in Schedule B and/or Schedule C to this Agreement is solely at the discretion of Ontario.
- 5.3 **Unspent Funds.** Any Unspent Funds, and any interest earned thereon, will be subject to the terms and conditions of this Agreement.
- 5.4 **Reasonable Access.** The Recipient shall allow AMO and Ontario reasonable and timely access to all documentation, records and accounts and those of their respective agents or Third Parties related to the receipt, deposit and use of Funds and Unspent Funds, and any interest earned thereon, and all other relevant information and documentation requested by AMO or Ontario or their respective designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Agreement.
- 5.5 **Retention of Receipts.** The Recipient will keep proper and accurate accounts and records of all Eligible Projects including invoices and receipts for Eligible

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Expenditures in accordance with the Recipient's municipal records retention by-law and, upon reasonable notice, make them available to AMO and Ontario.

**6. FUNDS**

- 6.1 **Allocation of Funds.** AMO will allocate and transfer Funds on the basis of the formula determined by Ontario.
- 6.2 **Transfer of Funds to a Municipality.** Where a Recipient decides to allocate and transfer Funds to another Municipality (the “Transferee Municipality”):
- a) The allocation and transfer shall be authorized by by-law (a “Transfer By-law”). The Transfer By-law shall be passed by the Recipient's council and submitted to AMO as soon thereafter as practicable. The Transfer By-law shall identify the Transferee Municipality and the amount of Funds the Transferee Municipality is to receive for the Municipal Fiscal Year specified in the Transfer By-law.
  - b) The Recipient is still required to submit an Annual Report in accordance with Sections 7.1 (a), (c) and (f) hereof with respect to the Funds transferred.
  - c) No transfer of Funds pursuant to this Section 6.2 shall be effected unless and until the Transferee Municipality has either (i) entered into an agreement with AMO on substantially the same terms as this Agreement, or (ii) has executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred; in a form satisfactory to AMO.
- 6.3 **Transfer of Funds to a non-municipal entity.** Where a Recipient decides to support an Eligible Project undertaken by an Eligible Recipient that is not a Municipality:
- a) The provision of such support shall be authorized by a grant agreement between the Municipality and the Eligible Recipient in support of a Community Improvement Plan. The grant agreement shall identify the Eligible Recipient, and the amount of Funds the Eligible Recipient is to receive for that Eligible Project.
  - b) The Recipient shall continue to be bound by all of the provisions of this Agreement notwithstanding any such transfer including the submission of an Annual Report in accordance with Section 7.2.
  - c) No transfer of Funds pursuant to this Section 6.3 shall be effected unless and until the non-municipal entity receiving the Funds has executed and delivered to the Municipality the grant agreement.
- 6.4 **Use of Funds.** The Recipient acknowledges and agrees the Funds are intended for and shall be used only for Eligible Expenditures in respect of Eligible Projects.

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- 6.5 **Payout of Funds.** The Recipient agrees that all Funds will be transferred by AMO to the Recipient upon full execution of this Agreement.
- 6.6 **Use of Funds.** The Recipient will deposit the Funds in a dedicated reserve fund or other separate distinct interest bearing account and shall retain the Funds in such reserve fund, or account until the Funds are expended or transferred in accordance with this Agreement. The Recipient shall ensure that:
- a) any investment of unexpended Funds will be in accordance with Ontario law and the Recipient's investment policy; and,
  - b) any interest earned on Funds will only be applied to Eligible Costs for Eligible Projects, more specifically on the basis set out in Schedule B and Schedule C.
- 6.7 **Funds advanced.** Funds transferred by AMO to the Recipient shall be expended by the Recipient in respect of Eligible Costs. AMO reserves the right to declare that Unspent Funds after March 31, 2020 become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.
- 6.8 **Expenditure of Funds.** The Recipient shall expend all Funds by March 31, 2020.
- 6.9 **GST & HST.** The use of Funds is based on the net amount of goods and services tax or harmonized sales tax to be paid by the Recipient net of any applicable tax rebates.
- 6.10 **Limit on Ontario's Financial Commitments.** The Recipient may use Funds to pay up to one hundred percent (100%) of Eligible Expenditures of an Eligible Project.
- 6.11 **Stacking.** If the Recipient is receiving funds under other programs in respect of an Eligible Project to which the Recipient wishes to apply Funds, the maximum contribution limitation set out in any other program agreement made in respect of that Eligible Project shall continue to apply.
- 6.12 **Insufficient funds provided by Ontario.** If Ontario does not provide sufficient funds to AMO for this Agreement, AMO may terminate this Agreement.

**7. REPORTING REQUIREMENTS**

- 7.1 **Communication Report.** Immediately upon execution of this Agreement the Recipient shall report to AMO any Eligible Project being undertaken in the current Municipal Fiscal Year in the form described in Schedule D.
- 7.2 **Annual Report.** The Recipient shall report in the form in Schedule D due by May 15th following the Municipal Fiscal Year on:



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- a) the amounts received from AMO under this Agreement;
- b) the amounts received from another Eligible Recipient;
- c) the amounts transferred to another Eligible Recipient;
- d) amounts paid by the Recipient in aggregate for Eligible Projects;
- e) amounts held at year end by the Recipient in aggregate, including interest, to pay for Eligible Projects;
- f) indicate in a narrative the progress that the Recipient has made in meeting its commitments and contributions; and,
- g) a listing of all Eligible Projects that have been funded, indicating the Eligible Project category, project description, amount of Funds, total project cost, start date, end date and completion status.

7.3 **Results Report.** The Recipient shall account in writing for results achieved by the Funds through a Results Report to be submitted to AMO. Specifically the Results Report shall document performance measures achieved through the investments in Eligible Projects in the form described in Section 3 of Schedule D.

## 8. RECORDS AND AUDIT

- 8.1 **Accounting Principles.** All accounting terms not otherwise defined herein have the meanings assigned to them; all calculations will be made and all financial data to be submitted will be prepared in accordance with generally accepted accounting principles (GAAP) in effect in Ontario. GAAP will include, without limitation, those principles approved or recommended for local governments from time to time by the Public Sector Accounting Board or the Canadian Institute of Chartered Accountants or any successor institute, applied on a consistent basis.
- 8.2 **Separate Records.** The Recipient shall maintain separate records and documentation for the Funds and keep all records including invoices, statements, receipts and vouchers in respect of Funds expended on Eligible Projects in accordance with the Recipient's municipal records retention by-law. Upon reasonable notice, the Recipient shall submit all records and documentation relating to the Funds to AMO and Ontario for inspection or audit.
- 8.3 **External Auditor.** AMO and/or Ontario may request, upon written notification, an audit of Eligible Project or an Annual Report. AMO shall retain an external auditor to carry out an audit of the material referred to in Sections 5.4 and 5.5 of this Agreement. AMO shall ensure that any auditor who conducts an audit pursuant to this Section of this Agreement or otherwise, provides a copy of the



**Appendix "B" to Report PED19039/PW19017**  
**Page 9 of 20**

audit report to the Recipient and Ontario at the same time that the audit report is given to AMO.

**9. INSURANCE AND INDEMNITY**

- 9.1 **Insurance.** The Recipient shall put in effect and maintain in full force and effect or cause to be put into effect and maintained for the term of this Agreement all the necessary insurance with respect to each Eligible Project, including any Eligible Projects with respect to which the Recipient has transferred Funds pursuant to Section 6 of this Agreement, that would be considered appropriate for a prudent Municipality undertaking Eligible Projects, including, where appropriate and without limitation, property, construction and liability insurance, which insurance coverage shall identify Ontario and AMO as additional insureds for the purposes of the Eligible Projects.
- 9.2 **Certificates of Insurance.** Throughout the term of this Agreement, the Recipient shall provide AMO with a valid certificate of insurance that confirms compliance with the requirements of Section 9.1. No Funds shall be expended or transferred pursuant to this Agreement until such certificate has been delivered to AMO.
- 9.3 **AMO not liable.** In no event shall Ontario or AMO be liable for:
- (a) any bodily injury, death or property damages to the Recipient, its employees, agents or consultants or for any claim, demand or action by any Third Party against the Recipient, its employees, agents or consultants, arising out of or in any way related to this Agreement; or
  - (b) any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit to the Recipient, its employees, agents or consultants arising out of any or in any way related to this Agreement.
- 9.4 **Recipient to Compensate Ontario.** The Recipient will ensure that it will not, at any time, hold Ontario, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Recipient, Third Parties or any other person or entity may suffer in relation to any matter related to the Funds or an Eligible Project and that the Recipient will, at all times, compensate Ontario, its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to the Funds or an Eligible Project. The Recipient's obligation to compensate as set out in this section does not apply to the extent to which such claims or losses relate to the negligence of an officer, servant, employee, or agent of Ontario in the performance of his or her duties.
- 9.5 **Recipient to Indemnify AMO.** The Recipient hereby agrees to indemnify and hold harmless AMO, its officers, servants, employees or agents (each of which is called an "Indemnitee"), from and against all claims, losses, damages, liabilities and related expenses including the fees, charges and disbursements of any counsel for any Indemnitee incurred by any Indemnitee or asserted against any Indemnitee by whomsoever brought or prosecuted in any manner based upon,

**Appendix “B” to Report PED19039/PW19017**  
**Page 10 of 20**

or occasioned by, any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly or indirectly from:

- (a) the Funds;
- (b) the Recipient’s Eligible Projects, including the design, construction, operation, maintenance and repair of any part or all of the Eligible Projects;
- (c) the performance of this Agreement or the breach of any term or condition of this Agreement by the Recipient, its officers, servants, employees and agents, or by a Third Party, its officers, servants, employees, or agents; and
- (d) any omission or other wilful or negligent act of the Recipient or Third Party and their respective officers, servants, employees or agents.

**10. DISPOSAL**

- 10.1 **Disposal.** The Recipient will not, without Ontario’s prior written consent, sell, lease or otherwise dispose of any asset purchased or created with the Funds or for which Funds were provided, the cost of which exceed \$50,000 at the time of sale, lease or disposal prior to March 31, 2021.

**11. DEFAULT AND TERMINATION**

- 11.1 **Event of Default.** AMO may declare in writing that an event of default has occurred when the Recipient has not complied with any condition, undertaking or term in this Agreement. AMO will not declare in writing that an event of default has occurred unless it has first consulted with the Recipient. Each and every one of the following events is an “Event of Default”:
- (a) failure by the Recipient to deliver in a timely manner an Annual Report or Results Report.
  - (b) delivery of an Annual Report that discloses non-compliance with any condition, undertaking or material term in this Agreement.
  - (c) failure by the Recipient to co-operate in an external audit undertaken by AMO or its agents.
  - (d) delivery of an external audit report that discloses non-compliance with any condition, undertaking or term in this Agreement.
  - (e) failure by the Recipient to expend Funds in accordance with Sections 4.1 and 6.8.
- 11.2 **Waiver.** AMO may withdraw its notice of an Event of Default if the Recipient, within thirty (30) calendar days of receipt of the notice, either corrects the

**Appendix “B” to Report PED19039/PW19017**  
**Page 11 of 20**

default or demonstrates, to the satisfaction of AMO in its sole discretion that it has taken such steps as are necessary to correct the default.

- 11.3 **Remedies on default.** If AMO declares that an Event of Default has occurred under Section 11.1, after thirty (30) calendar days from the Recipient's receipt of the notice of an Event of Default, it may immediately terminate this Agreement.
- 11.4 **Repayment of Funds.** If AMO declares that an Event of Default has not been cured to its satisfaction, AMO reserves the right to declare that prior payments of Funds become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.

**12. CONFLICT OF INTEREST**

- 12.1 **No conflict of interest.** The Recipient will ensure that no current member of the AMO Board of Directors and no current or former public servant or office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Ontario applies will derive direct benefit from the Funds, the Unspent Funds, and interest earned thereon, unless the provision of receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.

**13. NOTICE**

- 13.1 **Notice.** Any notice, information or document provided for under this Agreement will be effectively given if in writing and if delivered by hand, or overnight courier, mailed, postage or other charges prepaid, or sent by facsimile or email to the addresses, the facsimile numbers or email addresses set out in Section 13.3. Any notice that is sent by hand or overnight courier service shall be deemed to have been given when received; any notice mailed shall be deemed to have been received on the eighth (8) calendar day following the day on which it was mailed; any notice sent by facsimile shall be deemed to have been given when sent; any notice sent by email shall be deemed to have been received on the sender's receipt of an acknowledgment from the intended recipient (such as by the "return receipt requested" function, as available, return email or other written acknowledgment), provided that in the case of a notice sent by facsimile or email, if it is not given on a business day before 4:30 p.m. Eastern Standard Time, it shall be deemed to have been given at 8:30 a.m. on the next business day for the recipient.
- 13.2 **Representatives.** The individuals identified in Section 13.3 of this Agreement, in the first instance, act as AMO's or the Recipient's, as the case may be, representative for the purpose of implementing this Agreement.
- 13.3 **Addresses for Notice.** Further to Section 13.1 of this Agreement, notice can be given at the following addresses:
- a) If to AMO:

**Appendix “B” to Report PED19039/PW19017**  
**Page 12 of 20**

Executive Director  
 Main Streets Agreement  
 Association of Municipalities of Ontario 200 University Avenue, Suite 801  
 Toronto, ON M5H 3C6

Telephone: 416-971-9856  
 Email: [mainstreets@amo.on.ca](mailto:mainstreets@amo.on.ca)

b) If to the Recipient:

Key Municipal Contact  
 Name Treasurer  
 Municipal Name  
 Mailing Address  
 Town/City, ON POS COD  
 Telephone:  
 Email:

**14. MISCELLANEOUS**

- 14.1 **Counterpart Signature.** This Agreement may be signed in counterpart, and the signed copies will, when attached, constitute an original Agreement.
- 14.2 **Severability.** If for any reason a provision of this Agreement that is not a fundamental term is found to be or becomes invalid or unenforceable, in whole or in part, it will be deemed to be severable and will be deleted from this Agreement, but all the other terms and conditions of this Agreement will continue to be valid and enforceable.
- 14.3 **Waiver.** AMO may waive any right in this Agreement only in writing, and any tolerance or indulgence demonstrated by AMO will not constitute waiver of rights in this Agreement. Unless a waiver is executed in writing, AMO will be entitled to seek any remedy that it may have under this Agreement or under the law.
- 14.4 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
- 14.5 **Survival.** The Recipient agrees that the following sections and provisions of this Agreement shall extend for seven (7) years beyond the expiration or termination of this Agreement: Sections 5, 6.7, 6.8, 7, 9.4, 9.5, 11.4 and 14.8.
- 14.6 **AMO, Ontario and Recipient independent.** The Recipient will ensure its actions do not establish or will not be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Ontario and the Recipient,

**Appendix “B” to Report PED19039/PW19017**  
**Page 13 of 20**

between AMO and the Recipient, between Ontario and a Third Party or between AMO and a Third Party.

- 14.7 **No Authority to Represent.** The Recipient will ensure that it does not represent itself, including in any agreement with a Third Party, as a partner, employee or agent of Ontario or AMO.
- 14.8 **Debts Due to AMO.** Any amount owed under this Agreement will constitute a debt due to AMO, which the Recipient will reimburse forthwith, on demand, to AMO.
- 14.9 **Priority.** In the event of a conflict, the part of this Agreement that precedes the signature of the Parties will take precedence over the Schedules.

**15. SCHEDULES**

- 15.1 This Agreement, including:

- Schedule A Municipal Allocation
- Schedule B Eligible Projects
- Schedule C Eligible and Ineligible Costs
- Schedule D Reporting

constitute the entire agreement between the Parties with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representations and agreements.

**Appendix "B" to Report PED19039/PW19017**  
**Page 14 of 20**

**16. SIGNATURES**

**IN WITNESS WHEREOF**, AMO and the Recipient have respectively executed, sealed and delivered this Agreement on the date set out on the front page.

**RECIPIENT'S NAME:**

**[INSERT MUNICIPAL NAME]**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Date

**THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO**

By: \_\_\_\_\_  
Title:

\_\_\_\_\_  
Date

In the presence of:

\_\_\_\_\_  
Witness:

\_\_\_\_\_  
Date

**Appendix "B" to Report PED19039/PW19017**  
**Page 15 of 20**

**SCHEDULE A**  
**MUNICIPAL ALLOCATION**

**RECIPIENT'S NAME:** [insert municipal name]

**ALLOCATION:** [insert dollar figure]

The Recipient acknowledges this is a one time payment for Eligible Projects with Eligible Costs.

**Appendix “B” to Report PED19039/PW19017**  
**Page 16 of 20**

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**SCHEDULE B**  
**ELIGIBLE PROJECTS**

Funding is to be directed to Eligible Projects to support revitalization activities within main street areas, as defined through an existing Community Improvement Plan or any other municipal land use planning policy. Funding can be used in one or both of the following categories:

- 1. Community Improvement Plan** – construction, renewal, renovation or redevelopment or material enhancement activities that implement priority financial incentives in existing Community Improvement Plans such as:
  - a. Commercial building façade improvements
  - b. Preservation and adaptive reuse of heritage and industrial buildings
  - c. Provision of affordable housing
  - d. Space conversion for residential and commercial uses
  - e. Structural improvements to buildings (e.g. Building Code upgrades)
  - f. Improvement of community energy efficiency
  - g. Accessibility enhancements
- 2. Other Municipal Land Use Planning Policy** – construction, renewal or material enhancement activities to fund strategic Municipal Physical Infrastructure and promotional projects such as:
  - a. Signage – wayfinding/directional, and gateway.
  - b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails.
  - c. Marketing plan implementation – business attraction and promotion activities, special events.



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**SCHEDULE C**  
**ELIGIBLE AND INELIGIBLE COSTS**

**1. Eligible Costs include:**

- a. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs.
- b. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

**2. Ineligible Costs include:**

- a. Costs incurred prior to Effective Date or after the Project Completion Date;
- b. Any costs associated with providing the Annual and Results Reports to AMO;
- c. Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- d. Costs associated with construction, renewal, renovation or redevelopment or material enhancement of all things in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- e. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement that do not improve energy efficiency, accessibility, aesthetics of marketability of small businesses within an Recipient's main street areas; or that do not encourage strategic public investments in municipal and other public infrastructure within main street areas that will benefit small businesses; or that otherwise will likely fail to contribute to the success of main street businesses;
- f. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement outside of the Recipient's main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- g. The cost of leasing of equipment by the Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Recipient, its direct or indirect operating or administrative costs of Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other

**Appendix “B” to Report PED19039/PW19017**  
**Page 18 of 20**

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activities normally carried out by its staff, except in accordance with Eligible Costs above;

- h. Taxes, to which the Recipient is eligible for a tax rebate;
- i. Purchase of land or any interest therein, and related costs; and,
- j. Routine repair and maintenance Municipal Physical Infrastructure.

**Appendix “B” to Report PED19039/PW19017**  
**Page 19 of 20**

**SCHEDULE D**  
**REPORTING**

**1. Communication Report**

Immediately following the Municipality executing this Agreement the Recipient will provide AMO a Communication Report in an electronic format deemed acceptable to AMO, consisting of the following:

<b>Project Title</b>	<b>Project Description</b>	<b>Eligible Project Category (CIP/ Municipal Physical Infrastructure)</b>	<b>Total Project Cost</b>	<b>Estimate of Funds (Main Street) Spent</b>

**2. Annual Report**

The Recipient will provide to AMO an Annual Report in an electronic format deemed acceptable to AMO, consisting of the following:

- a. Financial Reporting Table: The financial report table will be submitted in accordance with the following template:

Annual Report Financial Table	Annual	Cumulative
	20xx	2018 - 2020
Opening Balance	\$xxx	
Received from AMO	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Received from An Eligible Recipient	\$xxx	\$xxx
Transferred to an Eligible Recipient	(\$xxx)	(\$xxx)
Spent on Eligible Projects (for each Eligible Project category)	(\$xxx)	(\$xxx)
Closing Balance of Unspent Funds	\$xxx	

**Appendix “B” to Report PED19039/PW19017**  
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- b. Project List: The Recipient will provide to AMO a project list submitted in accordance with the following template:

Recipient	Project Title	Project Description	Eligible Project Category	Total Project Cost	Main Street Funds Used	Start & End Date	Completed?
							Yes/No/ Ongoing

**3. Project Results.**

The Results Report shall outline, in a manner to be provided by AMO, the degree to which investments in each project are supporting progress towards achieving revitalization within main street areas:

- a. Community Improvement Plan Eligible Projects
- Number of small businesses supported;
  - Total value of physical improvements;
  - Total Main Street Funds provided;
  - Total Municipal investment; and,
  - Total private investment.
- b. Municipal Physical Infrastructure Eligible Projects
- Total value of physical improvements;
  - Total Main Street Funds provided; and
  - Total municipal investment.

Appendix "C" to Report PED19039/PW19017  
Page 1 of 1

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**Authority:** Item 3, General Issues  
Committee Report 18-010  
(FCS18045)  
CM: May 9, 2018  
Ward: City Wide

**Bill No. 116**

**CITY OF HAMILTON**

**BY-LAW NO. 18-116**

**To Authorize the Signing of a Municipal Funding Agreement for the Transfer of  
Main Street Revitalization Funds between the Association of Municipalities of  
Ontario and the City of Hamilton**

**WHEREAS** the Council of the City of Hamilton wishes to enter into a Municipal Funding Agreement in order to participate in the Main Street Revitalization Initiative;

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

1. The Mayor and City Clerk are hereby authorized to execute a Municipal Funding Agreement for the Transfer of Main Street Revitalization Funds between the Association of Municipalities of Ontario and the City of Hamilton, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
2. This by-law shall come into force on the day it is passed.

**PASSED** this 9<sup>th</sup> day of May, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Temporary Delegated Authority-Financial Incentive Programs Administered by the Urban Renewal Section and Real Estate Transactions (PED18135(a)) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Carlo Gorni (905) 546-2424 Ext. 2755 Ryan McHugh (905) 546-2424 Ext. 2725
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

Discussion of Confidential Appendix “B” to Report PED18135(a) in closed session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and the *Ontario Municipal Act, 2001*:

- ◆ 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.

## Council Direction:

City Council at its meeting held July 13, 2018 approved the following:

- (a) That, notwithstanding the delegation powers provided as found in the following by-laws:
  - (i) By-law 10-052 enacts a By-law to delegate authority to the General Manager, Planning and Economic Development Department, for certain grants and loans under the Downtown and Community Renewal Community Improvement Plan and the following amendments to it:
    - (1) By-law 11-274 amends By-law 10-052 authorizing the General Manager of the Planning and Economic Development Department to also approve

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

**SUBJECT: Temporary Delegated Authority-Financial Incentive Programs Administered by the Urban Renewal Section and Real Estate Transactions (PED18135(a)) (City Wide) - Page 2 of 5**

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grants under the Gore Building Improvement Grant Program and the Commercial Facade Property Improvement Grant Program;

- (2) By-law 14-085 amends By-law 10-052 authorizing the General Manager of the Planning and Economic Development Department to approve grants under the Hamilton Heritage Conservation Grant Program;
- (3) By-law-16-127 amends By-law 10-052 authorizing the General Manager of the Planning and Economic Development Department to approve grants under the Barton/Kenilworth Commercial Corridor Building Improvement Grant Program; and,
- (4) By-law 17-142 amends By-law 10-052 authorizing the General Manager of the Planning and Economic Development Department to approve rebates under the Barton/Kenilworth Planning and Building Fee Rebate Program;

the General Managers of Corporate Services Department, and Planning and Economic Development Department, be authorized to approve loans/grants under the following Financial Incentive Programs administered by the Urban Renewal Section on a temporary basis from October 1, 2018 until the inaugural meeting of the newly elected Council:

- (i) Hamilton Downtown Barton and Kenilworth Multi-Residential Property Investment Program;
- (ii) Hamilton Tax Increment Grant Program;
- (iii) Office Tenancy Assistance Program;
- (iv) Commercial Corridor Housing Loan and Grant Program;
- (v) Hamilton Community Heritage Fund Loan Program;
- (vi) ERASE Redevelopment Grant Program;
- (vii) LEED Grant Program;
- (viii) Downtown Hamilton/West Harbourfront Remediation Loan Program; and,
- (ix) Barton Kenilworth Tax Increment Grant Program;

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**SUBJECT: Temporary Delegated Authority-Financial Incentive Programs Administered by the Urban Renewal Section and Real Estate Transactions (PED18135(a)) (City Wide) - Page 3 of 5**

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- (b) That the City Manager, in cooperation with the General Manager of the Planning and Development Department and the General Manager of Finance and Corporate Services Department, be authorized to approve real estate transactions that have values in excess of existing delegations (\$250 K) on a temporary basis from October 1, 2018, until the inaugural meeting of the newly elected Council, subject to any transaction being in conformity with the City's Portfolio Management Strategy and confirmation of an approved budget by the General Manager of Finance and Corporate Services Department for any acquisition;
- (c) That the City Manager and the City Clerk be appointed as the authorized signing officers for the City of Hamilton for approved real estate transactions that have values more than existing delegations (\$250 K) on a temporary basis from October 1, 2018 until the inaugural meeting of the newly elected Council; and,
- (d) That staff of the Planning and Economic Development Department, Economic Development Division, be directed to report back to the newly elected Council, through the General Issues Committee, in February of 2019 on details of the financial incentives that were approved by the General Managers of the Finance and Corporate Services Department, Planning and Economic Development Department and real estate transactions approved by the City Manager.

## Information

### Approval of Financial Incentive Programs

The General Managers of the Finance and Corporate Services Department and Planning and Economic Development Department approved one application under the Financial Incentives Programs during their temporary delegated authority as detailed below:

- (i) Hamilton Community Heritage Fund Loan Program
  - (1) 10 Markland Street, Hamilton

On November 21, 2018, the General Managers approved a conditional loan commitment totalling \$50 K for Cristina de Miranda and Paul King, the registered owners of the property at 10 Markland Street, Hamilton, in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program (HCHF).

The property is located within the Durand-Markland Heritage Conservation District and was designated in 1994 under Part V of the *Ontario Heritage Act* by the former City of Hamilton by By-law 94-184.



**SUBJECT: Temporary Delegated Authority-Financial Incentive Programs Administered by the Urban Renewal Section and Real Estate Transactions (PED18135(a)) (City Wide) - Page 4 of 5**

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The applicant proposes to replace the current cedar shakes with new cedar shakes. This is a historic roofing material. The replacement of the existing cedar shakes roofing with new cedar shakes was reviewed by heritage staff and determined that the proposed works did not require a heritage permit.

The total value of the work proposed is approximately \$59.5 K including HST, based on the lowest quote obtained by the applicants. The maximum loan under the Program is \$50 K.

Loans advanced under the HCHF are repayable over a ten-year period and secured by a second mortgage. Loans of \$15 K or more require a Heritage Conservation Easement Agreement between the property owner and the City.

Appendix "A" to Report PED18135(a) identifies the location of 10 Markland Street, Hamilton.

Approval of Real Estate Transactions

During the identified time period, which began on October 1, 2018 and lasted until the inaugural meeting of the newly elected Council, the City Manager, in cooperation with the General Manager of the Planning and Economic Development Department and the General Manager of Finance and Corporate Services Department was required to exercise the delegated authority outlined within, to approve eight Real Estate transactions.

The nature of these Real Estate transactions and the reasoning as to why the Delegated Authority was required can be summarized as follows:

Type of Transaction	Real Estate Transaction > \$250K	Utilization of Authorized Signing Officer Designation	Total
Land Disposition	2	2	4
Easement Purchase	0	1	1
Lease Agreement	1	1	2
License Agreement	0	1	1
<b>Total</b>	<b>3</b>	<b>5</b>	<b>8</b>

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**SUBJECT: Temporary Delegated Authority-Financial Incentive Programs Administered by the Urban Renewal Section and Real Estate Transactions (PED18135(a)) (City Wide) - Page 5 of 5**

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The first column represents transactions valued over \$250 K, and therefore beyond current staff delegation. The second column represents transactions that fell within existing staff delegation, for which the City Manager and City Clerk were appointed as authorized signing authorities in place of the Mayor.

The details of the real estate transactions are outlined in confidential Appendix "B" to Report PED18135(a)

**Appendices and Schedules Attached**

Appendix "A"-Location Map

Appendix "B"-Summary of Real Estate Transactions Approved Using Temporary Delegated Authority

RM/CG/sd

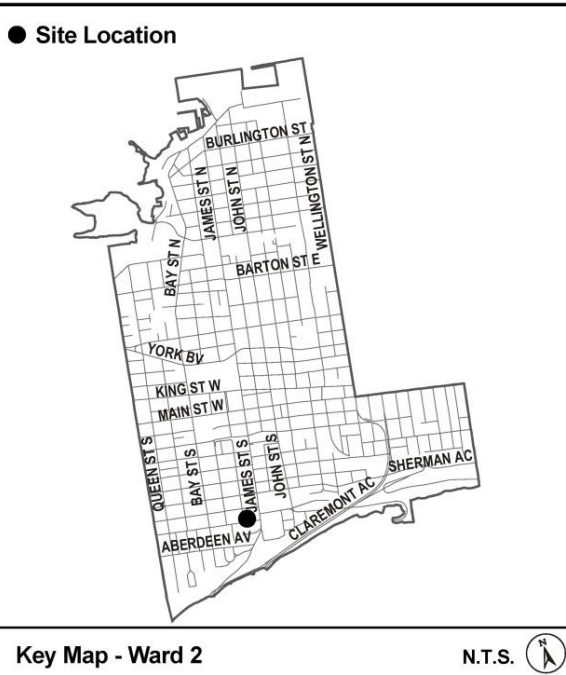
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Appendix "A" to Report PED18135(a)  
Page 1 of 1



<h2>Location Map</h2>		
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: 10 Markland St		Date: June 1, 2018
Appendix "A"	Scale: N.T.S.	Planner/Technician: CG/AL
Subject Property		
10 Markland Street		



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Glen Norton (905) 546-2424 Ext. 5780 Michael Kyne (905) 546-2424 Ext. 4716 Ed VanderWindt (905) 546-2424 Ext. 2574 Tom Hewitson (905) 546-2424 Ext. 4159 Anita Fabac (905) 546-2424 Ext. 1258 Chris Phillips (905) 546-2424 Ext. 5304 Ray Kessler (905) 546-2424 Ext. 7019
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the Mayor be directed, on behalf of the City of Hamilton, to request a meeting with the federal Minister of Transport to discuss this proposed amalgamation and outline the City of Hamilton's objectives and concerns;
- (b) That Transport Canada be requested to provide to the City of Hamilton, the draft Letters Patent proposed for the newly amalgamated port authority for the City's review and input prior to finalization;
- (c) That the Mayor be directed, on behalf of the City of Hamilton, to make written representations to the Minister regarding the amalgamation respectfully requesting that the:
  - (i) Corporate name of the amalgamated port authority be known as the 'Hamilton-Oshawa Port Authority' and have its registered offices located in Hamilton, Ontario;

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**SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 2 of 14**

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- (ii) Board of Directors of the amalgamated port authority have no more than seven members and that the Cities of Burlington, Hamilton and Oshawa each be granted the authority to appoint one member; and,
- (iii) Newly amalgamated port authority be directed to continue the close working relationship established between the Hamilton Port Authority and the City of Hamilton, its citizens and stakeholders particularly with respect to the transparency of port operations, project reviews, development planning, site plan approvals and the issuance of building permits.

## EXECUTIVE SUMMARY

This Report responds to Planning Committee's February 5, 2019 direction to staff to report on the implications of the proposed merger of the Hamilton Port Authority (HPA) and the Oshawa Port Authority (OPA).

This staff review indicates that:

1. With little prior notice or explanation, on February 9, 2019, the federal Minister of Transport formally proposed the amalgamation of the HPA and OPA to continue as a single port authority named the "Oshawa-Hamilton Port Authority". Interested persons have 30 days to make representations to the Minister subsequent to which the Minister may propose that the federal Governor in Council issue a Certificate of Amalgamation formally amalgamating the two authorities;
2. The federal government has the specific authority under the *Canada Marine Act* to amalgamate two or more port authorities the effect of which would be that the newly amalgamated authority would assume the geographical jurisdictions, assets, liabilities and obligations of the HPA and OPA;
3. Recent financial reports indicate that the HPA is in a stronger financial position than the OPA;
4. The City and the HPA have long enjoyed a cooperative, consultative and mutually beneficial relationship—particularly with respect to land use planning and development—that the City of Oshawa does not apparently enjoy with the OPA;
5. The City has a number of ongoing agreements with the HPA (which will be assumed by the newly amalgamated port authority) and is currently resolving a few issues of common interest (including the lease of part of Pier 22 and the acquisition of water lots to facilitate the rehabilitation of the Pier 8 shore-wall); and,

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**SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 3 of 14**

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6. In order to provide useful input to the federal government regarding this proposed amalgamation, the City requires a better understanding of the federal government's motivations and objectives. To that end, staff recommend that the City meet with the federal Minister of Transport to obtain that information—including a copy of the draft Letters Patent for the newly amalgamated port authority—and directly communicate the City's concerns to the Minister. The City will then be better informed to provide its formal written submissions.

**Alternatives for Consideration – N/A**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** While the financial implications are more fully outlined in this Report, a review of recent financial statements indicates that the HPA currently enjoys a stronger financial position than the OPA particularly in terms of asset value under management, annual revenues/deficits, debt and borrowing limits.

**Staffing:** There are no known staffing implications for the City of Hamilton.

**Legal:** The complete legal implications are more fully outlined in this Report. Significantly, the newly amalgamated port authority will assume the geographical jurisdictions, assets, liabilities and obligations of the HPA and the OPA.

**HISTORICAL BACKGROUND**

**Planning Committee's Direction**

Subsequent to the February 5, 2019 announcement by the federal Minister of Transport (Minister) that the federal government intended to amalgamate the Hamilton Port Authority (HPA) and the Oshawa Port Authority (OPA), Planning Committee directed staff "to report back to the General Issues Committee on the legal, financial, economic and development implications of the recently announced merger of the Hamilton Port Authority and Oshawa Port Authority".

**Formal Announcement of Intent—Canada Gazette (February 9, 2019)**

On February 9, 2012, the federal government formally announced its intent to merge the HPA and OPA by publishing a Certificate of Intent to Amalgamate in the Canada Gazette (<http://gazette.gc.ca/rp-pr/p1/2019/2019-02-09/html/order-decret-eng.html>) which noted that:

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**SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 4 of 14**

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- Pursuant to section 59.1 of the Port Authorities Management Regulations the Minister recommended that the OPA and the HPA be amalgamated and continue as one port authority to be named the “Oshawa-Hamilton Port Authority”;
- This “proposal seeks to strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port development, land use and marketing” and “would allow the amalgamated port authority to leverage the operations of the” HPA and “the established operations of the” OPA “to successfully broaden multimodal transportation options in the Greater Toronto Area”;
- The benefits of amalgamating Canadian Port Authorities (CPAs) have been raised in the 2016 review of the *Canada Transportation Act* (which recommended “that work be conducted to further the amalgamation of CPAs guided by ‘common user principles embodied in the *Canada Marine Act*’ and also noted the success of the previous Port Metro Vancouver amalgamation”) as well as the Minister of Transport’s Transportation 2030 vision which “proposed a broad agenda for the future of Canada’s transportation system that includes examining the governance and the optimization of CPAs”;
- Canada’s national port system is made up of 18 CPAs—non-share capital corporations incorporated under the *Canada Marine Act (CMA)*. CPAs handle about 60% of Canada’s marine commercial cargo tonnage and contribute over 213,000 direct and indirect jobs and over \$25 B to Canada’s GDP;
- This amalgamation is administrative in nature and would represent no further financial costs for the Government of Canada or to the Canadian public. Operations at both ports would continue without disruption and the amalgamated port would be in a strong financial position and forecast positive growth;
- There are no expected environmental implications, as no changes to the current land holdings, infrastructure, or real property of the OPA and HPA are being proposed. Available industrial land at both ports would complement one another in terms of business coordination and development planning to strengthen the Ontario regional supply chain. Continuity of operations at both ports would result in continued direct and indirect economic benefits for surrounding communities; and,
- Consultations will be conducted after the posting of this Certificate of Intent. Interested persons may make written representations to the Minister within 30 days after publication of the Certificate. “The results of these consultations would be considered within the context of a second submission to the Governor in Council

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**SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 5 of 14**

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on whether to seek the issuance of a Certificate of Amalgamation that officially amalgamates the two ports. Consultation with entities directly affected by a proposed amalgamation will be conducted by Transport Canada within the consultation period.”

### **The Creation of the Hamilton and Oshawa Port Authorities**

The federal government created the HPA in 2001 to replace the Hamilton Harbour Commission (which had been in operation since 1912) and created the OPA in 2012 to replace the Oshawa Harbour Commission (which had been in place since 1960).

The Port Authorities Management Regulations (PAMR) are issued under the *Canada Marine Act* (CMA) which was enacted in 1998 with the stated purpose of establishing a system of “competitive, efficient and commercially oriented” Canadian ports and commercializing the St. Lawrence Seaway.

CPAs are intended operate at arm’s length from the federal government and are governed by a board of directors chosen by port users and the municipal, provincial and federal governments. Each board:

- Sets the business direction and makes commercial decisions for the port;
- Sets fees (e.g. berthage and wharfage fees);
- Is responsible for maintaining and dredging commercial shipping channels; and,
- Acts as a landlord, leasing port operations to private operators.

Transport Canada states that CPAs must also be financially self-sufficient. They don’t receive federal funding to meet operating costs or deficits but finance capital projects using their own revenues. However, CPAs can also partner with the private sector, borrow from commercial lenders or apply for certain federal grants related to infrastructure, the environment or security.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **RELEVANT CONSULTATION**

- Ian Hamilton, CEO, Hamilton Port Authority;
- Financial Policy and Planning Division and Legal Services Division, Corporate Services;

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**SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 6 of 14**

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- Building Division, Planning Division, Real Estate Section of the Economic Development Division, Planning and Economic Development Department;
- City Manager's Office.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

**The Amalgamation Process**

The PAMR were specifically amended in 2007 to permit the amalgamations of two or more port authorities using the following process:

1. The government must publish a Certificate of Intent to Amalgamate in the Canada Gazette and at least one major newspaper that is distributed in the municipalities where the affected ports are situated. The Certificate shall also state that interested persons may make written representations to the Minister within 30 days of publication;
2. The government may, at any time after the 30-day period, amalgamate the port authorities by issuing a Certificate of Amalgamation which shall specify the day on which the amalgamation takes effect and contain the Letters Patent of the amalgamated port authority; and,
3. The government may also revoke a proposed amalgamation by issuing a Certificate of Revocation of Intent to Amalgamate at any time before the Certificate of Amalgamation is issued.

**The Legal Effect of Amalgamation**

On the day on which an amalgamation takes effect:

- (a) Every director of an amalgamating port authority who remains in office continues as a director of the amalgamated port authority for the balance of their term or until s/he ceases to hold office. However, the federal government may remove any director of an amalgamating port authority during the period that begins on the day on which the federal government requires the amalgamation and ends on the day before the day on which the amalgamation takes effect;
- (b) The navigable waters within the jurisdiction of each amalgamating port authority continue to be within the jurisdiction of the amalgamated port authority;

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- (c) The property, rights and interests of each amalgamating port authority continue to be the property, rights and interests of the amalgamated port authority. However, this does not constitute a disposition of the property, rights and interests of an amalgamating port authority to the amalgamated port authority;
- (d) The amalgamated port authority continues to manage any real property or immovable (i.e. a fixture) that the Minister has given to an amalgamating port authority;
- (e) The real property or immovables occupied by each amalgamating port authority continue to be occupied by the amalgamated port authority;
- (f) The amalgamated port authority continues to be liable for the obligations of each amalgamating port authority;
- (g) An existing cause of action, claim or liability to prosecution is unaffected;
- (h) A civil, criminal or administrative action or proceeding pending by or against an amalgamating port authority may be continued to be prosecuted by or against the amalgamated port authority;
- (i) A conviction against, or ruling, order or judgment in favour of or against, an amalgamating port authority may be enforced by or against the amalgamated port authority;
- (j) Every fee fixed by an amalgamating port authority continues in force until the expiry date specified in the provision that fixes the fee or until the amalgamated port authority repeals that provision or replaces the fee; and,
- (k) The letters patent contained in the Certificate of Amalgamation are the letters patent of the amalgamated port authority.

**The Importance of the Letters Patent**

Under the CMA, the power of a port authority to operate a port is limited to the power to engage in:

- (a) Port activities related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods, to the extent that those activities are specified in the Letters Patent; and,
- (b) Other activities that are deemed in the Letters Patent to be necessary to support port operations.

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Letters Patent are the official documents issued by the federal government confirming the creation/incorporation of the new amalgamated port authority as well as its official name, headquarters and the composition/authority of its Board of Directors.

The CMA specifies that the Letters Patent shall set out:

- (a) The corporate name of the port authority;
- (b) The place where the registered office of the port authority is located;
- (c) The navigable waters that are within the port authority's jurisdiction;
- (d) The federal real property and federal immovables under the management of the port authority;
- (e) The real property and immovables, other than the federal real property and federal immovables, held or occupied by the port authority; and,
- (f) The number of directors, between seven and eleven, to be appointed, to be chosen as follows:
  - (i) One individual nominated by the Minister;
  - (ii) One individual appointed by the municipalities mentioned in the Letters Patent;
  - (iii) One individual appointed by the province in which the port is situated; and,
  - (iv) The remaining individuals nominated by the Minister in consultation with the users selected by the Minister or the classes of users mentioned in the Letters Patent;
- (g) A code of conduct governing the conduct of the directors and officers of the port authority;
- (h) The charge on the gross revenues of the port authority, or the formula for calculating it, that the port authority shall pay each year to the Minister on the day fixed by the Minister to maintain its Letters Patent in good standing;

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- (i) The extent to which the port authority and a wholly-owned subsidiary of the port authority may undertake port activities referred to in paragraph 28(2)(a) and other activities referred to in paragraph 28(2)(b);
- (j) The maximum term of a lease or licence of federal real property or federal immovables under the management of the port authority;
- (k) The limits on the authority of the port authority to contract as agent for Her Majesty;
- (l) The limits on the power of the port authority to borrow money on the credit of the port authority for port purposes or a code governing that power, as the case may be; and,
- (m) Any other provision that the Minister considers appropriate to include in the Letters Patent and that is not inconsistent with this Act.

**Comparing the Current Letters Patent for the HPA and the OPA**

Except for expected differences outlining their respective geographical jurisdictions, the current Letters Patent for both the HPA and the OPA are largely similar and meet the legislated requirements listed above. That said, the HPA's present Letters Patent:

1. Provides more precise instruction regarding the appointment of directors. For example, although both Boards are composed of seven members appointed as follows:
  - the Governor in Council appoints one individual nominated by the Minister;
  - the Province of Ontario appoints one individual;
  - The local municipality appoints one individual. However, the City of Oshawa appoints its member independently while the City of Hamilton is required to consult with the City of Burlington; and,
  - The Governor in Council appoints the four remaining individuals. For the OPA, all four are appointed from one 'User' group (described as "Major Business Users") whereas, for the HPA, these appointments come from three "User" groups—"Private Docks" (one position), "Port Authority Docks and Related Businesses" (two positions) and "All other port users, including but not limited to labour, environmental and recreational users" (one position);

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**SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 10 of 14**

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2. Grants the HPA the explicit authority to operate or maintain a railway within the port;
3. Provides the HPA with more explicit authority to delegate activities to any subsidiary corporations it creates. For example, a HPA subsidiary company can operate a freight forwarding facility or a dry dock;
4. In certain circumstances, limits the length of a licence/lease of federal real property granted by the HPA to 40 years (OPA's limit is 60 years) but both the HPA and OPA can extend this limit to 99 years with Minister's approval; and,
5. Permits the HPA to borrow up to \$5 M while the OPA is limited to \$500 K and a 365-day term and must borrow from a member of the Canadian Payments Association.

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**Financial Comparison of the HPA and the OPA**

A review of the financial statements of both the HPA and OPA reveals a very dissimilar picture. The HPA is in a relatively strong financial position marked by operating surpluses, significant assets and little debt. The OPA, in turn, would appear to be in a relatively weak financial position marked by operating losses, declining asset base and increasing short term debt.

The chart below provides highlights of the financial information:

**Port Authority Financial Information (2017)**

Financial Indicator	Hamilton		Oshawa	
	\$	Trend	\$	Trend
Assets	145,425,725	↑	9,909,613	↓
Current Assets (CA)	14,555,887	↑	234,658	↓
Equity	134,202,739	↑	3,812,220	↓
Net Income	3,645,543	✓	(230,306)	✗
Cash/Investment	11,807,642	✓	0	✗
Liabilities				
Current Liabilities (CL)	5,211,705	↓	5,525,220	↓
Non-Current Liabilities	6,011,281	↑	21,141	↑
Debt (Borrowings)	0	✓	551,032	↑
<b>Ratios:</b>				
<i>Liquidity Measurement Ratio</i>				
Current Ratio (CA/CL)	2.79	✓	0.04	✗
<i>Debt Ratio</i>				
Debt to Equity Ratio	0.08	✓	1.60	✗

In general, the HPA's financial measures are healthy and trending positively while the OPA's measures are less healthy and trending negatively. With respect to assets, the HPA has significantly more resources including current assets which include cash and investments. The OPA's assets are declining and include no cash or investments. With respect to liabilities, the HPA's Liquidity Current Ratio (Current Assets vs. Current Liabilities) is fairly strong at 2.79 (2.79 times the assets versus liabilities) while the OPA's ratio is quite weak with current liabilities far exceeding current assets. A ratio over 1.0 is considered positive.

Debt to Equity Ratio is also a common measure of financial health. In general, a measure less than 1.0 is considered positive (indicating equity surpasses debt), while a measure

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over 1.0 is considered poor (more debt than equity). HPA's ratio of 0.08 is quite strong, while OPA's ratio of 1.60 is quite weak.

The HPA's net income of \$3.6 M in 2017 (\$8.6 M in 2016) is modest given the assets, but none-the-less positive. The OPA had a deficit of about -\$230 K in 2017 (-\$4.4 M in 2016).

With respect to this industry in general, the majority of port authorities have annual surpluses with revenue exceeding expenditures. In a 2015-2016 report entitled "Federal Port Review" by Canadian Sailings, there were only two ports that had operating losses (deficits) that year: Oshawa and Nanaimo. The report noted the challenging financial circumstances of the OPA identifying that their current liabilities exceed its current assets by more than \$6.0 M. The article quotes the OPA's auditor as indicating that this situation would "cast significant doubt on the Port Authority's ability to continue as a going concern".

The primary driver for the OPA's liabilities is a recent arbitration ruling that directed the OPA to pay \$4.4 M related to a development issue. The terms and conditions of this payment have not been finalized and certainly would transfer to the merged corporation.

Based on the OPA's financial challenges, it is possible that the primary reason for the Federal Government to propose this merger is financially motivated (the announcement indicates increased supply chain efficiencies). The significantly different financial positions give cause for concern that the merger may lead to HPA's financial strength being diminished in the short-term as its assets become merged and possibly used to support the OPA's operations. HPA's assets could also be used to make investments in the OPA lands which may possibly divert potential business from Hamilton to Oshawa.

### **Land Use Planning and Development Implications**

In August 2000, Report PDC00137 was approved by Council which established a "project review" or Site Plan Control process for the area known as Eastport. The report established the mutual goals and objectives of the City and the HPA (then the Hamilton Harbour Commission) and laid out the process for development proposals which required the HPA to attend pre-consultation meetings with staff and submit Site Plan applications.

When the City established its current Site Plan Control Process, the previous direction remained in place. City staff and the HPA continue to have pre-consultation meetings to discuss the HPA's land use plan, vision and upcoming projects, and the HPA utilizes the City's Site Plan Control process for its projects, including attending Development Review

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Team meetings and consulting Building Division decision-makers. While the City is not the formal approval authority for HPA developments, this cooperative process results in jointly developed recommendations related to matters such as engineering requirements, urban design, landscaping treatments and other site planning matters which the HPA typically implements.

City of Oshawa Planning staff recently confirmed that Oshawa does not enjoy a similar established process with the OPA. City of Oshawa staff do not have pre-consultation meetings and the OPA does not utilize the site plan process for its projects nor does it receive recommendations from City staff on development proposals.

City Building Division and Planning staff are particularly concerned that the long established, cooperative and mutually beneficial relationship and consultations between the City and the HPA may be lost if the newly amalgamated port authority does not accord the relationship the same priority as the HPA. The continuation of this relationship is particularly critical given the extensive developments presently underway on the Hamilton waterfront.

**Economic Development Implications**

The Economic Development Division acknowledges the potential value of an amalgamated port network. However, the Division think it appropriate to seek a commitment from the new port authority that any prospective investments introduced to new port authority by City staff would not be solicited to locate in Oshawa, unless the City first concluded that there is no other viable location anywhere within Hamilton.

**Other Issues of Common Interest Between the City and the HPA**

The City has several commercial agreements with the HPA including, importantly, the 2000 Dispute Resolution Agreements and the 2014 Marina Management Agreement. In addition, City is presently negotiating with the HPA regarding a lease of a portion of the Pier 22 lands, the City's acquisition of water lot property for the construction of the new Pier 8 shore-wall and pedestrian way and the potential realignment of Ship and Niagara Streets to accommodate a new rail spur.

While the legislation dictates that the newly amalgamated port authority would assume the HPA's rights and responsibilities under these agreements, staff reiterates the benefit of the established relationships with current HPA representatives and is concerned that any change in management philosophy may alter the tone of the relationship and adversely impact the traditionally successful cooperation between the parties.

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**SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 14 of 14**

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**Summary**

While the federal government has the legal authority to amalgamate port authorities, it is noted that the City has little prior notice of, and still lacks a complete insight into the motivation for, this proposed amalgamation. As such, staff recommends that the City promptly request a meeting with the federal Minister of Transport in order to better understand the federal government's plans and objectives regarding this proposed amalgamation and to directly outline the City's concerns. The City can then incorporate that new information and its known concerns into its formal written submissions on a more informed basis. City staff also recommend that the federal government be specifically requested to provide the draft Letters Patent proposed for the newly amalgamated port authority for the City's review and input prior to finalization.

**ALTERNATIVES FOR CONSIDERATION****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**

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

**APPENDICES AND SCHEDULES ATTACHED**

N/A

GN:dt

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**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
*Legal and Risk Management Services Division*

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 20, 2019
<b>SUBJECT/REPORT NO:</b>	Bill 66 - Restoring Ontario's Competitiveness Act, 2018 (LS19011) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Nicole Auty (905) 546-2424 Ext. 4636
<b>SUBMITTED BY:</b>	Nicole Auty City Solicitor Legal and Risk Management Services
<b>SIGNATURE:</b>	

## RECOMMENDATIONS

- (a) That Report LS19011 be forwarded to the Minister of Economic Development as the City of Hamilton's comments on Bill 66 – Restoring Ontario's Competitiveness Act, with the exception of Schedule 10 which was addressed in report PED19027.

## EXECUTIVE SUMMARY

On December 6th, 2018, Minister of Economic Development, Job Creation and Trade, the Honourable Todd Smith, introduced Bill 66, the Restoring Ontario's Competitiveness Act (Bill 66). This proposed legislation has interest for municipal governments. Bill 66 has only had First Reading at this time and will continue through the debate and hearing process. The Legislature is scheduled to proceed with second reading of the Bill on Tuesday, February 19, 2019.

Report PED19027 provided comments on Schedule 10, which the provincial government has since communicated that it does not intend to proceed with.

This report provides an overview of the proposed amendments in Bill 66 and provides comments on those areas of particular interest to the City of Hamilton.

## Alternatives for Consideration – N/A

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**SUBJECT: Bill 66 – Restoring Ontario’s Competitiveness Act (LS19011) (City Wide)**

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## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no known financial implications at this time.

Staffing: There are no known staffing implications for the City of Hamilton.

Legal: The legal implications are more fully outlined in this report.

## **HISTORICAL BACKGROUND**

Bill 66 has only had First Reading at this time and will continue through the debate and hearing process. The Legislature is scheduled to return for the next Session on Tuesday, February 19, 2019. Bill 66 appears on the Parliamentary Agenda for Second Reading on that day.

Report PED19027 was before Planning Committee on February 4, 2019 and provided comments on Schedule 10 which will be provided to the Minister of MMAH separately.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Bill 66 provides amendments to several pieces of Legislation over 12 Ministries. The amendments proposed by the twelve schedules are summarized below and where they directly impact the City of Hamilton, they are discussed in the Analysis section of this report.

**Schedule 1:** Ministry of Agriculture, Food and Rural Affairs makes changes to the *Agricultural Employees Protection Act, 2002*, to include employees who engage in ornamental agriculture; the *Farm Registration and Farm Organizations Funding Act, 1993* dealing with farming registration requirements, and *Ministry of Agriculture, Food and Rural Affairs Acts* to include loan guarantees by entities that provide loans to farmers in loan guarantee programs.

**Schedule 2:** Ministry of the Attorney General repeals the *Pawnbrokers Act* and amendment to the *Personal Property Security Act*.

**Schedule 3:** Ministry of Education amends the *Child Care and Early Years Act, 2014* and the *Education Act*. This schedule has a potential impact to the City of Hamilton and is discussed in the Analysis section of this report.

**Schedule 4:** Ministry of Energy, Northern Development and Mines, amends section 78 of the *Ontario Energy Board Act, 1998* to remove references to unit sub-metering, and to add a reference to unit smart meter providers in subsection 78 (9). A consequential amendment is made to the regulation-making authority.

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**Schedule 5:** Ministry of the Environment, Conservation and Parks, amends the *Toxics Reduction Act, 2009* to provide that the Act is repealed on December 31, 2021 and revokes the regulations made under the Act as of the same day. The legislation applied to facilities in the manufacturing and mineral processing sectors.

**Schedule 6:** Ministry of Finance, repeals subsection 80.4 (1) of the *Pension Benefits Act* provides that the conversion of single employer pension plans to jointly sponsored pension plans, implemented through a transfer of assets and liabilities, is only available with respect to plans that are public sector plans and with respect to prescribed pension plans or classes of pension plans.

**Schedule 7:** Ministry of Government and Consumer Services amends the *Technical Standards and Safety Act, 2000* so that it no longer applies to upholstered or stuffed articles. The Schedule also allows alternate rules made by a director and approved by the Minister under the Act to regulate any matter to which the regulations made under the Act apply. It also repeals the *Wireless Services Agreements Act, 2013* and regulations.

**Schedule 8:** Ministry of Health and Long-Term Care amends sections of the *Long-Term Care Homes Act, 2007* dealing with notice if approval for admission is withheld, allowing the Director to establish how public consultations are conducted, allowing the director to issue temporary emergency licenses.

**Schedule 9:** Ministry of Labour amends the *Employment Standards Act, 2000* and makes changes to the *Labour Relations Act*. The Changes to the ESA remove the Director’s approval for employers to make agreements that allow their employees to exceed 48 hours of work in a work week and for employers to make agreements that allow them to average their employee’s hours of work for the purpose of determining the employee’s entitlement to overtime pay. The latter changes are addressed in report LS19011a.

**Schedule 10:** Ministry of Municipal Affairs and Housing (MMAH), the Minister of MMAH has communicated the government will not proceed with Schedule 10 of the Bill.

**Schedule 11:** Ministry of Training, Colleges and Universities *Private Career Colleges Act, 2005* is amended to provide that the term of a registration or renewal of a registration shall be specified by the Superintendent in accordance with the regulations or, if there are no regulations, shall be one year unless otherwise specified by the Superintendent.

**Schedule 12:** Ministry of Transportation the *Highway Traffic Act* requires a driver of a vehicle to carry the original permit for the vehicle or a true copy of it, and to surrender the permit to a police officer, upon demand. The Act is amended to provide that where the permit is a permit issued by the Ministry or another jurisdiction pursuant to the International Registration Plan, this requirement may also be satisfied with an electronic version of the permit, provided that the permit complies with the requirements of the International Registration Plan and with any requirements established by the Ministry.

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**RELEVANT CONSULTATION**

Corporate Services  
Healthy and Safe Communities  
Planning and Economic Development  
City Manager’s Office, Human Resources

**ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

**Schedule 2:** Ministry of the Attorney General repeals the Pawnbrokers Act and amendment to the *Personal Property Security Act*.

The repeal of this legislation does not directly impact matters within the jurisdiction of the City of Hamilton. The City will continue to have the authority to regulate these businesses. However, staff will review the City’s Business Licensing by-law, Schedule 22 which deals with Salvage and Second hand Goods, Pawnbroker and Jewellery and Precious Metal Businesses and report back on any changes needed to the by-law as a result of this amendment.

**Schedule 3:** Ministry of Education amends the *Child Care and Early Years Act, 2014* and the *Education Act*.

The Hamilton Early Years Community Plan acknowledges the need for responsive and integrated before and after school programs across the community. As such, the City works closely with community partners to ensure authorized recreational and skill building programs are offered in all elementary schools in Hamilton. The proposal to reduce the age requirement for authorized recreational and skill building programs from six to four years old aligns with the kindergarten program in schools and provides families with greater access to this service.

Currently, families in receipt of child care fee subsidy are eligible for in-home care. This allows a licensed provider to care for the child in the child’s home if there is a need. Removing the restriction that a parent must receive fee subsidies may increase the demand for in-home services, but would accommodate children where care is best, based on their needs. There are no home child care agencies that offer in-home services in Hamilton and the impact is expected to be minimal.

While Bill 66 presents some positive changes in early years and child care; staff do have concerns around children’s safety and quality of child care proposed that should be addressed. The proposed changes to increase in number of children under the age of two years, from two to three children in home child care, is intended to increase access to child care spaces for infants, as they are in high demand and can be hard for families to find. However, this change presents some concerns regarding the quality, health and

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safety, supervision and overall well-being of children in a home care setting. It is recommended that the number of children under the age of two not be increased.

Furthermore, the CCEYA requires that licensed home child care providers’ own children that are in the home must be counted, except where a child is six years old or older, or a child under the age of six years old is attending full-day kindergarten in a publicly-funded school, and the provider cares for more than one child under the age of two. If Bill 66 is passed, it will amend the CCEYA to reduce the age where the provider’s own children are counted from six years old to four years old without any conditions. While this change aligns with the age that children are enrolled in a school setting, there are concerns with reducing the age at which the provider’s children are included in the allowable maximum number of children, particularly if the number of children under two years of age increases. In an emergency, it may be difficult for the one adult to safely evacuate all children. It is recommended that the provider’s own children under six years old be counted towards the maximum allowable children when the provider cares for more than one child under the age of two.

Bill 66 also proposes amendments to the *Education Act* that would ensure a licensed child care centre or another program set out under the *Education Act* is responsible for delivering before and after school programs or PD day programs in schools. As a result, these programs would be required to meet licensing standards outlined by the Ministry of Education. Currently, third-party programs in Hamilton schools are delivered by licensed child care centres or recreational programs. It is anticipated that there will be little to no impact in Hamilton.

In summary, staff agree with the need to increase access by creating new cost-effective licensed child care spaces but feels strongly that increased access cannot be achieved at the expense of children’s safety and quality of care.

#### **ALTERNATIVES FOR CONSIDERATION**

Not Applicable

#### **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**

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

#### **APPENDICES AND SCHEDULES ATTACHED**

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**N/A**

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# CITY OF HAMILTON MOTION

General Issues Committee: February 20, 2019

**MOVED BY COUNCILLOR B. CLARK .....**

**SECONDED BY MAYOR / COUNCILLOR.....**

**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.