



City of Hamilton
GENERAL ISSUES COMMITTEE
ADDENDUM

Meeting #: 20-004
Date: February 5, 2020
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

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

5. COMMUNICATIONS

5.2 Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc. Proposal for the City of Hamilton Entertainment and Convention Properties

*5.2.a Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre

Recommendation: Be received and referred to the consideration of Item 14.5.

*5.3 Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director, of Pearle Hospitality, respecting the Downtown Entertainment District

Recommendation: Be received and referred to the consideration of Item 14.5.

*5.4 Correspondence from Lachlan Holmes, Chair of the HamiltonForward Board of Directors, respecting the Downtown Entertainment Precinct Status Update

Recommendation: Be received and referred to the consideration of Item 14.5.

6. DELEGATION REQUESTS

- *6.6 Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update

(For the February 5, 2020 GIC)

- *6.7 P.J Mercanti and Louis Frapporti, Hamilton100 Commonwealth Games Bid Corporation, to provide an Update on the Preparation of the Hosting Proposal Part 2 for the 100th Anniversary 2030 Commonwealth Games

(For the February 19, 2020 GIC)

- *6.8 Michael Van Pelt, Cardus, respecting the forthcoming staff report regarding Cardus' Proposal for the Balfour/Chedoke Estate (For the February 19, 2020 GIC)

- *6.9 P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct (For the February 5, 2020 GIC)

- *6.10 The Pearle Plan/Expression of Interest regarding Item 14.5 - Downtown Entertainment Precinct Status Update (PED18168(d)) (City Wide) (For the February 5, 2020 GIC)

THIS REQUEST WAS WITHDRAWN FROM THE AGENDA

10. DISCUSSION ITEMS

- *10.3 Potential Regulatory Litigation Update (PW19008(f)) (City Wide)

THIS REPORT HAS BEEN REMOVED FROM THE AGENDA AND WILL COME FORWARD AT A FUTURE DATE.

- *10.4 Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide)

- *10.5 Hamilton Transportation Task Force Update (CM20002) (City Wide)

14. PRIVATE AND CONFIDENTIAL

- *14.6 Update and Instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(a)-PED16248(a)) (City Wide)

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 matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Paparella, Stephanie

From: Chris Mlinaric <Chris@vrancor.com>
Sent: January 28, 2020 4:58 PM
To: Smith, Janette (City Manager); Thorne, Jason; McHugh, Ryan; Norton, Glen; clerk@hamilton.ca; Wilson, Maureen; Nann, Nrinder; Merulla, Sam; Collins, Chad; Jackson, Tom; Pauls, Esther; Danko, John-Paul; Clark, Brad; Pearson, Maria; Johnson, Brenda; Ferguson, Lloyd; VanderBeek, Arlene; Whitehead, Terry; Partridge, Judi; Office of the Mayor; Farr, Jason
Cc: mario.frankovich@gmail.com; Darko Vranich
Subject: Vision Vrancor - Event Centre Rendering
Attachments: Render Intersection York&Bay.pdf; Render Interior Bowl.pdf

Good Evening,

Vrancor Group Inc. is pleased to provide you with a firsthand look at the renderings for the F1rstOntario Event Centre ("the Arena"). Kindly see attached.

Thank you,

Chris



Chris Mlinaric, CPA, CA | Chief Financial Officer

VRANCOR GROUP INC.

366 King Street West | Hamilton | ON L8P 1B3 | Canada
P: 905.540.4800 x250 | F: 905.540.4801
vrancor.com | chris@vrancor.com

PERSPECTIVE - INTERSECTION YORK & BAY



PERSPECTIVE - INTERIOR BOWL





A vision to make Hamilton a national destination to play and live

Hamilton Ontario, February 3, 2020

An investment consortium led by Pearle Hospitality, the foremost luxury hospitality operator in Southwestern Ontario with an unparalleled track record of constructing and operating hospitality assets including luxury hotels, restaurants and a golf course, are proud to announce their vision to lead a luxury landmark development that will transform Hamilton's downtown and entertainment district.

Pearle Hospitality's principal, Aaron Ciancone, and project director Aaron Waxman, both are third generation Hamiltonians who live and raise their families in Hamilton. The principals of our group are passionate about Hamilton, its future and its culture.

Key features being developed include a brand new luxury five star hotel, a new architecturally stunning convention centre, and potentially a new arena, that will combine to make Hamilton a leading leisure and business travel destination in the country.

We are continuing to study and perform our due diligence on the economic feasibility of providing and operating five-star amenities to help elevate Hamilton's image to a national leader for entertainment, travel and commerce. If we proceed, we will only do so if we can make an economic case to build and operate state of the art, iconic legacy assets as we have with our other developments. We are carefully proceeding to ensure that our interests and vision are aligned with the City's and that we can create an outcome that is viable and in the best long term economic and community interests of the city.

We appreciate the consideration of our plans and interest from the City and are motivated by the fact that the city staff and council have a long-term vision and agenda to improve Hamilton and its future.

For more information contact: Aaron Waxman aaronw@ironpoint.ca 905.870.7990

February 4th, 2020

**CORRESPONDENCE**

TO: Members of the Hamilton City Council
CC: Clerk of the City of Hamilton
RE: Downtown Entertainment Precinct Status Update

As members of Council, you have a choice to make. Not a choice of Vrancor Group versus the Urban Precinct group, but a choice on the **process** in which the Downtown Entertainment facilities will be updated.

Much of the discussion of the downtown entertainment facilities so far has been on FirstOntario Centre. The facts of the FirstOntario Centre are clear. First, the City should not be in the sports arena business. It is bad for taxpayers, period. Second, the current FirstOntario Centre is a liability rather than an asset. Renovation, redevelopment, lease, or sale is a must. Third, the best way to go about this reimagining process is an open bidding process.

The City's open bidding process on the Pier 8 redevelopment, for example, attracted the best and brightest teams of architects and developers from across the country and is widely considered an excellent project as such. There is no reason not to employ the same process on the FirstOntario Centre and on other downtown entertainment facilities like the Hamilton Convention Centre which is proving too small for our growing city.

Do the right thing - don't decide the future of the FirstOntario Centre or any other venue in the dark where residents have little say and where taxpayers may not get the best value.

On behalf of the board of directors of HamiltonForward,

Lachlan Holmes
Chair

6.6

Form: Request to Speak to Committee of Council

Submitted on Wednesday, January 29, 2020 - 1:47 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Mario Frankovich

Name of Organization: Vrancor Group Inc.

Contact Number: 5195751588

Email Address: mario.frankovich@gmail.com

Mailing Address:

366 King Street West

Hamilton, ON

L8P 1B3

Reason(s) for delegation request: To speak to item 14.5
Downtown Entertainment Precinct Status Update.
PED18168(d) at February 5, 2020 GIC Meeting.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Share the Vision

Dream it.

Plan it.

Do it.





VISION VRANCOR
REVITALIZED EVENT CENTRE

A 49

VANCOUVER
 WINNIPEG
 TORONTO
 OTTAWA
 MONTREAL
 HALIFAX



VISION VRANCOR

REVITALIZED EVENT CENTRE

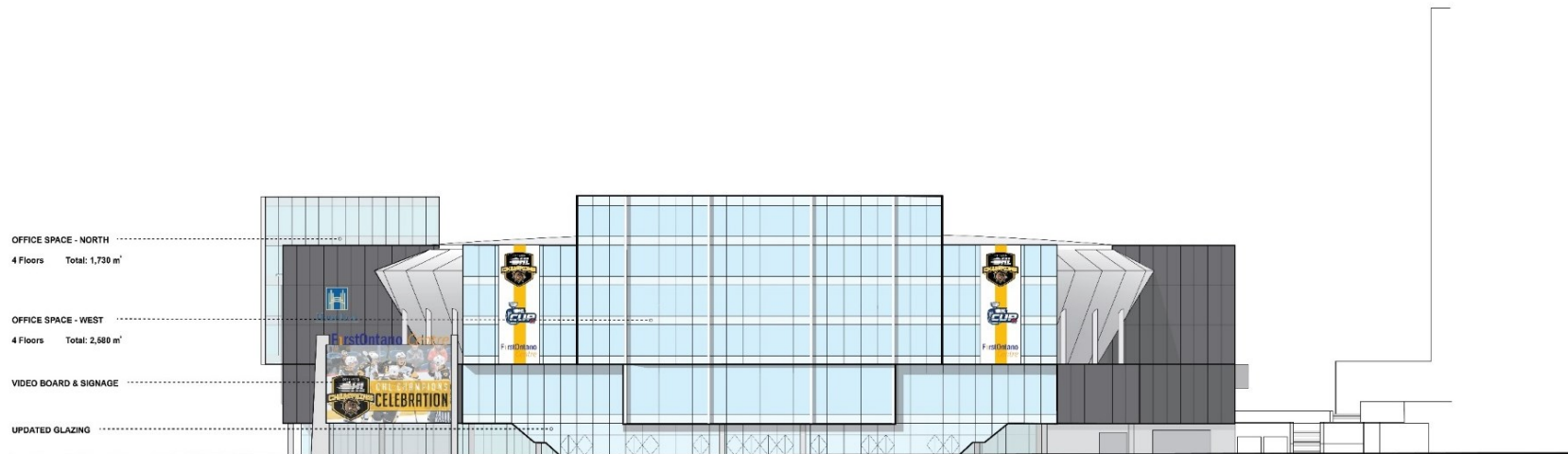
A

49

VANCOUVER
WINNIPEG
TORONTO
OTTAWA
MONTREAL
HALIFAX



YORK BOULEVARD



BAY STREET

PERSPECTIVE - INTERIOR BOWL



VISION VRANCOR
REVITALIZED EVENT CENTRE

A

49

VANCOUVER
 WINNIPEG
 TORONTO
 OTTAWA
 MONTREAL
 HALIFAX

VIEW FROM ABOVE - JACKSON SQUARE FAN PLAZA

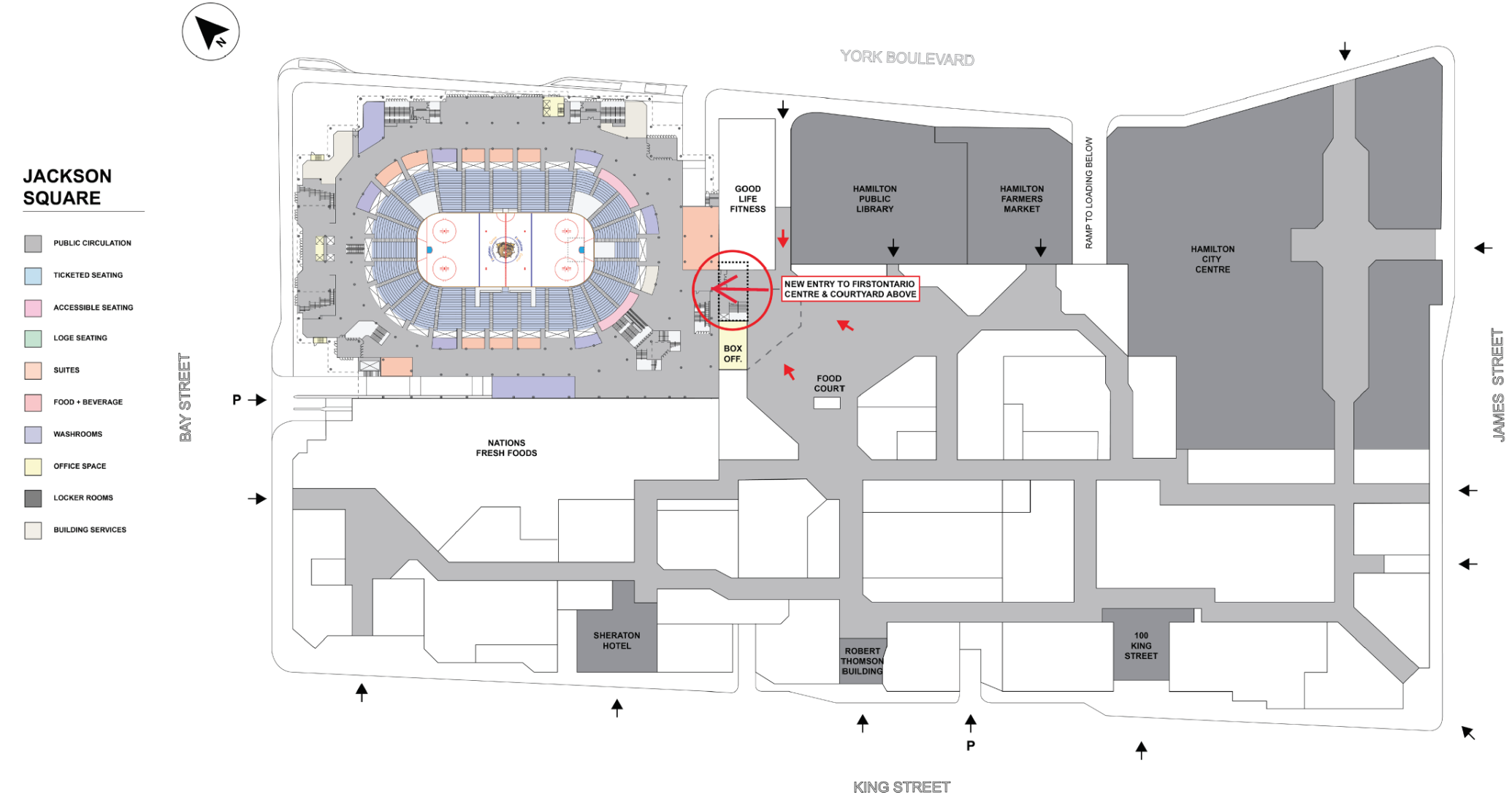


VISION VRANCOR
REVITALIZED EVENT CENTRE

A

49

VANCOUVER
WINNIPEG
TORONTO
OTTAWA
MONTREAL
HALIFAX



Convention Centre

- Vrancor intends to renovate, modernize, and double the hosting capacity of the Hamilton Convention Centre.
- Modernize the Hamilton Convention Centre with state-of-the-art technology that ties into the revitalized Event Centre.
- Architecture 49 has reviewed the architectural and engineering options for the renovation of the Hamilton Convention Centre.
- Architecture 49 has created floor plans that will enable the doubling of event capacity for the Hamilton Convention Centre.
- Vrancor and Architecture 49 to finalize renderings for the Hamilton Convention Centre shortly and will release those publicly once available.



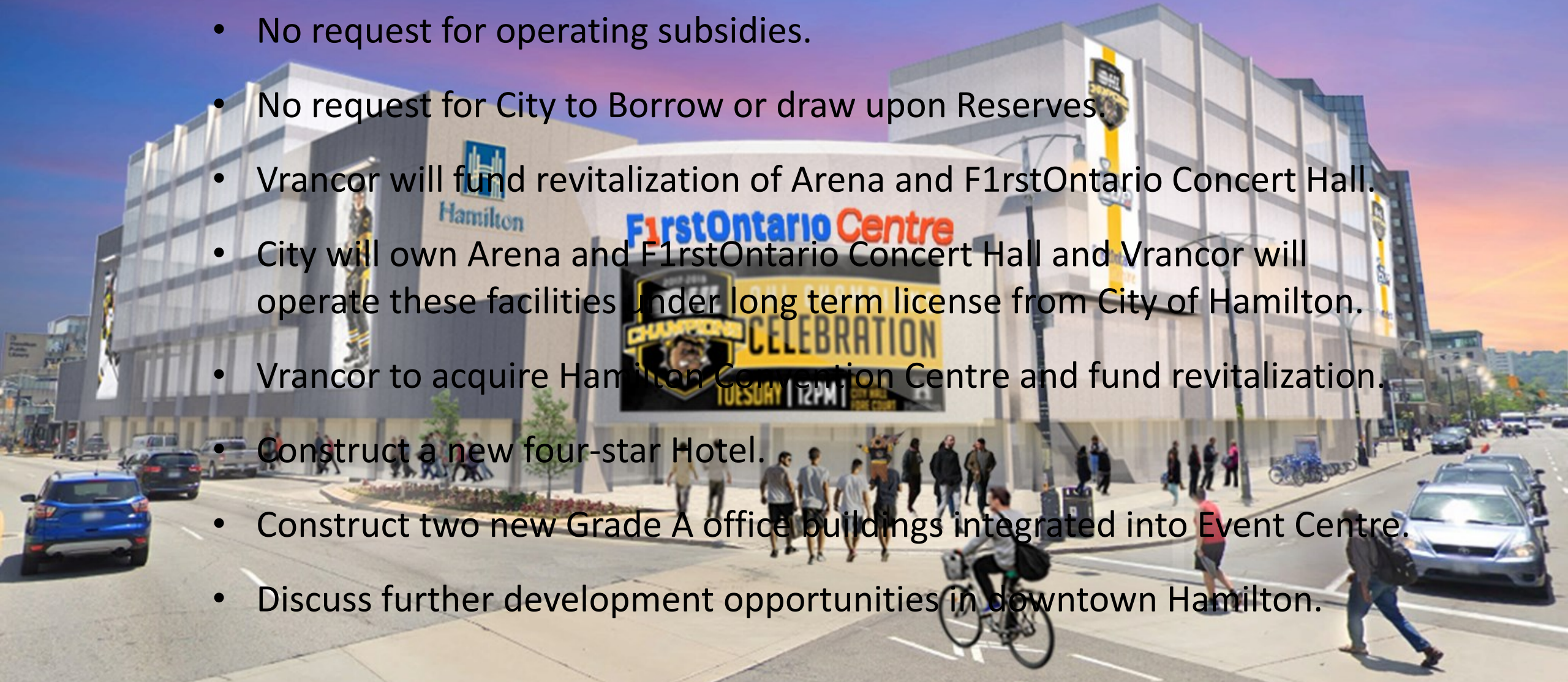


VISION VRANCOR REVITALIZED CONVENTION CENTER



Summary of Proposal

- Vrancor's proposal reflects an investment of approximately \$200 million.
- No request for operating subsidies.
- No request for City to Borrow or draw upon Reserves.
- Vrancor will fund revitalization of Arena and F1rstOntario Concert Hall.
- City will own Arena and F1rstOntario Concert Hall and Vrancor will operate these facilities under long term license from City of Hamilton.
- Vrancor to acquire Hamilton Convention Centre and fund revitalization.
- Construct a new four-star Hotel.
- Construct two new Grade A office buildings integrated into Event Centre.
- Discuss further development opportunities in downtown Hamilton.



Thank You!



Form: Request to Speak to Committee of Council

Submitted on Wednesday, January 29, 2020 - 9:17 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: PJ Mercanti and Louis Frapporti**Name of Organization:** Hamilton100 Commonwealth Games Bid Corporation**Contact Number:** (905) 536-1100**Email Address:** greg@hamilton100.ca**Mailing Address:**77 James Street North
Suite 300
Hamilton, Ontario
L8K 2K3**Reason(s) for delegation request:** To present to Council at their February 19th GIC meeting, an update regarding preparation of Hosting Proposal Part 2 for the 100th Anniversary 2030 Commonwealth Games, including a request that Council grant permission to Hamilton100 to submit the Part 2 Proposal to Commonwealth Games Canada (CGC) by the CGC deadline of March 9, 2020.**Will you be requesting funds from the City?** No**Will you be submitting a formal presentation?** Yes

Form: Request to Speak to Committee of Council

Submitted on Thursday, January 30, 2020 - 1:16 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Michael Van Pelt

Name of Organization: Cardus

Contact Number: 905-818-9380

Email Address: dpostma@cardus.ca

Mailing Address:

185 Young St

Hamilton ON L8N 1v9

Reason(s) for delegation request: Responding to the staff report on Cardus's Balfour/Chedoke Estate proposal.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

6.9

Form: Request to Speak to Committee of Council

Submitted on Monday, February 3, 2020 - 1:10 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: PJ Mercanti and Jasper Kujavsky

Name of Organization: Hamilton Urban Precinct Arts and Entertainment Group

Contact Number: (905) 512-9393

Email Address: jasperk@porchlight.ca

Mailing Address:

77 James Street North

Suite 300

Hamilton, Ontario

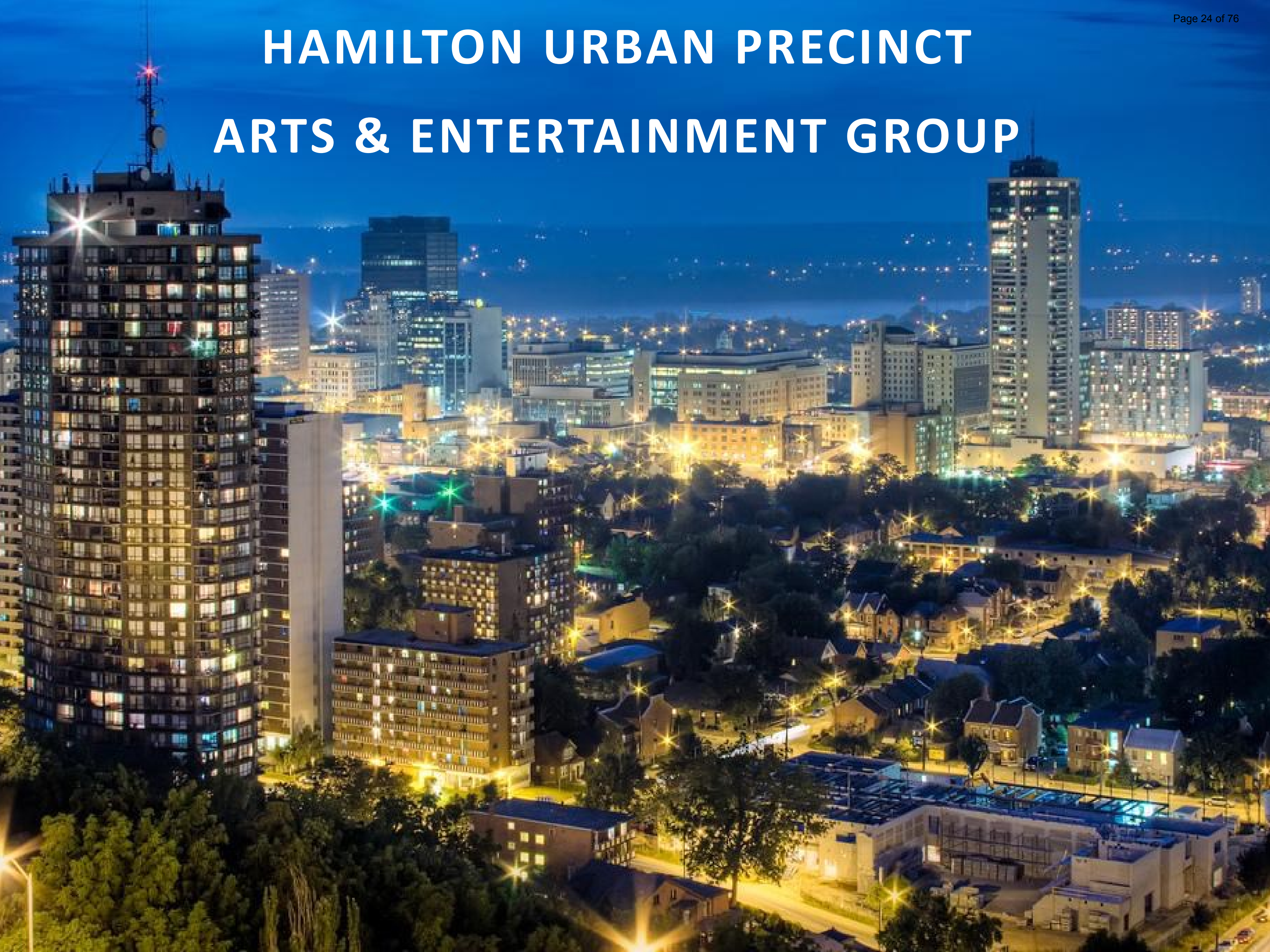
L8K 2K3

Reason(s) for delegation request: To address the February 5th Council GIC regarding our Group's proposal for an urban Hamilton sports, arts, entertainment, convention and hospitality Precinct.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

HAMILTON URBAN PRECINCT ARTS & ENTERTAINMENT GROUP



HAMILTON URBAN PRECINCT

ARTS & ENTERTAINMENT GROUP



PALETTA INTERNATIONAL
CORPORATION



HAMILTON URBAN PRECINCT

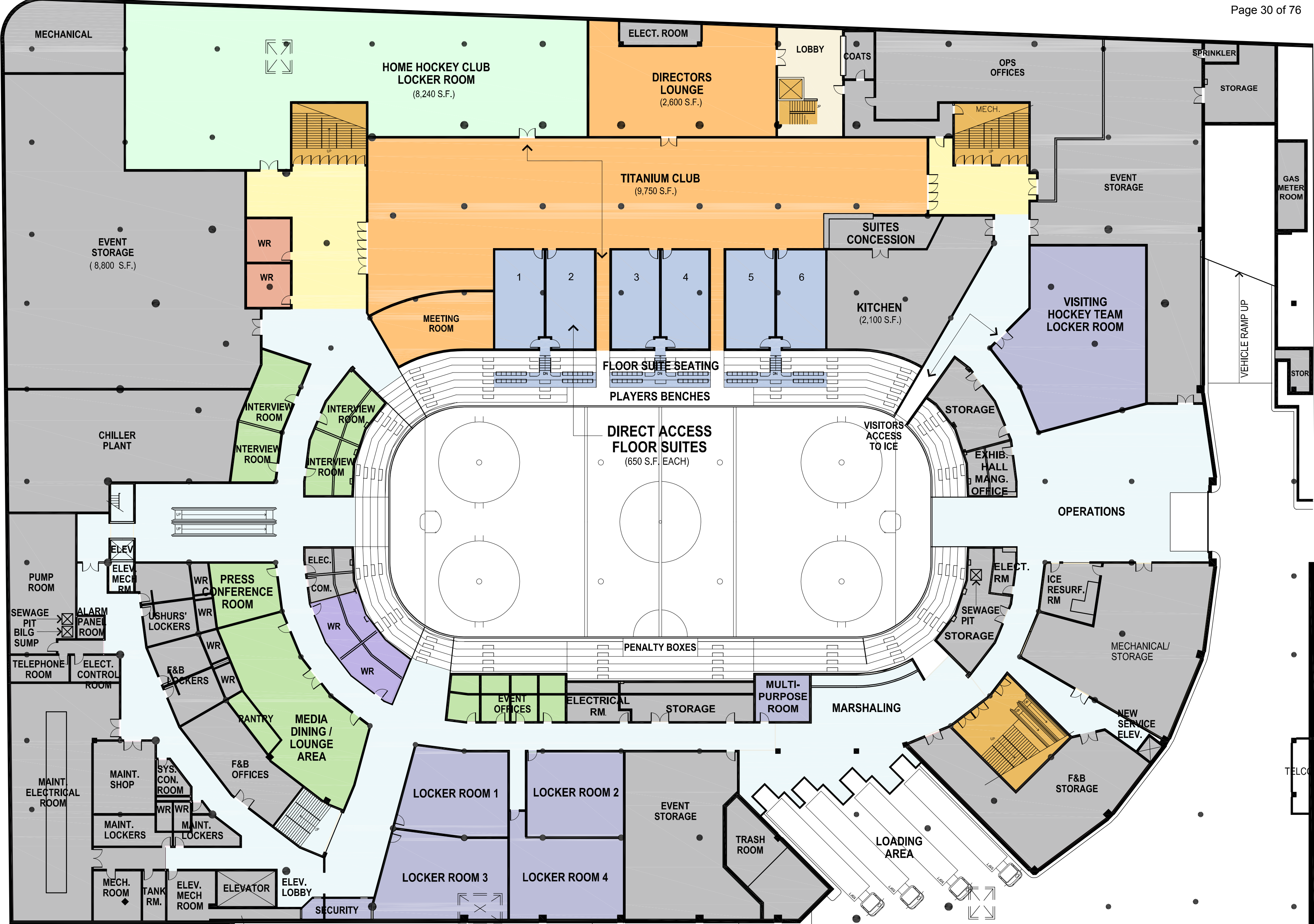
ARTS & ENTERTAINMENT GROUP



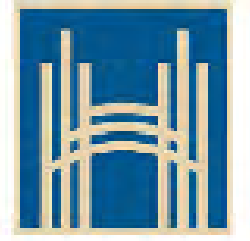






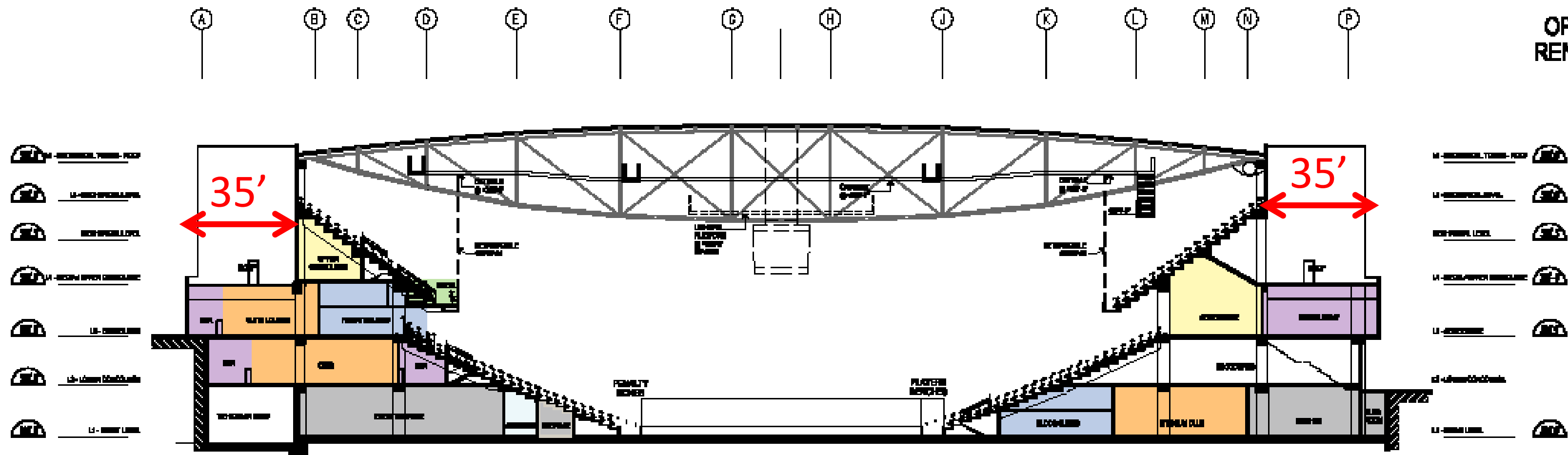


**FirstOntario
Centre**



Hamilton

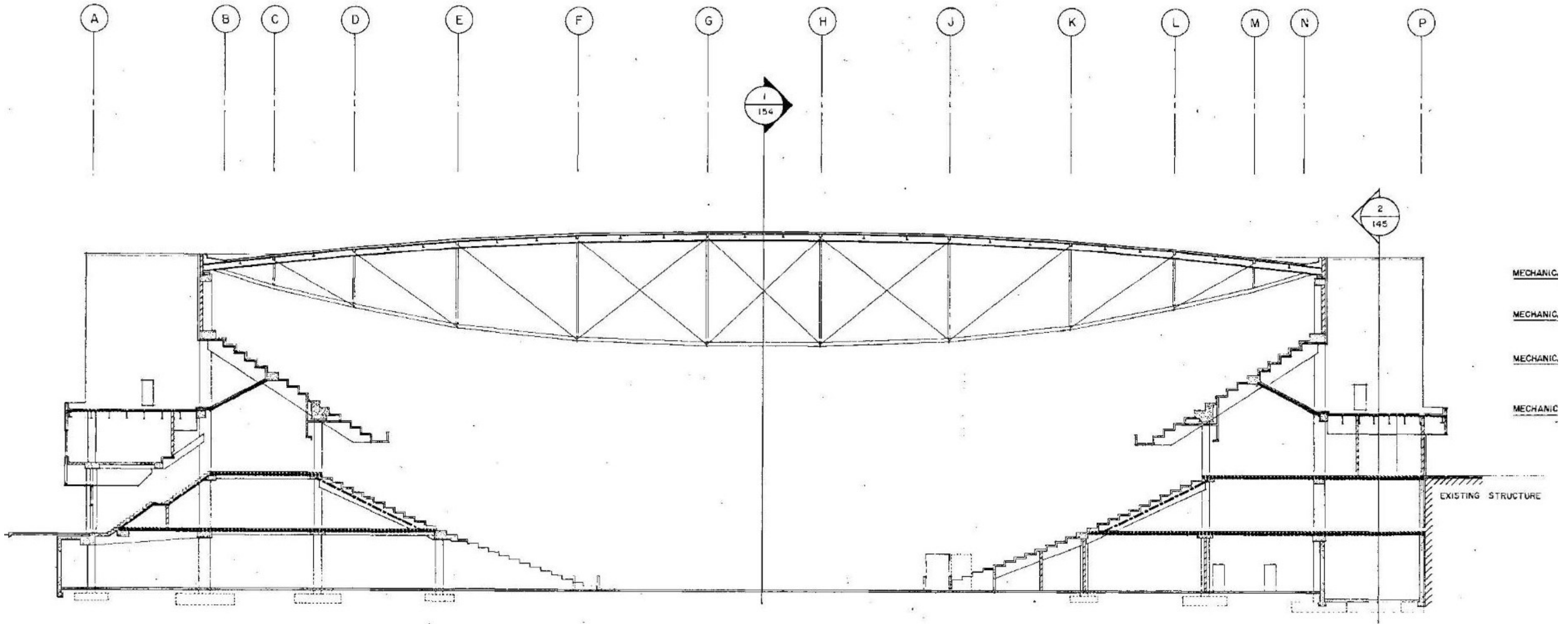
**OPTION 1 - ARENA
RENOVATION STUDY**

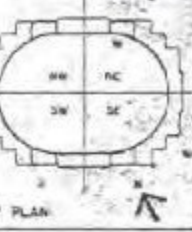


SECTION



JULY 26, 2016
BBB ARCHITECTS
SCI, STADIUM CONSULTANTS
INTERNATIONAL INC.





END STAGE - 250,000 LBS RIGGING CAPACITY

END STAGE - 250,000 LBS RIGGING CAPACITY

SCOREBOARD - 70,000 LBS

CENTRE STAGE - 250,000 LBS RIGGING CAPACITY WITH SCORE BOARD AS SHOWN

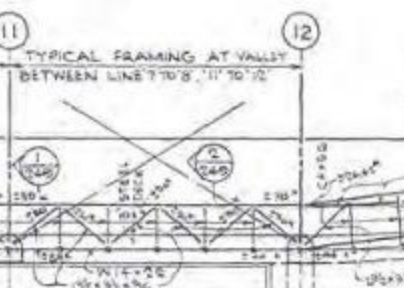
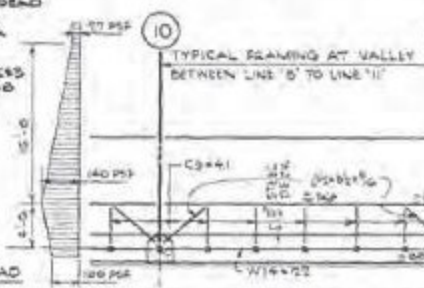
ROOF OVER STAIR AND ELEVATOR
 1. TOP OF CONCRETE SLAB IS AT ELEV. 201.5
 2. LIVE LOAD IS 50 PSF
 3. CONCRETE STRENGTH IS 30 MPa
 4. TEMP. REINF. FOR 5' SLAB = 10M @ 10"
 5. SEE ALSO TYPICAL DETAILS AND GENERAL NOTES ON ENGS. 252 & 253.

NOTE: - TOP AND BOTTOM CHORDS OF TRUSSES T1, T2 AND T3 NEED TO BE REINFORCED AS PER ATTACHED DETAILS.

MAIN ROOF FRAMING PLAN
 SCALE: 1/16" = 1'-0"

- FOR ELEVATION OF TOP OF STEEL DECK SEE MAIN EGGES TRUSSES AND SECTIONS;
- TOP OF ROOF SUPPORT STEEL IS 0.5' BELOW TOP OF STEEL DECK.
- TOP OF CONCRETE SLAB AND BEAMS TO BE AT EL. 200'-0" HIGH POINT; SLOPE TO DRAIN
- LOADING:
 FOR STEEL ROOF BEAMING: LIVE LOAD - 57 PSF (DEADLOAD - 50 PSF)
 HIGH 1'-8" PSP = LOADING INDICATED ON ENGS. 249, 248 & 246
- FOR CONCRETE SLAB OVER BEAMS:
 LIVE LOAD - 50 PSF, UNIFORM DEAD LOAD - 20 PSF; HIGH 1'-8" PSP
- CONCRETE STRENGTH IS 30 MPa
- TEMP. REINF. FOR 5" SLAB = 10M @ 10"
- SEE ALSO TYPICAL DETAILS AND GENERAL NOTES ON ENGS. 249, 248 & 246
- FOR TRUSS DETAIL, SEE ENG. 249

TO PREVENT SWELLING OF TRUSSES, THEY SHOULD BE ERECTED IN TANDEM BEACED BY CABLES AND TEMPORARY STRUTS. CONTRACTOR SHALL SUBMIT FULL ERECTION PROCEEDURE FOR REVIEW.



VALLEY FRAMING FOR SOUTH-EAST ROOF QUADRANT
 SCALE: 1/8" = 1'-0"
 SOUTH-WEST, NORTH-WEST, NORTH-EAST QUADRANTS, SIMILAR EXCEPT AS NOTED.

TYPICAL RING BEAM 30"x30" CONTINUOUS ALL AROUND VA WITH 4-#4 CONT. LAP 7'-0" AT MID-SPAN
 4-#4 T. #4 D. CONT. CENTERED AT EA. COL. CURVED BASE
 4-#4 B. CONT. LAP 5'-0" AT COL.
 2-#4 S. CONT. CENTERED AT MID-SPAN
 SINGLE CLOSED STRAPS IS AT 6" FULL LENGTH
 ADDITIONAL REINF. FOR RING BEAMS BETWEEN LINES 12 TO 17, 10 TO 15 NORTH AND SOUTH SLOES:
 6-#4 T. #4 D. CONT. CENTERED AT LEFT COL. CURVED BASE
 4-#4 B. FROM E. OF COL. TO E. OF COL.
 SINGLE CLOSED STRAPS IS AT 6" FULL LENGTH INSTEAD OF 0"

CLOSED STRIP SHOULD ONLY APPEL ENTIRE STRUCTURE IS ENCLOSED AGAINST WEATHER. SEE SECT. 250 FOR DETAIL. TYP.

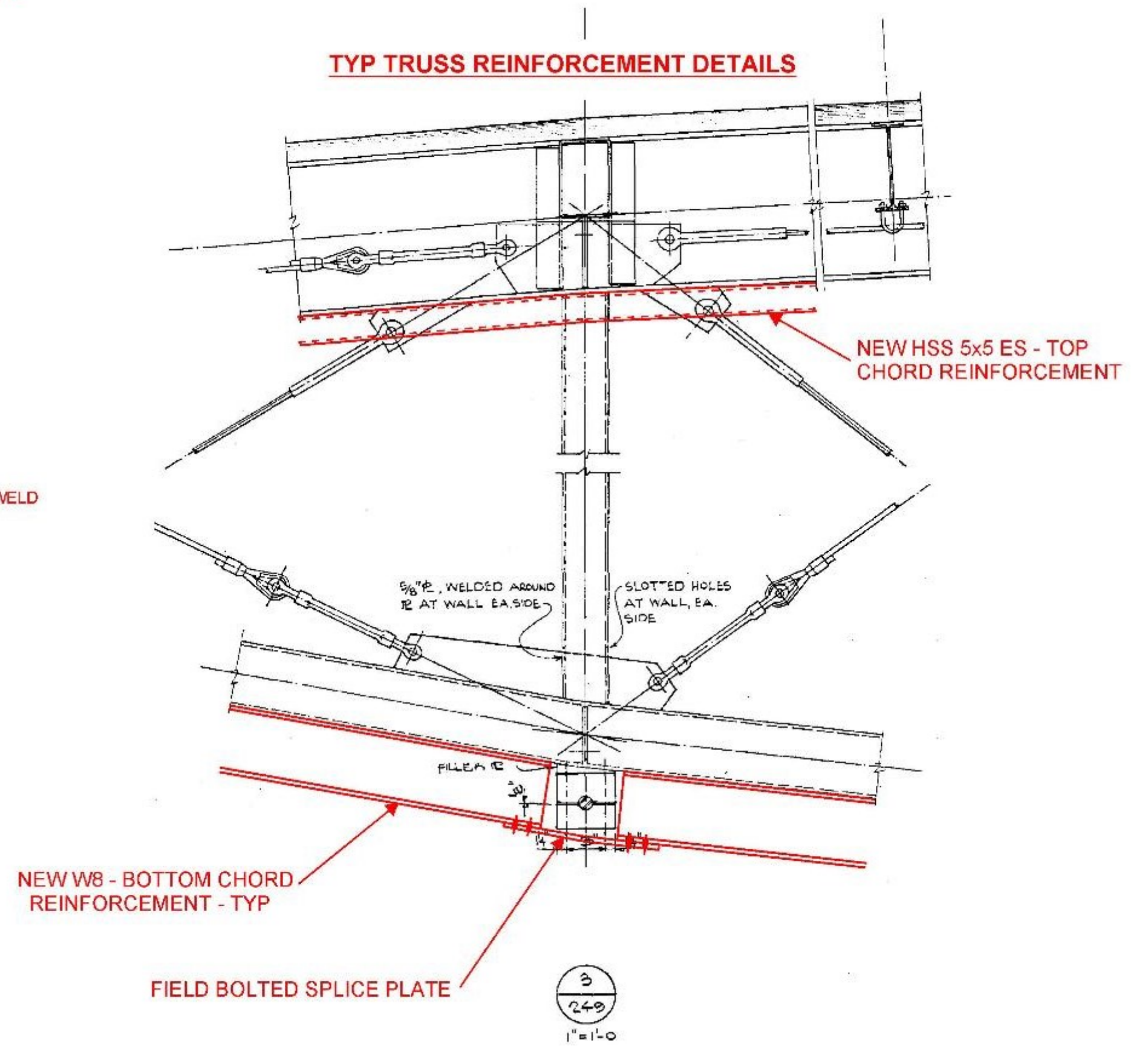
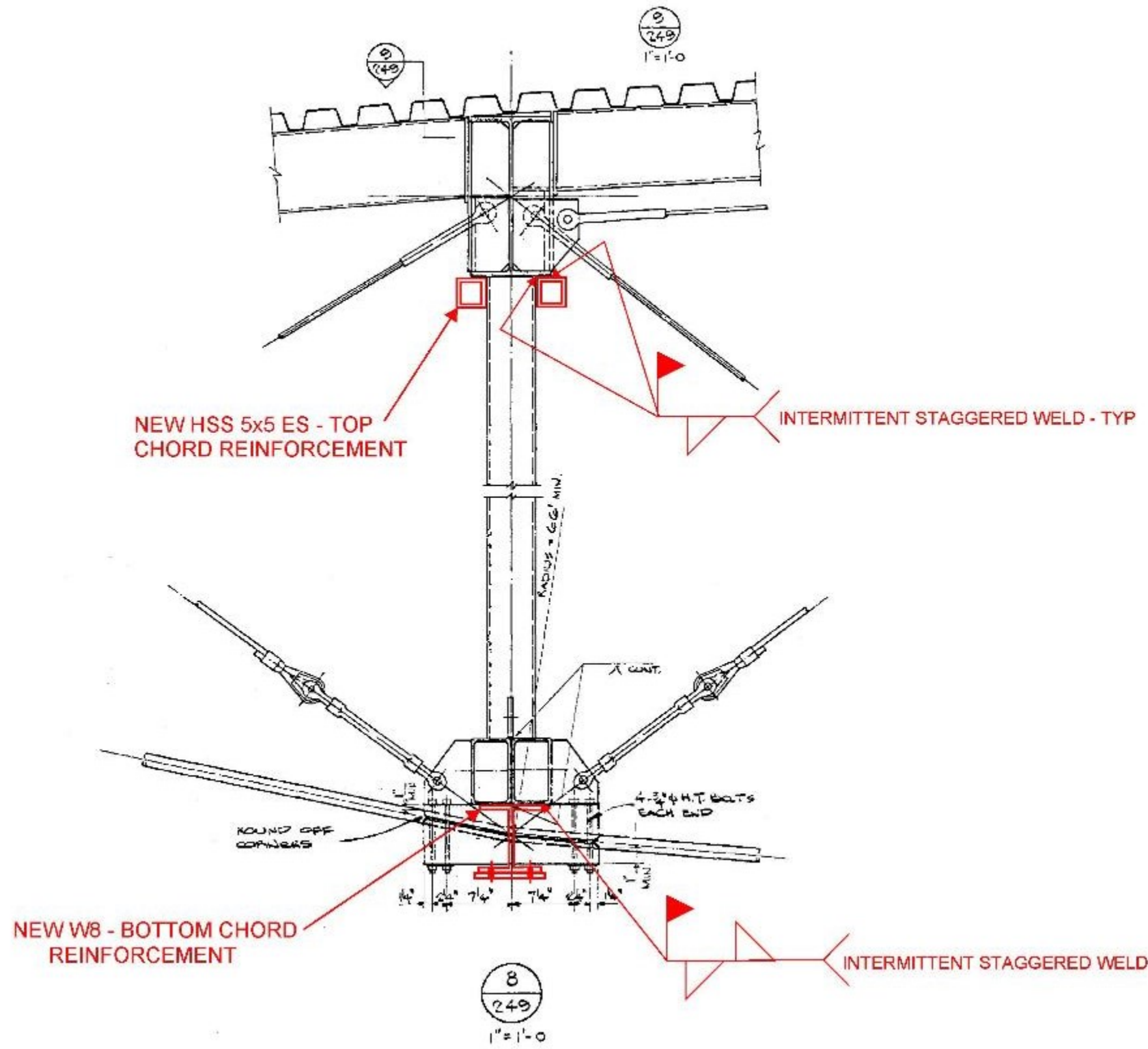
ALL HORIZONTAL CABLE BRACING TO BE 3/8" GALVANIZED BRIDGE STRAND, MIN. BREAKING STRENGTH 40 K AND PRESTRESSED TO 75%

No.	Description	Date

All measurements must be checked on the work by the contractor.
 All parts and specifications are the property of the contractor and must be retained at the completion of the work.
 This covering not to be used for construction purposes until counterchecked by:
 Date: _____

Parkin
 Architects
 Planners
 Engineers
 Parkin Combe & Associates
 Specialist Contractors
Parkin Engineers Ltd.
 Civil Engineers
H.N. Angus & Associates Limited
 Mechanical and Electrical Contractors

MAIN ROOF FRAMING PLAN
 SCALE: AS NOTED
 Drawing Number: 8207-231



CONVENTION CENTRE RENOVATION



CONVENTION CENTRE RENOVATION



CONVENTION CENTRE RENOVATION



CONVENTION CENTRE RENOVATION



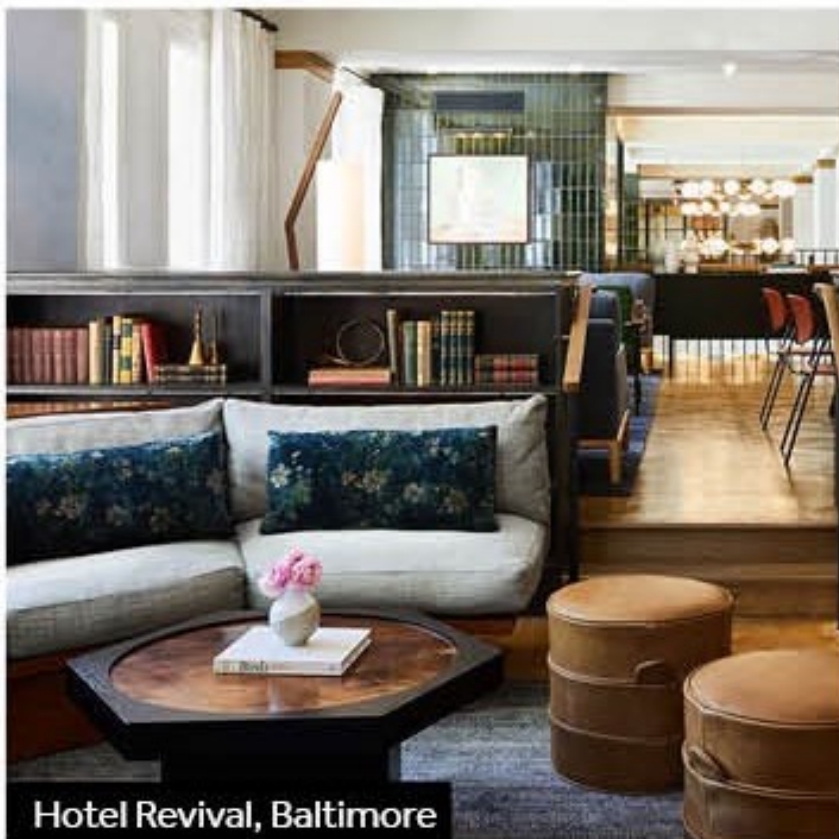
CONVENTION CENTRE RENOVATION



CONCERT HALL



DOWNTOWN RESIDENCE CONCEPT





The Hoxton, Paris



Ramble Hotel, Denver

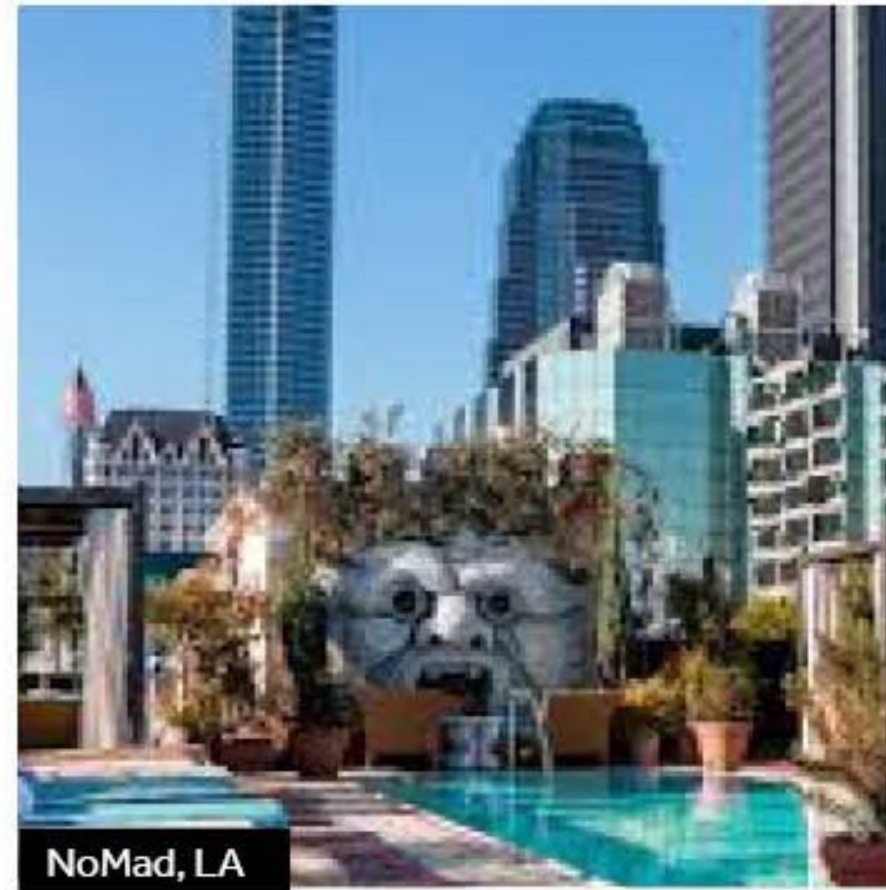


The Siren Hotel, Detroit





Barcelo Torre, Madrid



NoMad, LA



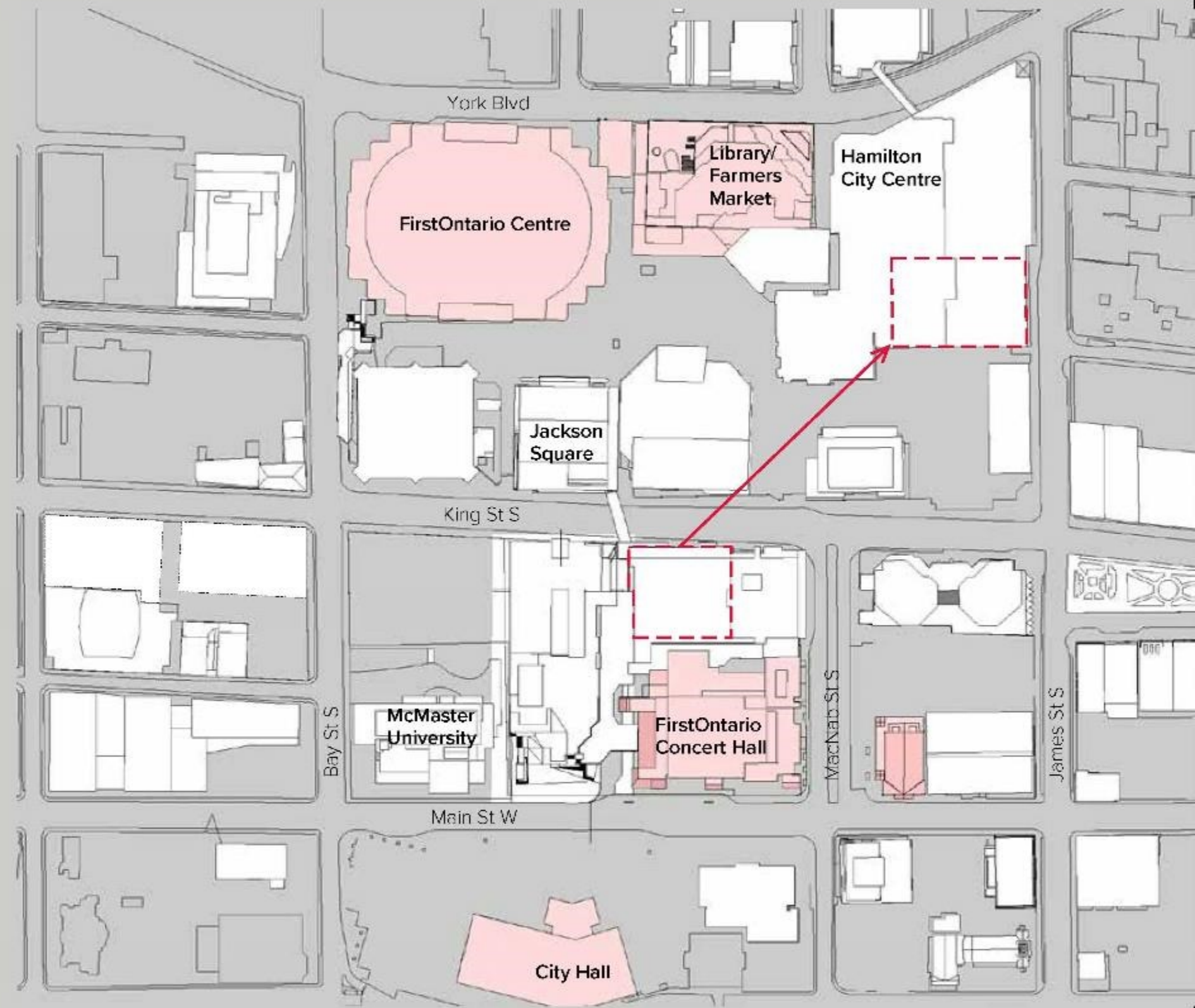
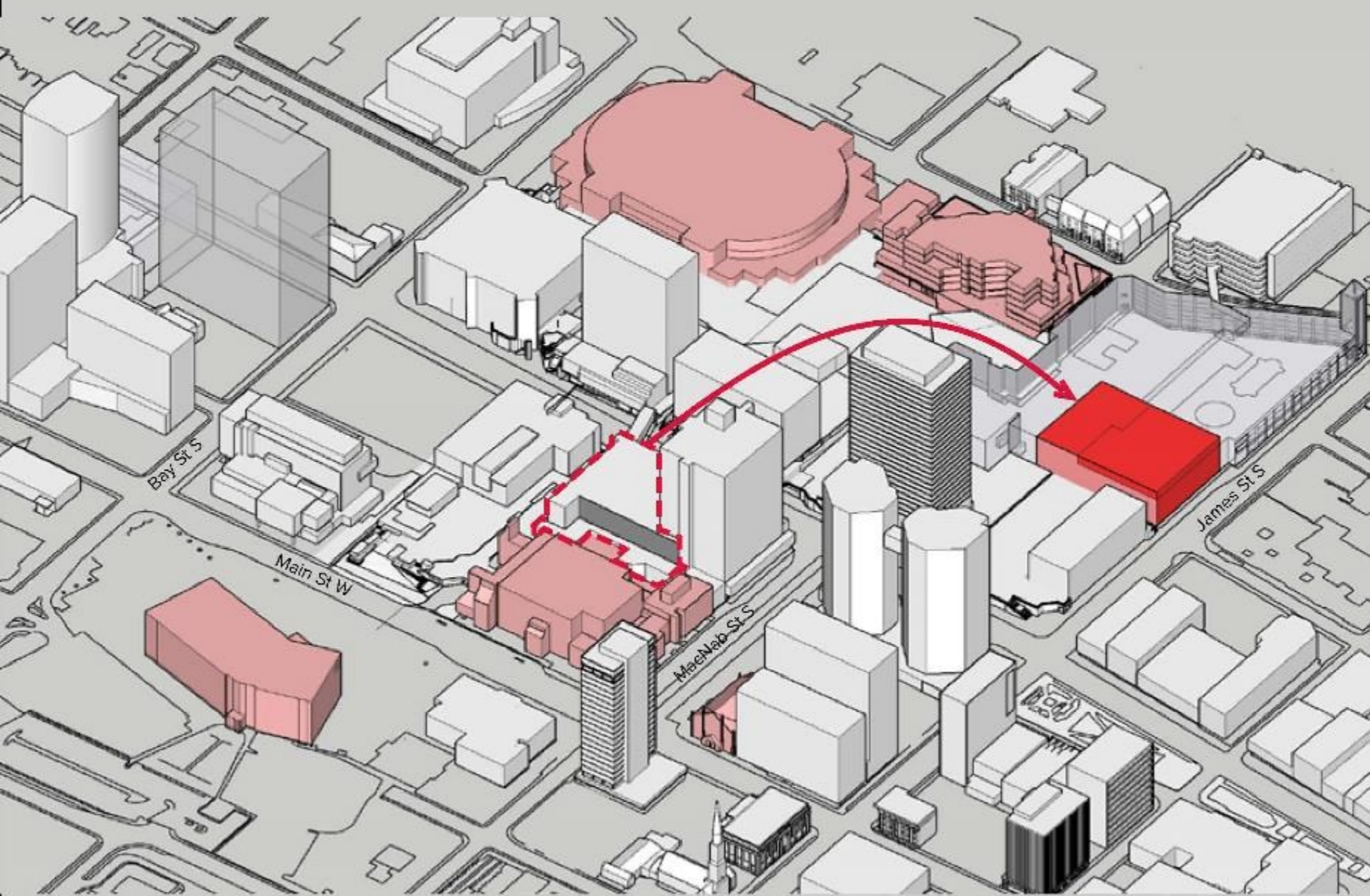
The Joule, Dallas



Pullman Hotel, Berlin

Phase 1

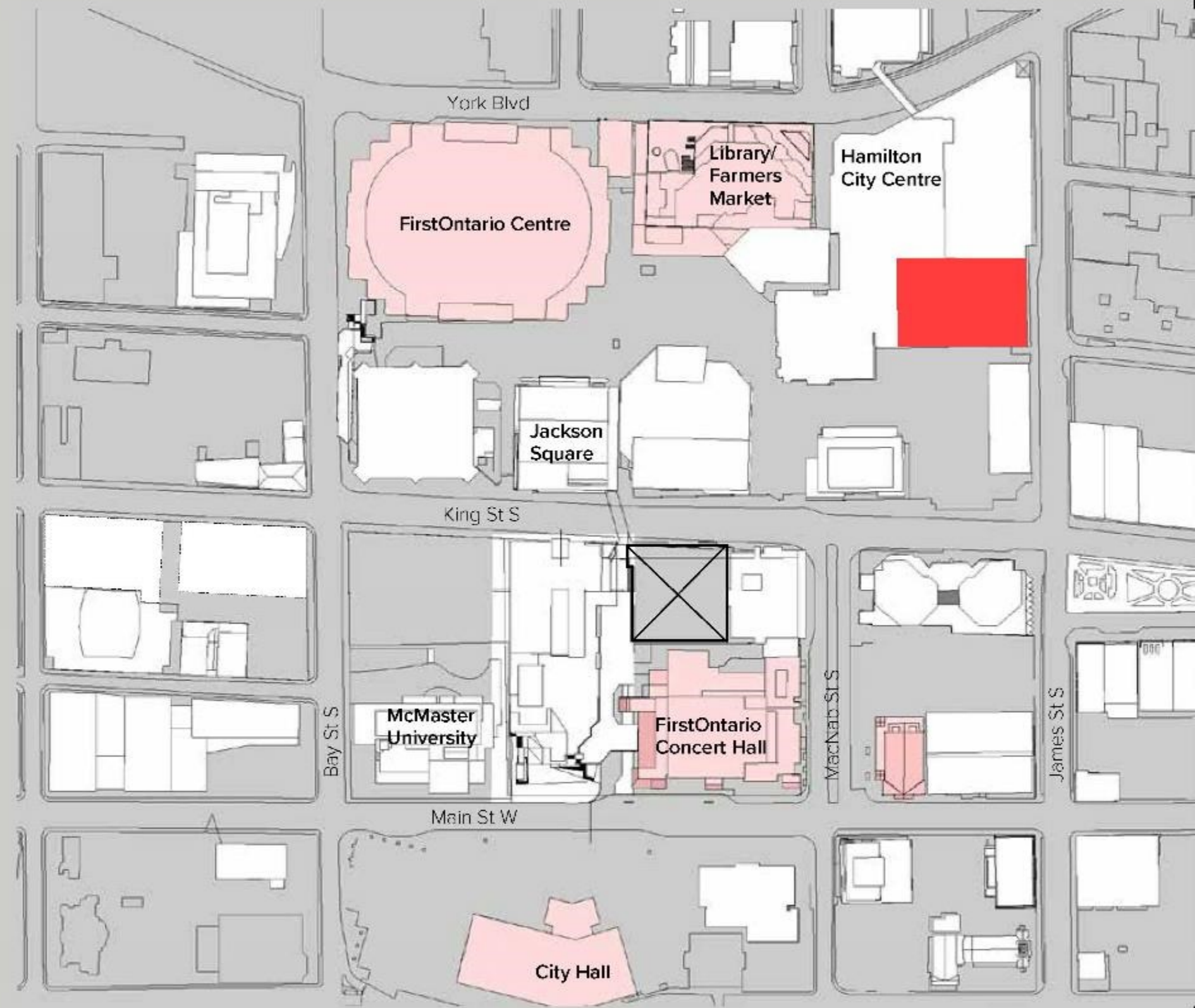
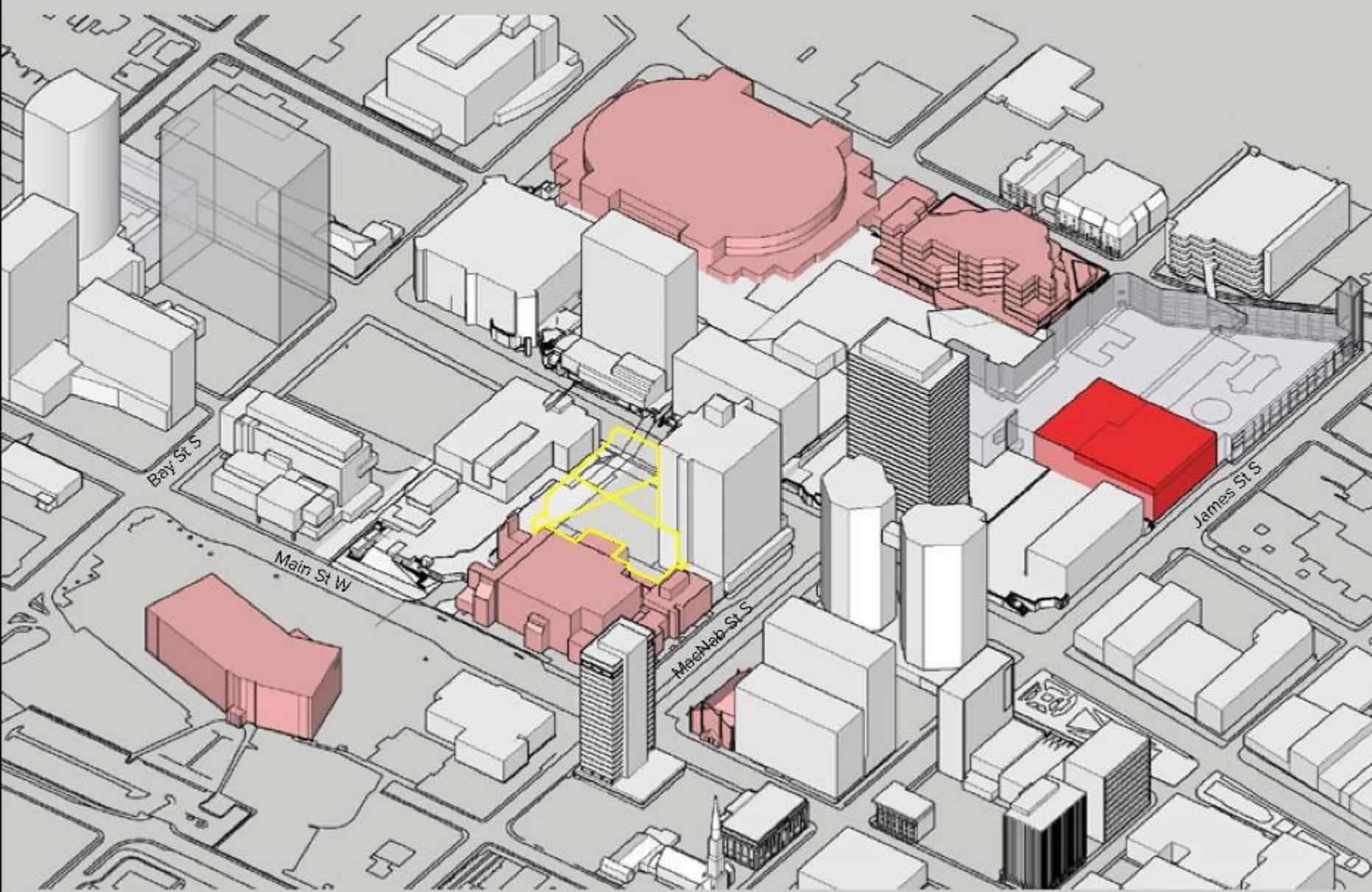
Existing Convention Centre Relocated



DOWNTOWN TRANSFORMATION

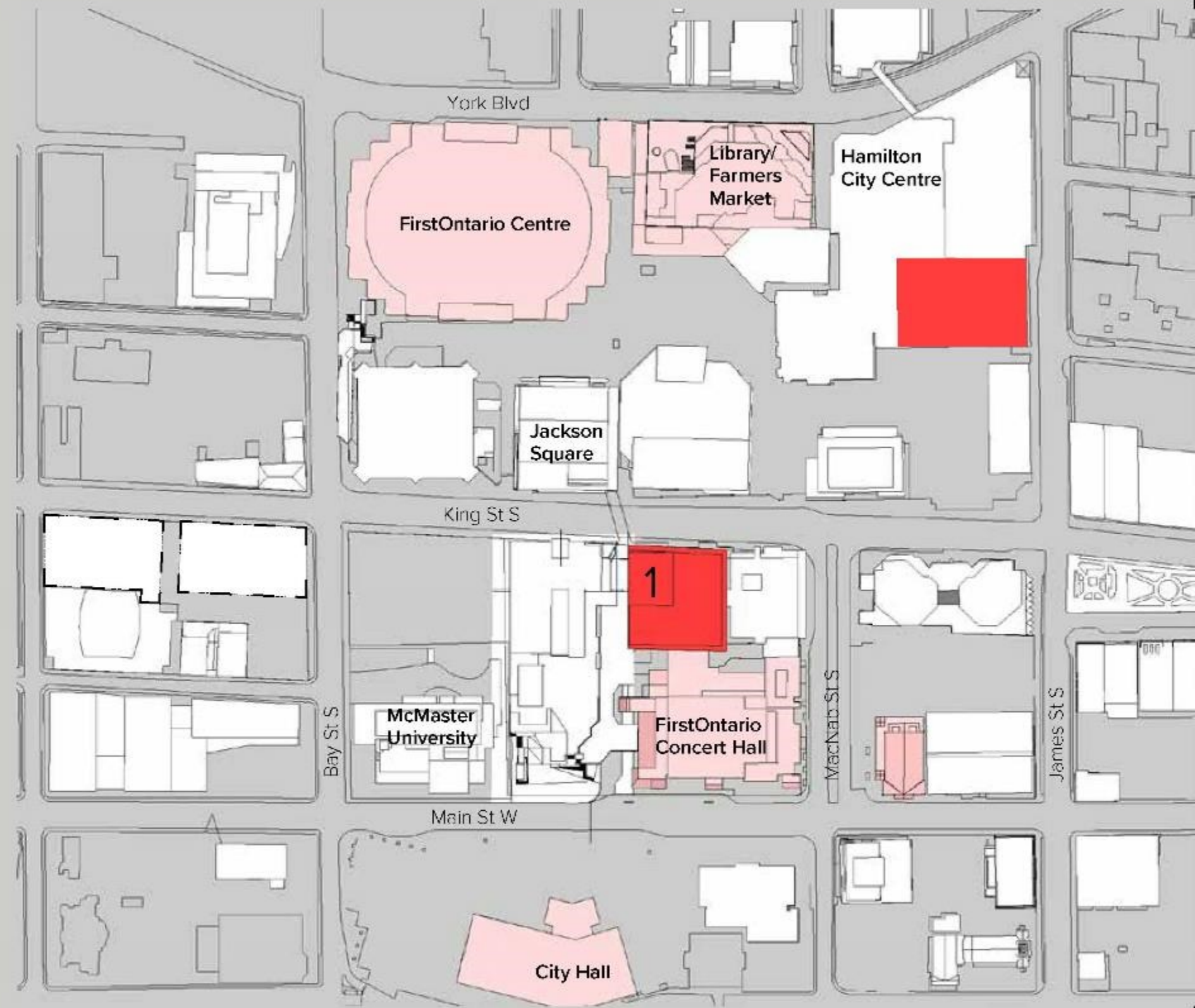
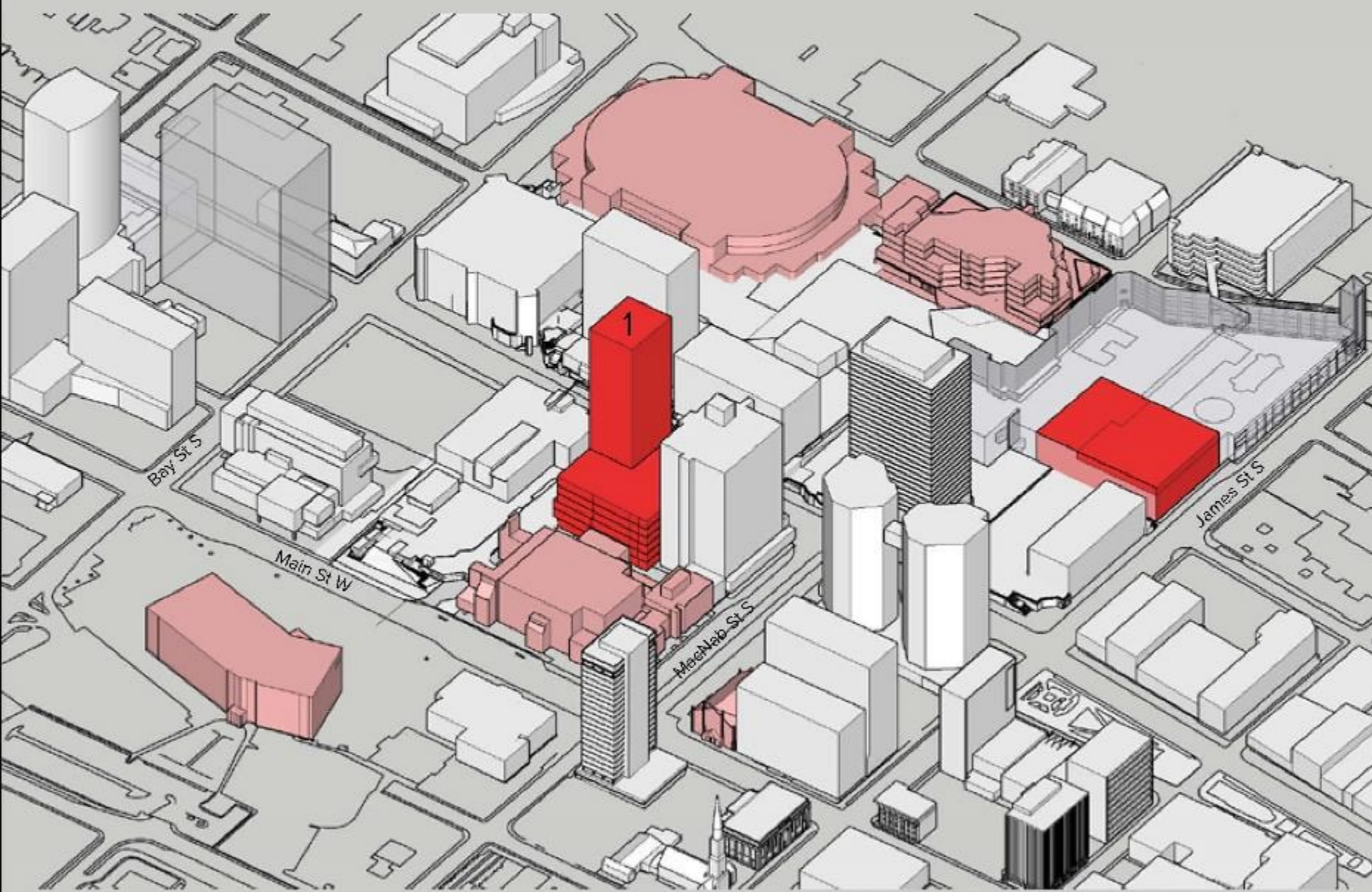
Phase 2

Existing Convention Centre Demolished



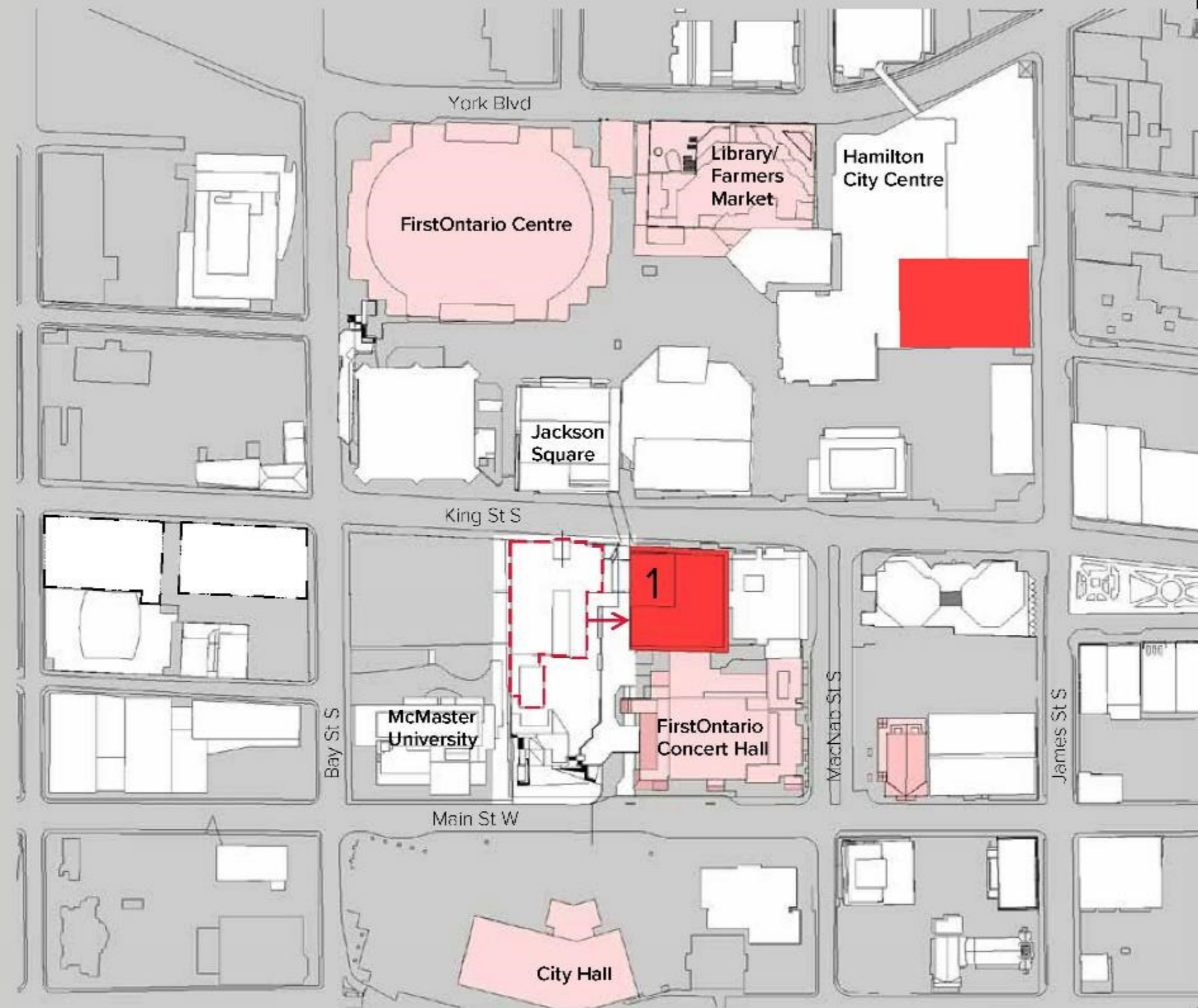
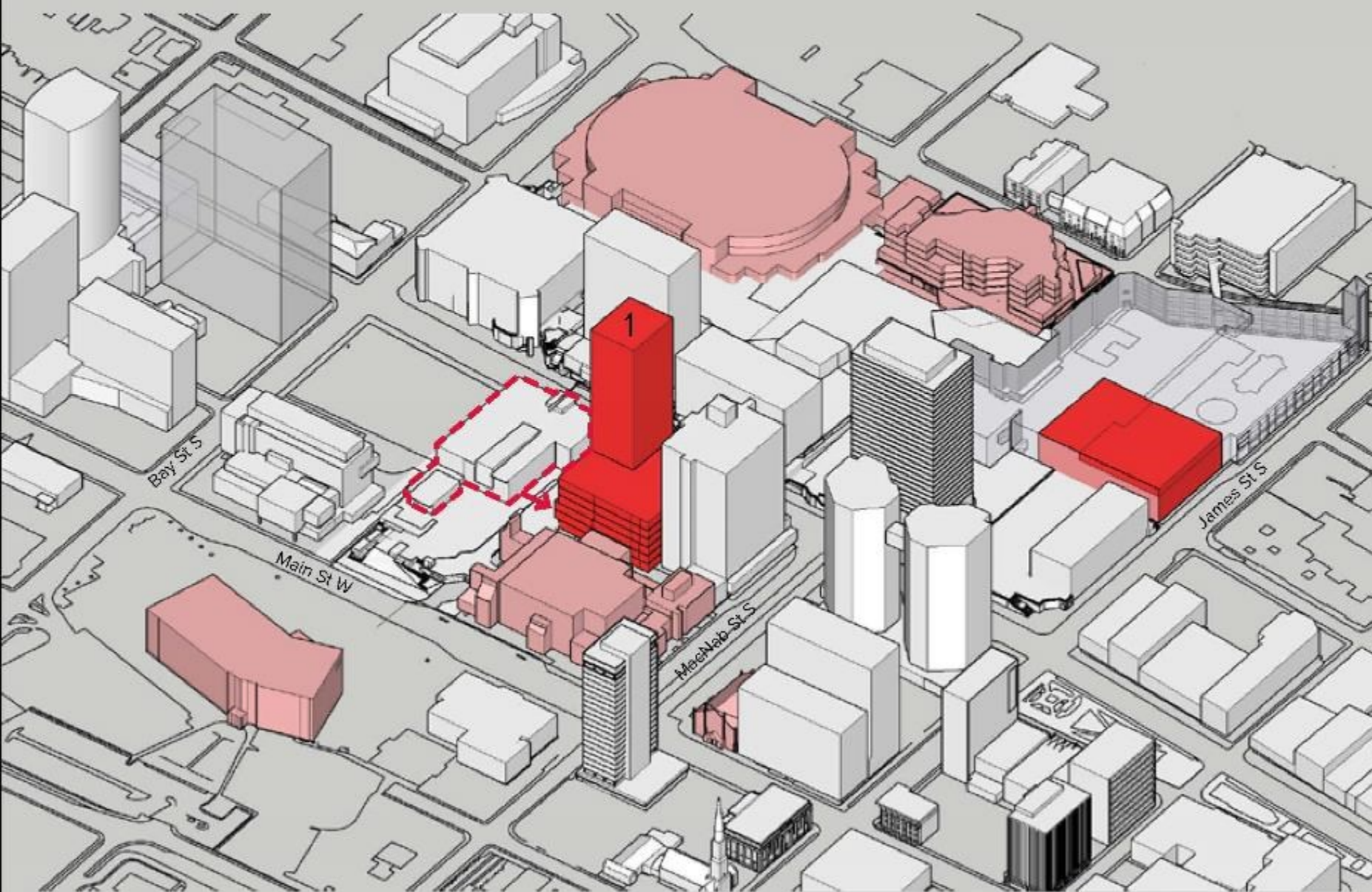
Phase 3

New Art Gallery and Tower 1 Constructed



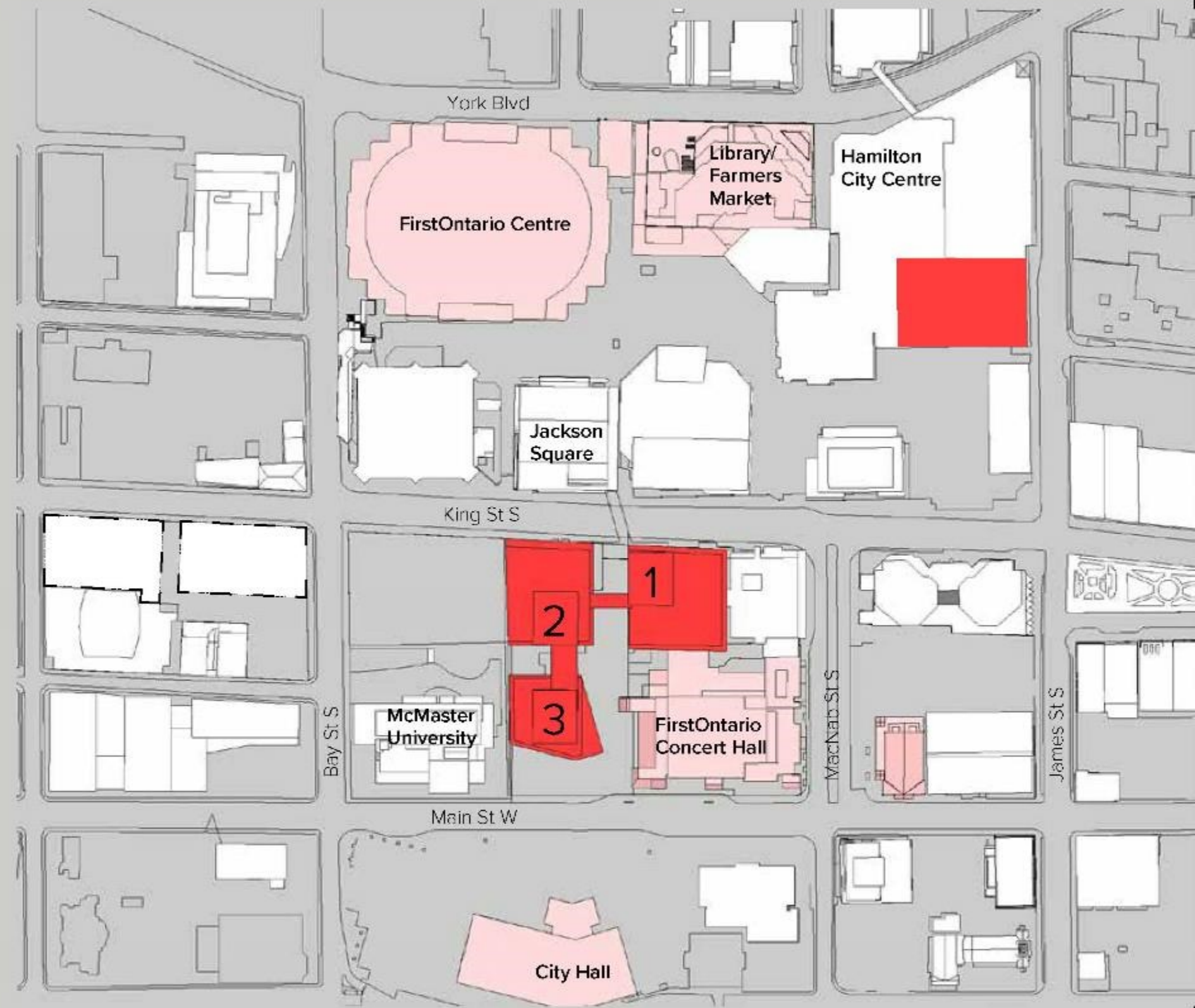
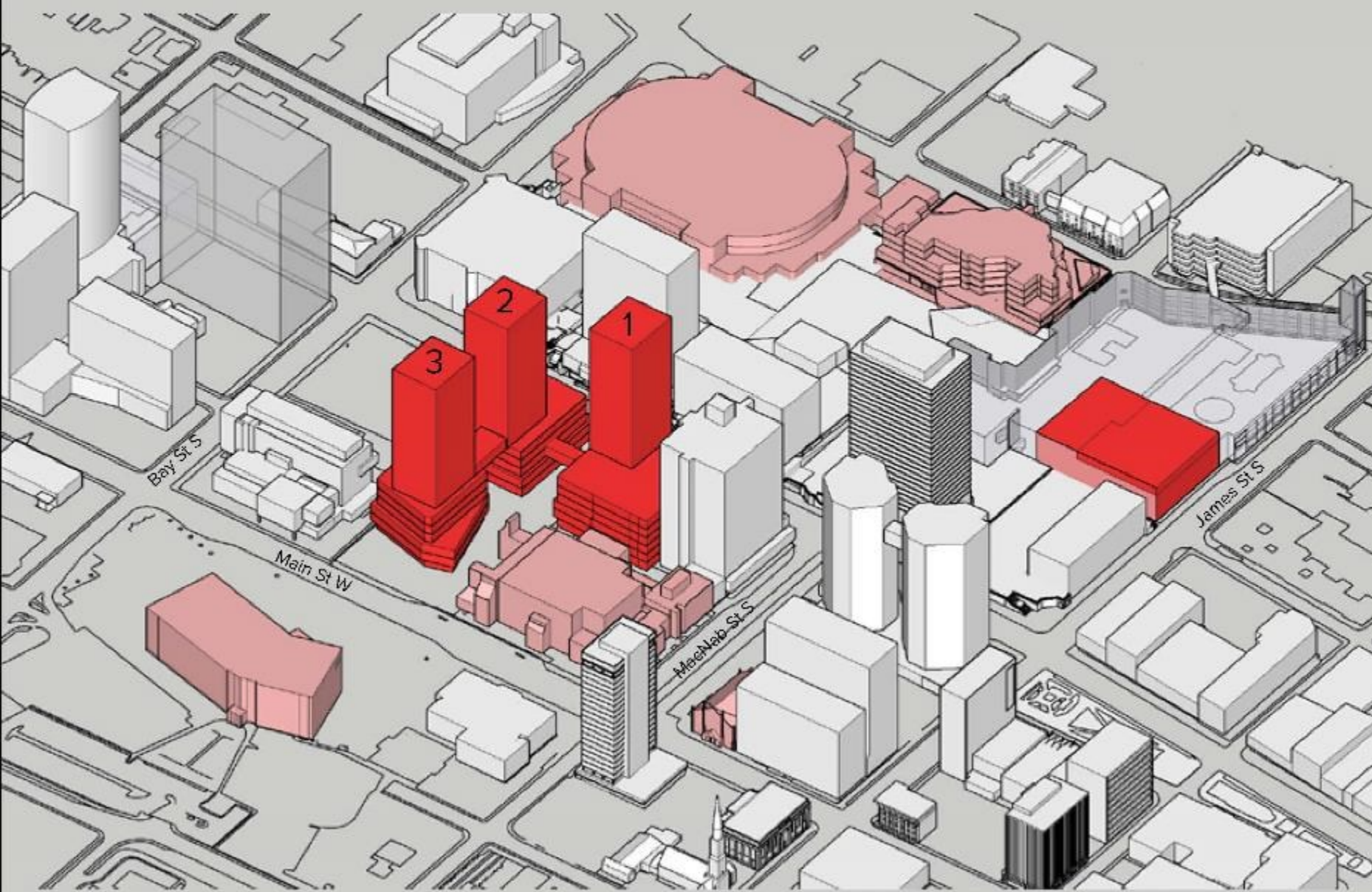
Phase 4

Art Gallery Relocated to New Building



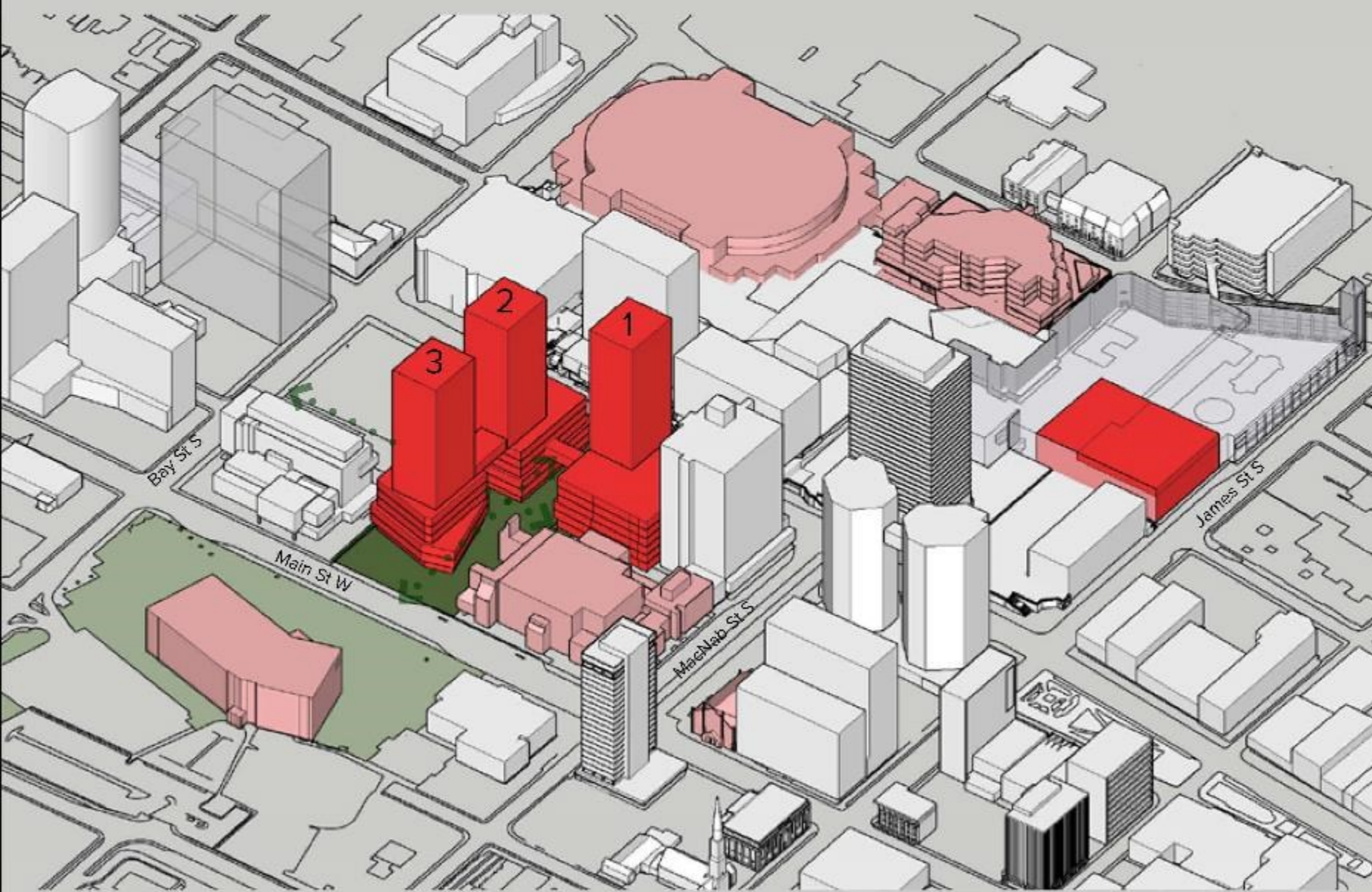
Phase 5

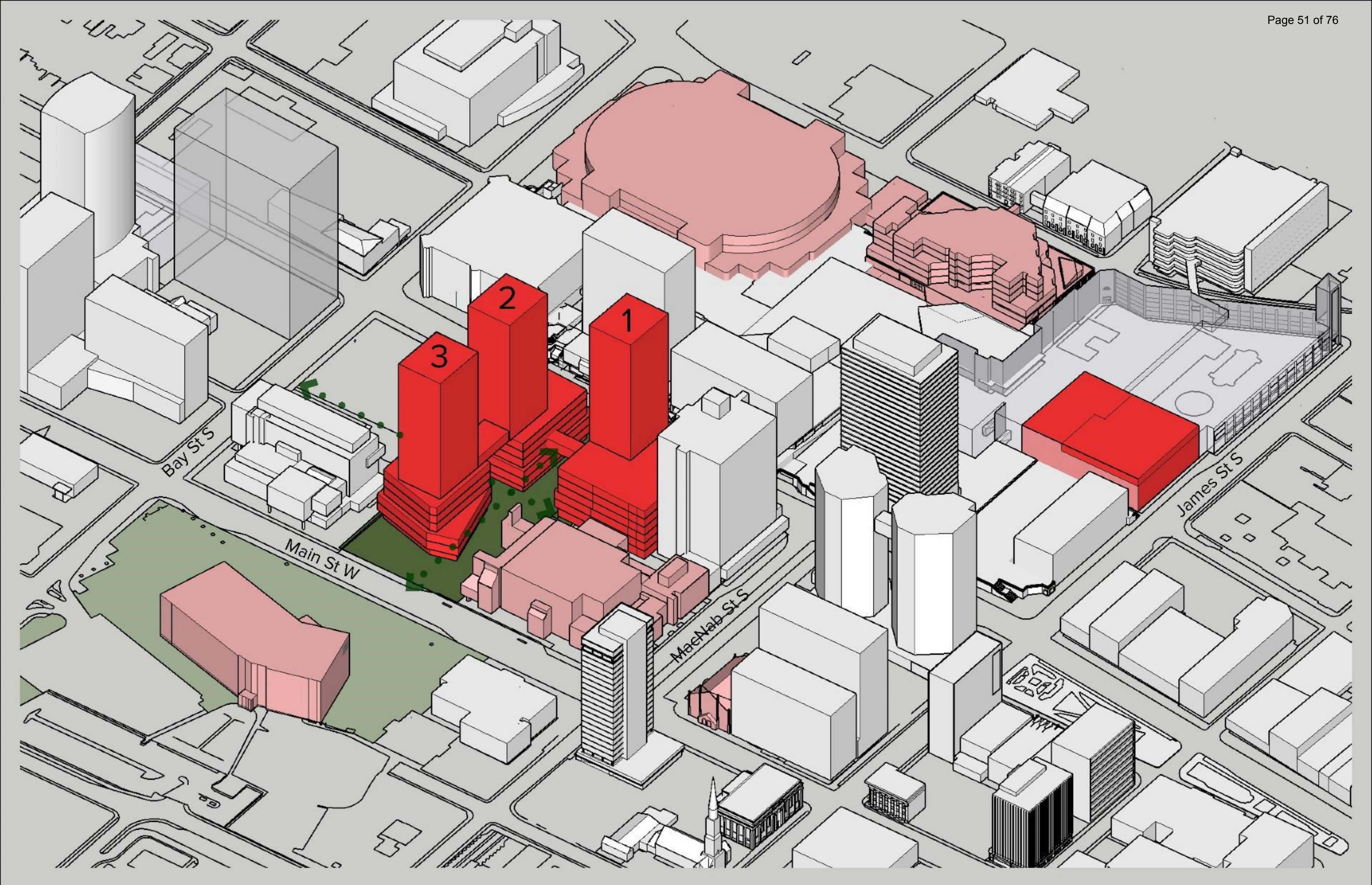
Second and Third Podium/ Towers Constructed

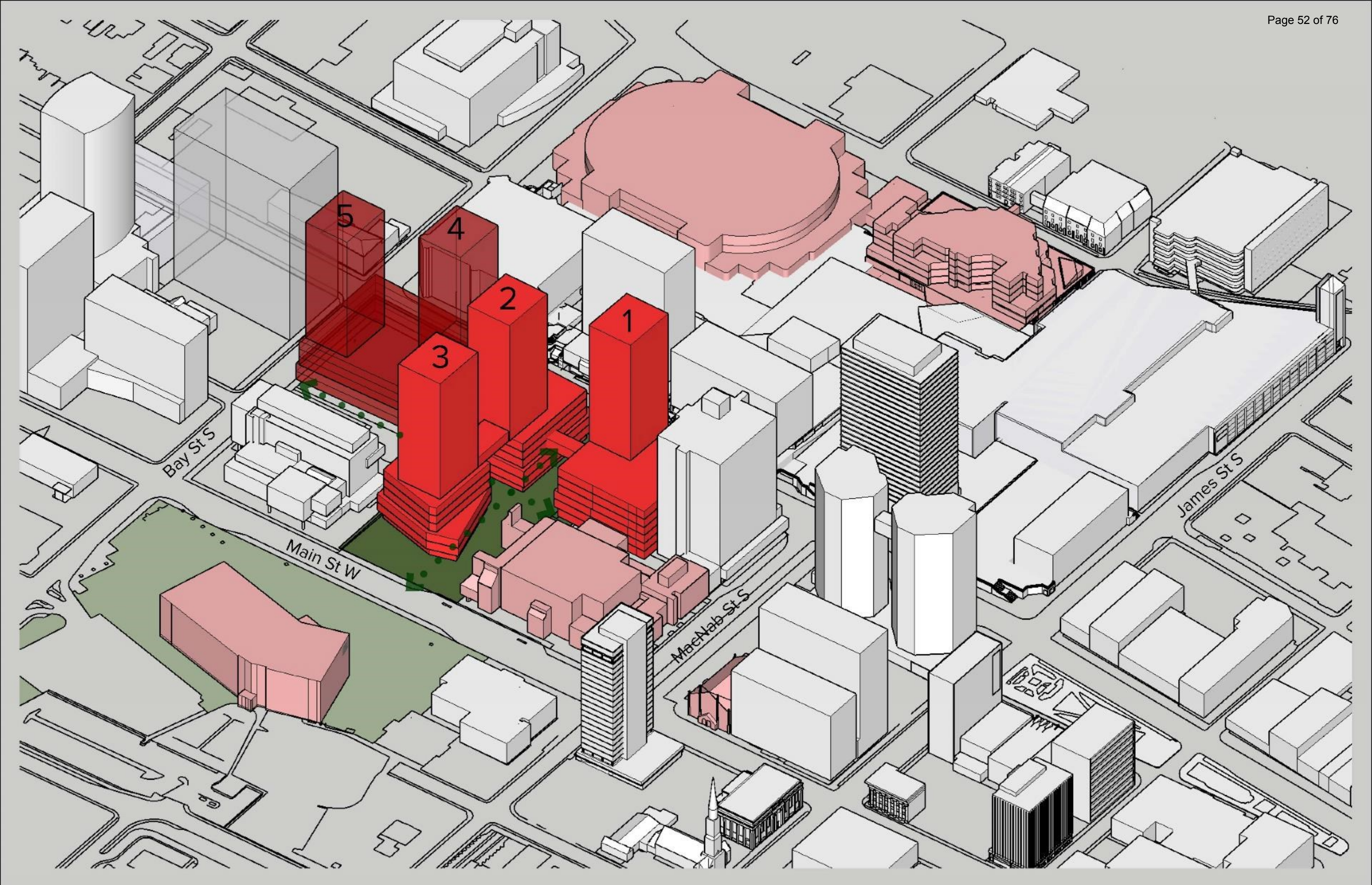


Phase 6

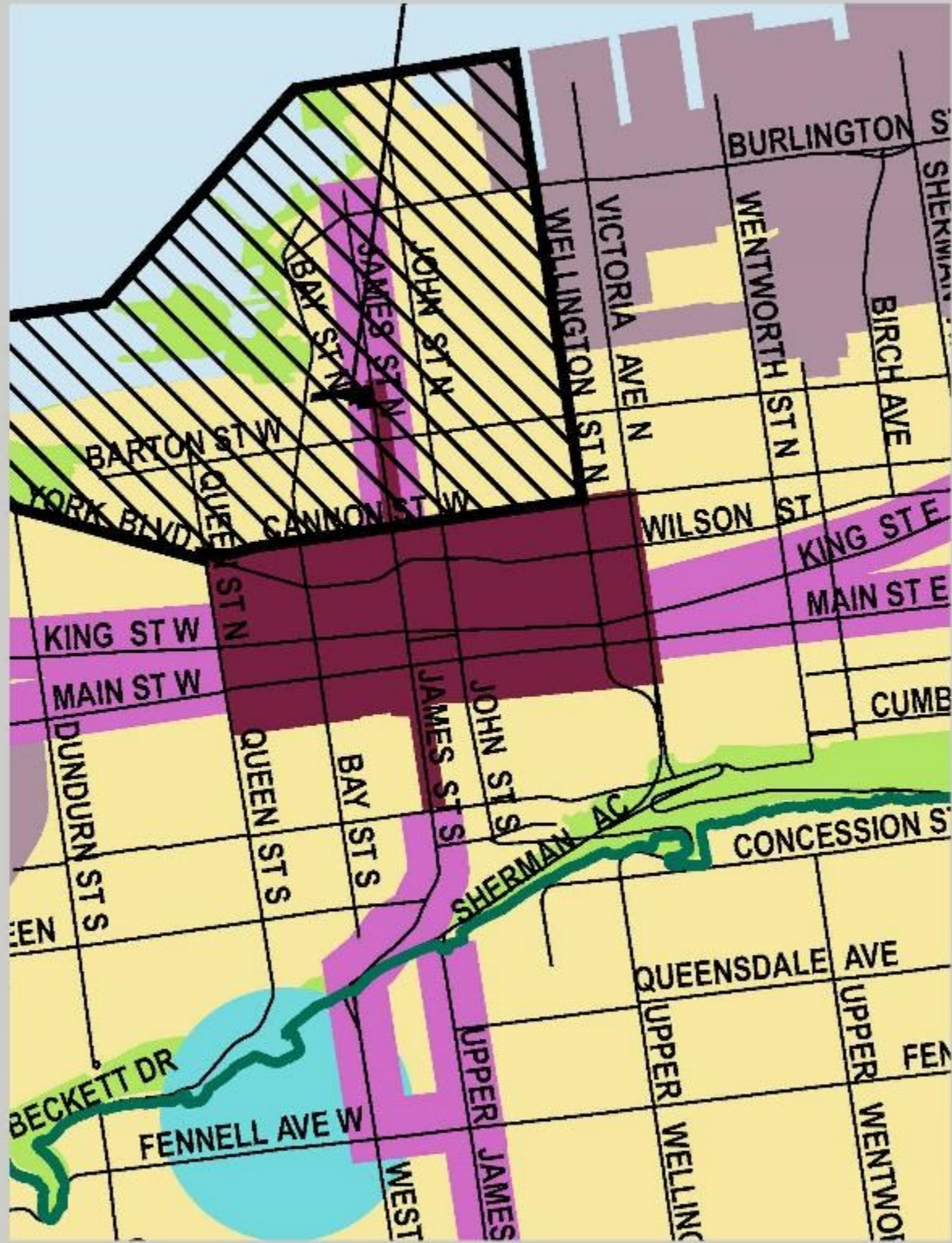
Landscaping Pedestrian Thoroughfare







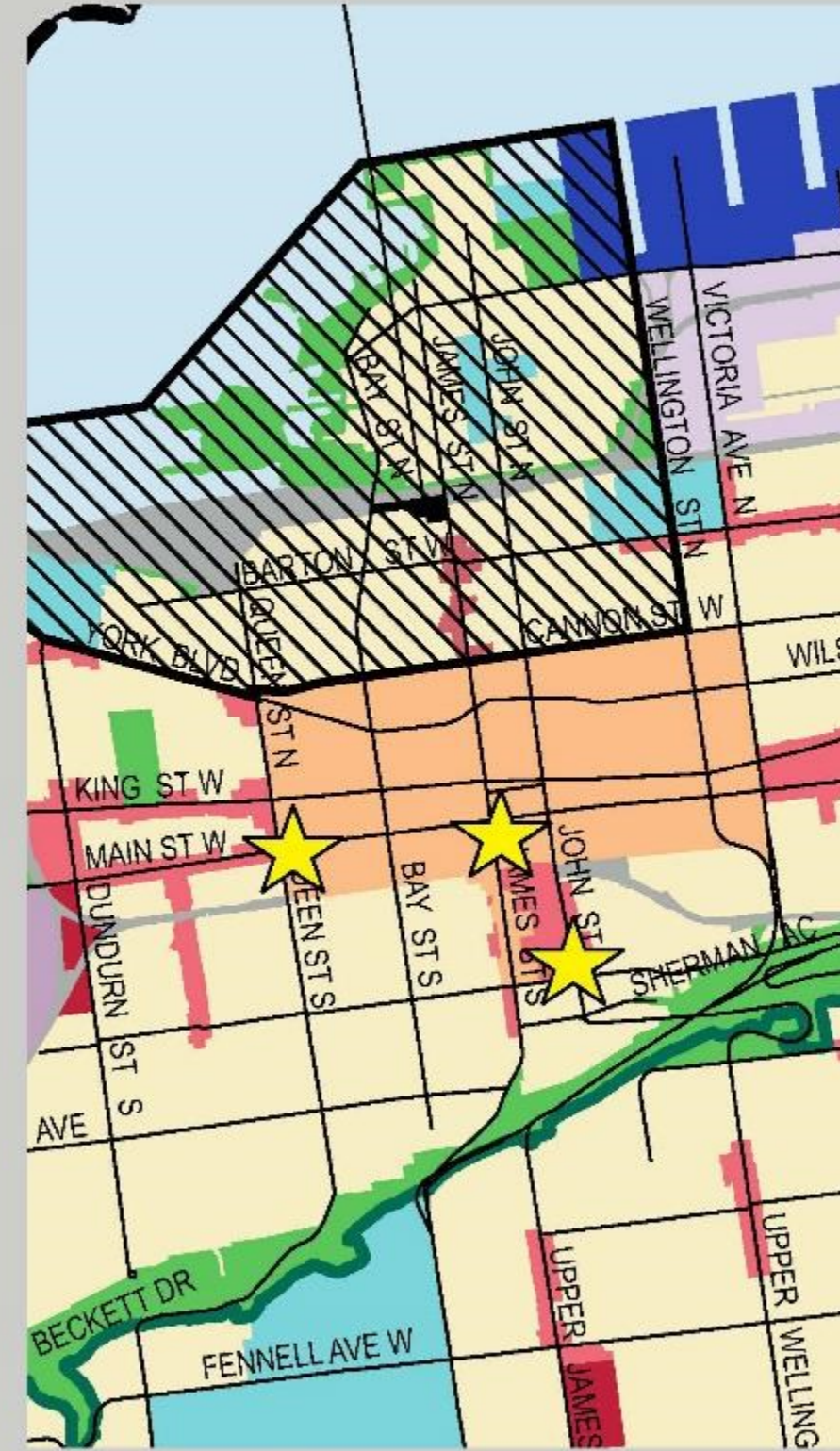
Urban Hamilton Official Plan



Urban Structure Elements

- Neighbourhoods
 - Employment Areas
 - Major Activity Centres
 - Major Open Space
- Nodes**
- Downtown Urban Growth Centre
 - Sub Regional Service
 - Community
- Corridors**
- Primary

Schedule E. Urban Structure



- Downtown Mixed Use Area
- Mixed Use - High Density
- Mixed Use - Medium Density
- District Commercial
- Arterial Commercial

Schedule E-1 Urban Land-use Designations



The Downtown Secondary Plan

The downtown hamilton of the future shall be a vibrant focus of attraction where all ages, abilities, and incomes can live, work, learn, shop, and play. The future downtown shall be a healthy, safe, comfortable, accessible, and prosperous community that promotes a high quality of life. It will combine the best of our heritage with new concepts and designs while seamlessly linking together the downtown, surrounding neighbourhoods, the waterfront, and the escarpment.”



Downtown Hamilton Tall Buildings Guidelines

Tall Buildings Study

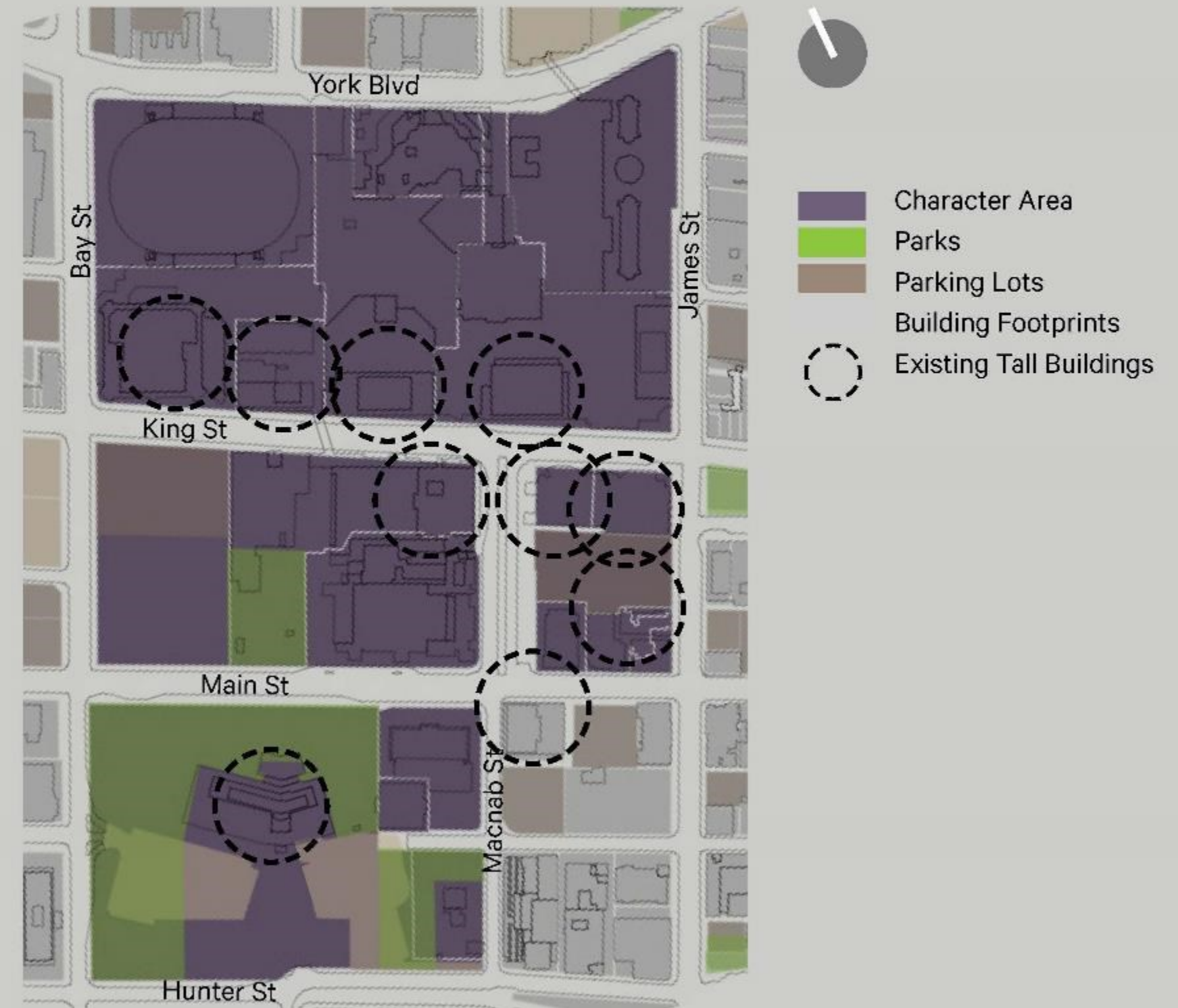
Tall Buildings Guidelines

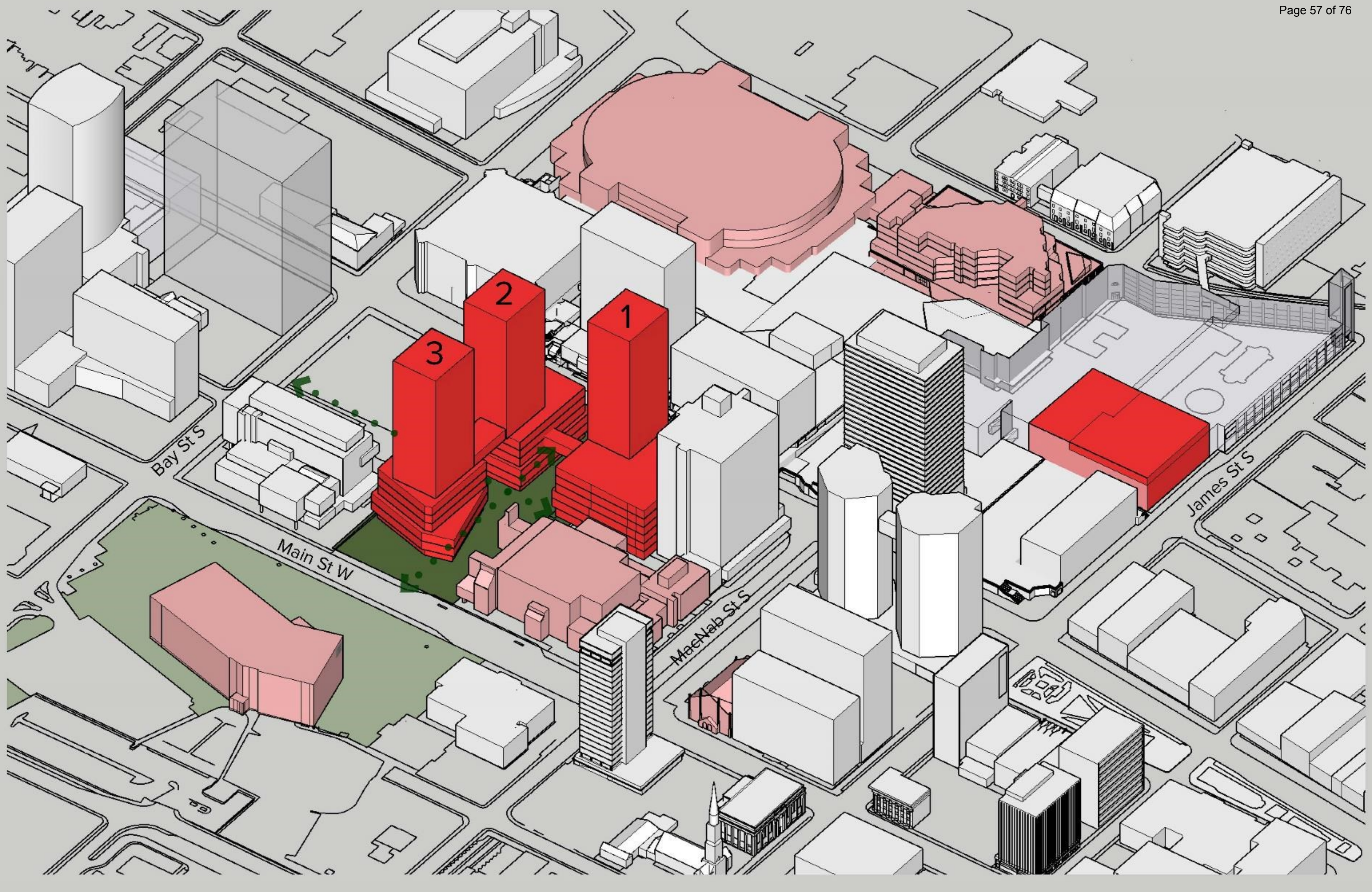


Downtown Hamilton Tall Buildings Guidelines

2.3 Downtown Core (Civic Precinct)

The vision for the Downtown Core is to activate the pedestrian realm through the intensification of the area, which shall allow for improvements and expansion of the open space network.





A MADE IN HAMILTON SOLUTION

- Our Goals Are Aligned
 - Create a Win-Win-Win for the City of Hamilton, Private Sector Partners and Taxpayers of Hamilton.
 - Maximize the Development Capability of the Existing Sites – Creating a Future Tax Base & Density
 - Transform the City
-





INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 5, 2020
SUBJECT/REPORT NO:	Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Nicole Auty (905) 546-2424 Ext. 4636
SUBMITTED BY:	Nicole Auty, City Solicitor Legal and Risk Management Services Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

INFORMATION

The City's Legal and Risk Management Services Division (LRMS) provides a full range of legal services to the City. Subject matter expertise includes municipal law, planning and development law, litigation, real estate law, public health law, administrative law, human rights, privacy law, procurement law, construction law, and corporate and commercial law. The Legal and Risk Management Services Division advises and represents the City and Council, as well as City departments and agencies.

LRMS Works to Effectively Control the City's Legal Costs

Although there will occasionally be a need to retain outside legal counsel from time to time, to provide specific expertise or handle sudden surges in demand experienced by the client departments due to specific large projects, Legal and Risk Management Services has developed capacity to handle the majority of the work in-house. The goal is to continue to develop this capacity over time which helps control overall legal costs to the City.

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

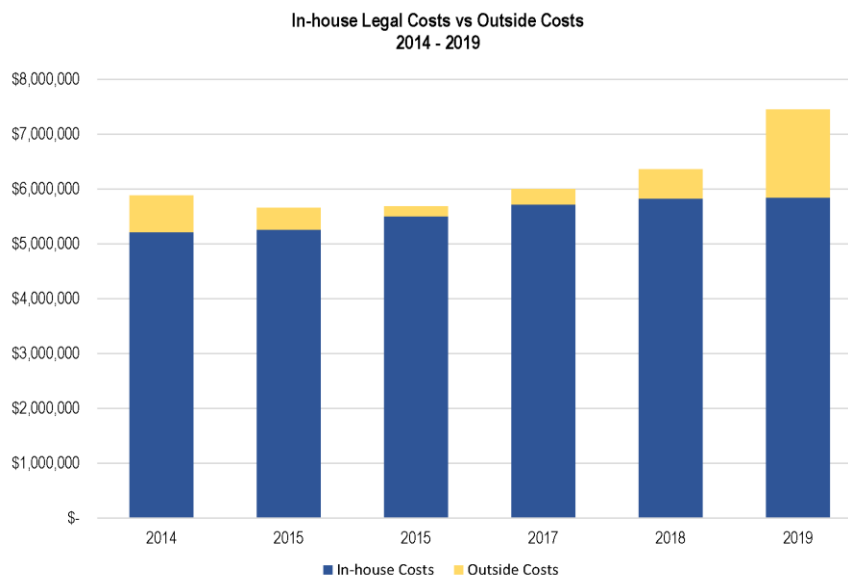
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 2 of 15

Overall, the internal legal costs of the Legal Services Division are stable at approximately \$6 M annually. In 2019 the increase in external legal costs was due primarily to three files associated with Waterfront development for which council had specifically approved retaining outside legal resources.

The following chart shows the internal and outside legal costs for 2014-2019.

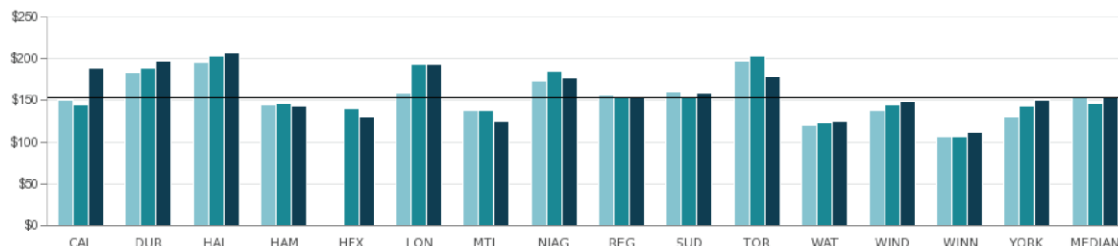


According to Municipal Benchmarking Network Canada (MBNC) reported data, the operating cost to provide the City with in-house legal services has dropped from \$146/hour in 2017 to \$144/hour in 2018. In 2018, Hamilton's in-house legal operating costs per in-house lawyer hour was \$144/hour while the median of Municipalities polled was \$156/hour.

SUBJECT: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 3 of 15

Figure 17.2 In-House Legal Operating Cost per In-House Lawyer Hour

This measure represents the operating cost to provide in-house legal services. The in-house lawyer hours include standard work week and overtime hours only. Vacation and sick time are not included in the total number of in-house lawyer hours.



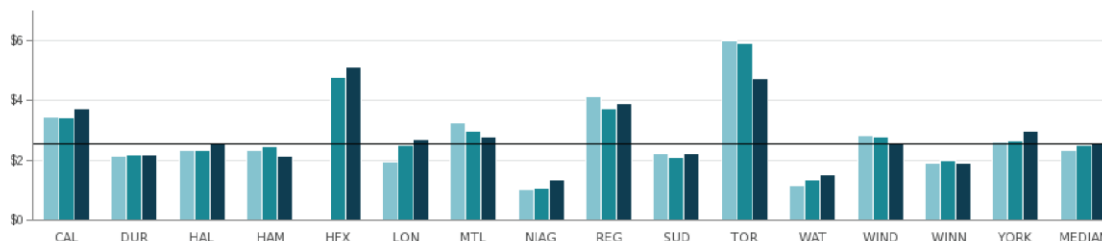
2016	\$150	\$183	\$196	\$145	N/A	\$159	\$138	\$173	\$156	\$161	\$198	\$120	\$138	\$106	\$131	\$153
2017	\$145	\$189	\$204	\$146	\$140	\$194	\$138	\$185	\$155	\$154	\$203	\$123	\$145	\$107	\$144	\$146
2018	\$189	\$197	\$207	\$144	\$131	\$194	\$125	\$178	\$154	\$159	\$179	\$125	\$149	\$112	\$151	\$154

Source: LEGL315 (Efficiency)

In addition, the in-house legal operating cost per \$1000 total municipal operating and capital operating expenditures has also decreased from \$2.46 to \$2.13 and Hamilton is below the median amount of \$2.54.

Figure 17.1 In-House Legal Operating Cost per \$1,000 Municipal Operating and Capital Expenditures

This measure represents the operating cost to provide in-house legal services. Council direction on budgets, tax rates, collective bargaining, etc., will impact the total municipal spend, which in turn will impact the reported total municipal operating and capital expenditures. This can cause fluctuations in year-over-year results, even if total in-house costs remain stable.



2016	\$3.47	\$2.16	\$2.33	\$2.35	N/A	\$1.93	\$3.27	\$1.03	\$4.14	\$2.22	\$6.03	\$1.15	\$2.81	\$1.92	\$2.63	\$2.34
2017	\$3.42	\$2.20	\$2.35	\$2.46	\$4.79	\$2.50	\$2.98	\$1.06	\$3.72	\$2.12	\$5.94	\$1.35	\$2.79	\$1.98	\$2.65	\$2.50
2018	\$3.75	\$2.19	\$2.53	\$2.13	\$5.13	\$2.70	\$2.80	\$1.33	\$3.88	\$2.23	\$4.72	\$1.49	\$2.54	\$1.89	\$3.00	\$2.54

Source: LEGL252 (Efficiency)

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: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 4 of 15

Dispute Resolution Section

The Dispute Resolution Section provides a range of legal services, primarily in civil and administrative litigation and related negotiations, mediations and court proceedings, to advance and defend City's interests. Staff provide advice to limit the City's claims exposure and take actions to defend or bring most claims in civil litigation, insurance defence, contract, debt and damage recovery, and in a range of tribunal matters related to workplace safety insurance claims, human rights, taxation and other matters. It is also common for Dispute Resolution staff to work with counterparts in the Commercial, Policy and Development Section and assist the Legal Division's client groups on overlapping issues. Dispute Resolution staff frequently provide advice and guidance in both litigation and non-litigation matters to the full range of City departments, based on legal staff expertise. This includes legal support for prosecutors under the *Provincial Offences Act*, various airport matters, and the application of by-laws and statutes involved in City operations. Dispute Resolution staff are the primary legal support for Risk Management Services in its management of claims and risks, including claims which have not reached the point of legal action. The focus of Dispute Resolution in all areas is to provide quality advice for City decision makers and assist them in limiting the expense, time and other City resources involved in providing representation for the City in courts and tribunals.

Disputes and litigation can originate through many circumstances, linked to legislative requirements, operations and varied situations involving the City. Municipal liability for roads, sidewalks and their winter maintenance, municipal water/wastewater, water infrastructure, transit and City vehicle use, police liability, and occupiers' liability for publicly owned properties and facilities are the major sources of litigation in all municipalities, which are also the main sources of claims made to Risk Management Services. Litigation also arises in the context of City contracts, construction projects, construction liens, human rights, workplace safety, and debt collections. The City engages in other administrative litigation to carry out its statutory duties and to protect municipal rights in administrative proceedings, and in responding to challenges to the use of City authority or its consequences. Exceptions to Dispute Resolution involvement are: (a) litigation assumed by the City's various insurers under terms of insurance policies; (b) staff in the Commercial, Development and Policy section who are involved in an extended range of tribunal matters including planning and other issues that proceed before the Local Planning Appeals Tribunal; and (c) the bulk of labour and employment disputes dealt with directly by the Human Resources Department.

Litigation Activity in the Dispute Resolution Section 2018/2019

In 2018, Dispute Resolution staff resolved 138 litigation matters. These included 20 tribunal matters varying from human rights, fire safety, and municipal taxes, but most of which were matters under the Workplace Safety Insurance Act in employment-related

SUBJECT: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 5 of 15

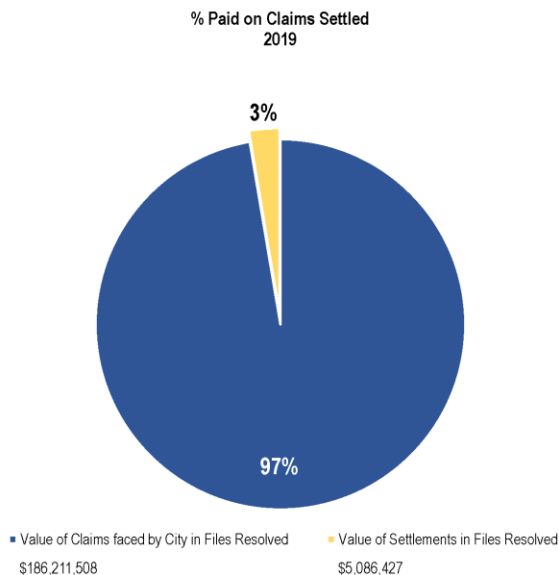
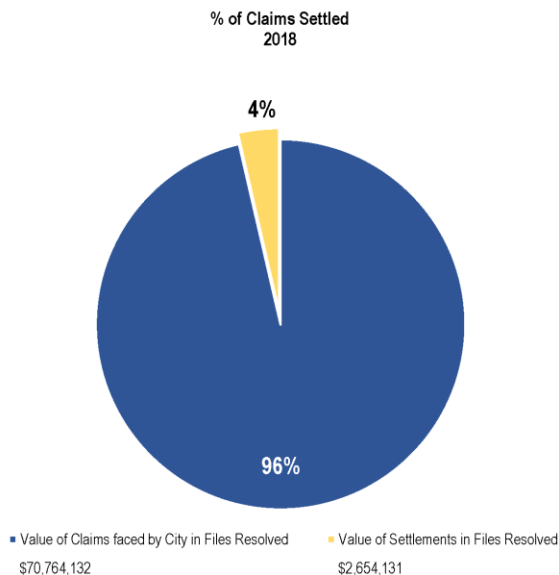
claims. The other 118 resolved matters were civil litigation matters before the courts started by claims and applications. Litigation is most often resolved through agreement arrived at in negotiations or mediations, but also may be completed through trials, hearings, appeals and summary judgment motions. The City was normally a defendant in civil claims for various claims including personal injury, but the City was also a claimant in 19 (16%) of the 118 civil matters. In 2018, the outcome of this work (not including tribunals) was that the City paid approximately \$2.65M (or 3.8%) on monetary claims against the City totalling \$70.76M.

Claims initiated by the City included recovery of debts under bankruptcy/insolvency proceedings, other debt collection, and damage claims to City property. On claims made by the City, Dispute Resolution staff assisted in collections of awards of \$3.02 M inclusive of legal costs. Some of those awards of damages and costs involve the City receiving payments over time and a few requiring the City to pursue debt enforcement, but the actual payments received are close to the \$3 M total. Funds recovered are returned to departments involved in the proceedings, which mainly are directed back into specific operations and projects. The Risk Management dollar figures vary from Dispute Resolution metrics due to Risk Management including claims resolved without litigation and Dispute Resolution figures including litigation on uninsurable matters outside the scope of work in Risk Management Services such as in contract disputes.

In 2019, Dispute Resolution staff resolved 147 litigation matters, 8 being tribunal matters. Tribunal matters were again mostly raised through the Human Resource employment matters, but also involved tax re-assessment and social benefits. The 139 civil actions and applications included monetary claims against the City totalling \$186 M, and the payments made by the City in those matters were approximately \$5.09 M (2.7%).

The City was the claimant in 15 (11%) of the remaining civil matters, mostly for debt collection and recovery of City billings in bankruptcy and insolvency, and for property damages. The City's claims against others resulted in awards and costs to the City totalling approximately \$2.4 M, and again the large majority of this amount has been paid and funds returned to the City departments and operations involved.

SUBJECT: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 6 of 15



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: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 7 of 15

City litigation files were resolved primarily through negotiated settlements, as is most common in litigation, but also in alternative dispute resolution such as by mediation, and in motions, hearings and trials. The outcome of any litigation matter is very fact dependant, so results will often vary from claim to claim. Negotiated settlement achieves certainty of results without the risks and costs involved in taking a matter to trial or hearing, due to the potential risk a court or tribunal may make findings different from facts relied upon by the City. Many claims have no need to proceed to a trial as the City is able to resolve litigation with little or no financial contribution based on lack of liability or the indemnities included in many City contracts. Dispute Resolution staff also seek to shorten litigation and limit resources involved, more frequently through motions for summary judgement as the usefulness of these motions have expanded over time. Until a litigation file is concluded there can be extensive input of time and expense, multiple court or other attendances adding risks or complications to a claim, so the effort to shorten litigation of claims is ongoing. Faster resolution of claims may affect the number of files and settlement payments in a given year, these efforts are aimed to control overall costs for the City and to add capacity in Dispute Resolution and other Departments whose staff time or other resources would otherwise be required. Feedback on outcomes and issues involved in litigation and claims are provided to client groups directly and through work with Risk Management Services in a combined effort towards continuous improvement and efficient resource use.

Provincial Offences Act (POA) Prosecution Activity

The City's prosecution team is involved primarily in meeting obligations under a Memorandum of Agreement (MOU) with the Province that covers most prosecution work, and the MOU results in fine-payment revenues to the City. Prosecutors conduct meetings with the public under Early Resolution processes and prepare for and conduct the prosecution of charges at trial for a variety of provincial offences and by-law matters. The bulk of Provincial Offences Act (POA) charges are under the Highway Traffic Act as ticketable offences, but a significant amount of work is put into the large variety of by-law and municipally enforced statutory charges. While numerous by-law charges are available, many have moved to initial enforcement in Administrative Penalty processes which do not bring charges to court.

The prosecution team is involved in extensive public contact and services with witnesses, victims, outside enforcement agencies (mainly police services) and persons accused of provincial offences, in addition to court attendances. Public contact in 2019 included over 11,000 meetings on Early Resolution matters and most of the over 61,000 court appearances that occur in Hamilton's POA courtrooms. Each meeting or appearance requires advance preparation and extensive knowledge of court procedures, law and statutes, which is aided by support from the Deputy City Solicitor in Dispute Resolution and through annual training. Team effectiveness ensures proper use of scarce court resources and payment of fines in provincial offences. Staff assist in

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: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 8 of 15

continuous operation of three full-time trial courts and one part-time court booked for longer trials, plus Early Resolution meetings, appeals, and related office duties that include review of municipal charges. The prosecution team provides feedback to enforcement agencies on charges to help them understand court needs and decisions with an aim of improving enforcement outcomes. Prosecutors provided five larger training sessions to various City enforcement groups in 2018/2019 and periodic training and Q&A's to other City staff or non-staff agencies. Effective management of limited court resources helps the City meet obligations and maintain POA revenues provided under the Memorandum of Understanding with the Province.

In addition to the Highway Traffic Act and related provincial statutes, charges also arise under the *Building Code Act*, *Fire Protection and Prevention Act*, *Health Promotion and Protection Act*, *Smoke Free Ontario Act* and a large variety of municipal by-laws. The work of prosecutors supports continuous improvement, consistency and efficiencies of process with the POA court system and for enforcement agencies and officers including City enforcement units and Police Services.

The following two tables represent the volume and disposition of POA charges and related Municipal Prosecutions activity in 2018 and 2019.

	2013	2014	2015	2016	2017	2018	2019
CHARGES:							
# Charges All Enforcement Agencies	99,266	94,647	84,747	83,435	78,971	81,033	84,673
# Police Charges	82,498	78,229	68,574	66,568	56,771	56,280	58,499
#Red Light Camera	15,569	14,133	14,410	14,167	16,134	18,435	20,289
DISPOSITION:							
# Trial Requests	6,648	7,272	7,899	5,846	6,252	5,190	6,431
# Early Resolution	13,673	13,512	12,590	12,146	8,842	10,885	11,287
# Disclosure Requests	5,888	5,874	8,257	8,127	3,826	2,823	2,543
# Summons to Witness	1,358	1,562	1,615	1,629	1,086	957	721
# Applications for Adjudgment	749	737	621	566	424	237	281
# Title Searches	247	255	245	313	388	113	45
# Property Standards Order	20	17	9	10	10	5	*
# Property Standards Discharges	11	24	14	13	11	2	*
# Corporate/Business Name Searches	105	110	182	162	171	79	71
# Charter Motions (includes 11(b))	81	157	167	194	35	7	10
# Training Events	4	5	6	6	5	4	1
# Court Events	65,875	64,057	64,647	63,873	58,079	60,299	61,642
Average Cr. Apprs. To Disposition	3	3	3	2	3	3.6	3.1
FINE REVENUE (GROSS):	\$11.0 M	\$11.2 M	\$10 M	\$10.8 M	\$12.1M	\$12.35M	\$13.6M

The figures for 2019 activity rely on metrics in the period of December 1, 2018 to the end of November 2019, as year-end numbers are not yet available. Trends identified in 2019 include more than 4% growth in charge activity mainly due to Police and red light camera charges. Particularly noteworthy for the prosecution team is the significant jump in trial and Early Resolution activity. Also notable for red light camera is that charges

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: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 9 of 15

increased mainly due to the addition of new cameras and intersection locations, but the average number of charges coming from each camera has dropped below 1,000/year. Compared to initial years of red light camera installations when the City's two to four cameras had offence rates considerably above 1000/year, the current lower average gives some support that the red light camera systems and fines are a deterrence. The other notable trend is significant improvement in the main measures of trial delay, even in the face of growing charge activity. This success is the result of combined efforts of the Judiciary, City POA court administration, prosecution team and others involved in control of trial delay in our POA courts, with the number of disposed charges increasing by over 4,000 (+5.6%), 'average court events to disposition of charges' falling from 3.6 to 3.1 (-14.1%), and the 'average days to disposition of charges' falling from 300 to 230 days (-23.5%) which standard is well below the ceiling set by Canadian Courts of 540 days (18 months). The POA court system still has potential capacity issues shown in other measurements mainly due to the increase in charges filed, which suggests that court operation and delay could be adversely affected by increases in charge activity or reduced court scheduling.

Risk Management Services

Risk Management Services staff carry out a number of related functions and public services including procuring and managing direct insurance coverages for City operations and assets, and assisting in claims/recoveries under those policies of insurance; assisting in determining appropriate insurance and indemnity from third parties included in City contracts, and arranging for application of indemnities and insurance to claims arising out of these third party contracts; receiving damage or injury claims from the public as may relate to City operations; conducting prompt and thorough claims investigations; financially reserving in accordance with general accounting and insurance principles, assessing legal liability; resolving claims based on the findings and analyses, arranging and coordinating the assistance of Dispute Resolution legal staff to defend claims filed in court and for other municipal staff who investigate, supply information or serve as witnesses in proceedings; and, applying their skills, knowledge, and best practices throughout the corporation for the purpose of enhanced risk awareness and favourable claim outcomes. Services have expanded in recent years to include public service announcements and corporate bulletins to assist residents and staff to manage their own personal risk exposures with home ownership, driving, severe weather, etc. This public service work can serve the City in reducing claims exposure and in assisting the public to protect themselves from property damage or injury in many situations where the City would not be involved or have any liability.

Receipt of claims from the public in high volumes requires extensive public contact, so staff in Risk Management have a large degree of public engagement similar to other City service departments. One possible difference is that public contact is often initiated by situations where a member of the public believes the City is responsible for their

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

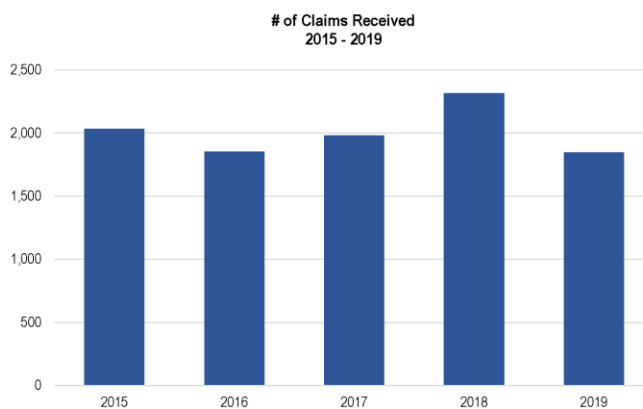
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 10 of 15

losses. Upon receipt of a claim, staff in Risk Management operate similarly to insurance industry adjusting professionals to assess legal liability and determine claim values. In times of high volume claim events or for citizen-aid programs approved by Council, staff may be supplemented by external claims adjusters or call handling services.

With the volume of public claims, it is necessary to apply consistent and defensible standards to determine payments and denials. Most of the City's insurable interests and statutory obligations apply liability for loss and damages using municipal liability and negligence standards. Using a standard negligence approach ensures that the City does not volunteer payments without a legal obligation to do so. This approach assists in withstanding scrutiny where staff decisions face independent review or court challenge. The approach to compensate claimants based on legal obligation is the fairest claims handling method to the tax base as a whole. It serves to limit public frustration and confusion by providing a clear basis and framework for claims handling and, as such, further dispute resolution expenses are minimized. For these reasons, Claim staff in Risk Management strictly apply principles under negligence standards to determine the City's response to claims. Where payment is warranted, staff will collect all available and appropriate information to quantify claim values. To further serve efforts at consistency, controlling insurance premiums and appropriate resource use, Risk Management staff collect information, advice, and relevant updates from a network of legal and insurance professionals, and the exchange of industry best practices with other risk managers and municipalities. Risk Management staff convey this knowledge to municipal departments, through various methods, in a best effort to create risk awareness, manage loss exposure, and minimize the overall cost of risk to the City.

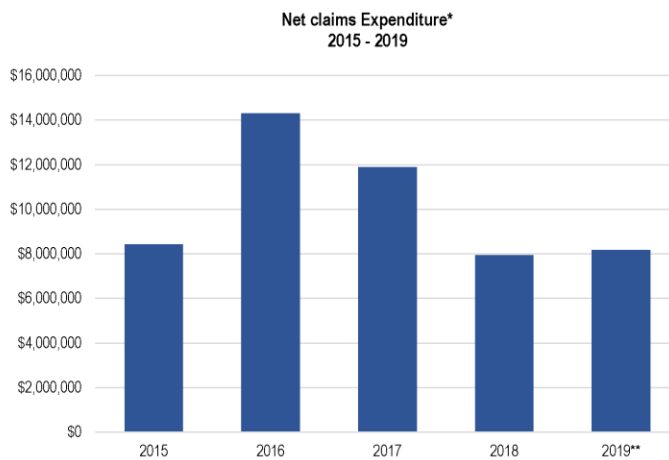
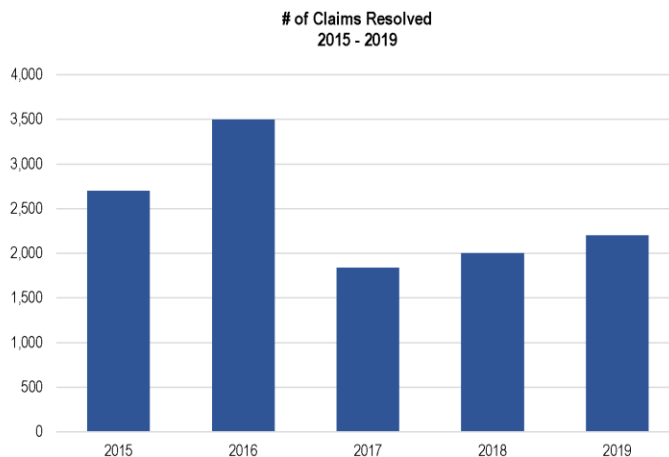


OUR Vision: To be the best place to raise a child and age successfully.

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: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 11 of 15



* includes insurance deductibles, claims verification/adjusting/litigation/mediation expenses
 ** 2019 value is approximate as it has not been finally adjusted for year end

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: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 12 of 15

Commercial/Development/Policy Section (“CDP”)

Legal Services’ other major practice group—the Commercial/Development/Policy (CDP) Section—provides broad and diverse core legal services to support day-to-day operations as well as City priorities in such areas as planning and development, real estate transactions, economic development initiatives, water and wastewater, waste management, roads, public works and infrastructure, facilities, energy, affordable housing, fire, emergency response services, transit and transportation, clerks, finance and taxation. Staff in this section also provide legal support and advice to the Healthy and Safe Communities Department and Public Health Services with regard to the implementation of various programs and projects including independent initiatives and those in collaboration with agencies such as local school boards, universities, colleges and not-for-profit organizations. This section advises, negotiates and drafts a wide variety of agreements related to public-private partnerships, third party agreements, commercial and industrial re-development ventures, purchasing and procurement, environmental issues, construction contracts, and hiring agreements, among other matters.

In 2019, CDP staff were engaged in a variety of significant City initiatives including the Pier 8 Waterfront Development, the L3 Wescam HQ development and the 2019 DC Bylaw as well as issues related to NPCA board membership, City Hall Forecourt demonstrations, developments at the Hamilton International Airport and new provincial legislation affecting the *Construction Act*, the *Planning Act* and the *Development Charges Act*.

Procurement represents a significant body of work which the CDP Section supports through drafting, interpretations, advice and legal opinions. Such services occur at various stages of the procurement process as well as when disputes arise after the contract is in place. The following table reflects the volume and value of construction-related contracts drafted, reviewed and concluded over the past several years.

Procurement Contracts		
Year	# of Contracts	Value
2012	81	\$ 81,786,204
2013	94	\$ 70,824,535
2014	68	\$ 50,763,077
2015	72	\$ 57,903,593
2016	66	\$ 77,188,822
2017*	75	\$ 291,891,463
2018	52	\$ 91,600,874
2019	46	\$ 233,889,703

*includes Woodward Upgrades and P3 Biosolids Management

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: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 13 of 15

CDP lawyers also handle and respond to construction liens that are generally registered by dissatisfied sub-contractors against City lands as security for payments on construction-related contracts. Most construction liens are resolved without the City having to become actively involved in court proceedings.

Construction Liens		
Year	# of Liens	Value
2015	8	\$ 1,793,035
2016	9	\$ 2,690,453
2017	16	\$ 2,638,316
2018	4	\$ 361,248
2019	8	\$ 886,484

In addition, CDP staff also provide services for most other contractual matters involving the City, including the negotiation and drafting of IT software/hardware agreements, data sharing agreements and revenue generating agreements. The CDP section provides similar services for loan agreements arising out of various City loan programs and for lease and licence agreements, the volume and value of such agreements is set out in the following charts:

2019 Loan Metrics		
Type of Loan	Number of Loans	Total \$ of Loans
Urban Renewal Loans	7	\$586,165
DC Deferral	5	\$3,371,372

Leases and Licence Agreements	2018	2019
Leases:	8	10
Licence Agreements:	15	8

CDP staff also draft, interpret and advise on City by-laws including their administration and enforcement. These by-laws are related to a wide array of City operations and include such diverse issues as fees and charges, lobbyist registry, property standards, licensing, development charges, sale of land and sewer use.

The CDP Section also supports the diverse needs of the Planning and Economic Development Department on a variety of real estate transactions including acquisitions of property for such projects as community centres, road construction and repair, municipal redevelopment of surplus properties and public-private partnerships. They are also involved in the sale or disposal of surplus City properties. In addition, this section negotiates and drafts easements, encroachments, covenants, leases, offers to lease and similar agreements and facilitates the expropriation of properties as directed by Council.

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: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 14 of 15

Files and Values of Real Estate					
Year	2015	2016	2017	2018	2019
Acquisitions:	20	12	12	24	18
Total Purchase Price:	\$ 8,111,433	\$ 4,871,798	\$ 4,871,798	\$ 12,344,003	\$ 8,583,271
Disposition:	30	25	25	25	18
Total Sale Price:	\$ 6,082,972	\$ 7,362,808	\$ 7,362,808	\$ 7,903,395	\$ 16,764,105
Tax Sales:	4	6	6	4	4
Active Expropriations:	3	2	2	0	3
Encroachments/Patio Agreements:	26	41	41	46	37

This section further supports the Planning and Economic Development Department through the interpretation of the legislation, by-laws, and a wide variety of planning-related matters including official plan and zoning documents, draft plans of subdivision and condominium, site plan applications, disputes involving cash-in-lieu of parkland, development charges and other fees and tariffs.

The following table indicates new subdivisions and condominium matters which arose over the past few years. Those numbers do not include any ongoing matters which originated in previous years for developments that are still in progress.

	Subdivision Matters	Condominium Matters
2014	15	8
2015	15	12
2016	11	15
2017	8	10
2018	25	27

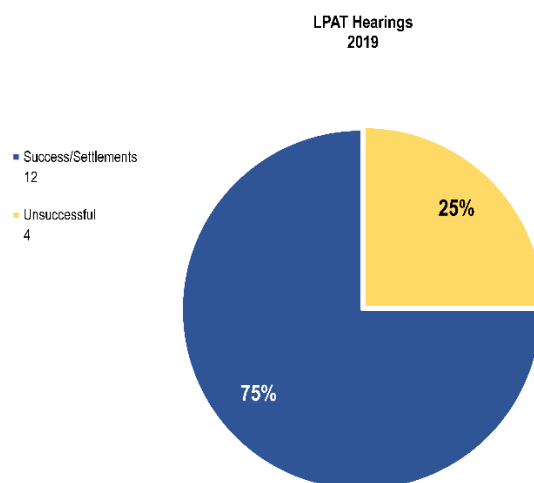
CDP Lawyers represent the City before the LPAT or other tribunals and courts including contested development applications, zoning by-law and official plan appeals, committee of adjustment application appeals, expropriations, and any other land-use related disputes. Appeals may be made by landowners seeking development approvals which have been refused by Council or where Council has not made any decision within the prescribed time provided under the *Planning Act*. Appeals may also be filed by individuals and public bodies and heritage districts. These matters frequently extend over a period of many months involving the extensive preparation of witnesses, mediations and pre-hearings and negotiations, in advance of presentation of evidence and arguments at the LPAT or other tribunals.

CDP lawyers were involved in a number of important planning and development-related matters in 2019 including LPAT appeals related to Piers 6, 7 (OPA 233) and 8 (Industrial and Residential), the Downtown Secondary Plan and the Commercial and Mixed Zoning By-law, as well as several site-specific appeals. In total, of 16 planning

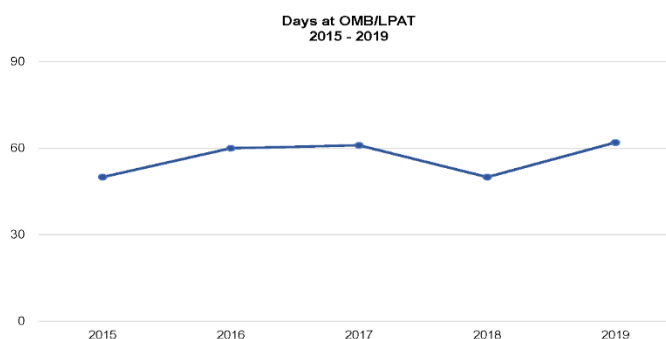
SUBJECT: Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide) - Page 15 of 15

appeal files before the LPAT, 12 matters were successfully argued and/or settled, and four matters unsuccessfully argued.

Staff also successfully argued the LPAT Stated Case appeal and continued to provide advice, guidance and interpretations regarding the recent changes to the provincial legislation underpinning land use planning in Ontario.



These statistics include attendance before the LPAT where a final Order was rendered.



APPENDICES AND SCHEDULES ATTACHED

N/A

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.



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 5, 2020
SUBJECT/REPORT NO:	Hamilton Transportation Task Force Update (CM20002) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janette Smith (905) 546-2424 Ext. 5420
SUBMITTED BY:	Janette Smith City Manager
SIGNATURE:	

COUNCIL DIRECTION

Not applicable.

INFORMATION

The purpose of this Information Report is to provide Council with updates on the Hamilton Transportation Task Force that have occurred since Council received the Memorandum from the City Manager at its meeting on January 22, 2020. Since that time, the Hamilton Transportation Task Force has convened twice.

1. Items Related to the City Manager Appointment to the Task Force

Conflict of Interest statement

The Ministry of Transportation has confirmed in a letter to the City Manager that the Conflict of Interest statement outlined in the Minister's appointment letter "*you cannot promote solutions or strategies that would directly or indirectly benefit your employer and/or business interests*" is not applicable in her capacity as City Manager since she represents the interests of Hamilton City Council and the residents of Hamilton.

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

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

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

**SUBJECT: Hamilton Transportation Task Force Update (CM20002) (City Wide) -
Page 2 of 3**

Confidentiality Agreement

The Ministry of Transportation requires that as a member of the Hamilton Transportation Task Force, the City Manager enter into a Confidentiality Agreement. The Confidentiality Agreement identifies that the information being provided by the Province to the Task Force is being provided in confidence. Should Council request updates on the Task Force those discussions can be held in-camera pursuant to section 239(2)(h) of the *Municipal Act* and would not be disclosed under section 9(1)(b) of the *Municipal Freedom of Information and Protection of Privacy Act*.

Each Task Force member received the final version of the Confidentiality Agreement at the second meeting on January 30, 2020, and it was signed by the City Manager once it was confirmed that Council could be updated in-camera.

The Ministry of Transportation has indicated that the following information is not confidential, and will be publicly released:

- Terms of Reference when finalized
- Meeting agendas (following meeting adjournment)
- Frequency and duration of meetings
- Type and number of projects under discussion

All media releases, statements and communications by the Task Force are to be made through the Ministry of Transportation as per the Communications Protocol outlined in the Terms of Reference.

As outlined in an Information Update to Council on January 30, 2020, City staff provided the Task Force Secretariat with a list of previously Council-approved reports, plans and studies, as requested. Any additional information requests from the Task Force will be shared with Council and made publicly available in the same way.

2. Clarity About the \$1B Funding Commitment

The City has received confirmation in writing from Ministry of Transportation officials that:

- Ontario's \$1B capital funding commitment is separate from any dollars allocated under the Investing in Canada Infrastructure Program (ICIP) – Public Transit Stream Grant Program. The Province remains open to discussions with the City regarding the projects that have been submitted through the ICIP application process, as reported to General Issues Committee on October 2, 2019 through Report PW19083/FSC18048(a)).
- Metrolinx expenditures to date on the cancelled LRT project (approximately \$186M) are not included in the \$1B funding commitment.

**SUBJECT: Hamilton Transportation Task Force Update (CM20002) (City Wide) -
Page 3 of 3**

As of the end of November 2019, Metrolinx has spent \$165 M and committed another \$21 M towards the project (total spent + committed = \$186M). This includes expenditures on the project dating back to 2007, including costs to complete the original environmental assessment in 2011, the environmental assessment update in 2017, preliminary and ongoing engineering design work, tender preparation, staff time and property acquisition. To date, Metrolinx has spent approximately \$80M on 60 property acquisitions.

Six additional Task Force meetings have been booked until the end of February. Staff are working out a schedule to be able to provide regular updates to Council.