



City of Hamilton
AUDIT, FINANCE AND ADMINISTRATION COMMITTEE
AGENDA

Meeting #: 20-003
Date: February 20, 2020
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

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

1. **CEREMONIAL ACTIVITIES**
2. **APPROVAL OF AGENDA**
(Added Items, if applicable, will be noted with *)
3. **DECLARATIONS OF INTEREST**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 4.1 February 6, 2020
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**
 - 6.1 John Stirling, respecting a \$14,400.00 Park Dedication Fee for a 1 apartment unit in a commercial building (For a future meeting)
7. **CONSENT ITEMS**
 - 7.1 Redaction of Personal Information on items before Council and/or Committee (CL20002) (City Wide)

7.2 Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Minutes:

- 7.2.a April 30, 2019
- 7.2.b May 15, 2019
- 7.2.c May 28, 2019
- 7.2.d June 25, 2019
- 7.2.e July 16, 2019
- 7.2.f August 20, 2019
- 7.2.g August 27, 2019
- 7.2.h September 17, 2019
- 7.2.i October 15, 2019
- 7.2.j November 19, 2019

7.3 Hate Related Activities on City of Hamilton Properties (LS19031 / PW19068(b) / CM19006(b)) (City Wide)

7.4 City of Hamilton Water and Wastewater / Storm Arrears Policy Minor Amendment (FCS20018) (City Wide)

8. PUBLIC HEARINGS / DELEGATIONS

9. STAFF PRESENTATIONS

10. DISCUSSION ITEMS

- 10.1 Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Additional Committee Members
- 10.2 Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Hamilton Police Services Board Appointee
- 10.3 Grants Sub-Committee Report 20-001 - February 10, 2020
- 10.4 Process for Addressing Development Charge (DC) Concerns (FCS20007) (City Wide) (Outstanding Business List Item)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Amendments to the Outstanding Business List:

13.1.a Items to be Removed:

Sergio Manchia, Urbancore Developments Inc., respecting the DC liability for the proposed self storage facility at 9 Aeropark Boulevard known as Upper James Self Storage and 54 Dundas Street, Waterdown, Waterdown Mini Storage Inc (Added Item 8.1)
November 7, 2019 AF&A Agenda Item (f)(i)
Item 10.4 on today's agenda
OBL Item: 19-Q

14. ADJOURNMENT

Form: Request to Speak to Committee of Council

Submitted on Wednesday, February 5, 2020 - 1:33 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: John Stirling

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: to discuss a \$14,400.00 park dedication fee for 1 apartment unit in a commercial building located in a cultural heritage landscape inventory area compared to a \$579.00 fee as we interpret the cash in-lieu of parkland dedication fee to be (by-law 18-126 section 5(6)). We are not asking to be exempt however to pay over \$14,000.00 for one unit on a property that may or may not have payed these fees back in 1976, there are apparently no records, is quite frankly a financial burden. We will be asking for an exception under 12(3) in the same bylaw 18-126.

Will you be requesting funds from the City? Yes

Will you be submitting a formal presentation? Yes



Hamilton

INFORMATION REPORT

TO:	Chair and Members of Audit, Finance & Administration
COMMITTEE DATE:	February 20, 2020
SUBJECT/REPORT NO:	Redaction of Personal Information on items before Council and/or Committee (CL20002) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (905) 546-2424 Ext. 5409
SUBMITTED BY:	Andrea Holland City Clerk, Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

The purpose of the memo is to provide information to the Members of Audit, Finance & Administration Committee on the statutory role of the City Clerk under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and how it relates to information that appears before both Council and Committees through public agendas.

From time to time, the Office of the City Clerk will redact documents that are included on public agendas in order to protect personal information that may fall into one or more the categories below (as outlined in Appendix 'A'):

“personal information” means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

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: Redaction of Personal Information on items before Council and/or Committee (CL2002) (City Wide) Page 2 of 3

- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual."

Staff determine if "Information is about an identifiable individual if:

- it is about the individual in a personal capacity; that is, it reveals something of a personal nature about the individual, and
- it is reasonable to expect that an individual can be identified from the information (either alone or by combining it with other information)."

This may contrast with the incorrect view that this is censorship. The Information and Privacy Commissioner holds both the protection of privacy in equal balance with the freedom of information. The City is the custodian of a large quantity of personal information about our customers, our staff and elected officials. As the City Clerk, I take the role of protecting personal information very seriously.

Any information that when pieced together, can identify an individual, will be considered personal information and if staff do not have consent to release the information, it will result in the information being redacted for the publication to the agenda.

At times, the information may have already been made public and this does not release staff from our obligations under MFIPPA. Without consent, the information must be redacted.

Respectfully Submitted,

Andrea Holland
City Clerk

**Subject: Redaction of Personal Information on items before Council and/or
Committee (CL2002) (City Wide) Page 3 of 3**

APPENDICES AND SCHEDULES ATTACHED

Appendix 'A' to CL2002 – Information and Privacy Commissioner, Fact Sheet - *What is Personal Information? (October 2016)*

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy,
safe and prosperous community, in a sustainable manner.
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Engaged Empowered Employees.



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Fact Sheet

What is Personal Information?

October 2016

INTRODUCTION

The *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* (the acts) protect the privacy of personal information while providing individuals with a right of access to their own information.

In this fact sheet, we provide guidance about how the Information and Privacy Commissioner (IPC) interprets the term “personal information.”

HOW IS PERSONAL INFORMATION DEFINED IN THE ACTS?

The acts define personal information as “recorded information about an identifiable individual,” and include a list of examples of personal information (see Appendix A for the full definition).

Recorded information

Information can be recorded in any format, such as paper records, electronic records, digital photographs, videos or maps.

About an identifiable individual

Information is about an identifiable individual if:

- it is about the individual in a personal capacity; that is, it reveals something of a personal nature about the individual, and
- it is reasonable to expect that an individual can be identified from the information (either alone or by combining it with other information)

The listed examples include a person’s name when combined with other information about them, such as their address, sex, age, education, or medical history. These examples are not exhaustive and many other kinds of information may still qualify as personal information.

FREQUENTLY ASKED QUESTIONS

What if an individual is acting in a business, professional or official capacity?

The acts specifically exclude from the definition of personal information the name, title, contact information or designation that identifies a person in a business, professional or official capacity. This includes a business carried out in a home.

As a general rule, information about an individual in a business, professional or official capacity is not considered to be personal information.

However, even if information relates to an individual in such a capacity, it may still qualify as personal information if it reveals something of a personal nature about the individual. The context in which the information appears is important.

Is an address personal information?

An address, by itself, is not personal information because it is about a property and not an individual. However, information about a property can qualify as personal information if it reveals something personal. For example, a police service placed a lawn sign on a property stating that it was the site of a search warrant for illicit drugs. The IPC decided that the address on the sign was personal information because it revealed allegations of criminal activity against individuals associated with the property.

Does an individual's name qualify as personal information?

Like an address, a name by itself is not personal information. A name is personal information if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Can information about a business be personal information?

Generally, business information is not considered personal information. The term "individual" in the definition of personal information means that it only relates to natural persons. Sometimes confidential business information is confused with personal information. Business information may hold tremendous value and importance for organizations, but it is not personal information.

Is information about deceased individuals their personal information?

Information about an individual is not personal information if they have been dead for more than thirty years.

CONCLUSION

It is important to examine the context in which information appears in determining whether the information is "about" an individual and whether the individual is "identifiable." Depending on the context, information may not meet the definition of personal information because it is, for example, information about a property or business, or about an individual in a business capacity. You can find IPC orders and complaint reports regarding the definition of personal information on the IPC's website (www.ipc.on.ca).

APPENDIX

Definition of “personal information” in the acts

“personal information” means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual’s name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, April 30, 2019

8:00 PM - 8:30 PM

City Hall, 71 Main Street West, Room 192

Present: James Diemert, Autumn Getty, Freja Gray, Cameron Kroetsch, Violetta Nikolskaya, Mitch Ray-Borsc, Kristeen Sprague, Kyle Weitz

Regrets: Sean Cullen, Sam Merulla (City Council Appointee)

Staff: Betsy Pocop (Diversity and Inclusion)

Guests: None

Chair: None

1. Discussion Items

1.1 Pride Flag Raising Event for 2019

The Committee discussed planning and logistics for the event and what had occurred in previous years. Members discussed the timeline for making this decision and the former Committee not having quorum in the months of February, March, or April.

Members suggested the following possible dates for the event to be held:

- Friday, May 31
- Saturday, June 1
- Monday, June 3

Members will decide on guest speakers and forward a list of those speakers to staff. Refreshments to include cake and cupcakes as was done the previous year.

2. Adjournment

(F. Gray / A. Getty)

That, there being no further business, the meeting be adjourned at 8:30 PM.

CARRIED



Hamilton

MINUTES

LGBTQ Advisory Committee

Wednesday, May 15, 2019

6:00 PM - 8:15 PM

City Hall, 71 Main Street West, Room 192

Present: James Diemert, Autumn Getty, Cameron Kroetsch (Chair), Violetta Nikolskaya (Vice Chair), Mitch Ray-Borsc, Kristeen Sprague, Kyle Weitz

Regrets: Sean Cullen, Freja Gray, Sam Merulla (City Council Appointee)

Staff: Betsy Pocop (Diversity and Inclusion)

Guests: Members of the public

Chairs: Betsy Pocop, Cameron Kroetsch

1. Welcome / Introductions

Committee members and guests were welcomed and there was a round of introductions.

2. Land Acknowledgement

V. Nikolskaya provided a Land Acknowledgement.

3. Declarations of Conflicts of Interest

None

4. Procedural Business

4.1 Motion to Approve the Agenda

(K. Sprague / A. Getty)

That the LGBTQ Advisory Committee approve the agenda for today's meeting as distributed with the following additions / amendments:

- (a) That agenda items 5.4 and 5.5 be moved ahead of item 5.3
- (b) That items 4.2, 5.4, and 5.5 be added to the agenda:
 - 4.2 Motion to Approve the Minutes of January 17, 2019
 - 5.4 Selection of Additional Committee Members
 - 5.5 Working Groups

CARRIED

4.2 Motion to Approve the Minutes of January 17, 2019

(V. Nikolskaya / A. Getty)

That the LGBTQ Advisory Committee approve the meeting minutes of January 17, 2019 as distributed with the following additions / amendments:

- (a) Corrections to the pronouns used to describe a member

CARRIED

Discussion: The Committee discussed how to action items that arose during a previous meeting and how they could be actioned in future. Specifically, members asked about the Committee's Terms of Reference, the Committee's name, and the Basic Income Pilot.

5. Elections

5.1 Election of Chair

V. Nikolskaya nominated C. Kroetsch for Chair.

- C. Kroetsch accepted the nomination.

K. Sprague nominated herself for Chair.

A. Getty nominated J. Diemert for Chair

- J. Diemert did not accept the nomination.

C. Kroetsch and K. Sprague were the nominees for the position of Chair.

C. Kroetsch was elected to the position of Chair.

5.2 Election of Vice Chair

C. Kroetsch nominated V. Nikolskaya for Vice Chair.

- V. Nikolskaya accepted the nomination.

K. Sprague nominated herself for Vice Chair.

A. Getty nominated K. Weitz for Vice Chair.

- K. Weitz did not accept the nomination.

V. Nikolskaya and K. Sprague were the nominees for the position of Vice Chair.

V. Nikolskaya was elected to the position of Vice Chair.

6. Presentations

7. Recommendations

7.1 Motion to Recommend Reopening Committee Selection

(C. Kroetsch / K. Sprague)

That the LGBTQ Advisory Committee recommend to City Council that the selection process be reopened to increase the Committee's number from 9 to 15 with a focus on recruiting youth, racialized people, and community partners with the following quoted from the spectrum Hamilton pledge:

- (a) a clear, open, advertised community call-out for new representatives on the City's LGBTQ+ Advisory Committee in the upcoming term
- (b) Add two youth (under 29) representative seats
- (c) Engage community organizations and leaders as ex-officio members of the LGBTQ+ Advisory Committee

CARRIED

Discussion: Members expressed disappointment that neither youth nor racialized individuals were appointed to the committee. Members indicated they did not understand the limit of 9 members that was imposed and further that this number was imposed informally without Council approval. Members and guests indicated that the application process was draining. Staff advised the committee that they could make a recommendation

to City Council to increase the number of members on the committee but that they will need a Citizen Committee Report. The Chair and Vice Chair agreed to write the Citizen Committee Report.

8. Regular Business

8.1 Motion to Schedule Regular Committee Meetings

(K. Sprague / J. Diemert)

That the LGBTQ Advisory Committee schedule its meetings on the third Tuesday of each month.

CARRIED

Discussion: Members indicated the current scheduled meeting date and time of the third Thursday would not work for all members and that Thursdays are typically event days in the community. Alternate days of the week and potential time changes were discussed.

8.2 Motion to Prepare a Citizen Committee Report

(V. Nikolskaya / A. Getty)

That the LGBTQ Advisory Committee appoint the Chair and Vice Chair to draft a Citizen Committee Report in relation to the recommendation under 7.1 (above) to be approved by the Committee at a future meeting.

CARRIED

8.3 Motion to Create a Working Group on Committee Selection

(C. Kroetsch / K. Sprague)

That the LGBTQ Advisory Committee create a Working Group to focus on the Committee Selection process in collaboration with community partners and that they hold their first meeting on Tuesday, June 25, 2019 at 6:00 PM.

CARRIED

Discussion: A member recommended striking a Working Group to discuss the selection process item, develop promotional materials for recruitment, and allow youth the opportunity to be involved before they sit on the Committee.

Members discussed that the working group should have community partners involved in the selection process discussion.

Members and guests enquired on:

- age limit for potential community members who may be involved in the Working Group; and
- a communication process for advertising the Working Group to the general public

Staff advised communication is to occur through the City and the City's Communications section (on the website).

A member suggested that another Working Group might be created in the future to specifically discuss housing and homelessness as it impacts LGBTQ communities.

8.4 Motion to Cancel the Flag Raising Ceremony

(J. Diemert / K. Sprague)

Whereas the ceremonial act of displaying Pride flags at City Hall signals to the public that the City of Hamilton commits to solidarity with Hamilton's Two Spirit and LGBTQIA+ citizens, but is not in and of itself an act of solidarity, and

Whereas the City of Hamilton has failed to materially demonstrate solidarity with Hamilton's Two Spirit and LGBTQIA+ citizens through:

- (a) the continued employment Personal Information
[REDACTED] threaten the safety of all marginalized City staff and volunteers and citizens whose private information is stored using the City's IT systems (i.e. delegate home addresses, phone numbers, and other personal information); [REDACTED]
Personal Information [REDACTED] and
- (b) Personal Information
[REDACTED] on the Hamilton Police Services Board, despite calls from the community to revisit the decision and appoint a community member from a marginalized group; and
- (c) the City's failure to meet all of the criteria of the 2017 Trans Protocol; and
- (d) the selection process for this term of the LGBTQ Advisory Committee by:
 - arbitrarily (and without the approval of City Council) capping the committee at 9 members (where the committee's mandate does not have a membership limit); and

- not conducting interviews with applicants; and
- not consulting the previous committee or the wider Two Spirit and LGBTQIA+ community about the process; and
- as a result, excluding important voices from formal participation on this committee.

Therefore, let it be resolved that:

1. The annual unfurling and raising of flags at Hamilton City Hall in celebration of Pride month be cancelled in 2019.
2. Any future ceremonial demonstrations of solidarity with the Two Spirit and LGBTQIA+ community in association with the City of Hamilton's LGBTQ Advisory Committee be contingent upon a satisfactory resolution to the above noted concerns.
3. Should any event that ceremonially celebrates Pride Month with the intention of signalling the City of Hamilton's solidarity with Two Spirit and LGBTQIA+ citizens occur in 2019, that it will be understood to be occurring without the support of, and in direct opposition of, the expressed wishes of the City of Hamilton's LGBTQ Advisory Committee.
4. The event be replaced with an open community discussion at the same time and place as the original event was scheduled, which is May 31, 2019 from 6:00 PM to 8:00 PM in the City Hall forecourt.

CARRIED

Discussion: A member proposed an amendment to the motion to include the issue of the appointment to the Hamilton Police Services Board. Another amendment from a member was proposed to change wording around employment to "continued employment".

Feedback provided from a guest in attendance led to an

amendment to the motion that the City has not fulfilled all the criteria of its Trans Protocol; Committee members were in agreement to include the feedback into the motion.

Members and guests discussed consideration for community members and the impact of not hosting the flag raising event.

Members discussed if the flag raising is not to be held, what might take place in lieu of the event including a community dialogue or town hall event.

9. Discussion Items

10. Notices

11. Announcements

12. Adjournment

(J. Diemert / C. Kroetsch)

That, there being no further business, the meeting be adjourned at 8:15 PM.

CARRIED



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, May 28, 2019

6:00 PM - 8:15 PM

City Hall, 71 Main Street West, Room 192

Present: James Diemert, Autumn Getty, Freja Gray, Cameron Kroetsch (Chair), Violetta Nikolskaya (Vice Chair), Mitch Ray-Borsc, Kristeen Sprague, Maureen Wilson (City Council Appointee)

Regrets: Sean Cullen, Kyle Weitz

Staff: Betsy Pocop (Diversity and Inclusion)

Guests: Janette Smith (City Manager), Jodi Koch (Director, Talent and Diversity), members of the public

Chair: Cameron Kroetsch

1. Welcome / Introductions

Committee members and guests were welcomed and there was a round of introductions.

2. Land Acknowledgement

V. Nikolskaya provided a Land Acknowledgement.

3. Declarations of Conflicts of Interest

None

4. Procedural Business

4.1 Motion to Approve the Agenda

(V. Nikolskaya / K. Sprague)

That the LGBTQ Advisory Committee approve the agenda for today's meeting as distributed with the following additions / amendments:

(a) That item 6.5 be added to the agenda:

6.5 Event on May 31, 2019

(b) That items 3, 4 and 6 be removed from the agenda

CARRIED

5. Regular Business

5.1 Motion to Change the Date of the Community Conversation

(V. Nikolskaya / K. Sprague)

That a Community Conversation be held on June 18, 2019 in place of the Committee's next regularly scheduled meeting.

CARRIED

Discussion: The Chair and Vice Chair will sort out the logistics and invite a panel of speakers. Information regarding the Community Conversation will be shared by those in attendance.

5.2 Motion to Affirm the Committee's Position on the Flag Raising Ceremony

(J. Diemert / K. Sprague)

That the LGBTQ Advisory Committee affirms the decision it made by carrying its motion of May 15, 2019; more specifically, that the Committee continues not to be in support of the City of Hamilton raising the Pride, Trans, and Six Nations flags in 2019.

CARRIED

6. Discussion Items

6.1 Employment of Staff under Investigation

City Manager explained her reason for calling this meeting and wanting to find out more from the Committee about the reasons for their motion of May 15, 2019. City Manager explained the current status of the situation. She expects that the investigation will be concluded in weeks rather than months.

Members expressed concern for the safety of Two Spirit and LGBTQIA+ communities, especially that personal and contact information may have been accessed. Members also expressed concern that there were not adequate background checks performed and that they did not have faith in the hiring practices of the City.

A member of the public expressed that they were concerned about the lack of space for Two Spirit and LGBTQIA+ communities in Hamilton. The focus on the crosswalk missed the point. When the Well closed down the City should have intervened to ensure that there was adequate space.

6.2 Citizen Appointment to the Hamilton Police Services Board

Members indicated process for selecting a community member resulted in a former auxiliary police officer being appointed; there was further erosion of trust in part because 10 minute interviews were held with candidates for a paid position. This was all made worse by the Board refusing to address the issue.

Staff and Councillor discussed the timeline around when this happened and what the process has been like up to this point. There was a discussion about the practices for selection being revised with a focus on an Equity, Diversity, and Inclusion (EDI) lens moving forward.

Members expressed concern that the City did not seem to have this focus already and that while community consultation is important that neither members of the Committee nor members of the community were in a position to do this work. Members suggested that those responsible at the City get the training necessary.

6.3 City of Hamilton's Trans Protocol

Members confirmed that this part of the May 15, 2019 motion came from a member of the community but that the committee felt it was important to include it in their motion.

Members expressed concern that the reasons for the implementation of the protocol were not widely known (i.e. a result of the City losing a case at the Human Rights Tribunal of Ontario).

Some members expressed that the process for the creation and review of the Protocol was an issue and shared that there was an erosion of trust and a lack of engagement including meeting with some community members individually rather than together in group settings.

Other members expressed that the vetting and engagement process by the City was far reaching and that community consultations were effective.

Staff indicated that a community engagement practice was developed in the last year, ongoing dialogue needs to happen, and that the offer remains to meet with groups or individuals to discuss their concerns further.

6.4 Selection Process for the LGBTQ Advisory Committee

Members summarized the process, especially that the Committee's membership was capped at 9. The Committee was not consulted about this change to its membership.

Guests talked about their experiences of having applied to be on the Committee, specifically that they were not interviewed at all. Representatives from spectrum Hamilton spoke about their campaign to engage youth in the process of applying to the City's Committees through a Voter Access Campaign during the last municipal election. They distributed a copy of a letter that they used during their campaign and urged the City to consider opening up the selection process.

Guests expressed that the Mayor and some members of City Council had supported the Voter Access Campaign and had even signed a pledge to forward 2 youth positions on the LGBTQ Advisory Committee. Members and guests urged the City to commit to ensuring that youth had seats on committees and that they focus on building capacity on committees for youth.

Members expressed that there was a lack of transparency in the selection process and that there needs to more seats at the table specifically dedicated to youth and racialized members. Members also noted that there were 2 youth members on the Committee at present.

A Citizen Committee Report is being prepared on this matter to make a recommendation to Council to expand the size of the

Committee based on the recommendations made in the motion on May 15, 2019.

6.5 Event on May 31, 2019

The Committee had originally considered an event on May 31, 2019 in place of the flag raising ceremony but, due to obvious time constraints, decided that this should be postponed.

The date had been chosen both before there was public attention on the motion from May 15, 2019 and larger public discussions about the selection process and the flag raising ceremony.

Members expressed that they felt that the City's leadership was not listening to the advice of the Committee and that it was important to hold space to hear from as many people in the community as possible. Members especially indicated that it would be nice for City Council to be present at the event and to engage in dialogue with constituents.

Members expressed that the entire community is not unified on the Committee's decision to cancel the flag raising ceremony and that some youth have expressed a desire to see the flag being raised regardless. For some, whether there is a ceremony or not, the flag represents hope and is seen by many as a positive symbol.

7. Adjournment

(J. Diemert / V. Nikolskaya)

That, there being no further business, the meeting be adjourned at 8:15 PM.

CARRIED



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, June 25, 2019

5:30 PM - 5:45 PM

City Hall, 71 Main Street West, Room 192

Present: Sean Cullen, James Diemert, Autumn Getty, Freja Gray, Cameron Kroetsch (Chair), Violetta Nikolskaya (Vice Chair), Mitch Ray-Borsc

Regrets: Kristeen Sprague, Kyle Weitz, Maureen Wilson (City Council Appointee)

Staff: Betsy Pocop (Diversity and Inclusion)

Guests: Graham Crawford, members of the public

Chairs: Betsy Pocop, Cameron Kroetsch

1. Discussion Items

1.1 Elections of Chair and Vice Chair on May 15, 2019

The Office of the City Clerk advised members of the following on June 19, 2019:

“Please be advised that the vote taken by ballot at your last Committee meeting to select your Chair and Vice Chair, is in

violation of Section 244 of the Municipal Act, 2001 and Section 3.13 (11) of Procedural By-law 18-270:

‘No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect, except where permitted by statute’.

In this case, the ballot votes taken at the last Committee meeting are null and void and will have to be retaken and voted on by show of hands.”

The Committee has convened today for the purposes of running the election again.

2. Acclamations

2.1 Acclamation of Chair

J. Diemert nominated C. Kroetsch for Chair.

- C. Kroetsch accepted the nomination.

There were no other nominations.

C. Kroetsch was unanimously acclaimed to the position of Chair.

2.2 Acclamation of Vice Chair

C. Kroetsch nominated V. Nikolskaya for Vice Chair.

- V. Nikolskaya accepted the nomination.

There were no other nominations.

V. Nikoskaya was unanimously acclaimed to the position of Vice Chair.

3. Adjournment

(C. Kroetsch / V. Nikolskaya)

That, there being no further business, the meeting be adjourned at 5:45 PM.

CARRIED



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, July 16, 2019

6:00 PM - 8:00 PM

City Hall, 71 Main Street West, Room 192

Present: Sean Cullen, James Diemert, Autumn Getty, Freja Gray, Cameron Kroetsch (Chair), Violetta Nikolskaya (Vice Chair), Mitch Ray-Borsc, Kristeen Sprague, Kyle Weitz

Regrets: Maureen Wilson (City Council Appointee)

Staff: Jessica Bowen (Diversity and Inclusion)

Guests: Stephanie Hillson (Office of Ward 1 City Councillor), Kojo Dampsey (Hamilton Centre for Civic Inclusion), members of the public

Chair: Cameron Kroetsch

1. Welcome / Introductions

Committee members and guests were welcomed and there was a round of introductions.

2. Land Acknowledgement

V. Nikolskaya provided a Land Acknowledgement.

3. Declarations of Conflicts of Interest

C. Kroetsch declared a conflict of interest to proposed item 7.2; he is a member of Pride Hamilton's Board of Directors.

4. Procedural Business

4.1 Motion to Approve the Agenda

(C. Kroetsch / V. Nikolskaya)

That the LGBTQ Advisory Committee approve the agenda for today's meeting as distributed with the following additions / amendments:

- (a) That agenda items 5.1 through 5.5 be moved to Presentations and delivered by Staff (J. Bowen) as:
 - 5.1 Committee Budget
 - 5.2 Committee Mandate
 - 5.3 Committee Terms of Reference
 - 5.4 City of Hamilton Equity Toolkit
 - 5.5 Committee Workplan for 2019

- (b) That items 5.5 and 5.6 be added to the agenda:
 - 7.1 Motion to Allocate Funds from Budget for Meeting Space
 - 7.2 Motion to Allocate Funds from Budget to Pride Hamilton
 - 7.3 Delegation to the Hamilton Police Services Board

(c) That item 5.7 be removed from the agenda

CARRIED

4.2 Motion to Approve the Minutes of April 30, 2019

(V. Nikolskaya / J. Diemert)

That the LGBTQ Advisory Committee approve the meeting minutes of April 30, 2019 as distributed.

CARRIED

4.3 Motion to Approve the Minutes of May 15, 2019

(K. Sprague / V. Nikolskaya)

That the LGBTQ Advisory Committee approve the meeting minutes of May 15, 2019 as distributed.

CARRIED

4.4 Motion to Approve the Minutes of May 28, 2019

(F. Gray / V. Nikolskaya)

That the LGBTQ Advisory Committee approve the meeting minutes of May 28, 2019 as distributed.

CARRIED

4.5 Motion to Approve the Minutes of June 25, 2019

(V. Nikolskaya / F. Gray)

That the LGBTQ Advisory Committee approve the meeting

minutes of June 25, 2019 as distributed.

CARRIED

Discussion: Committee members discussed the timing of the notification to the Committee with respect to the re-election of the Chair and Vice Chair directly following the events at Pride and the community consultation that was scheduled shortly thereafter. The concern about the timing of the notification was raised by committee members with City Staff.

J. Diemert noted that they raised an objection of the secret ballot at the time of the initial vote for Chair and Vice Chair.

K. Sprague requested to recast the vote.

Members indicated that the City should have approached the Committee with respect to this matter as they had similarly with respect to the Committee's motion that the City not raise the Pride flag at City Hall (see May 15, 2019 meeting minutes).

K. Sprague opposed the motion.

5. Presentations

5.1 Committee Budget

J. Bowen provided the Committee with an overview of the 2019 budget for review and reference. The Committee's 2019 budget was approved at \$3,964.00. \$1,500.00 has been allocated for monthly meeting expenses and the remainder of the budget, \$2,414.00, is for special event or project costs.

As of June 30, 2019, the committee has used \$618.68 of their 2019 budget.

5.2 Committee Mandate

The LGBTQ Advisory Committee Mandate was distributed and reviewed with the Committee.

Discussion: Committee members asked about the following:

- Why the LGBTQ Committee reports to the Audit, Finance and Administration Committee
- The process for revising the Committee's Mandate
- Having the Committee report to the Emergency and Community Services Committee

5.3 Committee Terms of Reference

A copy of the LGBTQ terms of reference were provided to Committee members. Committee members were asked to review the terms of reference for suggested revisions.

5.4 City of Hamilton Equity Toolkit

The Committee was advised of the draft Equity Toolkit that has been released by the Mayor's Office to support the creation of an Equity, Diversity and Inclusion Framework. The toolkit will be shared with all committee members for their review and feedback.

Discussion: Committee members asked about the timelines to provide feedback and specific details about what members are being asked to do with the content contained within the toolkit.

5.5 Committee Workplan for 2019

J. Bowen advised that all committees under the purview of the Diversity and Inclusion Office, have been asked to create an outline for 2019 which includes what the committee's goals are and what they hope to achieve as a group.

6. Recommendations

6.1 Motion to Recommend Reopening Committee Selection

(V. Nikolskaya / F. Gray)

That the LGBTQ Advisory Committee recommend the distributed Draft Citizen Committee Report regarding reopening the committee selection process for approval by the Audit, Finance and Administration Committee at its next meeting.

CARRIED

Discussion: C. Kroetsch advised that the report with recommendations respecting the Advisory Committee selection process had been completed. J. Bowen stated that the report only referenced one of several motions that were raised on May 15, 2019. C. Kroetsch advised that some of the things mentioned in the May 15, 2019 motion had already past and it was his understanding based on what staff had instructed that in order to make a recommendation the committee only had to provide a Citizen Committee Report on the outstanding items.

M. Ray-Borsc abstained from voting.

7. Regular Business

7.1 Motion to Allocate Funds from Budget for Meeting Space

(V. Nikolskaya / J. Diemert)

That the LGBTQ Advisory Committee allocate up to \$100 to secure space at the Central Library on July 23, 2019 for two hours if neither the HCCI, YWCA, nor The AIDS Network have meeting space available.

CARRIED

7.2 Motion to Allocate Funds from Budget to Pride Hamilton

(F. Gray / A. Getty)

That the LGBTQ Advisory Committee allocated \$500 from its 2019 budget to Pride Hamilton to defray costs associated with decorations and supplying filtered water at its 2019 event at Gage Park on June 15, 2019.

CARRIED

Discussion: There was discussion to continue the practice of supporting the annual Pride event with a financial contribution from the LBGTQ Committee.

The Committee discussed if funding was typically provided to Pride and the approximate amount of that funding.

Members advised that the LBGTQ Committee annually provides support for Pride and Trans Day of Remembrance Flag raising ceremonies.

The Committee has also provided financial support community

consultation and needs assessment projects. Community event in December (historically).

S. Cullen and C. Kroetsch abstained from the vote.

7.3 Motion to Depute to the Hamilton Police Services Board

(V. Nikolskaya / A. Getty)

That the Committee submits a request for deputation to the next Hamilton Police Services Board meeting.

CARRIED

8. Discussion Items

8.1 Update from Working Group on Committee Selection

The working group is currently engaged in ongoing discussion about:

- Community outreach
- Community representation
- Services provided by the LGBTQ committee
- The need for an informal community space

The next working group meeting is scheduled for July 23, 2019 at 6:00 PM. The location of the meeting is to be determined. A motion will be put forward at today's meeting to allocate funds to secure a meeting space as City Hall meeting rooms are currently booked on that date and time. The Hamilton Centre for Civic Inclusion offered the Working Group a meeting space on the evening of July 23, 2019.

8.2 LGBTQ+ Art Initiatives

Committee members discussed LGBTQ+ art initiatives.

Suggestions were made for the Committee to request a meeting with the City of Hamilton Arts Commission to raise concerns about increasing access for LGBTQ+ art and artists. It was suggested that the committee could connect with Ken Coit or Jennifer Anisef from the City of Hamilton in relation to public art.

A brief discussion was held regarding the need for collaborative effort with community organisations.

9. Notices

9.1 Motion to Rename the Committee

9.2 Motion to Recommend that the Committee Change the Standing Committee to which it Reports

9.3 Motion to Change the Committee's Mandate, Terms of Reference, and Budget

9.4 Motion to Complete the Committee Workplan for 2019

9.5 Motion to Change the Committee Pamphlet

9.6 Motion related to LGBTQ+ Art Initiatives

9.7 Motion to Create a Working Group related to the McMaster Needs Assessment

9.8 Motion to Create Policies or Procedures for Deputations and Delegations from the Committee

10. Announcements

The following announcements were made:

- The next Working Group meeting is on July 23, 2019
- Pride Hamilton is hosting a debrief at the YWCA on July 24, 2019
- The next Hamilton Police Services Board meeting is on July 18, 2019 at 1:00 PM in Council Chambers

11. Adjournment

(F. Gray / S. Cullen)

That, there being no further business, the meeting be adjourned at 8:00 PM.

CARRIED



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, August 20, 2019

6:00 PM - 6:30 PM

City Hall, 71 Main Street West, Room 192

Present: James Diemert, Autumn Getty, Cameron Kroetsch (Chair),
Violetta Nikolskaya (Vice Chair)

Regrets: Sean Cullen, Freja Gray, Mitch Ray-Borsc, Kristeen
Sprague, Kyle Weitz, Maureen Wilson (City Council
Appointee)

Staff: Jessica Bowen (Diversity and Inclusion)

Guests: None

Pursuant to Section 5.4 (4) of the City of Hamilton's Procedural By-law 18-270 at 6:30 PM the Staff Liaison to the Committee advised those in attendance that quorum had not been achieved within 30 minutes after the time set for the LGBTQ Advisory Committee, therefore, the Staff Liaison to the Committee noted the names of those in attendance and the meeting stood adjourned.

Respectfully submitted,

Jessica Bowen

Supervisor, Diversity and Inclusion, Human Resources



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, August 27, 2019

6:30 PM - 7:30 PM

City Hall, 71 Main Street West, Room 192

Present: James Diemert, Autumn Getty, Cameron Kroetsch (Chair), Violetta Nikolskaya (Vice Chair), Mitch Ray-Borsc, Maureen Wilson (City Council Appointee)

Regrets: Sean Cullen, Freja Gray, Kristeen Sprague, Kyle Weitz

Staff: Jessica Bowen (Diversity and Inclusion)

Guests: Members of the public

Chair: Cameron Kroetsch

1. Welcome / Introductions

Committee members and guests were welcomed and there was a round of introductions.

2. Land Acknowledgement

C. Kroetsch provided a Land Acknowledgement.

3. Declarations of Conflicts of Interest

None

4. Procedural Business

4.1 Motion to Approve the Agenda

(J. Diemert / V. Nikolskaya)

That the LGBTQ Advisory Committee approve the agenda for today's meeting as distributed with the following additions / amendments:

(a) That item 7.5 be added to the agenda:

7.5 Motion to Invite Representatives from the Hamilton Police Service to Delegate to the LGBTQ Advisory Committee at a Future Meeting

(b) That item 3.1 be removed from the agenda

CARRIED

5. Presentations

6. Recommendations

7. Regular Business

7.1 Motion to Create a Working Group on the Needs Assessment entitled “Mapping the Void: Two Spirit and LGBTQ+ Experiences in Hamilton”

(A. Getty / M. Ray-Borsc)

That the LGBTQ Advisory Committee create a Working Group to further examine the Needs Assessment entitled “Mapping the Void: Two Spirit and LGBTQ+ Experiences in Hamilton”.

CARRIED

Discussion: The results of the Needs Assessment can be found at <https://labourstudies.mcmaster.ca/lgbtq>. The YWCA may have a space that can be used for Working Group meetings. There was agreement that one Committee member should be in attendance at all Working Group meetings to ensure consistency. V. Nikolskaya to attend all Working Group meetings.

7.2 Motion to Appoint the Chair and Vice Chair of the Committee to Meet with Councillor Brad Clark

(J. Diemert / A. Getty)

That the LGBTQ Advisory Committee appoint the Chair (C. Kroetsch) and Vice Chair (V. Nikolskaya) to meet with Councillor Brad Clark at his request.

CARRIED

Discussion: Committee members inquired if there was any additional context to the request. No additional information was available. It was suggested that, at this meeting, the Chair and Vice Chair could only provide insight into items that the Committee had already discussed. Members suggested extending an invitation to the Councillor to attend an upcoming meeting.

7.3 Motion to Appoint the Chair and Vice Chair of the Committee to Attend a Meeting Organized by the Office of the Mayor of Hamilton

(V. Nikolskaya / J. Diemert)

That the LGBTQ Advisory Committee appoint the Chair (C. Kroetsch) and Vice Chair (V. Nikolskaya) to attend a meeting at the invitation of the Office of the Mayor of Hamilton on Wednesday, August 28, 2019 at 9:00 AM.

CARRIED

Discussion: The timing of the meeting, beginning at 9:00 AM, is not an optimal meeting time for people who have conflicting work schedules. The Committee discussed who had been invited and whether the entire Committee was invited or just the Chair and Vice Chair. Members discussed the role of the Committee and suggested that it was within its mandate to give advice to members of Council. Members reiterated that the representatives could not provide advice to the Mayor that they hadn't discussed as a group. It was noted that the meeting was not open or public and was invite-only and that this excluded many members of the Two-Spirit and LGBTQIA+ community.

7.4 Motion to Appoint the Chair and Vice Chair of the Committee to Attend a Meeting Organized by the Office of the Chief of the Hamilton Police Service

(M. Ray-Borsc / A. Getty)

That the LGBTQ Advisory Committee appoint the Chair (C. Kroetsch) and Vice Chair (V. Nikolskaya) to attend a meeting at the invitation of the Office of the Chief of the Hamilton Police Service on Thursday, August 29, 2019 at 6:00 PM.

FAILED

Discussion: Committee members did not think it would be appropriate for the Committee to advise Hamilton Police Service as the Committee's mandate is to advise City Council.

Members shared that they were interested in hearing the dialogue first hand. Historically, if other organisations wanted advice from the Committee they have requested to attend a monthly meeting. There were concerns raised about who has been invited to the meeting and who has been left out. There are concerns that the meeting will not be representative of either trans or racialized members of Two Spirit and LGBTQIA+ communities.

7.5 Motion to Invite Representatives from the Hamilton Police Service to Delegate to the LGBTQ Advisory Committee at a Future Meeting

(V. Nikolskaya / J. Diemert)

That the LGBTQ Advisory Committee invite representatives from the Hamilton Police Service to delegate to the LGBTQ Advisory

Committee at a future meeting.

CARRIED

Discussion: This was suggested in lieu of attending the meeting as outlined in 7.4. Members noted that the mandate of the Committee is to “eliminate barriers” experienced by Two Spirit and LGBTQIA+ communities. The Committee does this by making recommendations to Council in order that the City will excel in providing services to and interfacing with members of those communities. It can, though, receive delegations and act on specific requests made of it through that process if they are within its mandate. The Committee asked that staff make this invitation to the Hamilton Police Service on its behalf.

8. Discussion Items

9. Notices

9.1 Motion to Appoint a Recording Secretary

10. Announcements

11. Adjournment

(V. Nikolskaya / J. Diemert)

That, there being no further business, the meeting be adjourned at 7:30 PM.

CARRIED



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, September 17, 2019

6:00 PM - 8:00 PM

City Hall, 71 Main Street West, Room 192

Present: James Diemert, Autumn Getty, Freja Gray, Cameron Kroetsch (Chair), Violetta Nikolskaya (Vice Chair), Mitch Ray-Borsc, Kyle Weitz, Maureen Wilson (City Council Appointee)

Regrets: Sean Cullen, Kristeen Sprague

Staff: Jessica Bowen (Diversity and Inclusion)

Guests: Lianna Sanelli

Chair: Cameron Kroetsch

1. Welcome / Introductions

Committee members and guests were welcomed and there was a round of introductions.

2. Land Acknowledgement

V. Nikolskaya provided a Land Acknowledgement.

3. Declarations of Conflicts of Interest

None

4. Procedural Business

4.1 Motion to Approve the Agenda

(M. Ray-Borsc / V. Nikolskaya)

That the LGBTQ Advisory Committee approve the agenda for today's meeting as distributed with the following additions / amendments:

- (a) That agenda item 4.3 (f) be removed
- (b) That items 5 and 6 be removed from the Agenda
- (c) That agenda item 6.1 be moved from Recommendations to Discussion Items and added to the Agenda as item 8.4 (now 6.4)
- (d) That item 7.3 be moved from Regular Business to Discussion Items and added to the Agenda as item 8.5 (now 6.5)

CARRIED

4.2 Motion to Rescind the Motions of July 16, 2019 (4.2 to 4.5)

(J. Diemert / V. Nikolskaya)

That the LGBTQ Advisory Committee rescind its Motions 4.2 to 4.5 from its July 16, 2019 meeting.

CARRIED

Discussion: These motions were carried to approve the minutes of the Committee's previous meetings but have since been reformatted in collaboration with the City Clerk's office so that they're clearer, easier to read, and more useful for the Committee.

4.3 Motion to Approve the Minutes of April 30, 2019; May 15, 2019; May 28, 2019; June 25, 2019; July 16, 2019; August 27, 2019

(V. Nikolskaya / K. Weitz)

That the LGBTQ Advisory Committee approve the meeting minutes of April 30, May 15, May 28, June 25, July 16, and August 27, 2019 as distributed.

CARRIED

5. Regular Business

5.1 Motion to appoint a Recording Secretary

(V. Nikolskaya / F. Gray)

That the LGBTQ Advisory Committee appoint a Recording Secretary.

Discussion: No members of the Committee were willing, at this time, to serve as Recording Secretary

(M. Ray-Borsc / J. Diemert)

That the LGBTQ Advisory Committee table the motion until its next meeting.

TABLED

5.2 Motion to draft the Committee Workplan for 2019

(C. Kroetsch / J. Diemert)

That the LGBTQ Advisory Committee accept the items in today's Agenda under item 9 as its Workplan for 2019 and that it develop a Workplan for 2020 as soon as possible.

CARRIED

Discussion: The committee discussed focusing on a workplan for 2020. For the remainder of 2019, the committee will focus on the motion put forward in May 2019 and the other items under 9 on today's Agenda. Members noted that historically the committee has supported the Trans Day of Remembrance and a "meet and

greet” event in December and that these items be added to the 2019 Workplan.

5.3 Motion to schedule Working Group meetings

(V. Nikolskaya / J. Diemert)

That the LGBTQ Advisory Committee schedule the following meetings of its 2 Working Groups:

(a) Working Group on the Needs Assessment on October 7, 2019 at 6:00 PM (YWCA)

(b) Working Group on the Committee Selection on October 22, 2019 at 6:00 PM (The AIDS Network)

(c) Working Group on the Needs Assessment on November 11, 2019 at 6:00 PM (YWCA)

CARRIED

6. Discussion Items

6.1 Update from Working Group on Committee Selection

Group members met at the Hamilton Centre for Civic Inclusion and discussed the community space that exists (i.e. social space, bar space, office space). There was a general discussion about community partnerships.

6.2 Report from meeting with Mayor Fred Eisenberger

The meeting was part of a series of meetings that the Mayor was holding to address hate, so-called “dialogues”. The Committee was not given an agenda in advance and so was not able to provide useful feedback as part of the main discussion and didn’t have instructions from the Committee to represent it on that topic.

There were some stakeholders from other marginalized communities, including religious communities, around the table.

There was space on the agenda to talk about other things such as the “positive space” campaign. We strongly suggested that the group read the recent *Mapping the Void* needs assessment from McMaster University.

There was a suggestion that the Committee had been invited to the previous meeting of this group. The Chair clarified for the group that the Committee had not been invited previously. The Chair then explained the process for sending invitations and urged the group to give lede time to Committee to discuss those invitations in advance of the next meeting.

6.3 Reopening Committee selection process

Councillor Wilson, a member of the Interview Sub-Committee to the Audit, Finance & Administration Committee, advised that the motion put that the LGBTQ Advisory Committee put forward was approved on September 11 by the Audit, Finance and Administration Committee.

Following the approval of the motion, the Interview Sub-Committee met. A query went out to those who had previously applied to the Committee asking if they were still interested in applying to be selected.

When the Interview Sub-Committee next meets it will review applications and discuss methodology.

The Committee made the following comments to Councillor Wilson:

- given a recent resignation from the committee, if the selection committee could consider recruiting one additional member
- if staff could advise on what questions can be asked of recruits to demonstrate a fair and equitable process and to ensure that adequate representation can be achieved as per the motion the committee put forth with respect to the selection of members
- all the applicants should be interviewed
- membership related to youth, people of colour, Indigenous, and Two-Spirit representatives should be the focus of this recruitment

Councillor Wilson will communicate the Committee's views to the Interview Sub-Committee.

6.4 Recommending a Budget for 2020

Overview of budget process for 2020 was provided by staff. A draft budget for 2020 will be provided for the October meeting.

6.5 Process for deputations and delegations from the Committee

The Committee is planned to depute at either the October or November meeting of Hamilton Police Services Board. The Committee discussed the steps that would be taken in the event that there are times where a deputation may need to happen in a timely manner but where the committee could not meet in advance to collectively agree on what will be shared.

Committee members will adhere to the parameters outlined in the Volunteer Advisory Handbook. Without an explicit discussion, the Committee agreed to not move forward on a deputation.

A Committee member indicated that they felt it was the Committee's responsibility to address what happened at the June 18, 2019 Community Conversation that it hosted as part of the deputation to the Hamilton Police Services Board in addition to a request to the Board to ask City Council to consider a reselection process similar to the one it recently requested.

7. Notices

7.1 Motion related to the Trans Day of Remembrance

7.2 Motion to recommend a Budget for 2020

7.3 Discussion of December event

7.4 Discussion of food for meetings

7.5 Discussion of review of attendance expectations

8. Announcements

The following announcements were made:

- Kyle's Place is hosting an ASL class every Saturday afternoon for 10 weeks
- Pride Hamilton is hosting its first Events Committee meeting for planning Pride 2020 on September 29, 2019 at the YWCA

9. Adjournment

(V. Nikolskaya / J. Diemert)

That, there being no further business, the meeting be adjourned at 8:00 PM.

CARRIED



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, October 15, 2019

6:00 PM - 8:00 PM

City Hall, 71 Main Street West, Room 192

Present: James Diemert, Autumn Getty, Freja Gray, Cameron Kroetsch (Chair), Kyle Weitz, Maureen Wilson (City Council Appointee)

Regrets: Violetta Nikolskaya (Vice Chair), Kristeen Sprague, Mitch Ray-Borsc

Absent: Sean Cullen

Staff: Jessica Bowen (Diversity and Inclusion)

Guests: Fred Bennink (Hamilton Police Services Board), members of the public

1. Welcome / Introductions

Committee members and guests were welcomed and there was a round of introductions.

2. Land Acknowledgement

C. Kroetsch provided a Land Acknowledgement.

3. Declarations of Conflicts of Interest

None

4. Procedural Business

4.1 Motion to Approve the Agenda

(J. Diemert / K. Wietz)

That the LGBTQ Advisory Committee approve the agenda for today's meeting as distributed with the following additions / amendments:

(a) That items 7.6, 7.7, and 7.8 be added to the agenda:

7.6 Community Contacts List

7.7 Update from the Working Group on Committee Selection

7.8 Update from the Working Group on the Needs Assessment

CARRIED

4.2 Motion to Approve the Minutes of September 17, 2019

(J. Diemert / K. Wietz)

That the LGBTQ Advisory Committee approve the meeting

minutes of September 17, 2019 as distributed with the following additions / amendments:

- (a) That “members of the public” be added to the header section under “Guests”

CARRIED

5. Recommendations

5.1 Motion to recommend to City Council a Budget for 2020

(F. Gray / J. Diemert)

That the LGBTQ Advisory Committee request a budget of \$3,914.00 for 2020 with a 2% increase (if applicable).

CARRIED

6. Regular Business

6.1 Motion to appoint a Recording Secretary

(J. Diemert / K. Weitz)

That the LGBTQ Advisory Committee acclaim A. Getty as Recording Secretary.

CARRIED

Discussion: This motion was tabled at the September 2019 meeting of the Committee. A. Getty has agreed to take up these

duties starting in 2020. A. Getty was the only nominee to the position and was acclaimed to it.

6.2 Motion regarding the Trans Day of Remembrance

(K. Weitz / J. Diemert)

That the LGBTQ Advisory Committee allocate \$600.00 from its 2019 budget to support the Trans Day of Remembrance on November 20, 2019.

CARRIED

Discussion: A member advised that last year this event was organised in collaboration with members of the community. There was a dinner hosted at the YWCA. The space was an in-kind contribution and the meal was supplied by local businesses in the City.

6.3 Motion regarding a December Event replacing the Committee's Regularly Scheduled Meeting

(J. Diemert / A. Getty)

That the LGBTQ Advisory Committee direct C. Kroetsch to explore logistical details with respect to the Committee hosting an event on December 17, 2019 including the following:

- (a) connecting with the YWCA around possible event space; and
- (b) connecting with the LGBTQ Archives Project and past committee members who may be interested in

participating and bringing a report on this back to the Committee at its next meeting.

CARRIED

Discussion: There was a suggestion that the Committee hold an open house event in December (as in the past). Public engagement with the Committee has increased in the past year and a meet and greet event may be better attended than in the past year. There is the potential of this event to attract community members and bring focus to a particular issue. Members suggested potentially focusing on the newly launched LGBTQ Archives as potential theme/option.

6.4 Motion to Depute to the Hamilton Police Services Board

(F. Gray / J. Diemert)

That the Committee submits a request for deputation to the next Hamilton Police Services Board meeting including a letter circulated at today's meeting that outlines the request in detail.

CARRIED

7. Discussion Items

7.1 Denial of request to depute to the Hamilton Police Services Board

C. Kroetsch was appointed to give the deputation that was denied and reported back that the denial by the Board was the result of its conclusion that the content of the deputation was not

relevant. The intention is to request to depute again and to make the request clearer by providing more information.

7.2 Religious Ceremonial Activities at City Council Meetings

Guests to the Committee brought up this issue at the September 2019 and the Committee agreed to discuss it. The Committee discussed the practice and decided that it did not have the capacity to follow up on this matter given its other priorities and outstanding business.

7.3 Food for Committee Meetings

Concerns have been brought up at previous meetings around food and beverage selection options and members suggested the options be expanded. Members wanted to continue having food at meetings. Further discussion will be had with respect to possible options for 2020.

7.4 Attendance Expectations and Review of Attendance Policy

Members are unsure of the procedures to be used in these instances, especially when someone has indicated a desire to resign but has not formally submitted their resignation. Staff will follow up with members who have missed more than 3 consecutive meetings so that they are aware of the expectations and the policy, specifically that being removed from an Advisory Committee would mean that they could not sit on one in future.

7.5 Community Contact List

A member inquired about the possibility of the Committee keeping and maintaining a list of contacts in Two-Spirit and LGBTQIA+ communities in Hamilton. There was a suggestion that a Google Doc could be used to achieve this once the information was collected. There was the suggestion that the Committee does not currently have the capacity to do this but that it may in future.

7.6 Update from Working Group on Committee Selection

The Working Group will not meet until the new members of the Committee are selected or at such time as there are additional vacancies and a need to make a further recommendation to City Council.

7.7 Update from Working Group on the Needs Assessment

There will be a Working Group meeting for the needs assessment (from McMaster called “Mapping the Void”) held on November 11, 2019 at 6:00 PM at the YWCA.

8. Notices

8.1 Motion regarding the Committee’s December 2019 Event

8.2 Motion regarding the process to Recommend that the

Committee change the Standing Committee to which it Reports

9. Announcements

The following announcements were made:

- Working Group for the Needs Assessment is meeting is on November 11, 2019 at 6:00 PM at the YWCA
- Hamilton Public Library is hosting an LGBTQ Archives Fundraiser on October 22, 2019 from 7:30 PM to 10:30 PM at Mills Hardware
- Trans Day of Remembrance is taking place on November 20, 2019

10. Adjournment

(J. Diemert / F. Gray)

That, there being no further business, the meeting be adjourned at 8:00 PM.

CARRIED



Hamilton

MINUTES

LGBTQ Advisory Committee

Tuesday, November 19, 2019

6:00 PM - 8:20 PM

City Hall, 71 Main Street West, Room 192

Present: James Diemert, Freja Gray, Lisa-Marie Johnston, Alex Kaulback, Cameron Kroetsch (Chair), Jake Maurice, Violetta Nikolskaya (Vice Chair), Kyle Weitz, Maureen Wilson (City Council Appointee)

Regrets: Kristin Cavarzan, Mitch Ray-Borsc, Kristeen Sprague, Terri Wallis

Absent: Sean Cullen, Autumn Getty (Recording Secretary)

Staff: Jessica Bowen (Diversity and Inclusion)

Guests: Samantha Craggs (CBC Hamilton), Rowan Dubois, Al Fletcher (Neighbourhood Development, City of Hamilton), Jen Hohol (Neighbourhood Development, City of Hamilton), Rochelle Ihekwoaba (Neighbourhood Development, City of Hamilton), Sonia Mrva (Hamilton Civic Museums), members of the public

1. Welcome / Introductions

Committee members and guests were welcomed and there was

a round of introductions.

2. Land Acknowledgement

V. Nikolskaya provided a Land Acknowledgement.

3. Declarations of Conflicts of Interest

None

4. Procedural Business

4.1 Motion to Approve the Agenda

(V. Nikolskaya / J. Diemert)

That the LGBTQ Advisory Committee approve the agenda for today's meeting as distributed with the following additions / amendments:

(a) That item 4.1 be added to the agenda:

4.1 Delegation from Sonia Mrva, Hamilton Civic Museums

CARRIED

5. Presentations / Delegations

5.1 Delegation from Sonia Mrva, Hamilton Civic Museums

The delegate shared that the Hamilton Civic Museums are seeking feedback from the public. They have a survey that they are asking community members to complete in order to collect information on how they can achieve better partnerships within the community. The survey can be found at www.reimagineourmuseums.ca. Sonia Mrva's email is sonia.mrva@hamilton.ca. The delegate advised the committee that having a Hamilton Public Library card enables individuals to access museums at no cost.

5.2 Delegation from Al Fletcher, Manager, Neighbourhood Development, City of Hamilton

The delegate was accompanied by Rochelle Ihekwoaba and Jen Hohol who all explained their role(s) in relation to the establishment of the Multi-Use Hub for Diverse and Marginalized Communities. They requested to gather feedback from the community about what is missing in Hamilton in relation to community space; meeting locations; and co-locating services. The motion can be found at: <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=208283>. The rest of their presentation can be summarized as:

- Staff are consulting with community groups about the hub.

- The Committee inquired about the timeline for consultation. The delegate advised that they are planning to report back to Council by June 2020.
- The Committee inquired if the delegate's team would be willing to work with the LGBTQ Advisory Committee to get feedback from the community. The delegate indicated his team would welcome the opportunity.
- Committee members advised that an environmental scan of Hamilton (<https://labourstudies.mcmaster.ca/lgbtq>) illustrates that Two Spirit and LGBTQIA+ communities have lost space and that there has been nothing done to replace what was lost (i.e. The Well).
- Request by the Committee that this group come back in January, February, and March of 2020 for further review and feedback.
- Al Fletcher can be contacted by email at Alr.Fletcher@hamilton.ca or by phone at (905) 546-2424 Extension 4711.

5.3 Delegation from Andrea Holland, City Clerk

The delegate provided an overview of the services provided by the Office of the City Clerk including running the Municipal election every four years; providing records and legislative advice. The delegate also reviewed some issues that her Office had with the Committee's approved minutes and asked that certain minutes be revised. The delegate offered her Office's services in training the Committee's Chair, Vice Chair, or Recording Secretary. She also offered to review any of the

policies or procedures that governed the Committee's business with any member of the Committee.

6. Recommendations

6.1 Motion to write a Citizen Committee Report to Recommend that City Council Reappoint a Member of the Hamilton Police Services Board

(V. Nikolskaya / A. Kaulback)

That the Chair and/or Vice Chair draft a Citizen Committee Report for approval at the next meeting of the Committee to recommend that City Council reappoint a member of the Hamilton Police Services Board.

CARRIED

6.2 Motion to write a Citizen Committee Report to Recommend that City Council Appoint Additional Members to the LGBTQ Advisory Committee

(C. Kroetsch / J. Maurice)

That the Chair and/or Vice Chair draft a Citizen Committee Report for approval at the next meeting of the Committee to recommend that City Council appoint additional members to the LGBTQ Advisory Committee.

CARRIED

7. Regular Business

7.1 Motion regarding the Committee's December 2019 Event

(F. Gray / K. Weitz)

That the LGBTQ Advisory Committee cancel its regular December meeting, on December 17, and schedule a social event in its place for the same date (location TBD) and that the Committee spend the rest of its annual budget on food, coffee, and a room booking for the event.

CARRIED

Discussion: The Committee discussed that this has been a social event which has not been well attended in the past. Members agreed to plan for this event scheduled for December 17 but will have backup dates of December 16 and 18 should event space not be available. Locations considered for the event will be the YWCA, CityLAB, Whitehern, and the Hamilton Public Library.

7.2 Motion regarding the process to Recommend that the Committee change the Standing Committee to which it Reports

(C. Kroetsch / J. Diemert)

That the LGBTQ Advisory Committee table the motion and bring it forward as a recommendation at its next meeting.

TABLED

7.3 Motion to Submit a Letter to the Hamilton Police Services Board for Receipt at its December Meeting

(F. Gray / K. Weitz)

That the LGBTQ Advisory Committee submit a letter, as distributed at today's meeting, to the Hamilton Police Services Board for its receipt and inclusion on its public agenda.

CARRIED

Discussion: Committee members consulted on what would be the most appropriate way to share their concerns with the Hamilton Police Services Board considering that their request to depute was twice denied. The City Clerk had recommended that, rather than depute, that the Committee send correspondence to the Hamilton Police Services Board. Members of the Committee thought this was a good recommendation and will also follow up with a Citizen Committee Report to City Council about concerns that the Hamilton Police Services Board has continued to say that they cannot address (i.e. the appointment of its members). The point of sending this letter is in place of the denied deputation and to ensure that the Committee's comments are received and on the record.

7.4 Motion to Remove K. Sprague and S. Cullen from the Committee

(V. Nikolskaya / J. Diemert)

That the Committee remove K. Sprague and S. Cullen from the Committee due to lack of attendance as per the regulations set out in the City of Hamilton Advisory Committee Handbook but also that K. Sprague not be removed if her resignation is

received before the next meeting of the Committee.

CARRIED

Discussion: The Committee had discussed the removal of these members at previous meetings when they had missed more than 3 consecutive meetings (a violation of the City of Hamilton Advisory Committee Handbook). Staff had attempted to reach them to convey the Committee's concern and the attendance regulations as outlined in the City of Hamilton Advisory Committee Handbook. Staff also explained that a resignation before the next meeting of the Committee would be better than a removal by the Committee because a removal may forbid any future participation on City of Hamilton agencies, boards, or committees. Staff agreed to further communicate this to K. Sprague. Staff has already communicated this to S. Cullen in advance of today's meeting. The time for S. Cullen to resign has elapsed.

8. Discussion Items

8.1 Update from Working Group on Committee Selection and Scheduling of its Next Meeting

C. Kroetsch chairs this Working Group. He advised the Committee that the Working Group was officially on hiatus until such time in the future as it deemed necessary to assist the Committee in compiling its advice in the form of a Citizen Committee Report regarding the selection of this Committee after the next municipal election. A future meeting will not be scheduled at this time.

8.2 Update from Working Group on the Needs Assessment and Scheduling of its Next Meeting

V. Nikolskaya chairs this Working Group. She advised the Committee that the next meeting is scheduled for December 9, 2019 at 6:00 PM with a subsequent meeting scheduled for January 13, 2019 at 6:00 PM. The previous meeting cancelled due to incimate weather.

8.3 Meme containing Homophobic Slur posted by the City of Hamilton Employee

C. Kroetsch advised the Committee that an issue was brought to his attention in his capacity as Chair of a meme on social media containing a homophobic slur. He reported this matter to City staff and reported that the slur had been removed. Staff advised that the City takes every complaint seriously. The post was investigated, addressed, and removed promptly. Staff advised that they could not speak about individual personnel matters or investigation results. Staff thanked C. Kroetsch for bringing this matter to their attention.

8.4 Process for Renaming the Committee

The Committee briefly discussed what a renaming might entail both in terms of the process and what form the renaming might take (i.e. consideration of an umbrella term or acronym) and how it might do outreach to hear from Two Spirt and LGBTQIA+ communities about renaming the Committee.

8.5 Planning a Committee Retreat for 2020

Consensus was that a retreat be planned as soon as possible and that dates be discussed and finalized in January 2020.

8.6 Planning an All Advisory Committees Event

Consensus was that an event be planned as soon as possible and that dates be discussed and finalized in January 2020.

9. Notices

9.1 Motion to Extend the Meeting Time to 8:30 PM (as part of approving the agenda)

9.2 Motion to Schedule a Broader Community Consultation with Respect to the Multi-Use Hub for Diverse and Marginalized Communities

9.3 Discussion about the 2020 Flag Raising Ceremony

10. Announcements

The following announcements were made:

- Transgender Day of Remembrance will be held on November 20, 2019 at the Good Shepherd

- The AIDS Network is holding a Comfort & Joy fundraising and silent auction on December 6, 2019 at the Art Gallery of Hamilton from 6:00 PM to 10:00 PM; tickets are \$25

11. Adjournment

(J. Diemert / F. Gray)

That, there being no further business, the meeting be adjourned at 8:20 PM.

CARRIED



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	February 20, 2020
SUBJECT/REPORT NO:	Hate Related Activities on City of Hamilton Properties (LS19031/PW19068(b)/CM19006(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Ariyo (905) 546-2424 Ext. 1564
SUBMITTED BY:	John Hertel Director, Strategic Partnerships & Communications City Manager's Office
SIGNATURE:	

COUNCIL DIRECTION

In July 2019, Council adopted staff's recommendations report aimed at mitigating the use of public spaces by hate groups through targeted hate-related incident policy, procedures, notification of assembly, trespass by-law and enhanced corporate security procedures (LS19031/PW19068).

Council further directed staff in August 2019 to hire a community engagement consultant who will engage with equity-seeking groups, community partners and other stakeholders to obtain input on the City's draft hate mitigation policies and procedures (CM19006). The consultant will also engage to further understand root causes, apply best practices and offer key recommendations on how to address hate and discrimination within the broader Hamilton community.

INFORMATION

In November 2019, staff completed a procurement process to retain a public engagement consultant. The successful consultant is Sage Solutions, a Guelph-based company, with extensive experience in community consultation initiatives in Guelph and across the Greater Toronto and Hamilton areas.

Sage Solutions has proposed an engagement plan which they will use to engage with equity-seeking groups, community partners and other key stakeholders to meet project

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**SUBJECT: Hate Related Activities on City of Hamilton Properties
(LS19031/PW19068(b)/CM19006(b)) (City Wide) - Page 2 of 2**

outcomes. The proposed plan is developed by Sage Solutions based on their extensive public consultation experience. The plan is also informed by input from internal and community stakeholders through facilitated conversations. The proposed plan is attached as Appendix A to Report (LS19031/PW19068(b)/CM19006(b)) (City Wide).

The community engagement timeframe proposed by Sage Solutions runs from February to May 2020. Further consultation with key stakeholders on the preliminary engagement findings is expected to be completed by July 2020. Final recommendations report to the City of Hamilton is expected by September 2020. Staff will continue to bring reports to Council throughout the project process based on relevance and completion of key deliverables.

Overall Project Plan and Schedules

The community engagement phase is a component of the overall project plan designed for the hate mitigation initiative. Key project activities in entirety from procurement phase to project completion include:

- Procurement opened: September 25, 2019
- Procurement closed: October 16, 2019
- Bids Reviewed and a Consultant retained: October 16-25, 2019
- Successful Consultant Start Date: November 2019
- Consultant produces a community engagement plan: February 2020
- Community Engagement and Consultation: February-May 2020
- Parallel Hate-related Research, Policy & Recommendations: December 2019-May 2020
- Preliminary public engagement findings to be completed: May 2020
- Consultant obtains final stakeholders/public input on preliminary findings: May-July 2020
- Final Recommendations Report: September 2020

APPENDICES AND SCHEDULES ATTACHED

Appendix A to Report (LS19031/PW19068(b)/CM19006(b)) (City Wide): Hate Mitigation Community Engagement Plan by Sage Solutions

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City of Hamilton Hate Mitigation Project Community Engagement Plan

For submission to the Audit, Finance & Administration
Committee (AF&A)
February 2020

Context

Hamilton's vision is to be "the best place to raise a child and age successfully." It also describes itself as a "safe, caring and supportive city" and a "thriving, vibrant place...where diversity and inclusivity are embraced and celebrated."¹

Given the rise in reported hate-related incidents in Hamilton, the City of Hamilton is exploring ways the municipality can contribute to ensuring the community lives up to these positive aspirations it holds for itself. It is doing so by learning from other communities' experiences, creating a supportive policy context, building on previous community recommendations and listening further to the community through an engagement process that will unfold during the late winter and spring of 2020.

City staff and the consulting team will engage the public and key community stakeholders to gather input on the current situation, within the context of articulating a vision of the kind of community people want to co-create. This feedback, along with additional best practices research, will be used to develop recommendations for the City of Hamilton's Hate Mitigation Policies and Procedures.

This document describes how that community engagement will occur.

Principles

The engagement process is being designed within the context of Hamilton's Public Engagement Charter and with the following core principles in mind:

- People should be able to participate in decisions that impact them
- Participation should be easy, with opportunities designed to be accessible and inclusive

¹ Values as articulated in *Our Future Hamilton*

- Requests for input should be meaningful, such that the feedback will actually influence decision-making and build on previous recommendations rather than simply repeating them
- The City will adopt the stance of a listener
- Engagement will be designed to incorporate a variety of perspectives in as balanced and neutral a way as possible.
- The plan will be flexible within fixed resource constraints.

Suggested Engagement Process (March to May 2020)

Phase 1 – Initial Co-creation of Possibilities

Format	Purpose	Specifically whom?
1. Focus groups	To gather initial input and to develop/test questions.	Racialized, faith based, Indigenous and LGBTQ2S+ groups.
2. Online survey	Anonymous feedback throughout the engagement phase, with content informed by initial focus groups. Sage Solutions will administer the survey, City will promote it.	Anyone, but with targeted marketing to build awareness and reach.
3. Equip local leaders to host conversations	To increase reach and allow conversations to happen with trusted peers.	We provide questions to local groups and they send us back notes summarizing responses. Also invite their folks to complete survey. Incentives?
4. On-site interviews	To reach out to people where they are, who may not otherwise initiate engagement.	“On the street” conversations at public gathering places in urban and rural communities across Hamilton. Invitations to complete online survey will be included.
5. Key informant telephone interviews	To reach key leaders in greater depth, particularly those who have been unable to participate otherwise.	As required/advised.

6. Community events	City staff and consulting team to attend existing community events, with permission, and listen well.	TBD
7. One-on-one interviews with known activists	To hear from those known to be directly involved in extremist action	City to provide names and facilitate safe contact.
8. Collaborative white boards	To make engagement more visible, friendly, easy.	Ask a different question each week for 6 weeks – Consulting team to provide questions, City staff take photos of responses in supervised public locations such as libraries and community centres.

Phase 2 – Validation

Format	Purpose	Specifically whom?
1. “Advisory Group” check-in	Sense-making workshop to review findings thus far.	Informal advisory group as per project kick off.
2. Town Hall meetings	Present preliminary findings and recommendations for an additional round of input/refinement.	Open to the public.

Information to share during engagement opportunities

- Definitions
- Context for this project – why it’s happening and what the goals are, such as:
 - Listening
 - Shared understanding
 - Public education
 - Build trust
 - Live up to our values
 - Equip our leaders to lead well
 - Develop robust policy
- In order to increase:

- Public safety
- Welcoming public spaces
- Higher community trust
- Living up to community values, including of inclusion, diversity, safety
- Expectations/boundaries
- Educational messaging

Sample questions to ask during engagement

- What has been your **experience** with hate crimes and hateful behaviours in Hamilton?
- What **responses** to it have you experienced or witnessed?
- **If you witnessed** a hate crime such as ... what do you think you would do?
- **How extensive do you think this problem is?**
- What do you think are the **root causes** of hateful behaviours in Hamilton?
- Hamilton has described itself as a community that is safe and caring, where diversity and inclusion are embraced and celebrated. How closely are we **living up to those values?**
- What do you **wish were true** about Hamilton when it comes building an inclusive city?
- What is your **best advice** about specifically what should be done to create that desired future?
- **Whose responsibility** is it to do what you've suggested?

Next Steps

1. Confirm representation of various audiences (organizations and individuals) including:
 - Racialized communities
 - Faith-based groups
 - LGBTQ2S+
 - Indigenous people
 - School boards and postsecondary institutions
 - Yellow vests and other extremist groups
 - Anti-hate groups
 - Police services
 - Newcomers
 - General public
 - Others

2. Draft specific content and facilitation plans for each component
3. Confirm roles and responsibilities of Sage Solutions staff and City staff for each element
4. Co-create a communications/outreach plan, with related collaterals



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

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	February 20, 2020
SUBJECT/REPORT NO:	City of Hamilton Water and Wastewater / Storm Arrears Policy Minor Amendment (FCS20018) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Savoia (905) 546-2424 Ext. 7298
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION

That the amended Water and Wastewater / Storm Arrears Policy as attached in Appendix “A” to Report FCS20018, be approved effective March 1, 2020.

EXECUTIVE SUMMARY

The proposed amendment to the Water and Wastewater / Storm Arrears Policy (the “Policy”) ensures that account holders and property owners are provided notice of arrears and sufficient time to pay unpaid fees in order to avoid the arrears being placed on the tax roll. In order to maximize the recovery of arrears that remain unpaid, the Policy recognizes the authority provided by the *Municipal Act, 2001* to place unpaid fees and charges for public utilities, which includes water and wastewater / storm arrears, on the tax roll for the property to which the service was supplied.

The City, through its billing agent Alectra Utilities (“Alectra”), bills approximately \$230 M annually for water, wastewater and storm services. Most accounts are collected without the need for additional collection measures.

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SUBJECT: City of Hamilton Water and Wastewater/Storm Arrears Policy Minor Amendment (FCS20018) (City Wide) – Page 2 of 5

Unlike most water utilities, the City does not utilize service disconnection to address non-payment of water and / or wastewater / storm bills. The City relies on its authority under the *Municipal Act, 2001* to place unpaid water and wastewater / storm amounts on the tax roll for the property to secure the City's water and wastewater / storm revenues.

However, transferring unpaid water and wastewater / storm amounts related to newly built properties has become a problematic proposition for both Alectra and the City. To accommodate the water and wastewater / storm billing for purchasers who have taken possession of newly built properties, Alectra, on behalf of the City, will update the water account to the purchaser's name(s) and will bill accordingly.

All newly developed properties are assessed by the Municipal Property Assessment Corporation (MPAC) which assigns an assessment roll number that the City uses for taxation purposes as the property's tax roll number. However, the assignment of a roll number may not occur until long after the transfer of title to the purchaser's name(s) has occurred. Consequently, in the absence of tax roll numbers for the new properties, unpaid water and wastewater / storm balances that remain outstanding 60 or more calendar days beyond the invoice due date may have been transferred to the original "parent" property tax roll number often in the name of the developer / builder of the newly built properties.

Related arrears notices would also be sent to the original owner so that proper notice to the current owner / account holder would not occur. Such transfers frequently remained unpaid and led to dispute by the owner(s) listed on the parent tax roll number. In most cases, the tax roll transfer (and often the transfer administrative fee and accrued interest) would be reversed back to the purchaser's Alectra water account resulting in wasted administrative efforts for both Alectra and City Taxation staff.

Hence, staff are recommending a relatively minor amendment to the City's Policy whereby, during the period where the purchaser is receiving the water bill and a tax roll number has not yet been assigned, any unpaid water and wastewater / storm balances that remain outstanding 60 or more calendar days beyond the invoice due date will be retained by Alectra. The arrears would also continue to be charged interest by Alectra.

Alectra will ensure that arrears notices, where there is an absence of an assigned tax roll number for the new property:

- 1) are sent to the purchaser (account holder);
- 2) advise the purchaser that arrears will remain on the Alectra water account;
- 3) advise the purchaser that the balance continues to accrue interest at a rate of 1.5% per month; and
- 4) advise the purchaser that balances that remain outstanding 60 or more days, plus accrued interest and an applicable administrative fee, will be immediately transferred to the property tax roll once a tax roll number has been assigned and communicated to Alectra.

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SUBJECT: City of Hamilton Water and Wastewater/Storm Arrears Policy Minor Amendment (FCS20018) (City Wide) – Page 3 of 5

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Report FCS20018 has no direct financial impact. Approval of the amended Water and Wastewater / Storm Arrears Policy seeks to maximize the successful collection of water and wastewater / storm utility service arrears to the City while allowing the customer to retain active utility service.

Staffing: No impact to current staffing levels.

Legal: The City's authority under the *Municipal Act, 2001* to place unpaid water and wastewater / storm amounts on the tax roll for the property is not affected by recommendations contained Report FCS20018.

HISTORICAL BACKGROUND

The proposed amendment to the Water and Wastewater / Storm Arrears Policy ensures that account holders and property owners are provided notice of arrears and sufficient time to pay unpaid fees in order to avoid the arrears being placed on the tax roll. In order to maximize the recovery of arrears that remain unpaid, the Policy recognizes the authority provided by the *Municipal Act, 2001* to place unpaid fees and charges for public utilities, which includes water and wastewater / storm arrears, on the tax roll for the property to which the service was supplied.

The Policy was established in 2007 to clearly outline the protocols the City and its billing agent Alectra Utilities ("Alectra") follow with respect to overdue water accounts up to and including the point in time of tax roll transfer (refer to Report FCS07053). At the time, unpaid water and wastewater / storm balances that remained outstanding 90 or more calendar days beyond the invoice due date were transferred to the property tax roll. In 2017, considering Council's approval to move to monthly water billing for all customers (previously residential customers were billed bi-monthly), the Policy was amended so that arrears that remained outstanding 60 or more calendar days beyond the invoice due date would be transferred to the property tax roll (refer to Report FCS17054).

The City, through Alectra, bills approximately \$230 M annually for water, wastewater and storm services. Most accounts are collected without the need for additional collection measures.

Unlike most water utilities, the City does not utilize service disconnection to address non-payment of water and / or wastewater / storm bills. The City relies on its authority under the *Municipal Act, 2001* to place unpaid water and wastewater / storm amounts on the tax roll for the property to secure the City's water and wastewater / storm revenues.

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SUBJECT: City of Hamilton Water and Wastewater/Storm Arrears Policy Minor Amendment (FCS20018) (City Wide) – Page 4 of 5

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Any property tax billing solution would need to adhere to Provincial legislation and City of Hamilton policies, primarily but not limited to the *Municipal Act, 2001*, *Assessment Act* and *Education Act*, as well as municipal by-laws, which stipulate the means utilized in the billing and collection of property taxes.

RELEVANT CONSULTATION

Corporate Services – Taxation, Financial Services Division has been consulted in the preparation of Report FCS20018.

Alectra Utilities Corporation has been consulted and advised of implementation requirements that arise from the adoption of the recommendations of Report FCS20018 and have indicated they can support the City with these initiatives.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Transferring unpaid water and wastewater / storm amounts related to newly built properties has become a problematic proposition for both Alectra and the City. To accommodate the water and wastewater / storm billing for purchasers who have taken possession of newly built properties, the City will update the water account to the purchaser's name(s) and in turn, Alectra will bill accordingly.

All newly developed properties are assessed by the Municipal Property Assessment Corporation (MPAC) which assigns an assessment roll number which the City uses for taxation purposes as the property's tax roll number. However, the assignment of a roll number may not occur until long after the transfer of title to the purchaser's name(s) has occurred. Consequently, in the absence of tax roll numbers for the new properties, unpaid water and wastewater / storm balances that remain outstanding 60 or more calendar days beyond the invoice due date may have been transferred to the original "parent" property tax roll number (often in the name of the developer / builder of the newly built properties). Related arrears notices would also be sent to the original owner so that proper notice to the current owner / account holder would not occur. Such transfers frequently remained unpaid and led to dispute by the owner(s) listed on the parent tax roll number. In most cases, the tax roll transfer (and often the transfer administrative fee and accrued interest) would be reversed back to the purchaser's Alectra water account resulting in wasted administrative efforts for both Alectra and City Taxation staff.

Hence, staff are recommending a relatively minor amendment to the City's Policy whereby, during the period where the purchaser is receiving the water bill and a tax roll number has not yet been assigned, any unpaid water and wastewater / storm balances that remain outstanding 60 or more calendar days beyond the invoice due date will be retained by Alectra.

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SUBJECT: City of Hamilton Water and Wastewater/Storm Arrears Policy Minor Amendment (FCS20018) (City Wide) – Page 5 of 5

Alectra will ensure that arrears notices, where there is an absence of an assigned tax roll number for the new property:

- 1) are sent to the purchaser (account holder);
- 2) advise the purchaser that arrears will remain on the Alectra water account;
- 3) advise the purchaser that the balance continues to accrue interest at a rate of 1.5% per month; and
- 4) advise the purchaser that balances that remain outstanding 60 or more days, plus accrued interest and an applicable administrative fee, will be immediately transferred to the property tax roll once a tax roll number has been assigned and communicated to Alectra.

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.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS20018 - City of Hamilton Water and Wastewater / Storm Arrears Policy

JS/dt

POLICY TITLE: City of Hamilton Water and Wastewater/Storm Arrears Policy

POSITION RESPONSIBLE FOR TASK: Senior Policy Advisor, Financial Planning, Administration and Policy Division

POLICY NO: PP-0004

LAST REVISION DATE: November 1, 2017

EFFECTIVE DATE: March 1, 2020

MANAGER REVIEWED: Tom Hewitson

TO BE REVIEWED: January 2025

MAINTENANCE RESPONSIBILITY: Financial Planning Administration and Policy Division

I GENERAL

The Water and Wastewater / Storm Arrears Policy details the account collections protocol including the timing of certain collection activities when accounts for water and / or wastewater / storm services provided by the City are unpaid and past due.

II BACKGROUND

The City has a service agreement with Alectra Utilities Corporation (Alectra) for the provision of water and wastewater / storm billing, account collection and meter reading services. The Water and Wastewater / Storm Arrears Policy is administered by Alectra pursuant to that agreement.

III POLICY

Water and Wastewater / Storm Account Collection Process

1. Invoices are issued with a due date of 24 calendar days from the invoice creation date.
2. Payments by mail will be processed as of the date the payment is received. The customer is responsible to ensure that payments are received by Alectra on or before payment deadlines.
3. Partial payment received on an account that is in arrears will be applied to penalties and interest first and then to applicable water and wastewater / storm charges. For a converged invoice (electricity service plus water and wastewater / storm services), partial payments received will be applied to electrical service payment first and then water and wastewater/storm charges.
4. A service charge shall be applied by Alectra if a payment is dishonoured by the bank for any reason.

Appendix “A” to Report FCS20018

Page 2 of 5

5. All unpaid fees and charges will be charged interest at a rate of 1.5% per month starting six (6) calendar days after the due date compounded daily from the due date. This interest rate is applicable up to the point of unpaid arrears being transferred to the property tax account as outlined in Step 4 of Table 1 below.
6. If the fees and charges for the supply of water and wastewater / storm services are not paid when they become due, the City may transfer the unpaid fees and charges to the property tax account in accordance with the provisions of the *Municipal Act, 2001*. The transferred outstanding balance will be subject to interest being applied at a rate as specified by the Late Payment Charges for the Non-Payment of Taxes Bylaw 13-136, as amended.
7. Accounts that fall into arrears follow the collection protocol below. The collection protocol applies to residential, institutional, commercial and industrial water accounts and provides:
 - a. Initial invoice is issued to account holders setting out the amount due for the fees and charges for the supply of water and wastewater / storm services;
 - b. Reminders are sent to account holders and property owners of their obligation to pay fees and charges for the supply of water and wastewater / storm services;
 - c. Opportunity is provided for payment in accordance with this Policy; and
 - d. Enforcement steps are taken in accordance with this Policy when the invoice / account remains unpaid.

Table 1

Steps	Circumstance	Response	Result
1	Account outstanding 10 calendar days beyond due date	“Past Due Reminder Notice” mailed to account holder on the 10 th day	Payment of amount due or account remains outstanding
2	Account outstanding 17 calendar days beyond due date	“Final Notice” is mailed to account holder on the 19 th day (where arrears exceed notice threshold amount)	Payment of amount due or account remains outstanding
3	Account outstanding 30 or more calendar days beyond due date	“Arrears Letter” is mailed to account holder and the property owner (if different from the account holder) following the 30 th day advising of pending action if payment not received within 15 days.	Payment of amount due or account remains outstanding
4	Account outstanding 60 or more calendar days beyond due date	Outstanding amount transferred to property tax account roll. “Water Arrears Transfer to Tax Letter” is mailed to the property owner. Applicable tax account transfer fee added to each property tax account.	City water and wastewater / storm revenue secured

Customer Notifications

Reasonable efforts are undertaken by the City and Alectra to provide the following notifications:

Past Due Reminder Notice – mailed by Alectra to account holder of accounts 10 calendar days after the due date. This notice provides a reminder to the account holder of the overdue status and requests payment within 10 calendar days.

Final Notice – mailed by Alectra to account holder 19 calendar days after the due date. This notice provides notice of account overdue status and requests immediate payment.

Arrears Letter – mailed by Alectra to account holder and property owner (if different from the account holder) 30 or more calendar days after the due date. This notification advises of the past due water and/or wastewater / storm arrears and advises of a two-week period for the payment to be made. It further notifies that the outstanding amount plus an applicable administrative fee will be added to the property tax account if the arrears are unpaid.

Alectra will ensure that arrears notices, where there is an absence of an assigned tax roll number for the new property:

- 1) are sent to the purchaser (account holder);
- 2) advise the purchaser that arrears will remain on the Alectra water account;
- 3) advise the purchaser that the balance continues to accrue interest at a rate of 1.5% per month; and
- 4) advise the purchaser that balances that remain outstanding 60 or more days, plus accrued interest and an applicable administrative fee, will be immediately transferred to the property tax roll once a tax roll number has been assigned and communicated to Alectra.

Water Arrears Transfer to Tax Letter – mailed to property owner by the City's Taxation Section advising that water and / or wastewater / storm arrears, plus any accrued interest and an applicable administrative fee has been added to the tax account.

Alectra's property owner database is updated on a monthly basis with the City's Corporate Services Department's (Taxation Section) records.

Rental Properties

Where a landlord-tenant relationship exists, the protocol outlined in Table 1 is followed. Where the tenant is named as the account holder, the Past Due Reminder Notice and the Final Notice will be received by the tenant. The Arrears Letter advising of the potential transfer of arrears to the property tax roll is sent to both the account holder and the property owner.

Appendix "A" to Report FCS20018

Page 4 of 5

Where a tax account transfer has occurred and if a person other than the property owner has been designated as the utility bill recipient, further utility bills may be sent to the property owner.

Condominium Water Arrears

Condominium properties are comprised of many individually assessed units, each with an assessed owner. In many cases, water supplied to a condominium property is measured and accounted for by a single bulk water meter that records water consumption for the entire property.

The water fees of a condominium corporation that remain outstanding 60 days after their due date may be transferred to the tax accounts of that corporation's individual condominium units on a pro-rata basis equal to the proportions, expressed in percentages, allocated to the units, in which the owners are to contribute to the common expenses as set out in the declaration of the condominium corporation. Additionally, the General Manager, Finance and Corporate Services, may exempt units, in whole or in part, from their proportionate share of water arrears where such units are directly supplied with metered water.

Newly Built Properties Water Arrears

To accommodate the water and wastewater / storm billing for purchasers who have taken possession of newly built properties, the City will update the water account to the purchaser's name(s) and will bill accordingly.

All newly developed properties are assessed by the Municipal Property Assessment Corporation (MPAC) which assigns an assessment roll number which the City uses for taxation purposes as the property's tax roll number. However, the assignment of a roll number may not occur until long after the transfer of title to the purchaser's name(s) has occurred.

During this period where the purchaser is receiving the water bill and a tax roll number has not yet been assigned, any unpaid water and wastewater / storm balances that remain outstanding 60 or more calendar days beyond the invoice due date will be retained by Alectra.

Alectra will ensure that arrears notices, where there is an absence of an assigned tax roll number for the new property:

- 1) are sent to the purchaser (account holder);
- 2) advise the purchaser that arrears will remain on the Alectra water account;
- 3) advise the purchaser that the balance continues to accrue interest at a rate of 1.5% per month; and
- 4) advise the purchaser that balances that remain outstanding 60 or more days, plus accrued interest and an applicable administrative fee, will be immediately transferred to the property tax roll once a tax roll number has been assigned and communicated to Alectra.

Appendix "A" to Report FCS20018
Page 5 of 5

Tax Exempt Property Water Arrears

Accounts such as government, hospitals, education and not-for-profit properties may be exempt from taxes. Overdue amounts for water and wastewater / storm services owed by any exempt entities may be transferred to the tax account for the property, and / or disconnection of service for non-payment may occur. If disconnection of service for non-payment occurs, the account will be charged the applicable fee for turning the water service off / on.

Authority to Transfer Arrears to Tax Roll

Pursuant to section 398(2) of the *Municipal Act, 2001*, the municipality may add unpaid public utility fees and charges, which include water and / or wastewater / storm arrears, to the tax roll for the property to which the public utility was supplied.

Ontario Regulation No. 581/06 additionally identifies such fees or charges associated with the supply of water and sewage services as having 'priority lien status' as described in Section 1 of the *Municipal Act, 2001*, such that, when added to a property tax account because of payment default, these fees and charges:

- (a) may be collected in the same manner as taxes on the property;
- (b) may be recovered with costs as a debt due to the municipality from the assessed owner of the property at the time the fee was added to the tax account and from any subsequent owner of the property or any part of it;
- (c) are a special lien on the property in the same manner as taxes under subsection 349(3) *Act*; and
- (d) may be included in the cancellation price under Part XI of the *Act*, in the same manner as are taxes on the property, in the event that a Tax Arrears Certificate is registered on title of the property.

The City's Waterworks By-Law R84-026, as amended, also permits the collection of water and wastewater / storm arrears in the same manner as property taxes by transferring arrears amounts to the tax roll.



CITIZEN COMMITTEE REPORT

To:	Chair and Members: Audit, Finance and Administration Committee; General Issues Committee; and City Council
From:	LGBTQ Advisory Committee  _____ Cameron Kroetsch, Chair
Date:	January 21, 2020
Re:	Motion 6.2 carried at the November 15, 2019 meeting of the LGBTQ Advisory Committee

Recommendation:

That City Council select additional members to sit on the LGBTQ Advisory Committee.

Background:

The Interview Sub-Committee to the Audit, Finance & Administration Committee selected additional members to sit on the LGBTQ Advisory Committee and those selections were ratified by City Council in 2019.

As of the writing of this report, there are only 11 of a total possible 15 members of the LGBTQ Advisory Committee. The Committee requests the appointment of 4 additional members to the Committee.

As we understand it from City of Hamilton staff, there are no longer any additional candidates remaining in the “pool”. The process and a call out for members would have to be restarted.

In the prior term, City Council had approved a second call out for Committee membership toward the end of the term in an effort to fill positions on the Committee that became vacant. Using this precedent, we highly encourage another public call out and selection process to fill the 4 positions that are currently vacant.

Analysis/Rationale:

It is important that the Committee have a full complement of members at all times so that it may best represent the diverse communities to which it is accountable (Two Spirit and LGBTQIA+) and may carry out its mandate to the best of its ability.

To that end, we are asking that City Council grant our specific requests to appoint 4 additional members to our Committee and to:

- (1) focus their selection on youth, queer and trans people of colour (QTPOC), and Two-Spirit members of the community; and
- (2) involve members of the LGBTQ Advisory Committee in the selection process.

NOTE: We ask that the Committee be updated as to when this Citizen Committee Report will be before both the Audit, Finance and Administration Committee, General Issues Committee, and City Council in the event that either the Chair or Vice Chair would like to delegate in support of the Committee's recommendation.



CITIZEN COMMITTEE REPORT

To:	Chair and Members: Audit, Finance and Administration Committee; General Issues Committee; and City Council
From:	LGBTQ Advisory Committee  _____ Cameron Kroetsch, Chair
Date:	January 21, 2020
Re:	Motion 6.1 carried at the November 15, 2019 meeting of the LGBTQ Advisory Committee

Recommendation:

That City Council revoke the appointment of its recent “Citizen Appointee” to the Hamilton Police Services Board and redo the selection process through a new process developed using the principles of equity, diversition, and inclusion (EDI).

Background:

Please see 8.4 (b) in the minutes from the LGBTQ Adivsory Committee’s May 15, 2019 meeting for the discussion of this recommendation.

As the minutes from the May 15, 2019 meeting have not been submitted to any Committee of Council, the matter has not yet been put before you and we must, regrettably, address this matter it in a Citizen Committee Report (almost 8 months after we intended it to be before you for a decision).

Analysis/Rationale:

The LGBTQ Advisory Committee does not deem the selection process for choosing the “Citizen Appointee” to the Hamilton Police Services Board to have been conducted using principles of equity, diversity, or inclusion (EDI). As it has since been City Council’s expressed wish to conduct the business of the City of Hamilton using these principles, we ask that it:

- (1) revoke the current appointment;
- (2) develop a more equitable appointment process and redo the selection process, for the following reasons:
 - (a) that the process used for selecting said member, to a paid position, was too similar to the process used for selecting members of Advisory Committees to volunteer positions and was not equitable. Specifically, that interviews for the position were not sufficient in length (only 10 minutes) and, according to public comments from some who were interviewed, did not allow candidates to fully present their qualifications for the position;
 - (b) Councillor Ferguson officially requested that the incorrect information found within the Citizen Committee Report from the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee, respecting the Hamilton Police Services Board Appointee be redacted.
- (3) consider conflicts of interest that may have an impact on the selection process (i.e. whether or not candidates to the position have or have had any material, significant, or other direct relationship with the Hamilton Police Service).



Hamilton

GRANTS SUB-COMMITTEE

REPORT 20-001

11:00 a.m.

February 10, 2020

Council Chambers, Hamilton City Hall

Present: Councillors B. Johnson (Chair), N. Nann (Vice Chair)
L. Ferguson, S. Merulla, A. VanderBeek, T. Jackson

THE GRANTS SUB-COMMITTEE PRESENTS REPORT 20-001 AND RESPECTFULLY RECOMMENDS:

1. City Enrichment Fund 2020 Workplan (GRA19005) (City Wide) (Item 5.1)

That Report GRA19005, respecting the City Enrichment Fund 2020 Workplan, be received.

2. United Way Update (GRA19003) (City Wide) (Item 6.1)

That Report GRA19003, respecting the United Way Update, be received.

3. City Enrichment Fund Update (GRA20002) (City Wide) (Item 6.2)

That the overall 2019 City Enrichment Fund surplus (attached as Appendix "A" to Report 20-001, in the amount of \$82,047, be transferred to the City Enrichment Fund Reserve #112230.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. MOTIONS (Item 7)

7.1 2020 Budget Enhancement Request for the Concession Street BIA

Item 7.1 was addressed at the October 9, 2019 Council meeting and will be considered through the 2020 Operating budget process; therefore, it has removed from today's agenda.

The February 10, 2020 agenda for the Grants Sub-Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) May 6, 2019 (Item 3.1)

The Minutes of the May 6, 2019 Grants Sub-Committee meeting were approved, as presented.

(d) STAFF PRESENTATIONS (Item 5)

(i) City Enrichment Fund 2020 Workplan (GRA19005) (City Wide) (Item 5.1)

John Hertel, Director, Strategic Partnerships & Communications, addressed Committee and provided a PowerPoint presentation respecting Report GRA19005, respecting the City Enrichment Fund 2020 Workplan.

The presentation, respecting Report GRA19005, the City Enrichment Fund 2020 Workplan, was received.

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

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

(e) DISCUSSION ITEMS (Item 6)

(i) United Way Update (GRA19003) (City Wide) (Item 6.1)

Councillor B. Johnson wished to be recorded as OPPOSED to Item 6.1

(f) ADJOURNMENT (Item 10)

There being no further business, the Grants Sub-Committee adjourned at 11:48 a.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Grants Sub-Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

2019 City Enrichment Fund SUMMARY

Category	No. of Apps	2019 Total Funds Available	2019 Total Payments	Variance
Community Services Total	95	\$ 2,164,360	\$ 2,239,169	-\$ 74,809
Agriculture Total	18	\$ 143,361	\$ 133,197	\$ 10,164
Environment Total	8	\$ 146,390	\$ 85,764	\$ 60,626
Sport and Active Lifestyles Total	50	\$ 276,265	\$ 315,400	-\$ 39,135
Arts Total	88	\$ 2,770,542	\$ 2,768,742	\$ 1,800
CCH Total	69	\$ 564,972	\$ 592,173	-\$ 27,201
Total Traditional Grant Requests	328	\$ 6,065,890	\$ 6,134,445	-\$ 68,555
CEF Administration		\$ 50,000	\$ 9,812	\$ 40,188
CEF - One time Reserve Funding		108,714		\$ 108,714
2018 Returned Grants		\$ -	-\$ 1,700	\$ 1,700
Total City Enrichment Fund	328	\$ 6,224,604	\$ 6,142,557	\$ 82,047



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	February 20, 2020
SUBJECT/REPORT NO:	Process for Addressing Development Charge (DC) Concerns (FCS20007) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alicia Li (905) 546-2424 Ext. 1434 Lindsay Gillies (905) 546-2424 Ext. 5491
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

At its meeting on November 7, 2019, Audit, Finance and Administration (AF&A) Committee received as Items 6.1 and 6.4, a presentation from Sergio Manchia, Principal, Urbancore Developments Inc., requesting that the Development Charges (DCs) for future phases of the proposed self-storage projects at 9 Aeropark Boulevard and 54 Dundas Street East be assessed as industrial under the former 2014 DC By-law 14-153. AF&A Committee directed staff to report back with clarity on the options and process for DC concerns such as this (and similar matters).

Specifically, AF&A Committee indicated an interest in understanding the reasons some DC concerns from developers and their representatives have appeared as general delegations and other DC concerns have proceeded through a formal hearing.

INFORMATION

The presentation from Sergio Manchia, Principal of Urbancore Developments Inc., at the aforementioned AF&A Committee meeting generated a discussion about the avenues a developer can take respecting a concern with the calculated DC amount. Staff has developed two documents as guides that can aid in determining the process to be followed and the specific avenue that is appropriate for various DC concern situations and Council's options or obligations related to each. Staff has prepared two guides: 1) from a developer's perspective, attached as Appendix "A" to Report FCS20007; and 2) from Council's perspective, attached as Appendix "B" to Report FCS20007.

Addressing DC Concerns from Developer's Perspective

The decision tree in Appendix "A" to Report FCS20007 demonstrates a general guideline for a developer and their representatives to follow when there is a concern with the DC amount due.

Irrespective of the nature of the concern, a developer should first contact the DC Request team of the City's Corporate Services Department to discuss the concern and clarify any misunderstanding or missed information. In most cases, a simple conversation with staff can resolve the DC concern. If a discussion with staff with escalation to the appropriate management, as needed, is not successful in resolving the concern, then the nature of the DC concern determines the next step.

Addressing DC Concerns from Council's Perspective

Appendix "B" to Report FCS20007 illustrates the types of concerns that may be raised by developers and their representatives to Council on a scale ranging from informal to formal.

The types of DC concerns are classified into three categories:

- 1) DC Compassionate Grant Request;
- 2) DC Policy Change Request; and
- 3) DC Act, Section 20 Complaint.

These categories align with the illustrations providing direction to developers through Appendix "A" to Report FCS20007.

Subject Case – 9 Aeropark Boulevard and 54 Dundas Street East

Mr. Manchia’s concern, raised at the AF&A Committee meeting on November 7, 2019, centred around the treatment of self-storage developments in the 2014 DC By-law compared to the treatment of self-storage facilities in the 2019 DC By-law. Mr. Manchia requested that the 2014 DC By-law policy of providing self-storage developments at the reduced industrial DC rate continue to apply to his client’s projects. The 2019 DC By-law does not provide the reduced industrial DC rates for self-storage developments. Mr. Manchia is requesting a change to the 2019 DC By-law policy.

Using the Developer’s Guide to Addressing DC Concerns, attached as Appendix “A” to Report FCS20007, Mr. Manchia’s concern was not resolved through a discussion with staff because he is looking for a policy that is not located within the 2019 DC By-law. Mr. Manchia wants a policy that no longer exists and he wants a change to the 2019 DC By-law policy. Illustration 3 in Appendix “A” to Report FCS20007 provides guidance on the options that may be available to a developer in raising concerns around the DC Policy. Mr. Manchia has chosen to delegate in front of AF&A Committee. AF&A Committee chose to permit him to delegate.

Appendix “B” to Report FCS20007 provides Council a guide with options for addressing requests to DC Policy changes among other DC concerns. Mr. Manchia’s concern is associated with changing the DC Policy. Therefore, Council may:

1. request more information and ask that staff report back on the implications of such a policy change;
2. direct staff to amend the Policy in the current DC By-law which would require a legislative process to be followed; or
3. receive the delegation and take no further action.

With respect to Mr. Manchia’s delegation and related development, all building permits that had been applied for, as of the time of writing, have been issued and the DCs collected using the reduced industrial rate policy that was contained in the 2014 DC By-law. It is the future phases of the development at this site, for permits that have not yet been applied for, where Mr. Manchia is seeking a policy change.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS20007 – Developer’s Guide to Addressing Development Charge (DC) Concerns

Appendix “B” to Report FCS20007 – Council’s Guide to Addressing Development Charge (DC) Concerns

AL/LG/dt

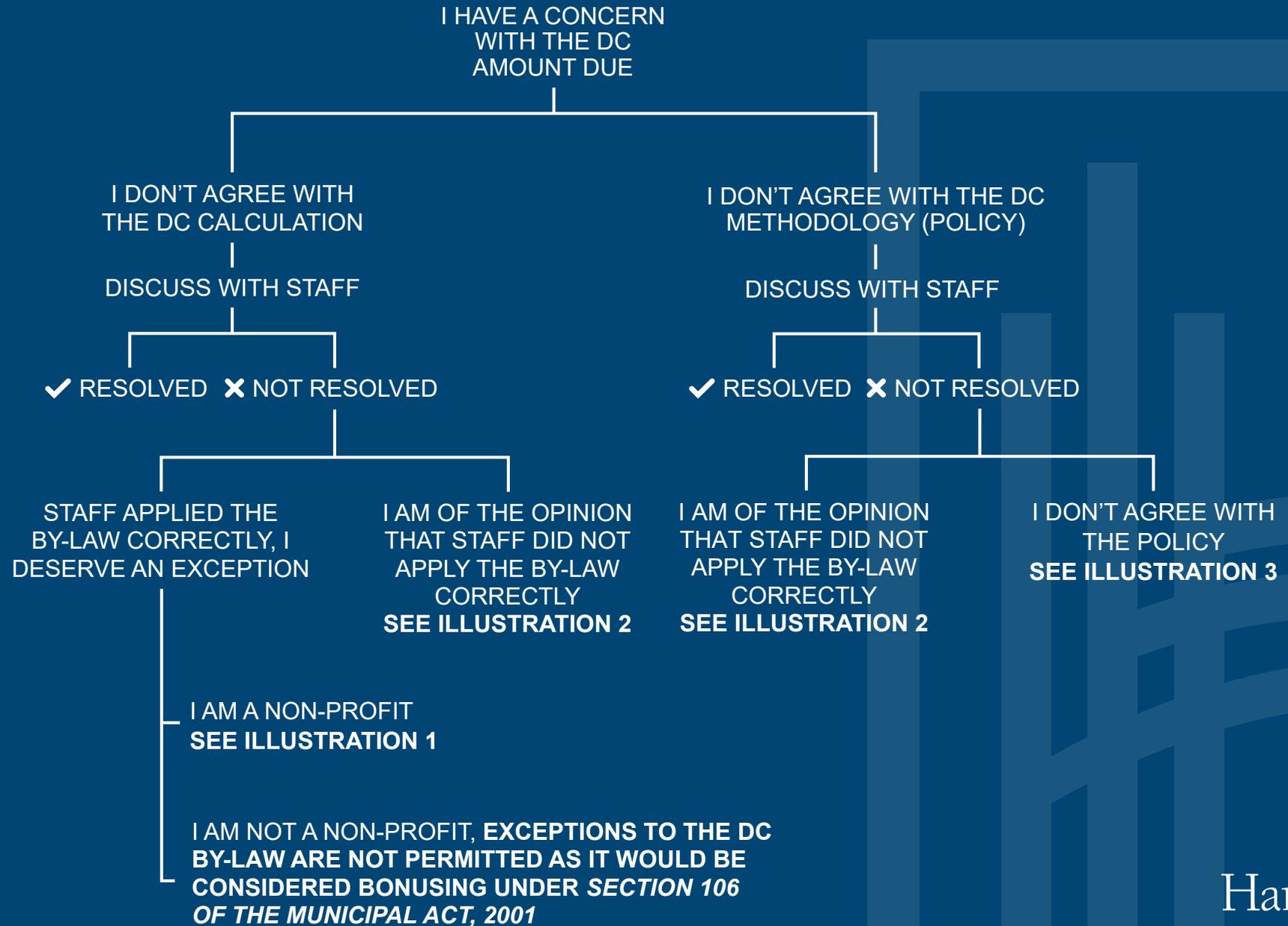


DEVELOPER'S GUIDE TO ADDRESSING DEVELOPMENT CHARGE (DC) CONCERNS

DCrequest@hamilton.ca
905-546-2424 Ext. 4400



DEVELOPER'S GUIDE TO ADDRESSING DEVELOPMENT CHARGE (DC) CONCERNS





DEVELOPER'S GUIDE TO ADDRESSING DEVELOPMENT CHARGE (DC) CONCERNS

ILLUSTRATION 1: MAKING A REQUEST FOR A DC COMPASSIONATE GRANT (NON-PROFIT ORGANIZATIONS)

01

GETTING PREPARED

- I am a registered charity/non-profit organization and a compassionate grant would not violate Section 106 of the *Municipal Act, 2001*.
- My project supports the City's mission, vision and priorities, economic action plan, or otherwise directly contributes to the strategic plan for the City.



02

REQUEST PROCESS

- I will make a delegation request to present my case to the Audit, Finance and Administration Committee (AF&A), through the City's website or submit a formal written request.
- AF&A may approve or deny my request to speak.
- AF&A may receive my prepared presentation, direct staff to report back, or approve a compassionate grant.



03

CONSIDERATION PROCESS

- Compassionate grants require a funding source and are at the sole discretion of Council. If a compassionate grant is considered, the City must be satisfied that providing the grant does not result in a violation of *Section 106 of the Municipal Act, 2001*.
- **If a report back by staff was directed:**
 1. I will provide information required by staff during the report preparation.
 2. Staff will recommend in alignment with relevant previous Council decision.
 3. I will be advised the date the report is appearing at AF&A and AF&A may either approve or deny my request.



04

NEXT STEPS

- I understand that my request may be denied for any reason.
- If a compassionate grant is approved by Council, I will be reimbursed for the amount approved (or will not be required to pay the approved amount at time of building permit issuance).





DEVELOPER'S GUIDE TO ADDRESSING DEVELOPMENT CHARGE (DC) CONCERNS

ILLUSTRATION 2: MAKING A FORMAL COMPLAINT UNDER SECTION 20 OF THE DC ACT

DC Act Section 20 (1) A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that:



- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (c) there was an error in the application of the development charge By-law. 1997, c. 27, s. 20 (1).

01

GETTING PREPARED

- I have connected with staff and have not been able to rectify the error which I believe has occurred.
- I understand that the complaint may not be made more than 90 days after the DC, or any part of it, is payable.
- I have paid the calculated DC (under protest).



02

COMPLAINT PROCESS

- I acknowledge that this is a legal process and have either consulted with, or considered consulting, a lawyer.
- I have made my complaint in accordance with Section 20 of the DC Act which includes submitting my complaint in writing to City's Council, with my name, the address where notice can be given to and the reasons for the complaint.
- I will receive a notice of the hearing at least 14 days before the hearing and I have an opportunity to make representations at the hearing.



03

HEARING PROCESS

- I will attend the hearing which will be held either at a scheduled Audit Finance & Administration Committee (AF&A) meeting or at a special meeting of AF&A.
- After the hearing, Council (AF&A) may dismiss the complaint or rectify an incorrect determination or error pertaining to the complaint.
- Notice of decision and last day for appealing the decision (40 days after the day the decision is made) will be communicated to me by mail.



04

NEXT STEPS

- I may appeal Council's decision to the Local Planning Appeal Tribunal (LPAT) by filing the appropriate forms with the City's clerk.
- I will receive a notice of the hearing from LPAT.
- LPAT may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.



Hamilton



DEVELOPER'S GUIDE TO ADDRESSING DEVELOPMENT CHARGE (DC) CONCERNS

ILLUSTRATION 3: RAISING A CONCERN ABOUT DC POLICY

DC Policy is set through the DC By-law setting process. Some policy is set by legislation and other policy is set through discretionary decisions made by Council.

The ability to change DC policy is restricted. In order to change DC policy, the change must either be changed with the enactment of a new DC By-law or changed by amending an existing DC By-law. In both cases, Council must release a background study and draft By-law, undergo a minimum 60-day public consultation period, hold a public meeting and meet other legislative requirements. Any DC policy change cannot be applied retroactively. Any DC policy that reduces a DC amount payable requires funding from another source (levy, reserves) so that the DC reserves are held in the same position as if the decision to reduce the amount payable had not been made. Council cannot choose to charge more than the DC rate as calculated in the originating DC background study through the detailed capital costs/population calculation.

The options that developers have for their DC policy concerns to be heard depend on the status of the DC By-Law (i.e., in the process of enacting or adopted).

01

THE CITY IS IN THE PROCESS OF ENACTING A NEW DC BY-LAW

- Developers may delegate at DC Stakeholders Subcommittee meetings.
- Developers may send comments to staff at the following email address: DCBackgroundstudy@hamilton.ca.
- Developers may delegate at the DC By-law public meeting.
- Council may choose whether or not to incorporate the desired policy into the DC By-law.



02

THE DC BY-LAW HAS BEEN ADOPTED

- Developers may request to delegate at AF&A.
 - AF&A may choose whether or not to hear the delegation.
 - AF&A may receive my delegation with no further action or direct staff to prepare a report back.
- If a By-law amendment is directed, the DC Act amendment process must be followed (background report, 60-day public consultation, public meeting, etc.) before Council can vote to change the policy.
- DC policy cannot be applied retroactively.





COUNCIL'S GUIDE TO ADDRESSING DEVELOPMENT CHARGE (DC) CONCERNS

DCrequest@hamilton.ca
905-546-2424 Ext. 4400



COUNCIL'S GUIDE TO ADDRESSING DEVELOPMENT CHARGE (DC) CONCERNS



	COMPASSIONATE GRANT REQUEST (ILLUSTRATION 1 IN DEVELOPER'S GUIDE)	POLICY CHANGE REQUEST (ILLUSTRATION 3 IN DEVELOPER'S GUIDE)		SECTION 20 COMPLAINT (ILLUSTRATION 2 IN DEVELOPER'S GUIDE)
WHEN IN THE DEVELOPMENT PROCESS?	Before or after issuance of a building permit	DC By-law is being updated	DC By-law has been adopted	Within 90 days of a DC, or any part of it being paid or payable
HOW?	Delegation to Council (AF&A)	Attend input meetings; Delegation to DC Stakeholders Subcommittee meetings	Delegation to Council (AF&A)	Formal complaint letter on the grounds permitted within the DC Act (2)
LIMITATIONS?	A compassionate grant can only be considered where approval would not result in a violation of <i>Section 106 of the Municipal Act, 2001</i> (Bonusing provision)	Council can add discretionary exemption policy but cannot reduce statutory exemptions. Council is not obligated to provide any discretionary exemptions and a funding source must be identified, if approved	Council can add discretionary exemption policy but cannot reduce statutory exemptions. Council is not obligated to provide any discretionary exemptions and a funding source must be identified, if approved	Complaint must be in accordance with the grounds permitted by the DC Act
COUNCIL OPTIONS?	May elect to hear the delegation or not; may refer the matter to staff for a report back; may pass a motion (with a funding source) to approve a grant; may receive the request and take no further action	May elect to hear the delegation or not; may direct staff to incorporate policy into DC By-law (1), may receive the request and take no further action	May elect to hear the delegation or not; may refer to staff for a report back; may direct an amendment to the DC By-law; may receive the request and take no further action	Must hear the complaint (delegated to AF&A)
WHAT RESOLUTION LOOKS LIKE?	A decision regarding whether or not a grant will be provided; compassionate grant must include identified funding source(s)	A decision by Council to either include in the DC By-law or take no action	A decision to either amend the DC By-law (1) or take no action. A DC By-law amendment must follow a legislative process	Dismiss the complaint or correct any incorrect determination; complainant may appeal a decision or non-decision to LPAT

Notes: (1) As per Section 19 of the DC Act, Council has the authority to amend the City's DC By-law subject to application of Section 10-18.
(2) Refer to Section 20 (3) of the DC Act for more detail.