



## City of Hamilton

# CITY COUNCIL AGENDA

20-021

Wednesday, September 30, 2020, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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### Call to Order

#### 1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with \*)

#### 2. DECLARATIONS OF INTEREST

#### 3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1. September 16, 2020

#### 4. COMMUNICATIONS

4.1. Correspondence from Loyalist Township requesting support for their resolution requesting that the Ministry of Transportation support the Canadian Ferry Association's request that ferries be considered part of the local transit system and that lost revenue be eligible for reimbursement.

Recommendation: Be received.

- 4.2. Correspondence from the Wollaston Township requesting support for their resolution requesting that the Minister of Municipal Affairs and Housing review the Municipal Elections Act and provide amendments to ensure that loopholes are closed on any pay to play schemes in rural communities; to provide clearer, stronger wording, to assist municipal Clerks in addressing issues to allow for a more definitive decision to be made when adding names to the voters' list; to ensure that there is a clear and accessible way to report election fraud and to ensure that the rules described in the Municipal Elections Act are actually enforceable even if there is not current case law.

Recommendation: Be received.

- 4.3. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting Parkland Dedication, Development Charges and the Community Benefits Charges Authority.

Recommendation: Be received.

- 4.4. Correspondence from the Ministry of the Solicitor General respecting the Enforcement and Amendments under the Reopening Ontario Act, 2020.

Recommendation: Be received.

- 4.5. Correspondence from Porshca Sinanan respecting a request to do better!! Need more testing centers and better hours.

Recommendation: Be received.

- 4.6. Correspondence from the Honourable Ahmed Hussen, Minister of Families, Children and Social Development in response to the Mayor's letter respecting concerns with homelessness funding for Hamilton during the COVID-19 pandemic.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.

- 4.7. Correspondence from James Lof, Chairman and Bernie Harsevoort, Clerk on behalf of the Council of Cornerstone Canadian Reform Church concerning the inclusion of places of worship as a comparable to places of business and entertainment venues which challenges the current and historical status held by places of worship in Canada.

Recommendation: Be received.

- 4.8. Report FCS20086 respecting the Submission of Integrity Commissioner Investigation Report - Complaint Filed Against a Citizen Committee Member.

Recommendation: Be received.

- 4.9. Correspondence from Rev. Fr. Puscariu of The Holy Resurrection Romanian Orthodox Church respecting Zoning By-law Amendment No. ZAC-18-037 for Lands located at 282 MacNab Street North.

Recommendation: Be received and referred to Item 2 of Planning Committee Report 20-010.

- 4.10. Correspondence from Health Canada in response to the Mayor's letter respecting concerns with vaping.

Recommendation: Be received and referred to the Medical Officer of Health for appropriate action.

## 5. COMMITTEE REPORTS

- 5.1. Hamilton Street Railway Company Shareholder - Annual General Meeting Report 20-001 - September 14, 2020
- 5.2. Sole Voting Member of the Hamilton Farmers' Market - Annual General Meeting Report 20-001 - September 14, 2020
- 5.3. Special General Issues Committee Report 20-013 - September 14, 2020
- 5.4. Board of Health Report 20-005 - September 21, 2020
- 5.5. Public Works Committee Report 20-008 - September 21, 2020

**Appendix 'E' - Sam Lawrence Park Master Plan (PW18056(a)) (Wards 7 and 8)** can be found at the following links:

Master Plan - <https://www.hamilton.ca/sites/default/files/media/browser/2020-09-29/sam-lawrence-park-master-plan-report.pdf>

Report Appendices - <https://www.hamilton.ca/sites/default/files/media/browser/2020-09-29/sam-lawrence-park-report-appendices.pdf>

**Appendix 'F' - Hamilton Harbour Waterfront Trail - Shoreline Protection (PW19095(a)) (Ward 1 and 2)** can be found at the following link:

[https://www.hamilton.ca/sites/default/files/media/browser/2020-09-28/design\\_brief\\_hamilton\\_harbour\\_waterfront\\_trail\\_shoreline\\_protection.pdf](https://www.hamilton.ca/sites/default/files/media/browser/2020-09-28/design_brief_hamilton_harbour_waterfront_trail_shoreline_protection.pdf)

- 5.6. Planning Committee Report 20-010 - September 22, 2020
- 5.7. General Issues Committee Report 20-014 - September 23, 2020
- 5.8. Audit, Finance and Administration Committee Report 20-007 - September 24, 2020
- 5.9. Emergency and Community Services Committee Report 20-007 - September 24, 2020

5.10. Mayor's Task Force on Economic Recovery Report 20-005 - September 25, 2020

**6. MOTIONS**

**7. NOTICES OF MOTIONS**

**8. STATEMENTS BY MEMBERS**

**9. PRIVATE AND CONFIDENTIAL**

9.1. Closed Minutes - September 16, 2020

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

**10. BY-LAWS AND CONFIRMING BY-LAW**

10.1. 202

A By-law to Amend By-law No. 20-155, a By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces

Ward: City Wide

10.2. 203

A By-law to amend Zoning By-law No. 05-200 with respect to lands located at 2004 Glancaster Road, Ancaster

ZAR-18-050

Ward: 12



10.3. 204

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

Schedule 6 (Time Limit Parking)

Schedule 8 (No Parking Zones)

Schedule 10 (Alternate Side Parking – April-November)

Schedule 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Schedule 14 (Wheelchair Loading Zones)

Ward: 1, 2, 3, 4, 6, 7, 10, 15

10.4. 205

A By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton

Ward: City Wide

10.5. 206

To Confirm the Proceedings of City Council

**11. ADJOURNMENT**



## CITY COUNCIL MINUTES 20-020

9:30 a.m.  
September 16, 2020  
Council Chamber  
Hamilton City Hall  
71 Main Street West

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

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

#### 4. COMMUNICATIONS

4.10 Correspondence respecting the reduction of Aberdeen Avenue from 4 lanes to 2 lanes:

- (bf) Dr. Haider Saeed
- (bg) Christine McLeod
- (bh) Christi Hodgson
- (bi) Lynda Narducci
- (bj) Samantha Fuller
- (bk) Susie Folco
- (bl) Brenda Berketo

- (bm) Roy Leggat
- (bn) Cathy Swenson
- (bo) Alex Beer
- (bp) Chris Ritsma
- (bq) Erik Dickenson
- (br) Durand Neighbourhood Association
- (bs) Steven McKay
- (bt) Peter Quaglia

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

4.17 Correspondence respecting Temporary Emergency Shelter:

- (a) Carmen Orlandis
- (b) Michelle Cho
- (c) Dr. Jeffrey Weatherby
- (d) Pam Summers
- (e) Damon Joo
- (f) Stephen Butson & Kazue Suzuki

Recommendation: Be received.

4.18 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the federal-provincial Safe Restart Agreement.

Recommendation: Be received.

4.19 Correspondence from Bridget Marsdin respecting Encampments in Hamilton.

Recommendation: Be received.

**7. NOTICES OF MOTION**

- 7.1 Demolition Permit for 832 Barton Street, Stoney Creek – *WITHDRAWN, to be considered at the September 22<sup>nd</sup> Planning Committee Meeting.*
- 7.2 Federation of Canadian Municipalities – Election to the Board of Directors
- 7.3 Proactive Community Information and Solutions Regarding Metrolinx Demolitions on King St East, Ward 3

**10. BY-LAWS AND CONFIRMING BY-LAW**

- 20-197 Being a By-law to Permanently Close a Portion of a Unassumed Alley Abutting 11 Avalon Place, Hamilton, established by Registered Plan 165, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-21364, being Part of PIN 17201-0157 (LT), City of Hamilton

- 20-198 Being a By-law to Permanently Close a Portion of a Unassumed Alley Abutting 13 Avalon Place, Hamilton, established by Registered Plan 165, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21364, being Part of PIN 17201-0157 (LT), City of Hamilton
- 20-199 Being a By-law to Permanently Close a Portion of Road Allowance Abutting 600 5th Concession Road West, Flamborough, established by Part of the Road Allowance between Lots 12 and 13, Concession 4, in the Geographic Township of West Flamborough, in the City of Hamilton, designated as Part 2 on Reference Plan 62R21259, being Part of PIN 17545-0099 (LT), City of Hamilton

**(Pearson/Pauls)**

That the agenda for the September 16, 2020 meeting of Council be approved, ***as amended***.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

<b>DECLARATIONS OF INTEREST</b>
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Councillor Pearson declared an interest to Item 4.3 respecting Correspondence from the City of St. Catharines requesting support for their resolution for Support to the City of Toronto in their Legal Challenge of the Amendments made under Bill 184, Section 83, as she is a landlord.

Councillor Merulla declared an interest to Item 4.3 respecting Correspondence from the City of St. Catharines requesting support for their resolution for Support to the City of Toronto in their Legal Challenge of the Amendments made under Bill 184, Section 83, as he is a landlord.

Councillor VanderBeek declared an interest to Item 4.3 respecting Correspondence from the City of St. Catharines requesting support for their resolution for Support to the City of Toronto in their Legal Challenge of the Amendments made under Bill 184, Section 83, as she is a landlord.

<b>APPROVAL OF MINUTES OF PREVIOUS MEETING</b>
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**3. August 21, 2020 (Item 3.1) and September 10, 2020 (Item 3.2)****(Ferguson/Pearson)**

That the Minutes of the August 21, 2020 and September 10, 2020 meetings of Council be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>COMMUNICATIONS</b>
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**(Johnson/Merulla)**

That Council Communications 4.1 to 4.19 be approved, **as amended**, as follows:

4.1 Correspondence from Viv Saunders requesting Council's consideration of Potential Tax Levy Reduction:

(a) A note respecting a further advantage of this Fiscal Policy Change.

Recommendation: Be received.

4.2 Correspondence from the City of Elliot Lake requesting support for their resolution respecting the Private Member Bill put forward by Majid Jowhari: M-36, Emancipation Day.

Recommendation: Be **endorsed**.

4.3 Correspondence from the City of St. Catharines requesting support for their resolution for Support to the City of Toronto in their Legal Challenge of the Amendments made under Bill 184, Section 83.

Recommendation: Be **endorsed**.

4.4 Correspondence from the Ministry of Natural Resources and Forestry respecting

Resuming aggregate application timelines and public consultation under the Aggregate Resources Act (ARA).

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 4.5 Correspondence from the Honourable Caroline Mulroney, Minister of Transportation advising the City of Hamilton of funding in the amount of \$17,211,723 to support the City's COVID-19 municipal transit pressures for Phase 1, incurred from April 1, 2020 to September 30, 2020.

Recommendation: Be received.

- 4.6 Correspondence respecting the Commonwealth Games:

- (a) Danielle Hitchcock-Welsh
- (b) Louis Frapporti, Chair, Hamilton 2026
- (c) Kevin Gonci

Recommendation: Be received.

- 4.7 Correspondence from the Niagara Region requesting support for their resolution respecting Child Care.

Recommendation: Be **endorsed**.

- 4.8 Correspondence from the Ministry of Long Term Care in response to the Mayor's email respecting the technical issues that resulted in some test results from the Hamilton lab not appearing in the provincial portal/viewer.

Recommendation: Be received.

- 4.9 Correspondence from the Ministry of Natural Resources and Forestry respecting Amendment to Ontario Regulation 244/97 and the Aggregates of Ontario Provincial Standards under the Aggregate Resources Act.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 4.10 Correspondence respecting the reduction of Aberdeen Avenue from 4 lanes to 2 lanes:

- (a) Brandon Schofield
- (b) Patrick and Sylvia Henderson
- (c) John Waddell
- (d) JoAnne Barresi
- (e) Mark Clem
- (f) Peter Cook
- (g) Mark Cook

- (h) Leslie Malloy
- (i) Susan and David Stothart
- (j) Sarah Robson
- (k) Patty Leggat
- (l) Anne and Gordon Howarth
- (m) Ashleigh Leggat
- (n) Ashley Leggat
- (o) Michael Janjic
- (p) Maria Mungo
- (q) Keith Mann
- (r) Barbara Mann
- (s) D. John Henderson; Donna Syms and Patrick Henderson
- (t) Ryan Bradleigh Chin
- (u) Lauren Fehlings
- (v) Tanya Irwin, Brett Snider and Foxy
- (w) Juliana Webster
- (x) Krista Christink
- (y) Catherine Clase
- (z) Madeleine Verhovsek
- (aa) John Coates
- (ab) Diane Arrell
- (ac) Tara McAuley
- (ad) Ian Woodlock
- (ae) Joyce Dain
- (af) David Borsellino
- (ag) Suzanne and Frank Kovacs
- (ah) Emily Andrews
- (ai) Casey Bruyn
- (aj) Shane Lynn
- (ak) Andrew Wojtow
- (al) Michael Clase
- (am) Wendell MacDonald
- (an) Alana and Bruce Dickenson
- (ao) Steve Johnson
- (ap) Lea Ravensbergen
- (aq) Dan Panagakos
- (ar) Emily Ching
- (as) Josh and Marsh Melfi
- (at) Emily Reilly McKay
- (au) Kirkendall Neighbourhood Association
- (av) Madeleine Verhovsek
- (aw) Hamish Campbell
- (ax) Graeme and Kara Langdon
- (ay) Dr. Haider Saeed
- (az) Ann McKay
- (ba) Michelle Hawrylyshyn
- (bb) Sandra Witelson
- (bc) Graham Crawford
- (bd) Mark Caruana

- (be) Ryan McGreal
- (bf) Dr. Haider Saeed
- (bg) Christine McLeod
- (bh) Christi Hodgson
- (bi) Lynda Narducci
- (bj) Samantha Fuller
- (bk) Susie Folco
- (bl) Brenda Berketo
- (bm) Roy Leggat
- (bn) Cathy Swenson
- (bo) Alex Beer
- (bp) Chris Ritsma
- (bq) Erik Dickenson
- (br) Durand Neighbourhood Association
- (bs) Steven McKay
- (bt) Peter Quaglia

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 4.11 Correspondence from Principles Integrity respecting their Periodic Report covering the period in July, 2018 up to the end of August, 2020.

Recommendation: Be received.

- 4.12 Correspondence from the Ministry of Natural Resources and Forestry respecting the Extension to File your 2020 Compliance Assessment Report under the Aggregate Resources Act.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 4.13 Correspondence from the Township of Puslinch requesting support for their resolution respecting COVID-19 Funding.

Recommendation: Be received.

- 4.14 Correspondence Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 3692-92 (Stoney Creek) for Lands Located at 325 Highway No. 8 (Stoney Creek) (PED20140) (Ward 10):

- (a) John Giangregorio
- (b) Ray Magill

Recommendation: Be received and referred to Item 4 of Planning Committee Report 20-009.

- 4.15 Correspondence from Monica Nikopoulos respecting the possible legal implications and liability issues 5G could have on the City and its representatives, as well as



citizens and environmental harms.

Recommendation: Be received.

- 4.16 Correspondence from Debbie France requesting that municipalities join together and place this at the top of our Provincial and Federal Governments "must urgently fix" list.

Recommendation: Be received.

- 4.17 Correspondence respecting Temporary Emergency Shelter:

- (a) Carmen Orlandis
- (b) Michelle Cho
- (c) Dr. Jeffrey Weatherby
- (d) Pam Summers
- (e) Damon Joo
- (f) Stephen Butson & Kazue Suzuki

Recommendation: Be received.

- 4.18 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the federal-provincial Safe Restart Agreement.

Recommendation: Be received.

- 4.19 Correspondence from Bridget Marsdin respecting Encampments in Hamilton.

Recommendation: Be received.

Due to declared conflicts Item 4.3 was voted on separately as follows:

**Result: Item 4.3 CARRIED by a vote of 13 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- CONFLICT - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- CONFLICT - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the Communication Items CARRIED by a vote of 16 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**(Johnson/Pearson)**

That Council move into Committee of the Whole to consider the Committee Reports.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**MAYOR’S TASK FORCE ON ECONOMIC RECOVERY REPORT 20-004**

**(Nann/Danko)**

That the Mayor’s Task Force on Economic Recovery Report 20-004, being the meeting held on Tuesday, August 25, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on the Mayor’s Task Force on Economic Recovery Report 20-004, CARRIED by a vote of 15 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**PLANNING COMMITTEE REPORT 20-009**

**(Farr/Pearson)**

That Planning Committee Report 20-009, being the meeting held on Tuesday, September 8, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on the Planning Committee Report 20-009, CARRIED by a vote of 15 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**GENERAL ISSUES COMMITTEE REPORT 20-012**

**(Johnson/Whitehead)**

That General Issues Committee Report 20-012, being the meeting held on Wednesday, September 9, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on the General Issues Committee Report 20-012, CARRIED by a vote of 16 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>EMERGENCY AND COMMUNITY SERVICES REPORT 20-006</b>
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**(Pauls/Jackson)**

That Emergency and Community Services Committee Report 20-006, being the meeting held on Thursday, September 10, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on Emergency & Community Services Committee Report 20-006 CARRIED by a vote of 16 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

**(Johnson/Danko)**

That Section 5.7(2) of the City’s Procedural By-law 18-270, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider the Public Works Committee Report 20-007.

**Result: Motion CARRIED by a 2/3’s majority vote of 16 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

<b>PUBLIC WORKS COMMITTEE REPORT 20-007</b>
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**(Danko/Merulla)**

That Public Works Committee Report 20-007, being the meeting held on Friday, September 11, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on the Public Works Committee Report 20-007, CARRIED by a vote of 16 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Johnson/Farr)**

That the Committee of the Whole Rise and Report.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>MOTIONS</b>
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**6.1 Municipal By-Law to Prohibit Off-Road Vehicles on Highways Within the City of Hamilton**

**(Clark/Johnson)**

WHEREAS there has been an increase of off-road vehicles, specifically ATVs on municipal highways creating safety issues for the community;

WHEREAS there has been an increase of off-road vehicles driving on private property resulting in property damage;

WHEREAS Bill 107, Getting Ontario Moving Act (Transportation Statue Law Amendment), 2019 made amendments to the *Highway Traffic Act*, respecting road safety and other matters;

WHEREAS one the of amendments to the *Highway Traffic Act* through, Bill 107 allows for municipalities to pass a by-law to prohibiting the operation of off-road vehicles on highways within the municipality.

THEREFORE BE IT RESOLVED:

That Licensing and Bylaw Services and Legal staff be directed to draft a municipal by-law to prohibit off-road vehicles on highways **and on public lands** within the City of

Hamilton, *including the exemption for husbandry use for normal farming operations* and have staff explore the option of a prohibition of off-road vehicles driving on private property without permission.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Chad Collins  
 YES – Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 14 Councillor Terry Whitehead  
 YES - Ward 13 Councillor Arlene VanderBeek  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

## **6.2 Federation of Canadian Municipalities – Election to the Board of Directors**

### **(Jackson/Farr)**

WHEREAS the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction; and

WHEREAS FCM's Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government;

THEREFORE BE IT RESOLVED:

- (a) That Council of the City of Hamilton endorse Councillor Judi Partridge to stand for election on FCM's Board of Directors for the remainder of the 2018 – 2022 Term of Council; and
- (b) That Council assumes all costs associated with Councillor Judi Partridge attending FCM's Conferences and Board of Directors meetings be charged to the General Legislative 300100 account.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

### **6.3 Proactive Community Information and Solutions Regarding Metrolinx Demolitions on King St East, Ward 3**

#### **(Nann/Pauls)**

WHEREAS Metrolinx has announced their intention to demolish 21 vacant properties in Ward 3 for expressed safety concerns.

WHEREAS the duration of boarded up and vacant buildings have had a negative impact on the sense of community safety, pride and belonging.

WHEREAS residents have indicated they would prefer to see the vacant properties considered for proactive community enhancing solutions such as placemaking and art.

WHEREAS the COVID-19 pandemic has made more urgent and pressing the housing crisis Hamilton faces increasing the need for safe and deeply affordable housing.

THEREFORE BE IT RESOLVED:

- (a) That the City Manager and Chief Building Official request of Metrolinx to prepare a community information plan that includes proactive communication from Metrolinx with adjacent neighbours to mitigate concerns of but not limited to noise, dust, structural impacts, pest management and to explore interim placemaking solutions for any properties slated for demolition.
- (b) That the City Manager and Chief Building Official request Metrolinx to provide a dedicated contact, including phone and email, for residents to connect with directly in regards to demolition related and safety concerns on the Metrolinx properties; and



- (c) That the City Manager and Director of Housing be directed to connect with Metrolinx to discuss the potential of using the Metrolinx owned properties for affordable housing.

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

YES - Ward 1 Councillor Maureen Wilson  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Chad Collins  
 YES – Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 14 Councillor Terry Whitehead  
 YES - Ward 13 Councillor Arlene VanderBeek  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

<b>NOTICES OF MOTION</b>
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## **7.2 Federation of Canadian Municipalities – Election to the Board of Directors**

### **(Jackson/Farr)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Federation of Canadian Municipalities – Election to the Board of Directors.

**Result: Motion CARRIED by a 2/3's majority vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Chad Collins  
 YES – Ward 6 Councillor Tom Jackson  
 NOT PRESENT - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 14 Councillor Terry Whitehead  
 YES - Ward 13 Councillor Arlene VanderBeek  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

Refer to Item 6.2 for further disposition of this item.

**7.3 Proactive Community Information and Solutions Regarding Metrolinx Demolitions on King St East, Ward 3**

**(Nann/Merulla)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Proactive Community Information and Solutions Regarding Metrolinx Demolitions on King St East, Ward 3.

**Result: Motion CARRIED by a 2/3’s majority vote of 14 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- NOT PRESENT - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

Refer to Item 6.3 for further disposition of this item.

**STATEMENTS BY MEMBERS**

Members of Council used this opportunity to discuss matters of general interest.

**PRIVATE & CONFIDENTIAL**

Council determined that discussion of Item 9.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

**9.1 Closed Session Minutes – August 21, 2020**

**(Pearson/Partridge)**

That the Closed Session Minutes dated August 21, 2020 be approved, as presented, and remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Clark/VanderBeek)**

That Council recess at 12:43 p.m.

**CARRIED**

Council reconvened at 1:15 p.m.

**(Clark/Jackson)**

That Council move into Closed Session respecting Items 9.2, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**9.2 Encampment Litigation Update (LS20023(b)) (City Wide)**

**(Ferguson/Clark)**

- (a) That the direction provided to staff in Closed Session respecting Report LS20023(b), the Encampment Litigation Update, be approved; and,
- (b) That Report LS20023(b), Appendix ‘A’ and the supplemental confidential information, respecting the Encampment Litigation Update, remain confidential.

**Result: Motion CARRIED by a vote of 9 to 5, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- NO - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- NO - Ward 5 Councillor Chad Collins
- NO – Ward 6 Councillor Tom Jackson
- NOT PRESENT - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- NO - Ward 15 Councillor Judi Partridge
- NO - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

<b>BY-LAWS</b>
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**(Johnson/Collins)**

That Bills No. 20-188 to No. 20-200 be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 20-188 To Impose a Sanitary Sewer Charge Upon Owners of Lands Known as Hopkins Court, from York Road to Ernest Street, in the City of Hamilton  
Ward: 13
- 20-189 To Establish City of Hamilton Land Described as Part 1 and 2 on Plan 62R-18324, Parts 2, 3, 4, and 6 on Plan 62R-18588 and Parts 1, 2 and 3 on Plan 62R-20075 as Part of Cormorant Road  
Ward: 12
- 20-190 To Amend Zoning By-law No. 05-200, as amended by By-law No. 18-261, respecting lands located at 5 Hamilton Street North, Flamborough  
ZAH-19-018

Ward: 15

- 20-191 To Adopt Official Plan Amendment No. 137 to the Urban Hamilton Official Plan Respecting 1477 Upper James Street and 221 Genoa Drive (Hamilton)  
Ward: 8
  
- 20-192 To Amend Zoning By-law No. 6593 Respecting Lands Known as 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton  
ZAC-18-025  
UHOPA-18-010  
Ward: 8
  
- 20-193 To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 00-097, respecting lands located at 90 Carling Street, Hamilton  
ZAH-20-030  
Ward: 1
  
- 20-194 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 6 (Time Limited Parking)  
Schedule 8 (No Parking Zones)  
Schedule 12 (Permit Parking Zones)  
Schedule 13 (No Stopping Zones)  
Schedule 14 (Wheelchair Loading Zones)  
Schedule 15 (Commercial Vehicle Loading Zones)  
Ward: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15
  
- 20-195 To Amend Zoning By-law No. 05-200, as amended by By-law No. 15-173, respecting lands located at 3081 Tisdale Road, Glanbrook  
ZAH-19-048  
Ward: 11
  
- 20-196 To Amend Zoning By-law No. 05-200, as amended by By-law No. 18-114, respecting lands located at 62 and 64 King Street East, Hamilton  
ZAH-20-031  
Ward: 2
  
- 20-197 Being a By-law to Permanently Close a Portion of a Unassumed Alley Abutting 11 Avalon Place, Hamilton, established by Registered Plan 165, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-21364, being Part of PIN 17201-0157 (LT), City of Hamilton
  
- 20-198 Being a By-law to Permanently Close a Portion of a Unassumed Alley Abutting 13 Avalon Place, Hamilton, established by Registered Plan 165, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21364, being Part of PIN 17201-0157 (LT), City of Hamilton
  
- 20-199 Being a By-law to Permanently Close a Portion of Road Allowance Abutting 600 5th Concession Road West, Flamborough, established by Part of the Road

Allowance between Lots 12 and 13, Concession 4, in the Geographic Township of West Flamborough, in the City of Hamilton, designated as Part 2 on Reference Plan 62R21259, being Part of PIN 17545-0099 (LT), City of Hamilton

20-200 To Confirm the Proceedings of City Council

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Pearson/Wilson)**

That, there being no further business, City Council be adjourned at 4:44 p.m.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland  
City Clerk

## 4.1

September 15, 2020

Hon. Caroline Mulroney  
5<sup>th</sup> Floor, 777 Bay St.  
Toronto ON, M7A 1Z8

Dear Hon. Caroline Mulroney,

Please be advised that at the Regular Meeting of Council on August 24, 2020, the Council of Loyalist Township passed the following resolution:

**Resolution No. 2020.33.11**

**Moved by: Councillor Porter**

**Seconded by: Councillor Townend**

Whereas the Ontario government, in partnership with the federal government, is delivering on its commitment to provide up to \$4 billion in urgently needed one-time assistance to Ontario's 444 municipalities;

And Whereas in addition to the support for municipalities, the government is providing over \$660 million in the first phase of transit funding to the 110 municipalities with transit systems to provide immediate relief from transit pressures, such as lower ridership, as well as for new costs due to COVID-19, such as enhanced cleaning and masks for staff;

And Whereas in the second phase, additional allocations will be provided based on expenses incurred to ensure the funding meets the needs of municipalities;

And Whereas as part of the Safe Restart Agreement with the federal government, up to \$2 billion is being provided to support public transit in Ontario;

And Whereas Ontario Regulation 191/11 being the Integrated Accessibility Standards, which applies to every designated public sector organization including municipalities, establishes accessibility standards, including transportation and as such, recognizes ferries as a form of public transportation;

And Whereas many municipalities located along large bodies of water such as Lake Ontario, including the Township of Frontenac Islands and Loyalist Township, are only accessible by public ferries which are connecting links to mainland highways and roads and form part of Ontario's road systems, making them critical public services;

And Whereas due to the COVID-19 Pandemic and restrictions placed on ferry services by Transport Canada as well as public health guide lines, ferry transit, similar to conventional transit, has experienced reduced ridership, additional costs to cover increased sanitization and requirement for masks for ferry operators, and reduced revenue due to the inability to collect cash fares;



Therefore, Be It Resolved that Loyalist Township requests that the Ministry of Transportation support the Canadian Ferry Association's request that ferries be considered part of the local transit system and that lost revenue be eligible for reimbursement;

And Further That a portion of the (pandemic) Federal funds be allocated towards municipal transportation ferry revenue loss and ferry expenditures resulting from the pandemic;

And that this resolution be circulated to all Ontario municipalities.

Regards,

A handwritten signature in cursive script that reads "B Teeple".

Brandi Teeple  
Deputy Clerk  
Loyalist Township

cc. All Ontario Municipalities



## 4.2

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September 16, 2020

**MINISTRY OF MUNICIPAL  
AFFAIRS AND HOUSING**  
17<sup>th</sup> Floor, 777 Bay street  
TORONTO, ON  
M7A 2J3

**ATTN: THE HON. STEVE CLARK**

Dear Minister Clark:

At a special meeting of council held on August 24, 2020, members discussed concerns regarding the 2018 municipal election.

In the last six weeks of the 2018 municipal election in Wollaston Township, seasonal property owners presented signed leases with family members for sleeping cabins, bunkies and sheds. The \$100.00 leases added a significant number of new non-resident electors to the voters' list.

Although concerns were raised regarding the Township's Comprehensive Zoning By-law and non-use of the standard lease form, the leases were used as eligibility, allowing the children of seasonal property owners access to a Township election for the first time.

Because this gave the appearance of a pay to play campaign, and because the leases were with family members, and because no people actually lived in these structures that lacked hydro, running water and washroom facilities, this was reported to the OPP, who have a duty to enforce the rules and regulations of the *Municipal Elections Act*.

The OPP did not proceed with charges because they said there was no case law.

The following Motion was adopted:

MOTION NO.: 03  
MOVED BY: TIM CONLIN  
SECONDED BY: DARLENE COLTON

**MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**

**THE HON. STEVE CLARK**

**September 16, 2020**

**Page 2**

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**BE IT RESOLVED**, that the Council of Wollaston Township ask Minister of Municipal Affairs and Housing, the Hon, Steve Clark, to review the *Municipal Elections Act* and provide amendments to ensure that loopholes are closed on any pay to play schemes in rural communities where non-resident electors are permitted to participate in elections so that \$100.00 leases do not turn into ballots for garden sheds.

**AND BE IT FURTHER RESOLVED**, that the County of Wollaston Township ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to review the Municipal Elections Act and provide amendments to provide clearer, stronger wording, to assist municipal Clerks in addressing issues to allow for a more definitive decision to be made when adding names to the voters' list.

**AND BE IT FURTHER RESOLVED**, that Council of Wollaston Township ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to ensure that there is a clear and accessible way to report election fraud.

**AND BE IT FURTHER RESOLVED**, that Council of Wollaston Township ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to ensure that the rules described in the Municipal Elections Act are actually enforceable even if there is not current case law.

**AND BE IT FURTHER RESOLVED**, that support for this resolution be sent to Premier Doug Ford, Daryl Kramp, M.P.P. for Hastings-Lennox and Addington, all Ontario Municipalities and the Association of Municipalities of Ontario.

**CARRIED**

Should you have any questions or concerns regarding the above, do not hesitate to contact me.

Sincerely,



**BERNICE CROCKER**  
Clerk/Administrator

cc. Premier Doug Ford, Daryl Kramp, M.P.P. for Hastings-Lennox and Addington, AMO and all Ontario Municipalities.

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2020-4019

September 18, 2020

RE: Parkland Dedication, Development Charges and the Community Benefits  
Charges Authority

Dear Head of Council,

As you know, our government introduced the Housing Supply Action Plan last year with the goal of increasing the supply of housing across Ontario. As part of this effort, our Government introduced the community benefits charge (CBC) authority along with changes to the *Development Charges Act* and parkland dedication under the *Planning Act*.

Over the past year, the Ministry of Municipal Affairs and Housing consulted for over 300 days with municipalities, the development industry and the public on the implementation of the framework, including several aspects of the legislation and a regulatory approach. I value the input of our municipal partners.

I am writing to inform you that on September 18<sup>th</sup>, our government proclaimed the remaining amendments that were made to the *Development Charges Act* and the *Planning Act* by Bill 108, the *More Homes, More Choice Act*, and, Bill 197, the *COVID-19 Economic Recovery Act*. In addition, we have made a new regulation under the *Planning Act* and technical changes to regulations under the *Planning Act*, *Development Charges Act* and *Building Code Act* in order to finalize the framework for development charges, community benefits and parkland.

As of September 18, 2020, municipalities will have two years to transition to the new regimes. This will enable both the municipalities and builders to adjust to these changes in light of the pressures of COVID-19.

We listened to the feedback received during consultations, and that is why we are proposing to prescribe a percentage of 4% for the CBC authority that will be applied to land values to determine the maximum CBC for any particular residential development. The CBC could be used by local governments to fund capital costs of services that are needed due to higher density development and are not being recovered through other tools.

These amendments will enable growth to pay for growth, while also providing greater predictability of development costs in order to increase the supply of housing so that it is more attainable for Ontarians.

I thank you for your continued collaboration throughout the implementation of this new and enhanced framework.

Sincerely,



Steve Clark  
Minister of Municipal Affairs and Housing

- c: Chief Administrative Officers
- Chief Planners
- Municipal Treasurers
- Kate Manson-Smith, Deputy Minister, Municipal Affairs and Housing
- Alex Beduz, Chief of Staff to Minister Clark, Municipal Affairs and Housing
- Jonathan Lebi, Assistant Deputy Minister, Local Government and Planning Policy Division
- Caspar Hall, Director, Municipal Finance Policy Branch

Ministry of the Solicitor General

Ministère du Solliciteur général

Public Safety Division

Division de la sécurité publique

25 Grosvenor St.  
12<sup>th</sup> Floor  
Toronto ON M7A 2H325 rue Grosvenor  
12<sup>e</sup> étage  
Toronto ON M7A 2H3Telephone: (416) 314-3377  
Facsimile: (416) 314-4037Téléphone: (416) 314-3377  
Télécopieur: (416) 314-4037**September 19, 2020****MEMORANDUM TO:** Municipal CAOs/Clerks**SUBJECT:** **Enforcement and Amendments under the *Reopening Ontario Act, 2020***

The Ministry of the Solicitor General (ministry) would like to provide you with information on enforcement of orders and an update on amendments that have been made to the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA) as well as O. Reg. 364/20 (Rules for Areas in Stage 3).

To address ongoing risks and effects of recent increase in COVID-19 cases (see the [Daily Summary of Cases in Ontario](#) for the most recent numbers), and to protect Ontario's recovery and keep people safe across the province, the ministry encourages municipal enforcement personnel, to work collaboratively with all enforcement personnel, including police services, on appropriate enforcement of the orders. This includes considering the importance of issuing tickets under Part I and/or summonses under Part III of the *Provincial Offences Act* (POA), taking into account the severity of the infraction/violation of an order and the Government of Ontario's public health intent to limit the spread of COVID-19. As a reminder, in order to help with enforcement of orders, under O. Reg. 114/20, a police officer or any other provincial offences officer may require an individual to provide the officer with the individual's correct name, date of birth and address if the officer has reasonable and probable grounds to believe that the individual has committed an offence under subsection 10 (1) of the ROA.

#### O. Reg. 364/20 Amendments

Effective September 19, the new maximum number of people permitted to attend organized public events and social gatherings, except where the event is held at a place operated by a business or organization in accordance with O. Reg. 364/20, is reduced to 10 people indoors (previous limit of 50) and 25 people outdoors (previous limit of 100) in all regions (see attached). This includes functions, parties, dinners, gatherings, BBQs or wedding receptions (but not ceremonies) held in private residences, backyards, parks and other recreational areas.

Note, the new limits for indoor and outdoor gatherings described cannot be combined to form a new capacity limit. In addition, these new rules do not apply to 'monitored' social gatherings or organized public events; i.e., social gatherings or organized public events held at a place operated by a business or organization in accordance with O. Reg. 364/20. This includes gatherings or events held in staffed businesses and facilities such as cinemas, convention centres, banquet halls, or restaurants, as well as gyms, recreational sporting or performing arts events. This is in recognition of the fact that these facilities and events are mandated to follow very specific public health and safety guidelines to minimize risk and limit any spread of COVID-19.

In addition, an amendment to O. Reg. 364/20 has been made to include new enforcement provisions that would authorize a police officer, special constable or First Nations constable to temporarily close any premises where the officer or constable has reasonable grounds to believe that a gathering or event is in violation of any gathering limits (including those described above). Individuals are required to leave the premises if they have been temporarily closed (unless it is their place of residence). Individuals are not permitted to re-enter the premises on the same day the premises were closed unless a police officer, special constable or First Nations Constable authorizes the re-entry. Individuals who are required to leave the premises, but do not, may be ticketed or charged under the offence provisions of the ROA or charged with obstructing a peace officer under the *Criminal Code of Canada*.

As a reminder, all orders under the ROA are currently extended to October 22, 2020, with the following exceptions:

- The [Education Sector](#) order ended on August 31, 2020.
- The [Limitation Periods](#) order ended and limitation periods and procedural time periods that had been suspended resumed on September 14, 2020.
  - Note that this includes limitation periods related to the POA for commencing a proceeding (e.g. laying an information or filing a certificate of offence).
  - The court retains the discretion to extend POA timelines, other than those for commencing a proceeding, under s. 85 of the POA.

Please note that the following workplaces, businesses or public spaces must remain closed:

- Amusement parks and water parks;
- Buffet-style food services;
- Nightclubs, except to serve food or beverages;
- Overnight camps for children; and
- Saunas, steam rooms, bath houses and oxygen bars.

There may be additional workplaces, businesses or public spaces that are not permitted to open pursuant to municipal by-laws or First Nations by-laws.

For information about other orders that continue to be in effect and enforceable under the ROA, please visit the link to the Act on e-Laws at <https://www.ontario.ca/laws/statute/20r17> and click on the “Regulations under this Act” tab.

We encourage enforcement personnel to continue to monitor [www.ontario.ca/alert](http://www.ontario.ca/alert) for information on updates to orders and order expiries/revocations.

### Designated Enforcement Personnel

As was the case under the *Emergency Management and Civil Protection Act* (EMCPA), all police officers, First Nations Constables, and special constables may enforce orders that have been continued in effect under the ROA. In addition, the following enforcement personnel are designated to enforce orders that have been continued in effect under the ROA:

- All provincial offences officers designated by a minister of the Crown;
- All municipal law enforcement officers;
- All by-law enforcement officers of a municipality or local board of a municipality;
- All officers, employees or agents of a municipality or local board of a municipality whose responsibilities include enforcement of by-laws, Acts or regulations.

### Offences and Penalties

The following offences and maximum penalties are set out under subsection 10(1) of the ROA:

“Every person who fails to comply with a continued section 7.0.2 order or who interferes with or obstructs any person in the exercise of a power or the performance of a duty conferred by such an order is guilty of an offence and is liable on conviction,

- (a) in the case of an individual, subject to clause (b), to a fine of not more than \$100,000 and for a term of imprisonment of not more than one year;
- (b) in the case of an individual who is a director or officer of a corporation, to a fine of not more than \$500,000 and for a term of imprisonment of not more than one year; and
- (c) in the case of a corporation, to a fine of not more than \$10,000,000.”

The orders currently in effect are continued orders under the ROA and any enforcement of orders must be done under the ROA as of July 24, 2020, when the provincial emergency declaration under the EMCPA ended. Enforcement personnel may continue to issue a ticket under Part I of the POA or a summons under Part III of the POA.

A person is guilty of a separate offence on each day that an offence under subsection 10(1) occurs or continues (s. 10(2)). Therefore, a separate charge can be laid for each day an offence occurs or continues.



Despite the maximum fines set out in subsection 10(1), the court that convicts a person of an offence may increase a fine imposed on the person by an amount equal to the financial benefit that was acquired by or that accrued to the person as a result of the commission of the offence (s. 10(3)).

Note that no person can be charged with an offence under subsection 10(1) for failing to comply with or interference or obstruction in respect of an order that has been amended retroactive to a date that is specified in the amendment, if the failure to comply, interference or obstruction is in respect of conduct to which the retroactive amendment applies and the conduct occurred before the retroactive amendment was made but after the retroactive date specified in the amendment (s. 10(4)).

### Proposed ROA Amendments

On September 17, 2020, proposed amendments to the [ROA](#) were introduced in order to deter individuals from hosting certain prohibited gatherings by:

- Creating a new offence for hosting or organizing a gathering in residential premises contrary to the size limits established in orders continued under ROA.
- The owner or occupier of premises, if present at the gathering, would be presumed, in the absence of evidence to the contrary, to have hosted or organized the gathering.
- Creating a minimum fine of \$10,000 and following the existing maximum penalties under the ROA (see the Offences and Penalties section below for more information on the existing offence provisions and maximum fines).
- Creating authority for the Lieutenant Governor in Council to prescribe additional types of premises to which the new offence would apply.

The proposed legislative amendments, if passed, would come into force upon receipt of Royal Assent.

Thank you again for your continued support and collaboration during this challenging time.

Sincerely,

### ***Original signed by***

Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division

**Pilon, Janet**

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**Subject:** Correspondence to Council re COVID Testing Centres - original email

**From:** Porscha Sinanan

**Sent:** September 22, 2020 12:38 AM

**To:** Office of the Mayor <[mayor@hamilton.ca](mailto:mayor@hamilton.ca)>; Kolar, Loren <[Loren.Kolar@hamilton.ca](mailto:Loren.Kolar@hamilton.ca)>; Jackson, Tom <[Tom.Jackson@hamilton.ca](mailto:Tom.Jackson@hamilton.ca)>

**Subject:** Do Better!! Need more testing centers and better hours.

Please open another covid testing site! Or extend hours!! This is ridiculous. I went to the arena on the west mountain and that's by appointment only, I was turned away. West Hamilton needs referrals! And the East end opens at 4pm?!?!?! I got there at 4:05 and the line up was insane!! I waited 30 minutes and didn't move at all. I would have been there for 3 hours for sure waiting outside to get a test.

I am sick but cant go to work BECAUSE I AM SICK... with what I hope is the common cold!!! Yet, I need a referral to get tested or have to wait outside for 3 hours in chilly fall weather trying to catch pneumonia on top of Covid! WTF!!! And if I go to to walk in, there are signs telling me to leave because of my symptoms.

MORE TESTING CENTERS!!! BETTER HOURS!!!

I get it. It's hard. Budgets. Staffing. Safety. The usual. Time to fix this particular issue. I am sick with what I believe is the cold. But what gets me, is the online self assessment tells me to get tested and yet it's almost impossible to do so.

Make testing more available!!!

Porscha Sinanan

4.6

SEP 10 2020  
SEP 10 2020

Minister of  
Families, Children and  
Social Development



Ministre de  
la Famille, des Enfants et  
du Développement social

Ottawa, Canada K1A 0J9

SEP 10 2020

His Worship Fred Eisenberger  
Mayor  
City of Hamilton  
71 Main Street W  
2<sup>nd</sup> floor  
Hamilton ON L8P 4Y5

Dear Mayor Eisenberger,

Thank you for your letter of July 16, 2020, concerning homelessness funding for Hamilton during the COVID-19 pandemic. I regret the delay in replying.

I appreciate your taking the time to write about this important matter. The Government of Canada is concerned about homelessness and recognizes that it has an impact on every community in Canada. In 2018, an estimated 25,216 people across 61 communities were experiencing absolute homelessness in shelters or were living in unsheltered locations on a given night. This is why the Government of Canada committed \$2.2 billion to tackle homelessness across the country.

Reaching Home: Canada's Homelessness Strategy launched on April 1, 2019. First announced in 2018, Reaching Home replaced the Homelessness Partnering Strategy and will continue to support communities' efforts to prevent and reduce homelessness in Canada. Reaching Home supports the goals of the National Housing Strategy, especially the reduction, by 50 percent, of chronic homelessness nationally by 2027–2028.

As you may know, on March 18, 2020, the Prime Minister, the Right Honourable Justin Trudeau, announced that the Government of Canada would provide an additional \$157.5 million through the Reaching Home program, and as part of its COVID-19 Economic Response Plan, to address the needs of Canadians experiencing homelessness. The majority of this funding has already flowed to communities. Investments were focused in larger urban centres, including Hamilton, where the risk of the virus spreading was highest, while ensuring sufficient funding was available to invest in rural and remote communities.

Approximately \$22.8 million was reserved for communities with emerging or exacerbated needs. To allocate this funding, Employment and Social Development Canada (ESDC) officials

.../2

Canada

launched a process that gave all current Reaching Home funding recipients the opportunity to request additional funding. A decision on the allocation of the \$22.8 million in reserved funding has been made and the results are being shared with communities. You may be pleased to know that the City of Hamilton was successful in this process. Please see below a table detailing total allocations for Hamilton.

Hamilton							
	Designated Communities (City of Hamilton)			Indigenous Homelessness (Coalition of Hamilton Indigenous Leadership)			
	Base	COVID-19 Response	Sub-Total	Base	COVID-19 Response	Sub-Total	Total
2020– 2021	\$5,614,508	\$2,651,550	\$8,266,058	\$675,526	\$373,719	\$1,049,245	\$9,315,303

The Government has been working to put in place supports for all Canadians facing difficulties during the COVID-19 crisis and has created the Emergency Community Support Fund (ECSF), a \$350 million investment to support organizations that deliver essential services to vulnerable populations in Canada. ESDC is working with three national organizations that have vast networks and deep reach across the country and that are sensitive to local issues and well placed to evaluate local needs. The United Way Centraide Canada, the Canadian Red Cross and Community Foundations of Canada are national organizations already in communities in need, funding community-based charities and non-profit organizations quickly and efficiently. ESDC is working with these national organizations to ensure that project resources are efficiently and equitably redistributed across Canada to local organizations that deliver essential services to vulnerable populations. Eligible activities include increasing volunteer-based home deliveries of groceries and medications. As of May 19, 2020, community-based organizations from across the country can apply for funding to support a variety of activities that address a pressing social inclusion or well-being need caused by COVID-19.

As of July 21, 2020, the ECSF funded 94 community-based projects within the City of Hamilton, totalling close to \$2.9 million in financial supports. These are early results, so these amounts could grow in the coming weeks.

You may also be pleased to know that on July 16, 2020, the Government of Canada announced an investment of more than \$19 billion to help provinces and territories safely restart their economies through the Safe Restart Agreement. Funding will be cost-matched by provinces and

territories with investments made this fiscal year and will address up to seven priority areas as determined by the province or territory. One potential priority area that may be of particular interest to you is investments in health care to respond to the pandemic, including support for Canadians experiencing challenges with substance use, mental health issues, or homelessness. For more information about the Safe Restart Agreement in Ontario, please visit <https://news.ontario.ca/opo/en/2020/07/historic-agreement-delivers-up-to-4-billion-to-support-municipalities-and-transit.html>.

In terms of broader efforts on homelessness, we have been working closely with the Public Health Agency of Canada and Health Canada to provide guidance on COVID-19 prevention and mitigation measures for the homeless population. Health Canada has assured us that they understand the importance of addressing the specific needs of the homeless population.

The Public Health Agency of Canada has issued guidance for the homeless-serving sector, including overnight emergency shelters, day shelters, and meal service providers. We have communicated these measures to community representatives, including from the City of Hamilton and the Coalition of Hamilton Indigenous Leadership. To find more information on this topic, please visit [www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/guidance-documents/homelessness.html](http://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/guidance-documents/homelessness.html).

I look forward to our continued collaboration as we work to support those who are experiencing homelessness in Hamilton or at risk of doing so, and the organizations that serve them.

Thank you for writing, and please accept my best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ahmed Hussien', written in a cursive style.

The Honourable Ahmed Hussien, P.C., M.P.  
Minister of Families, Children and Social Development

Mayor Fred Eisenberger  
Hamilton City Hall  
2nd floor - 71 Main Street West  
Hamilton ON L8P 4Y5

September 21, AD 2020

Dear Mayor Eisenberger,

Thank you for your continued leadership throughout the COVID-19 crisis and Council's efforts to minimize the spread of COVID-19 in Hamilton. We regularly pray for God to bless you and your council in the many decisions you must make.

We would like to appeal to you regarding the inclusion of places of worship on the recent By-law No. 20-155 which requires the use of face coverings within enclosed public spaces. We recognize this by-law's objective of reducing the risk of the virus spreading as businesses and public spaces re-open per Stage 3 of the framework for reopening our province. Our concern is in the inclusion of places of worship as a comparable to places of business and entertainment venues which challenges the current and historical status held by places of worship in Canada.

In Canada's Charter of Rights and Freedoms, section 2(a) states that everyone has fundamental freedoms including freedom of conscience and religion with the purpose of preventing interference with profoundly held personal beliefs.

Freedom of religion comprises both an individual aspect and a collective aspect (*Loyola High School v. Quebec (Attorney General)*, [2015] 1 S.C.R. 613; *Ktunaxa*, *supra* at paragraph 74; *Hutterian Brethren*, *supra* at paragraph 182, *per LeBel J.*). The Supreme Court has noted that religion is about both religious beliefs and "religious relationships" (*Law Society of British Columbia v. Trinity Western University*, *supra* at para. 64). Recognizing the linkages between religious belief and its manifestation through "communal institutions and traditions", the Court has found that "measures that undermine the character of lawful religious institutions and disrupt the vitality of religious communities represent a profound interference with religious freedom" (*Loyola High School*, *supra* at paragraph 67; *See also Law Society of British Columbia v. Trinity Western University*, *supra* at paragraphs 64 and 99).

As such, we ask the Hamilton City Council to recognize the revered status of religious freedom in Canada and allow places of worship to be considered separately in government by-laws. This has been properly recognized by our Provincial government in their document "A Framework for Reopening our Province, Stage 2" where the following parameters are put in place for places of worship: "*Faith is a source of comfort and an important aspect of the lives of many people across Ontario. To support places of worship to reopen across the province and help to ensure the safety of worshippers, the government will make available guidance, including limiting attendance to 30 per cent of building capacity and practicing physical distancing*".



We respectfully ask Hamilton City Council to remove places of worship from By-law No. 20-155 and allow them, as a separate and protected entity, to remain under the direction of the separate guidelines provided by our Provincial government.

Respectfully,

On behalf of the Council of Cornerstone Canadian Reformed Church of Hamilton, Ontario

A handwritten signature in black ink, appearing to be "James Lof", written over a horizontal line.

James Lof, Chairman

A handwritten signature in black ink, appearing to be "Bernie Harsevoort", written over a horizontal line.

Bernie Harsevoort, Clerk



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**City Clerk's Office**

<b>TO:</b>	Mayor and Members of Council
<b>COMMITTEE DATE:</b>	September 25, 2020
<b>SUBJECT/REPORT NO:</b>	Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Advisory Member (FCS20086) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Andrea Holland (905) 546-2424 Ext. 5409
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk, Office of the City Clerk
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

That Council consider the recommendations in the attached Integrity Commissioner Report dated September 24, 2020.

### EXECUTIVE SUMMARY

Principles Integrity was appointed by Council on February 26, 2020 to be the Integrity Commissioner for the City of Hamilton.

The Integrity Commissioner is appointed to act in an independent manner on the application of the Code of Conduct and other rules and procedures governing the ethical behaviour of members of Council. The Integrity Commissioner appointed by Council shall be responsible for providing Integrity Commissioner services on an as required basis in accordance with sections 223.3 to 223.8 of the *Municipal Act, 2001*, as amended.

The Integrity Commissioner is required to preserve secrecy in all matters that come to their knowledge in the course of their duties. At the same time, the municipality is required to ensure that reports received from the Integrity Commissioner are made available to the public.

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

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

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



**SUBJECT: Integrity Commissioner Investigation Report (FCSxxx) (City Wide) -  
Page 2 of 3**

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The “Code of Conduct Complaint Against Cameron Kroetsch, Chair, LGBTQ Advisory Committee Recommendation Report” prepared by Principles Integrity is attached as Appendix “A”.

Principles Integrity will be in attendance at the Council to answer any questions of Council.

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND – N/A**

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Integrity Commissioner gets their authority from the *Municipal Act 2001*, as amended and is accountable to and reports directly to Council. Under the *Municipal Act 2001* as amended,

**Report to council**

**223.6** (1) If the Commissioner provides a periodic report to the municipality on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned. 2006, c. 32, Sched. A, s. 98.

**Report about conduct**

(2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner’s opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.

**Publication of reports**

(3) The municipality and each local board shall ensure that reports received from the Commissioner by the municipality or by the board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 98.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

**SUBJECT: Integrity Commissioner Investigation Report (FCSxxx) (City Wide) -  
Page 3 of 3**

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The Integrity Commissioner's report has been placed on the Council agenda for council's consideration according to the *Municipal Act 2001*, as amended.

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix 'A' to FCS20086 – Complaint Filed Against a Citizen Committee Advisory Member, Recommendation Report

# Principles *Integrity*

City of Hamilton

Code of Conduct Complaint Against Cameron Kroetsch,

Chair, LGBTQ Advisory Committee

Recommendation Report

September 24, 2020

## Introductory Comments

- [1] Principles *Integrity* was appointed the Integrity Commissioner for the City of Hamilton in July 2018. We are also privileged to serve as Integrity Commissioner for a number of Ontario municipalities. The operating philosophy which guides us in our work with all of our client municipalities is this:

*The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council and local boards meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.*

- [2] The Municipal Act requires that municipalities adopt a code of conduct for members of local boards, and appoint an integrity commissioner responsible for overseeing the application of the code of conduct for local board members.
- [3] An advisory committee is a local board to which the code of conduct and oversight by the integrity commissioner apply.
- [4] Integrity commissioners carry out a range of functions for municipalities and their local boards. They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for members and outreach for the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a member has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make

## Principles *Integrity*

recommendations, including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report.

- [5] Our role differs from other ‘adjudicators’ whose responsibilities generally focus, to state it colloquially, on making findings of fact and fault. While that is a necessary component when allegations are made, it is not the only component.
- [6] Our operating philosophy dictates the format of this report. The tenets of procedural fairness require us to provide reasons for our conclusions and recommendations, and we have done that. Procedural fairness also requires us to conduct a process where parties can participate in the review and resolution of a complaint.
- [7] In this regard, we have assessed the information fairly, in an independent and neutral manner, and have provided an opportunity to the respondent named in this Report to respond the allegations, and to review and provide comment on the preliminary findings.

### The Complaint

- [8] On March 4, 2020 we received a complaint submitted to us by the City Clerk on behalf of Council for the City of Hamilton. For the purposes of properly scoping our investigation, we have restated and narrowed the complaint against the Respondent.
- [9] The essence of the complaint is that the Respondent Cameron Kroetsch has inappropriately used his position as Chair of the Lesbian, Gay, Bisexual, Transgender & Queer Advisory Committee<sup>1</sup> (the LGBTQ AC), including by improperly and publicly criticizing and/or disparaging Council decisions or processes, and that he improperly publicly disclosed personal information about identifiable individuals contrary to the Municipal Freedom of Information and Protection of Privacy Act.
- [10] Several examples of conduct by the Respondent have been considered, however, for the purposes of our findings, we have focused on three specific actions in particular.

The Deputation to HPSB: While speaking as Chair on behalf of the LGBTQ AC, the Respondent made a deputation to the Hamilton Police Services

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<sup>1</sup> As noted in the advisory committee’s terms of reference, the acronym “LGBTQ” is a commonly used, shortened initialism for lesbian, gay, bisexual, transsexual, transgender, twospirit, intersex, queer and questioning individuals / communities and is not meant to be unduly restrictive of its constituency.

## Principles *Integrity*

Board (HPSB) on February 14, 2020 criticizing City Council's selection process for appointments to the Board, and requesting that the HPSB ask Council to rescind a recent appointment.

The Radio Interview: Interviewed as Chair of the LGBTQ AC, the Respondent gave a radio interview on the Bill Kelly Show in May 2019 in which he criticized Council's selection process for appointments to the HPSB, publicly accused the City of a coverup, and disparaged Council generally. The host characterized the Respondent's statements as 'City-bashing'

The Redaction Refusal: After receiving explicit advice from the City Clerk that certain information needed to be redacted from a document before it could be published, pursuant to privacy legislation (the *Municipal Freedom of Information and Protection of Privacy Act*), the Respondent proceeded to publicly post on his personal Twitter account an unredacted version of the document contrary to that explicit advice.

Use of Title of Chair in Campaign Endorsement:

- [11] We were also asked to consider the propriety of the Chair having given a political endorsement while being identified in that role.
- [12] The Respondent, during the last Federal election campaign, posted an endorsement for a candidate. In that endorsement, he identified himself as a member and Chair of the LGBTQ AC.
- [13] The practice can be perceived as an inappropriate use of the title in order to garner support or influence. Conversely a person is free to communicate political endorsements so long as they do not expressly or impliedly convey that the City shares the same view.
- [14] Since there is no provision addressing political endorsement in the Advisory Committee/Task Force Code of Conduct, we do not find that the endorsement made by the Respondent contravenes the Code. Additional guidance will be provided when we report back on the governance matters referenced in paragraph [16].

# Principles Integrity

## Process Followed for the Investigation

[15] Our investigation was governed by the principles of procedural fairness. This fair and balanced process includes the following elements:

- Reviewing the Complaint to determine whether it is within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the Complaint should be restated or narrowed, where this better reflects the public interest
- Restating and narrowing the complaint so that the Respondent had sufficient knowledge of the facts, circumstances and ethical standards to be responded to
- Notifying the Respondent of the complaint and seeking his response
- Reviewing the Hamilton Advisory Committee/Task Force Code of Conduct, relevant legislation, by-laws, resolutions, archived meetings, minutes, and other relevant resources or documents
- Providing the opportunity for the Respondent to provide his response to the complaint, and interviewing the Respondent and relevant witnesses including present and former members of the advisory committee, staff, and others with first-hand knowledge of the matters before us
- Providing the Respondent with an opportunity to review our draft findings, and reviewing his lengthy 102-page submission before finalizing our Recommendation Report.

## Background and Context

### Governance Principles

[16] City Council has also requested our advice on certain governance matters respecting its Advisory Committees and that will be reported under separate cover.

[17] At this juncture, however, it is useful to briefly reflect upon the two municipal governance principles that inform our findings.

[18] The first principle might be called the 'Primacy of Council'. The principle recognizes that pursuant to the *Municipal Act*, Council is the decision maker on behalf of the municipality, and that Council uses a mechanism of staff, public and councillor input, principally delivered through the publication of reports and matters listed on committee agendas, in order to provide a foundation for its decisions which are ultimately made by by-law. City of Hamilton Council is no different from other Ontario municipalities in that regard; it makes its decisions based on recommendations, principally through reports submitted by Council's committees.

## Principles

### *Integrity*

- [19] Part of the City's governance structure involves the establishment of statutory and advisory committees. Some committees, such as the Committee of Adjustment, have decision making power conferred upon them by statute (in other words Council has no role in the outcome of the deliberations). Such committees are, in fact, decision-making bodies.
- [20] Other committees, referred to as 'advisory committees', are put in place so as to provide Council with advice. It may be that an advisory committee is established because it is required by statute (such as the Accessibility Advisory Committee); it may be that an advisory committee is established because Council (or Staff) does not have the capacity to develop recommendations on a defined topic, or that the perspective from a certain stakeholder group is required to create a forum for discussion on a particular topic area so that recommendations to Council can be formed. It was for this latter purpose that the LGBTQ AC was formed. Simply put, advisory committees exist to inform Council's decisions. Advisory committees are not decision-making bodies.
- [21] There is a distinction to be drawn between advice and advocacy. While an advisory committee, once it has completed its deliberations on a matter, may advocate a course of action to Council through the recommendations it submits, its role is not to advocate generally. For advisory committee members, it is sometimes a surprising revelation that their personal advocacy for a public policy issue may in some respects be constrained by their appointment to a body which is bound to an advisory role only, given the primacy of Council.
- [22] The second principle might be called the 'Compliance Principle' and in the context of this report speaks to the City's responsibility to comply with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Though compliance is not the City's first objective (rather, it is to adopt and implement decisions and policies it considers to best serve the public interest) it cannot be non-compliant with the statutory regime that governs it.
- [23] MFIPPA establishes a statutory framework that balances public access to information with the protection of personal information held by the City from inappropriate disclosure.
- [24] As in most municipalities, access and privacy matters are administered by the City Clerk independently from the City's Council and its administration. As such, the Clerk has a high level of decision-making autonomy and responsibility regarding information published in official Council records, including minutes and agendas published for Council and its committees.
- [25] Municipal governance structures generally accommodate flexibility in the application of procedural rules. Rigidity, a strictly rules-based approach, can stifle necessary accommodations that serve the public interest. That said it is important

## Principles *Integrity*

that Council and its committees adhere to foundational governance principles, including the Primacy of Council principle and the Compliancy principle, when deviations from an established rule occur.

- [26] Our role in making the assessments set out in this report was not simply to apply mechanical compliance with a code of conduct. Our findings support what we consider to be important public interest matters and provide a foundation for governance improvements, as well as encouragement for appropriate adherence to the City's ethical standards.
- [27] We are aware that our Report is to be considered at a time where there is much discussion about the role marginalized communities play in effecting change to established social order. The perspectives of communities whose voices are under-represented in public debate are now more part of that debate. That provides an interesting context for a Report which addresses the LGBTQ AC's Chair's compliance with the City's governance processes and the Code of Conduct's requirements.
- [28] As integrity commissioner we assess complaints on the basis of a person's adherence to codes, policies, laws and norms in order to provide advice and recommendations that best achieve a just result, one that in our view best serves the public interest. The current discourse causes us to be careful not to declare the 'public interest' to be a 'conventional' interest – the way it has always been.
- [29] Non-compliance with established codes, policies, laws and norms may well be the only way to achieve a needed change. The thoughtful experiences of the late United States Congressman John Lewis – famous for his notion of "Good Trouble" come to mind. Non-conformity with some rules, can (although perhaps only retrospectively) be perceived as a virtue.
- [30] To the extent any of the behaviours we have examined can be argued to be virtuous (Good Trouble, in order to achieve a desired change), they must also be assessed by their adherence to principles of municipal accountability and democratic governance. In that respect the primacy of Council is key – decisions are made by Council, and Council is accountable to the electorate for those decisions. The processes for making decisions depend upon deliberation and persuasion. Interests are balanced, if not traded, for the benefit of what is understood by the decision-makers to be the public good.
- [31] It is most certainly the role of an Advisory Committee to bring forward persuasive arguments to support recommendations seeking substantive change in how the City conducts itself to achieve public interest goals. In that sense the Advisory



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Committee can advocate for change. This Report, in part, examines to what extent advocacy which takes place outside the advisory committee framework established by the City meets the ethical standards established by the Code of Conduct.

### HPSB is not a Committee of Council

- [32] In addition to appointing to its own committees, Council appoints to other bodies, which are not committees of City Council.
- [33] One such body is the Hamilton Police Service Board (the HPSB), which is comprised of three members of Council, three members appointed by the Province, and a Council-appointed citizen member.
- [34] The HPSB is an independent body overseeing the management of the Hamilton Police Service.
- [35] It is not a body which reports to Council, and although its meetings are held in Hamilton Council Chambers and the Mayor, along with 2 other members of Hamilton Council, sit on the Board, it is not part of the City of Hamilton governance structure which Council presides over.
- [36] The HPSB is a separate and distinct public government agency.

### Lesbian, Gay, Bisexual, Transgender & Queer Advisory Committee (LGBTQ AC)

- [37] The LGBTQ AC is one of dozens of advisory committees (albeit not all of them titled as such) established by Council for the City of Hamilton.
- [38] The LGBTQ AC reports to Council through the Audit, Finance and Administration Committee (AF&A).
- [39] The Respondent is a member, and the Chair, of the LGBTQ AC.
- [40] Staff are assigned to support advisory committees; they may assist with committee administrative matters, provide procedural advice, and prepare meeting minutes.
- [41] Advisory committee minutes are provided to the applicable standing committee as a record of proceedings. The minutes include all recommendations being made to Council by the advisory committee. Recommendations from an advisory committee

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are sometimes conveyed to Council through the use of a Citizen Committee Report forwarded to the applicable standing committee.

[42] The jurisdiction and authority of advisory committees to make decisions is confined to matters concerning its own proceedings, unless other authority is specifically delegated by Council in the advisory committee's terms of reference.

[43] The terms of reference for the LGBTQ AC provide as follows:

### Mission Statement:

The LGBTQ AC for the City of Hamilton exists to eliminate barriers experienced by LGBTQ communities by giving voice to the perspectives of LGBTQ individuals and evaluating the City on its related efforts. The Committee does this by making recommendations to Council and staff in order that the City of Hamilton will excel in providing services to and interfacing with members of the LGBTQ communities.

### Mandate:

The Committee is empowered by City Council and is responsible to City Council for its services; it reports to City Council on issues and concerns pertaining to the LGBTQ communities through the Audit, Finance & Administration Committee.

### Operating Guidelines:

1. Provide opportunities for members of Hamilton's diverse LGBTQ communities to share stories, impart information, raise concerns, and recommend changes as they relate to the way the City develops bylaws, policies, programs, and services that impact LGBTQ communities.
2. Provide advice and recommendations to City Council and staff with respect to the implementation of bylaws, policies, programs and services that impact LGBTQ communities.
3. Educate and increases the awareness and understanding of City Council and staff on issues that impact LGBTQ communities.
4. Facilitate access to accurate information about LGBTQ communities, including up-to-date list of LGBTQ-positive spaces, programs, resource and organizations.
5. Acknowledge and respect the diversity of Hamilton's LGBTQ communities, including those voices not represented at the

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Committee table, with respect to gender identity, sexual orientation, age ability, ethno-cultural background, and socio-economic status.

6. Review the progress and measure of success of the Committee and its activities on a regular basis.

[44] Historically, the LGBTQ AC plays a lead role in the Pride flag event, although decisions to have a flag raising are the Mayor's under the Flag Protocol.

[45] The practice also has evolved that the LGBTQ AC occasionally hosts other public-facing events without bringing a recommendation to Council or otherwise obtaining Council direction.

[46] These undertakings have, it has been suggested, supported a belief by members of the LGBTQ AC that their advisory committee has taken on an operational function and is 'expected' to do things beyond simply provide advice to Council.

### Chronology

#### Events Leading to the Deputation to the HPSB

[47] In March 2019, Council appointed a citizen member to the HPSB. There was some concern raised within parts of the Hamilton community that the appointment was a missed opportunity by Council to ensure the citizen appointment reflected more of the diversity of the population.

[48] On April 30, 2019 the LGBTQ AC had their first meeting of the new committee and began planning the Pride Flag event. Potential dates were selected and members confirmed they would forward a list of guest speakers to staff who organize the event.

[49] On May 8, 2019 an article appeared in VICE Magazine about a City of Hamilton employee whose former activities as a leader of a white supremacist organization raised concerns.

[50] At the second meeting of the LGBTQ AC on May 15, 2019, one member of the committee presented a motion to cancel the annual Pride Flag Raising Ceremony. The motion identified the rationale for its reversal regarding the event primarily on the City's handling of the employee and Council's appointment to the HPSB:

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### 8.44 Motion to Cancel the Flag Raising Ceremony

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 [REDACTED]  
[REDACTED]  
[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]  
[REDACTED]; and
- (b) [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.

## Principles *Integrity*

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.

[51] The blacked-out portions above were redacted at the direction of the Clerk following extensive discussion and debate between the Clerk and the Chair.

[52] The fact that the LGBTQ AC believed, mistakenly, that it had the authority to cancel the City Pride flag raising is apparent in the motion.

[53] On May 22, 2019 the Respondent participated in a radio interview on a local radio talk show. Throughout the interview he was clearly identified as Chair of the LGBTQ AC.

[54] During the 15-minute interview the Respondent criticized the City's handling of an employment issue, accused the City of a coverup, criticized Council's recent appointment to the HPSB, criticized its selection process, and disparaged Council generally.

[55] The LGBTQ AC's minutes were delayed in moving forward to AF&A while the issue of the redacted content was debated.

[56] Throughout the spring and summer of 2019, the Chair and Clerk had numerous discussions regarding concerns with the LGBTQ AC minutes, relating to formatting

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and content, including privacy issues created by the inclusion of particular information in motions as presented.

[57] These protracted discussions slowed down the approval of minutes by the LGBTQ AC. As a result, minutes from the LGBTQ AC meetings from April 2019 to December 2019 were not provided to AF&A until January 21, 2020.

[58] During the summer and fall meetings of the LGBTQ AC, discussions continued around having Council revisit the citizen appointment to the HPSB and how to bring attention to the issue.

[59] At its meeting of July 16, 2019, the LGBTQ AC passed a motion to submit a request for deputation to the HPSB.

[60] The Staff liaison for the LGBTQ AC, on behalf of the Committee, sent a request to the HPSB to make a deputation regarding the citizen appointment.

[61] Initially, the HPSB denied the request for the deputation; the citizen appointment having been decided by Council, it was not relevant to the HPSB to hear the deputation concerning that issue.

[62] The LGBTQ AC decided to reiterate the request to make a deputation to the HPSB.

[63] On November 29, 2019 a further letter was sent urging the HPSB to allow the deputation regarding asking Council to reverse its citizen appointment

[64] Citizen Committee Reports are a vehicle through which an advisory committee forwards its recommendations to Council.

[65] On January 21, 2020 the LGBTQ AC forwarded a Citizen Committee Report (to AF&A) recommending that Council revoke the citizen appointment, change its selection process, and make another citizen appointment as follows:

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, diversity and inclusion (EDI).

[66] Some of the recitation within the body of the Citizen Committee Report reflected negative comments about a member of Council who had participated as a member of the Selection Committee. The comments were inflammatory, irrelevant and superfluous. That information has since been redacted by the Clerk.

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- [67] The HPSB, in the meantime, had acquiesced to the request of the LGBTQ AC to make a deputation and the date for the deputation was set for February 14, 2020, one week before the minutes of the LGBTQ AC and the Citizen Committee Report were before AF&A.
- [68] The Respondent attended the HPSB February 14, 2020 and made a deputation on behalf of the LGBTQ AC, criticizing Council's selection process and requesting that the HPSB ask Council to rescind the appointment and revisit its selection process.
- [69] At the AF&A meeting of February 20, 2020, the Citizen Committee Report concerning the HPSB appointee was before the Committee. It was the decision of AF&A that the Citizen Committee Report 'be received, and no further action taken.'

### Posting Unredacted Motion:

- [70] On May 15, 2019 when the motion was introduced to cancel the Pride flag raising, the motion contained personal information about identifiable individuals.
- [71] On the advice of staff, the motion was redacted before reproducing it in the meeting minutes and before moving it forward as a public document at the City's committee.
- [72] The published version of the paragraph of concern appears at paragraph [50].
- [73] Nevertheless, on February 15, 2020 the Respondent proceeded to publicly post the unredacted version of the motion on his personal Twitter account.

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Cameron Kroetsch  
@CameronKroetsch



Worse is that underneath those redacted comments is not a single person's name. The [@AdvisoryLgbtq](#) took the names out when it was asked. Here's what the Committee approved, at a public meeting, for all in attendance to see. In case it's not clear, these are from May 2019. [#HamOnt](#)

### 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:

[74] The full unredacted version of the motion appears in the post.

[75] As noted earlier, the Clerk and the Respondent engaged in several conversations around appropriate contents of motions and minutes, including redactions perceived as necessary by the Clerk on the basis that otherwise the minutes would contain personal information about an identifiable individual. The Respondent did not share the Clerk's views on many of these issues.

[76] On November 19, 2019 the Clerk attended the LGBTQ AC to provide an overview of her responsibilities and jurisdiction and explained in detail her reasons for requiring that certain contents of the minutes of May 15, 2019 be redacted prior to being formally adopted.

### Relevant Policy Provisions: Advisory Committee Handbook and Code of Conduct

[77] The Hamilton Advisory Committee/Task Force Code of Conduct is Appendix "G" to the Advisory Committee Procedural Handbook.

[78] This Code of Conduct is a brief document, consisting of six short provisions, the most relevant of which provide as follows:



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## 1. Good Conduct

Appointees shall act with honesty and integrity including:

- Acting in a manner that contributes to the public's confidence in the Advisory Committee or Task Force; and
- Not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointee.

## 2. Communication

Appointees should accurately communicate a recommendation or direction.

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee.

[79] The Advisory Committee Handbook also contains the following guidance regarding “Members Communicating with Any Outside Agencies, Including Other Levels of Government and Media”:

Please note that members of a Committee cannot correspond or speak to any Ministries, any outside agencies, or the media without Council's prior approval, as per Standard Operating Procedure #08-001 – Communicating with any outside agencies, including other Levels of Government and the media attached as Appendix “D” and the Code of Conduct attached as Appendix “G”.

[80] Appendix D provides as follows:

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Appendix "D"

<b>STANDARD OPERATING PROCEDURE</b>		<b>08-001</b>
<b>Subject:</b>	<b>Communicating with any outside agencies, including other Levels of Government and the media</b>	

- a) City of Hamilton Committees wishing to correspond with any outside agency including the media, Ministers of the Provincial/Federal Governments or with MP's and MPP's will follow the subjoined procedures:
1. Recommendation(s) to correspond with any outside agency submitted by a Committee are forwarded to the appropriate Standing Committee for approval with the draft correspondence being attached as an appendix to a Citizen Committee Report prepared by the respective Committee Staff Liaison.
  2. Once the recommendation is approved by the Standing Committee and Council, the correspondence is submitted for signature and will be signed jointly by the Mayor and the Chair of the Committee.
  3. Any follow up correspondence received by the City of Hamilton in response to the letter will be forwarded to both City Council and to the Committee, which initiated the recommendation and correspondence.
  4. Appointees should accurately communicate a recommendation or direction.
  5. Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee.
  6. Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.

## Findings and Analysis

### The Deputation to the HPSB

[81] The LGBTQ CA wanted Council to re-visit the issue of the appointment to the HPSB. It is evident that at least some of the members of that advisory committee recognized they had no authority or jurisdiction to decide to make a deputation to the HPSB.

[82] At the August 27, 2019 meeting, in the context of discussions about sending the Chair and Vice Chair to a meeting initiated by the Police Chief, committee members discussed their lack of jurisdiction to engage directly with the HPSB, and that their mandate is to advise City Council.

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[83] As noted in the minutes of the August 27, 2019 meeting, some members recognized concerns about the procedural limitations of an advisory committee assuming an advocacy role rather than remaining within their mandate of advising Council.

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

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.

**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.

**FAILED**  
[emphasis added]

[84] In fact, at its September 17, 2019 meeting, regarding Item 6.5, 'Process for deputations and delegations from the Committee', the minutes of the LGBTQ AC reflect:

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.

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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.

showing that LGBT AC members recognized the importance that committee positions should result from discussion and collective decisions. What is missing from the Committee's discussion is an acknowledgment that once the Committee's position on a matter coalesces, the Committee may recommend a course of action based on the position, but may not implement it without first seeking Council approval.

- [85] Their advisory mandate was then collectively ignored at the meeting of September 17, 2019 when a deputation to the HPSB was pursued.
- [86] The Respondent advised us that because the majority of the HPSB are City Councillors, by his deputation he was trying to make the HPSB and Council aware of the concerns around the citizen appointment.
- [87] In fact, 3 of the 7 Board members are members of City Council, the others are citizen-appointees, 3 by the Province and one by the City.
- [88] More to the point, the HPSB is, as we have noted, a separate, independent governing body. For this reason, the procedure contained in the Advisory Committee Handbook, Standard Operating Procedure #08-001 – Communicating with any outside agencies, is applicable.
- [89] When the deputation request was denied, the committee decided to send a letter to the HPSB, to be followed up with a Citizen Committee Report about the committee's concerns regarding the appointment. It appears the committee was determined to take it upon themselves to bring their concern before the HPSB.
- [90] In our view, the Citizen Committee Report was required to be supported by AF&A and ultimately Council before any communication (letter or deputation) criticizing the appointment and seeking to reverse it was shared with the HPSB. The decision to inform, share or communicate with the HPSB, or any other body, rests with Council, and not an advisory committee.

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- [91] On February 14, 2020 when the Chair made his deputation at the HPSB, he did so 'on behalf of the LGBTQ AC' but the committee was without authority to direct such action. The LGBTQ AC deputation to the HPSB, without Council direction or approval, was action outside the mandate of the advisory committee.
- [92] The question becomes what role, if any, did the Chair play in taking the committee outside their mandate, and whether the Chair's conduct in this constitutes a breach of the Code of Conduct.
- [93] At the time neither the Clerk nor other support staff appear to have attempted to stop the LGBTQ AC from making the deputation, as might be expected, or tried to prevent the committee from venturing beyond their mandate in criticizing Council's appointment.
- [94] We understand that staff supporting the LGBTQ AC did, from time to time, try to give advice on procedural matters.
- [95] We find that in the preceding months, when procedural concerns were raised by support staff or the Clerk, frequently these were opposed by the Respondent or ignored by the committee generally.
- [96] The Respondent appears to perceive guidance from administrative staff merely as additional input, and is sometimes resistant to accepting guidance from staff on procedural matters.
- [97] The Respondent has been described to us as knowledgeable in procedure, and effective in managing meetings. The Respondent's air of authority may have precipitated the LGBTQ AC acting beyond their mandate as set out in the Terms of Reference and without proper authority from Council.
- [98] Though we find that the Respondent played a role in steering the LGBTQ AC to act outside its mandate by pursuing the deputation at the HPSB in the absence of approval from Council, we stop short of finding that the Respondent was solely responsible.

### 'City-bashing' on the Radio

- [99] On May 22, 2019 the Respondent participated in a 15-minute radio interview on the Bill Kelly Show. He was introduced, and identified repeatedly throughout, as Chair of the LGBTQ AC.

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- [100] During that interview, the Respondent criticized Council's citizen appointment to the HPSB, criticized Council's selection process for such appointments, criticized the City's handling an employment issue raised in the media and brought to the City's attention, accused the City of covering up its handling of that issue, and disparaged the Council generally.
- [101] 14 minutes into the 15-minute interview, the host, in trying to change the tenor, stated: "I don't want this segment to be an entire City-bashing 15-minute diatribe..."
- [102] We find that the Respondent's public criticism and disparagement of Council and City processes during this radio interview, while identified as Chair of the LGBTQ AC, is conduct that undermines public confidence in the advisory committee, contrary to the Good Conduct provision in the Code.
- [103] We find that the Respondent's conduct in this regard breached the Advisory Committee Code of Conduct.

### Posting Unredacted Motion

- [104] At the May 15, 2019 LGBTQ AC meeting, a motion was introduced to cancel the Pride event. Staff supporting the meeting immediately flagged a concern that the motion contained information which presented a privacy breach if not redacted.
- [105] On the advice of staff, the motion was redacted before reproducing it in the minutes of the meeting.
- [106] Nevertheless, the Respondent subsequently proceeded to publicly post the unredacted version of the motion on his personal Twitter account.
- [107] The Respondent takes the position that the information contained in the unredacted motion was already in the public domain, there having been media coverage at the meeting of May 15, 2019 when it was introduced.
- [108] We find that Respondent posting the unredacted motion, where staff had cautioned against its unredacted inclusion and release in the meeting minutes, constitutes a breach of the Advisory Committee/Task Force Code of Conduct with respect to provision 1, Good Conduct which requires:
- Acting in a manner that contributes to the public's confidence in the Advisory Committee or Task Force; and
  - Not engaging in conduct that may, or may appear to, constitute an abuse of their position as an Appointee.

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- [109] Advisory committee members are supported by administrative staff, including the Clerk, in order to support the role of the committee.
- [110] As noted above, the Clerk exercises significant autonomy in determinations under the privacy legislation. In this regard, advice from the Clerk and her administrative staff should not be disregarded or ignored by advisory committees.
- [111] More to the point, the Chair should not have unilaterally published the unredacted motion in the face of staff's caution against reproducing it in the minutes. The prior publication of the information by the media does not justify the Respondent's action in the face of clear advice from staff.
- [112] We find that this posting of the unredacted motion contrary to the advice of the Clerk's staff that it be redacted, constitutes unethical conduct by the Respondent, which may erode or undermine the public's confidence in the advisory committee.
- [113] To the extent the Respondent felt that the unredacted personally identifying information was so compelling that it needed public disclosure, we are of the view that the act of posting the information not only undermined the City's obligation to maintain compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, it demonstrated a cavalier disregard of the City Clerk's advice, as well as the privacy interests of the affected person.
- [114] Regardless of the Respondent's opinion of the person affected, and the City's relationship to that person, the choice to publish the information on his personal Twitter account did not amount to 'Good Trouble'. On the contrary, the violation was serious and purposeful, and carried with it implications for the City's privacy protection obligations, and the individual involved.

### Summary of Findings

- [115] In summary, we find that the Chair's deputation to the HPSB in the circumstances did not represent a breach of the Code of Conduct on the basis that while unauthorized by City Council, the Respondent's deputation on behalf of the Committee was facilitated in part by the assistance of staff, upon whose advice he should have been permitted to rely. Absent that reliance, the behaviour would amount to a breach of the Respondent's responsibilities under the City's policy respecting communications with outside agencies, as set out in paragraph [80].
- [116] We find that the Respondent has inappropriately used his position as Chair of the LGBTQ Advisory Committee, including by improperly and publicly criticizing and disparaging Council decisions and processes through a radio interview in which he



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was identified as participating in his role as Chair of the LGBTQ AC. This we consider to be a breach of the Rule 1 of the Code of Conduct, respecting good conduct, as referenced in paragraph [78].

[117] We find that the Respondent improperly publicly disclosed personal information about an identifiable individual when he posted an unredacted motion contrary to the advice of the Clerk and the *Municipal Freedom of Information and Protection of Personal Privacy Act*. This we consider to be a breach of Rules 1 and 2 of the Code of Conduct, respecting good conduct and communications, as referenced in paragraph [78].

### Recommendations and Concluding Remarks

[118] There is a strong relationship between good governance and proper ethical behaviour. In many respects, this investigation has clarified a need for improved practices and protocols regarding City Council's subordinate bodies, including its advisory committees.

[119] Where the Respondent's behaviour has been the result of governance deficiencies, such as inconsistent governance documentation, or advice received from City staff, no findings of non-compliance have been made because it would be unfair to do so.

[120] This report, however, focuses on whether the Respondent has breached the Code of Conduct applicable to him. In that respect we have made findings, that:

he has inappropriately used his position as Chair of the LGBTQ Advisory Committee, including by improperly and publicly criticizing and disparaging Council decisions and processes through a radio interview in which he was identified as participating in his role as Chair of the LGBTQ AC. This we consider to be a breach of the Rule 1 of the Code of Conduct, respecting good conduct, as referenced in paragraph [78]

and

he has improperly publicly disclosed personal information about an identifiable individual when he posted an unredacted motion contrary to the advice of the Clerk and the *Municipal Freedom of Information and Protection of Personal Privacy Act*. This we consider to be a breach of Rules 1 and 2 of the Code of Conduct, respecting good conduct and communications, as referenced in paragraph [78]



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- [121] These findings would support the adoption of a resolution to reprimand Mr. Kroetsch, as we recommend below.
- [122] Though the Respondent is capable and earnest, these findings may have eroded the confidence Council has placed in him as a member, the Chair in fact, of the LGBTQ AC. That was a threshold consideration for some members of Council in deciding to bring these matters to the attention of the integrity commissioner.
- [123] With the benefit of now having this report, Council may ask itself whether the Respondent's actions are sufficiently grave so as to make the determination that the public interest would be best served if another person were to chair the LGBTQ AC.
- [124] As noted, advisory committees can only effectively promote change by influencing Council decisions by the making of persuasive recommendations . The decision to follow such recommendations will always reside with Council, and Council will be influenced by the confidence it has in the body making the recommendation. Loss of confidence in a Chair of an advisory committee would be concerning, particularly when the anticipated advice is expected to be complex, and challenge the status quo.
- [125] In this matter, it must be recognized that the Respondent is very much engaged in issues relevant to the LGBTQ AC through other means. Our findings respecting the Code of Conduct breaches, and the Respondent's submissions to us in that regard, suggest that the governance requirements that support the primacy of Council are not easily navigated by him. When City staff attempted to guide the Respondent on matters particular to municipal governance, they regularly found resistance and challenges to their interpretations.
- [126] In the circumstances, it might be appropriate that the Respondent, recognizing the constraints on him as an advocate pushing for change through the structure of an advisory committee, consider relinquishing his role on the LGBTQ Advisory Committee.

### Recommendations:

- [127] An integrity commissioner may recommend that sanctions be imposed, including a reprimand, or a suspension of pay for up to 90-days. The position of Chair of the LGBTQ AC being unpaid, a sanction which included suspension of the Respondent's pay would be of no practical effect.

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[128] We find the more appropriate sanction to be a formal reprimand.

[129] We are also of the view that Mr. Kroetsch should give consideration to resigning from the committee; his actions would appear to have undermined the relationship between this advisory committee and the Council the committee seeks to advise. He can likely more effectively pursue his advocacy efforts without the constraints of the City's committee governance structure.

[130] In the event that Mr. Kroetsch does not step down, it falls within Council's jurisdiction to consider whether to revoke his appointment.

[131] Accordingly, it is recommended:

1. That Council pass the following resolution:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct, that Cameron Kroetsch be and is hereby formally reprimanded.

2. That Cameron Kroetsch consider resigning from his position on the LGBTQ AC, and should it be his decision to do so, that he indicate that outcome prior to the day upon which this Recommendation Report is to be considered by Council; and

3. Alternatively, that Council consider revoking the appointment of Cameron Kroetsch as a member of the Lesbian, Gay, Bisexual, Transgender & Queer Advisory Committee, and that he be thanked for his service to date.

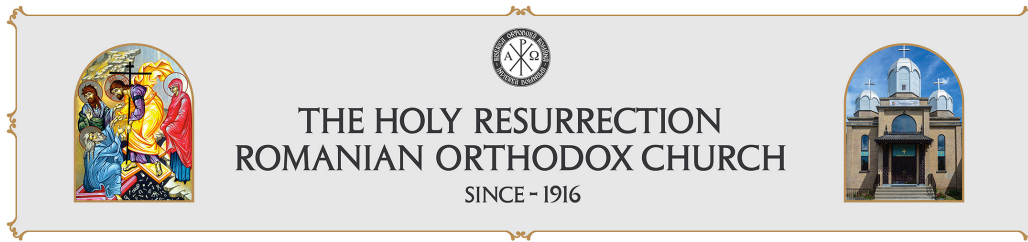
[132] We wish to conclude by publicly thanking everyone who was asked to participate in our investigation.

[133] We will be pleased to be available at the Council meeting where this report is considered.

All of which is respectfully submitted

Principles *Integrity*

Integrity Commissioner for the  
City of Hamilton



September 24th, 2020

**To: Chair and Members of the Council, City of Hamilton**

**From:**

The Romanian Orthodox Church of the Holy Resurrection  
278 Mac Nab Street North, Hamilton, On, L8L 1K4

**The issue:**

Zoning By-law Amendment **No. ZAC - 18-037** for Lands located at 282 MacNab Street North, Hamilton to:

- Permit a 10 - storey building with 89 multiple dwelling units with a residential density of 688 units per gross hectare
- Change in zoning from “J” District to a site specific “E/S -1799-H” (Multiple Dwellings, Lodges, Clubs, etc.) District Modified to permit construction of a 10 storey (33.0m), 89 unit multiple dwellings with 66 parking spaces.

**The concerns:**

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection are presenting the City of Hamilton Council the following concerns:

- We believe that demolition of the building located at 282 MacNab Street North was abusive. **We will like to know when the permit was issued, before or after the demolition?**
- With approval of this Amendment, **considering the same construction across the street /41 Stuart St./ – just approved as an “exception”** – the area will be over congested.
- At the Planning and Development Committee meeting held on April 2, 2019 committee members agreed to grant a 30 days’ deferral for the above-mentioned applications to permit staff to report back on a proposed design change submitted that very morning by the applicant. These proposed changes have not been communicated to the public nor to us, until September 16<sup>th</sup> 2020 when the staff report was released.
- The proposed Official Plan Amendment fails to follow the land use designation general policies for stable areas as listed by the West Harbour (Setting Sail) Secondary Plan adopted by the Hamilton City Council.
- The proposed building height (10 storey) and residential density of 688 units per gross hectare is a gross deviation from the West Harbour (Setting Sail) Secondary Plan core planning principles as emerged from extensive public consultation undertaken by the City during the conception of this plan.

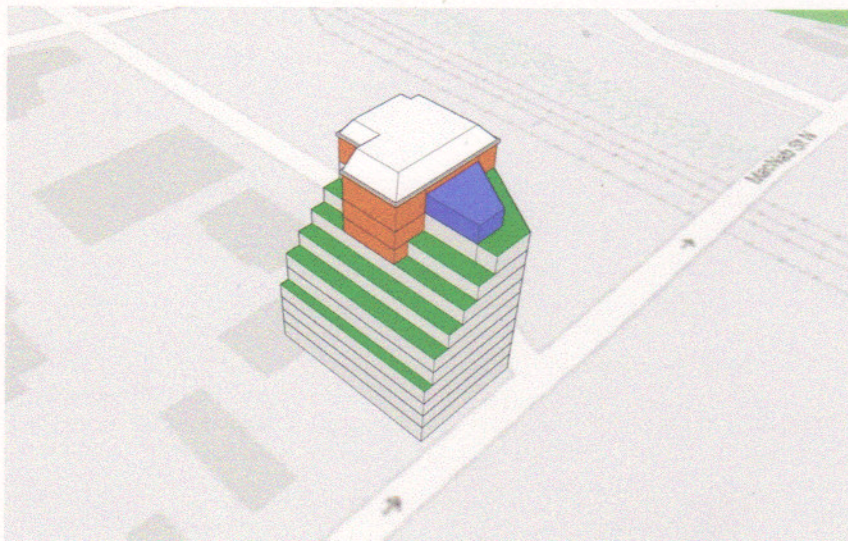
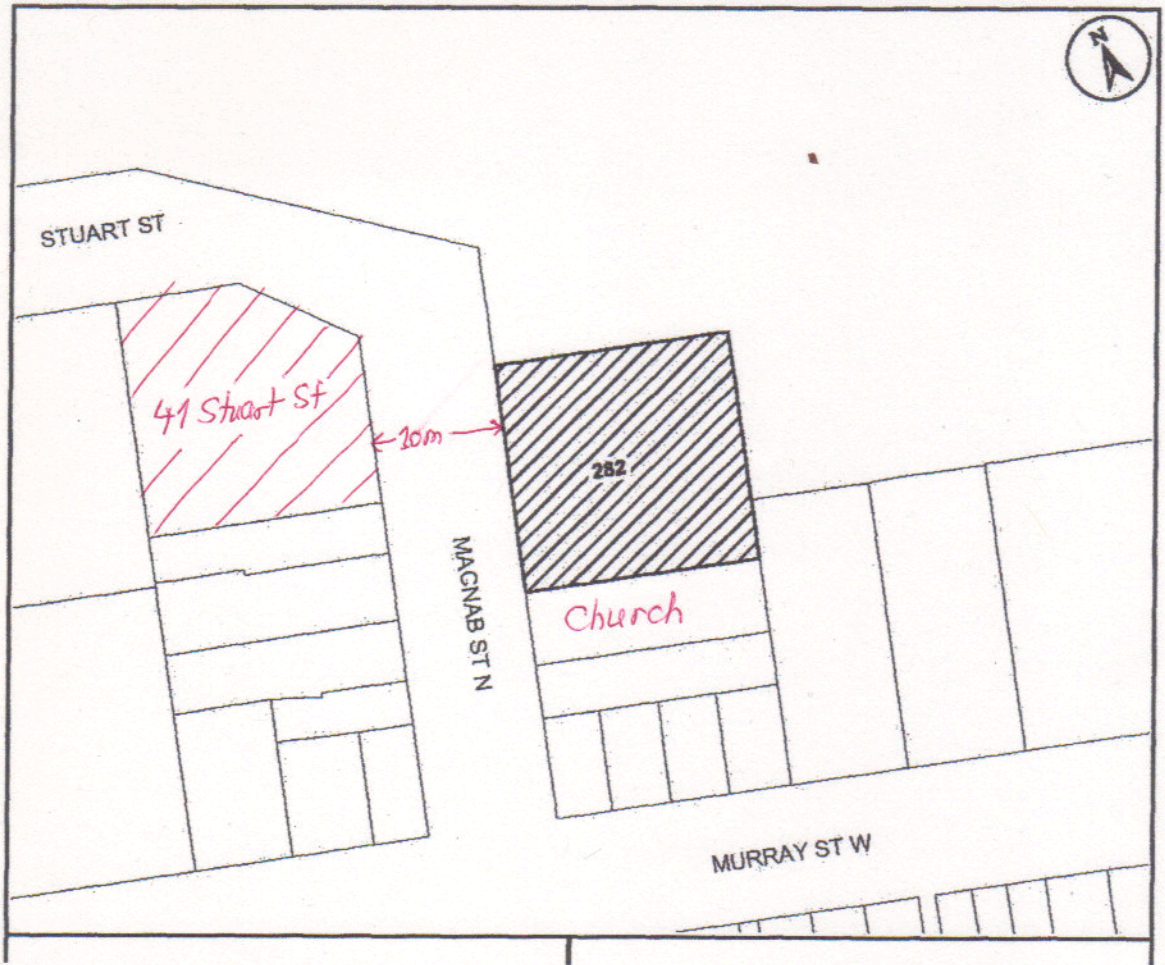
- The proposed development fails to comply with the West Harbour (Setting Sail) Secondary Plan with regards to building height, massing and compatibility with the existing character of the surrounding neighbourhood.
- The proposed development fails to comply with Planning Principles of the West Harbour (Setting Sail) Secondary Plan, section A.6.3.2.2 - Strengthen Existing Neighborhoods, section A.6.3.7- Stable Areas and section A.6.3.7 - Land Use. The subject lands are classified as low density residential areas in which significant physical change is not anticipated. Furthermore, Policy A.6.3.7.1.1 establishes that housing within Stable Areas is envisioned to consist of **detached, semi-detached and street townhouse dwellings**. We would like to remind that the West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005 after a long process and extensive public consultations, it was appealed at OMB and received the final decision in 2012. It is our opinion that this plan went through critical and careful examination of planning principles before to be approved for implementation, therefore any amendment will be an undermining of efforts undertaken by staff and West Harbour communities, and will set a bad planning precedent.
- The proposed development fails to comply with the Medium Density Residential 1 designation, that permits a **maximum density of 150 units per gross hectare** while maintaining the character of the surrounding low-density residential neighbourhood.
- The proposed development fails to provide the appropriate number of parking spaces in accordance with the current zoning By-Law. This will negatively impact our congregation by reducing the number of available on-street parking spaces in the area and prevent our members to attend religious services and events (i.e. baptism, weddings or funeral ceremonies) as our existing parking lot is very small (only 8 parking spaces) and there are no other off-street parking facilities available nearby.
- The proposed development is adjacent to our Church and we are deeply concerned that our building will sustain structural damages caused by vibration during the excavations for the underground parking levels.
- During construction there will be traffic restrictions in the area that will interfere with our activities and religious services (i.e. weddings, funeral services).
- Our Church is an older structure with a main access door in the front to conceal transportation of the deceased, during the funeral procession, weddings and other celebrations.
- Granting permit to such development plan will restrict our community's rights to enjoy the property, will negatively impact the life of our congregation.
- Our community is very concerned and it feels existentially threatened, especially by the construction **of two** massive buildings. People are ready for a public protest, taking into consideration that they are not being listened to.

On behalf of Romanian Orthodox Congregation,  
Rev. Fr. Lucian Puscariu



Construction across the street /41 Stuart St./ – just approved as an “exception” –

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street North, Hamilton



41 Stuart St. Development Plan



September 18, 2020

SEP 23 2020

Fred Eisenberger, Mayor  
City of Hamilton  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, Ontario L8P 4Y5

Dear Fred Eisenberger,

Thank you for your letter of January 20, 2020, addressed to the Honourable Patty Hajdu, Minister of Health, concerning vaping. I have been asked to respond on the Minister's behalf. I apologize for the delay in responding.

Canada has a strong regulatory framework for vaping products, with a focus on preventing uptake by youth and non-smokers. On May 23, 2018, Parliament passed the *Tobacco and Vaping Products Act* - [www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-laws/tobacco-act.html](http://www.canada.ca/en/health-canada/services/health-concerns/tobacco/legislation/federal-laws/tobacco-act.html). The Act establishes significant restrictions to prevent uptake of vaping products by youth, including prohibiting the sale of vaping products to persons under 18 and restricting the promotion of vaping products across all media channels, including social media. The Act specifically restricts the promotion of vaping products with candy and dessert flavours, among others.

The Government of Canada is very concerned about the rapid rise in youth vaping. Results of the 2018-19 Canadian Student Tobacco, Alcohol and Drugs Survey show that e-cigarette prevalence rates have doubled among students in 2018-19 since the last survey in 2016-17 - [www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey.html](http://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey.html). Twenty percent (20%) of students (approximately 418,000) had used an e-cigarette in the past 30 days, an increase from 10% in 2016-17. Students who have used an e-cigarette in the past 30 days are vaping frequently, with 40% of them (approximately 165,000 students) reporting daily or almost daily use. Given these results, the Government is taking further action, including putting in place additional controls through regulations, investing in public education and intensifying enforcement of the legislation.

On July 8, 2020, the Minister of Health announced the publication of the final *Vaping Products Promotion Regulations* (<https://www.canada.ca/en/health-canada/news/2020/07/health-canada-confirms-ban-of-advertising-for-vaping-products-wherever-they-can-be-seen-or-heard-by-youth.html>). These regulations (<http://gazette.gc.ca/rp-pr/p2/2020/2020-07-08/html/sor-dors143-eng.html>) prevent vaping products from being advertised in ways that the ads can be seen or heard by young people, in order to protect youth from being exposed to advertisements that can induce them to try vaping. It is now prohibited to advertise vaping products in public



spaces if the ads can be seen or heard by youth, whether in stores, online or other media channels. In addition, the display of vaping products at point-of-sale where youth have access is prohibited. These changes also require that any permitted ads displayed where youth are not permitted convey a health warning about vaping product harms.

To help ensure that Canadians are aware of the risks of vaping and nicotine addiction, on December 19, 2019, the Minister of Health also announced new regulations that will require that all vaping substances display important health and safety information - <http://www.gazette.gc.ca/rp-pr/p2/2019/2019-12-25/pdf/g2-15326.pdf>. These regulations started to come into force on July 1, 2020. Vaping products containing nicotine must display its nicotine concentration and a health warning about the addictiveness of nicotine. In addition, the products must be packaged in child-resistant containers and display a toxicity warning and first-aid treatment statement. All vaping substances must display a list of ingredients, regardless of nicotine content. For a brief overview of the regulation of vaping products in Canada, please consult the backgrounder available at: [www.canada.ca/en/health-canada/news/2019/12/backgrounder-regulation-of-vaping-products-in-canada.html](http://www.canada.ca/en/health-canada/news/2019/12/backgrounder-regulation-of-vaping-products-in-canada.html).

Building on feedback from consultations that Health Canada conducted in 2019, the Department is developing additional regulations to further reduce the appeal of these products to young Canadians, including proposals restricting nicotine concentration and flavours. In April 2019, Health Canada consulted Canadians on potential regulatory measures to reduce youth access and appeal of vaping products, including measures to restrict the concentration and/or delivery of nicotine, prohibit the manufacture and sale of vaping products with certain flavours or flavour ingredients, and/or prohibit the promotion of certain flavours - <https://www.canada.ca/en/health-canada/programs/consultation-reducing-youth-access-appeal-vaping-products-potential-regulatory-measures/document.html>. The summary of the feedback received can be accessed by visiting: <https://www.canada.ca/en/health-canada/services/publications/healthy-living/consultation-summary-reducing-youth-access-appeal-vaping-products.html#a4>.

The Government of Canada has also intensified its public education and enforcement efforts. Health Canada has invested more than \$12 million in a national public education campaign - Consider the Consequences of Vaping ([www.canada.ca/vaping-info](http://www.canada.ca/vaping-info)) - which launched in December 2018 to inform youth and their parents of the harms and risks of vaping. A recent evaluation of the advertising campaign found that 26% of teens who reported having seen the ads decided not to try vaping as a result. In terms of enforcement of the legislation, between July and December 2019, Health Canada inspectors visited more than 3,000 specialty vape shops and convenience stores across the country, seizing more than 80,000 units of non-compliant vaping products. The Department has also taken action to shut down illegal promotions by major national brands. These measures will better protect youth from the harms of vaping and, with continued public education, reduce the appeal of vaping products.





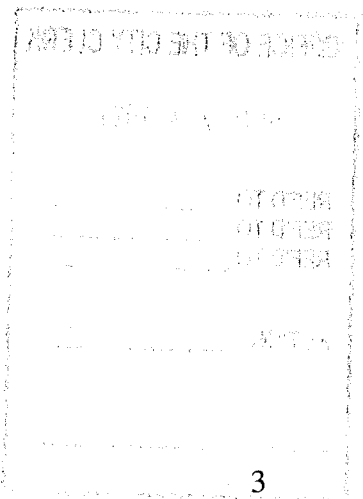
As you know, provincial, territorial and municipal laws also regulate vaping products and their use. Certain provinces have increased the minimum age to 19 or 21, as well as undertaken or announced additional restrictions on vaping products or their promotion based on the needs in their respective jurisdictions. We recognize the recent action the Government of Ontario has taken in this area.

Vaping does have risks and the potential long-term health effects of vaping remain unknown. Non-smokers and young people should not vape. Vaping is a less harmful option than smoking for Canadians who currently use combustible tobacco products - switching completely to vaping will reduce their exposure to many toxic chemicals found in tobacco smoke. Additional information on vaping and our approach to regulating vaping products is available at [www.canada.ca/vaping](http://www.canada.ca/vaping).

Thank you for writing. Please be assured that your comments as well as those from other governments and public health stakeholders are being taken into consideration as we continue to take action to protect the health of Canadians.

Yours sincerely,

Dana Beaton, A/Director General  
Tobacco Control Directorate  
Controlled Substances and Cannabis Branch  
Health Canada







**HAMILTON STREET RAILWAY COMPANY  
SHAREHOLDER  
ANNUAL GENERAL MEETING  
REPORT 20-001**

**10:30 a.m.**

**Monday, September 14, 2020**

Due to COVID-19, this meeting was held virtually.

**Present:** Mayor F. Eisenberger, Deputy Mayor B. Johnson (Chair)  
Councillors M. Wilson, J. Farr, S. Merulla, T. Jackson, J. P. Danko,  
B. Clark, M. Pearson, L. Ferguson, A. VanderBeek, J. Partridge

**Absent:** Councillors N. Nann, E. Pauls, T. Whitehead, C. Collins – Other City Business

**THE HAMILTON STREET RAILWAY COMPANY SHAREHOLDER PRESENTS  
REPORT 20-001 AND RESPECTFULLY RECOMMENDS:**

**1. Resolutions of the Shareholder (Item 4.1)**

WHEREAS, the City of Hamilton is the sole and beneficial Shareholder of the Corporation;

WHEREAS, the City of Hamilton is authorized to hold shares in the Corporation and to exercise the rights attributed thereto, pursuant to Subsection 11.9(1) of the *City of Hamilton Act*, 1999, S.O. 1999, c.14, Sched. C (“Act”), but the Corporation is not an Offering Corporation within the meaning ascribed to that term in the *Business Corporations Act*, R.S.O. 1990, c. B.16 (“OBCA”);

WHEREAS, the City of Hamilton has a duty to manage the affairs of the Corporation, pursuant to Subsection 11.9(2) of the *Act*; and,

WHEREAS, the Council of the City of Hamilton are sitting as representatives of the Shareholder (City of Hamilton) for the Corporation;

NOW THEREFORE, the Council of the City of Hamilton, acting in its capacity as representative of the Shareholder (City of Hamilton) of the Corporation, resolves as follows:

- (a) That, in accordance with the provisions of the OBCA, the Shareholder hereby consents, to the Corporation being exempt from the requirements of Part XII of the OBCA regarding the appointment and duties of an auditor for the financial year of the Corporation ending December 31, 2019; and,
- (b) That any Officer of the Corporation be hereby authorized and directed to do all acts and things necessary or desirable to give full effect to the foregoing resolutions.

**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 1)**

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the September 14, 2020 Hamilton Street Railway Company Shareholder was approved, as presented.

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

There were no declarations of interest.

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

**(i) October 16, 2019 (Item 3.1)**

The October 16, 2020 Minutes of the Hamilton Street Railway Company Shareholder meeting were approved as presented.

**(d) ADJOURNMENT (Item 6)**

There being no further business, the Hamilton Street Railway Company Shareholder meeting adjourned at 10:44 a.m.

Respectfully submitted,

\_\_\_\_\_  
Deputy Mayor Brenda Johnson

\_\_\_\_\_  
Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk



**SOLE VOTING MEMBER OF THE  
HAMILTON FARMERS' MARKET  
ANNUAL GENERAL MEETING  
REPORT 20-001**

11:30 a.m.

September 14, 2020

Due to COVID-19, this meeting was held virtually.

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

**Absent:** Councillors T. Whitehead, C. Collins – Other City Business

**THE SOLE VOTING MEMBER OF THE HAMILTON FARMERS' MARKET  
PRESENTS REPORT 20-001 AND RESPECTFULLY RECOMMENDS:**

1. **Financial Statements of the Hamilton Farmers' Market Corporation, year ended December 31, 2019 (Item 5.1)**

That the Financial Statements of the Hamilton Farmers' Market Corporation, year ended December 31, 2019, be received.

2. **Resolutions of the Sole Voting Member of the Hamilton Farmers' Market (Item 7.1)**

WHEREAS, the Corporation is a corporation without share capital to which the *Corporations Act*, R.S.O. 1990, c.38 (the "Act") applies;

WHEREAS, by the Corporation's Letters Patent, the City of Hamilton is the sole voting member of the Corporation ("Sole Voting Member");

WHEREAS, by section 5 of the Corporation's By-Law No.1, the Board of Directors shall consist of a minimum of seven (7) and a maximum of thirteen

(13) or such other number of Directors as may be determined from time to time by the Sole Voting Member; and,

WHEREAS, by section 15 of the Corporation's By-Law No.1, the City of Hamilton, as the sole voting member, is authorized to or may require the Directors of the Corporation to appoint an auditor;

THEREFORE, BE IT RESOLVED:

(a) NOTICE

That the Sole Voting Member hereby waives its right to receive general or special notice of an annual meeting of the members of the Corporation.

(b) MINUTES OF PREVIOUS ANNUAL MEETING

That the minutes of the annual meeting held July 8, 2019 be approved.

(c) DIRECTORS

That the following persons are affirmed or appointed as Directors of the Corporation and shall hold office until the date specified below, unless further extended as permitted by the by-laws of the Corporation or until their respective successors are elected or appointed subject to the by-laws of the Corporation:

- (i) Councillor Esther Pauls, Council Member - November 14, 2022
- (ii) Eric Miller, Citizen Member & Board Chair - May 13, 2021
- (iii) Shane Coleman, Vendor Member & Vice Board Chair - June 9, 2021
- (iv) Gordon Albini, Citizen Member & Board Treasurer - May 22, 2021
- (v) Ron Jepson – Vendor Member - June 9, 2021
- (vi) Charlie Chiarelli, Vendor Member - June 9, 2021
- (vii) Anne Mille, Vendor Member - August 11, 2023
- (viii) Wilfred Arndt – Citizen Member - December 14, 2020
- (ix) Elly Bowen – Citizen Member - December 14, 2020
- (x) Seth Waterman – Citizen Member - May 22, 2021

EX OFFICIO MEMBERS

- (i) Bill Slowka – Market Manager
- (ii) Sue Bennison – Meridian Credit Union

**(d) FINANCIAL STATEMENTS AND AUDITOR'S REPORT**

That the financial statements of the Corporation for the fiscal year ended December 31, 2019 together with the auditor's report as prepared by KPMG LLP, be and the same are hereby received and approved.

**(e) AUDIT APPOINTMENT**

That the undersigned, being the Sole Voting Member, hereby authorizes the Directors of the Corporation to appoint an auditor of the Corporation to hold office until the next following annual meeting at such remuneration as may be fixed by the Directors and the Directors are hereby authorized to fix such remuneration.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the September 14, 2020 Sole Voting Member of the Hamilton Farmers' Market meeting was approved, as presented.

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

There were no declarations of interest.

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

**(i) September 18, 2019 (Item 3.1)**

The Minutes of the September 18, 2019 meeting of the Sole Voting Member of the Hamilton Farmers' Market were approved, as presented.

**(d) COMMUNICATIONS (Item 4)**

The Correspondence from Eric Miller, Chair, Hamilton Farmers' Market Board of Directors requesting that City Council Support the Hamilton Farmers' Market with an Equivalence of the Canadian Commercial Rent Assistance (CECRA) Program (Item 4.1), was received and referred to consideration of Item 10.1.

**(e) PRESENTATIONS (Item 6)**

**(i) Hamilton Farmers' Market Board Annual Presentation (Item 6.1)**

Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors; and, Gordon Albini, Board Treasurer provided the presentation for Item 6.1.

The presentation, provided by Eric Miller, Chair of the Hamilton Farmers' Market Board of Directors; and, Gordon Albini, Board Treasurer, respecting the Hamilton Farmers' Market Board Annual Presentation was received.

**(f) PRIVATE & CONFIDENTIAL (Item 10)**

Committee moved into Closed Session respecting Item 10.1, pursuant to Section 8.1, Sub-section (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

The Sole Voting Member of Hamilton Farmers' Market recessed in order to convene the Special General Issues Committee meeting that was to begin at 1:00 p.m. today.

The Sole Voting Member of Hamilton Farmers' Market reconvened in Open Session.

Committee moved back into Closed Session respecting Item 10.1, pursuant to Section 8.1, Sub-section (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(i) Fee Reductions for Hamilton Farmers' Market Vendors During COVID-19 Pandemic (FCS20077) (City Wide) (Item 10.1)**

- (a) That Report FCS20077, respecting the Fee Reductions for Hamilton Farmers' Market Vendors During COVID-19 Pandemic, be DEFERRED to a future Sole Voting Member Hamilton Farmers' Market Special Shareholder meeting, pending the receipt of additional information; and,

- (c) That Report FCS20077, respecting the Fee Reductions for Hamilton Farmers' Market Vendors During COVID-19 Pandemic, remain confidential.

**(g) ADJOURNMENT (Item 7)**

There being no further business, the Sole Voting Member of the Hamilton Farmers' Market adjourned at 1:55 p.m.

Respectfully submitted,

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Deputy Mayor Brenda Johnson  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk



## SPECIAL GENERAL ISSUES COMMITTEE REPORT 20-013

2:15 p.m.

Monday, September 14, 2020

Due to COVID-19, this meeting was held virtually.

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

### THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 20-013 FOR INFORMATION:

**(a) APPROVAL OF AGENDA (Item 1)**

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the September 14, 2020 Special General Issues Committee meeting was approved, as presented.

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

There were no declarations of interest.

**(c) PRIVATE & CONFIDENTIAL (Item 3)**

Committee moved into Closed Session respecting Item 3.1, pursuant to Section 8.3, Sub-sections (a) and (b) of the City's Procedural By-law 18-270, as amended, and Section 239(3.1) of the *Ontario Municipal Act*, as amended, as a meeting of Council or a Committee may be closed to the public if it is held for the purposes of educating or training members; and, at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

There was nothing to report in Open Session.



**(d) ADJOURNMENT (Item 10)**

There being no further business, the special General Issues Committee adjourned at 5:07 p.m.

Respectfully submitted,

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Deputy Mayor B. Johnson  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk



## **BOARD OF HEALTH REPORT 20-005**

9:30 a.m.

**Monday, September 21, 2020**

**Council Chambers  
Hamilton City Hall**

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

**Absent with  
Regrets:** T. Whitehead - Personal

### **THE BOARD OF HEALTH PRESENTS REPORT 20-005 AND RESPECTFULLY RECOMMENDS:**

**1. Correspondence from Chatham-Kent Public Health Unit respecting the Decriminalization of Personal Possession of Illicit Drugs (Item 5.1)**

That the Correspondence from Chatham-Kent Public Health Unit respecting the Decriminalization of Personal Possession of Illicit Drugs be received and referred to staff for a review of the decriminalization of personal possession of illicit drugs as part of the public health framework, with a report back to the Board of Health.

**2. Face Coverings in Enclosed Public Spaces (BOH20014(a)) (City Wide) (Item 10.1)**

- (a) That the amending By-law attached as Appendix "A" to Report BOH20014(a) which amends By-law 20-155 "A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces" and to amend City of Hamilton By-law 17-225, being "A By-law to Establish a System of Administrative Penalties", each of which has been prepared in a form satisfactory to the City Solicitor, be enacted and effective as of ratification by City Council; and,
- (b) That these amended By-laws shall be reviewed by the Board of Health every three months unless directed otherwise by City Council.

**3. Healthy Babies Healthy Children Program Budget 2020-2021 (BOH20017) (City Wide) (Item 10.2)**

That the 2020-2021 Healthy Babies, Healthy Children program budget, funded by the Ministry of Children, Community and Social Services be approved, including a reduction of 1.0 FTE, and, that the Medical Officer of Health or delegate be authorized and directed to receive, utilize, report on and execute the Healthy Babies Healthy Children Service agreement and contract, in a form satisfactory to the City Solicitor

**4. Child & Adolescent Services Budget 2020-2021 (BOH20018) (City Wide) (Item 10.3)**

That the Child & Adolescent Services budget be approved, and the Medical Officer of Health be authorized and directed to receive, utilize, report and execute all service agreements and contracts required to give effect to the 2020-2021 Ministry of Health funded Child & Adolescent Services program, in a form satisfactory to the City Solicitor.

**5. Mental Health & Street Outreach Program and Alcohol, Drug & Gambling Services Program Budget 2020-2021 (BOH20016) (City Wide) (Item 10.4)**

- (a) That the 2020-2021 HNHB LHIN Funded Mental Health & Street Outreach and Alcohol, Drug & Gambling Services Programs' budgets, be approved, including the net increase of 0.4 FTE, and, that the Medical Officer of Health or delegate be authorized and directed to receive, utilize, report and execute all Service agreements and contracts, in a form satisfactory to the City Solicitor, required to give effect to the 2020-2021 Alcohol, Drug and Gambling Services and Community Mental Health Promotion Program budget;
- (b) That the 2020-2021 Alcohol, Drug & Gambling Services', Choices and Changes program budget, funded by the Ministry of Children, Community and Social Services be approved, and, that the Medical Officer of Health or delegate be authorized and directed to receive, utilize, report and execute all Service agreements and contracts, in a form satisfactory to the City Solicitor, required to give effect to the 2020-2021 Alcohol, Drug and Gambling Services Choices and Changes program budget;
- (c) That the 2020-2021 Alcohol, Drug & Gambling Services' Other Funding Grants program budget be approved, including the reduction of 1.35 FTE, and, that the Medical Officer of Health or delegate be authorized and directed to receive, utilize, report and execute all Service agreements and contracts, in a form satisfactory to the City Solicitor, required to give effect to the 2020-2021 Alcohol, Drug and Gambling Services Other Funding Grants programs budget; and,

- (d) That the 2020-2021 Mental Health (Good Shepherd) program budget be approved, including the increase of 0.1 FTE, and, that the Medical Officer of Health or delegate be authorized and directed to receive, utilize, report and execute all Service agreements and contracts, in a form satisfactory to the City Solicitor, required to give effect to the 2020-2021 Mental Health and Street Outreach Program Mental Health Good Shepherd program budget.

**6. Dental Program Update (BOH19026(b)) (Added Item 10.5)**

That the Board of Health authorize and direct the Medical Officer of Health to increase the Ontario Senior's Dental Care Program complement by 0.5 FTE.

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES (Item 1)**

There were no ceremonial activities.

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

The Committee Clerk advised the Board of the following changes:

**5. COMMUNICATIONS**

- 5.3 Correspondence from Marnie Saskin, Odeon Fitness, respecting Mandatory Masks

Recommendation: Be received.

- 5.4 Correspondence from the Deputy Premier and Minister of Health, and Dr. David Williams, Chief Medical Officer of Health respecting Public Health Funding and Accountability Agreement

Recommendation: Be received.

Note: Due to the lifting of the Provincial embargo on this information, the Correspondence has been moved out of Private & Confidential, and into Communications.

- 5.5 Correspondence from William McDonald respecting the Wearing of Face Masks in Public Areas of Apartments and Condominiums

Recommendation: Be received.

**9. PRESENTATION**

- 9.1 Overview of COVID-19 activity in the City of Hamilton 11 Mar – 18 Sept 2020

**10. DISCUSSION ITEMS**

- 10.5 Dental Program Update (BOH19026(b)) (City Wide)

Note: Due to the lifting of the Provincial embargo on this information, the report has been moved out of Private & Confidential, and into Discussion Items.

The agenda for the September 21, 2020 Board of Health was approved, as amended.

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

There were no declarations of interest.

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

**(i) July 10 , 2020 (Item 4.1)**

The Minutes of the July 10, 2020 meeting of the Board of Health were approved, as presented.

**(e) COMMUNICATIONS (Item 5)**

The following Communications were approved as presented:

- (i) Correspondence from the Simcoe-Muskoka District Health Unit respecting COVID-19 Extraordinary Expenses and School-Focused Nurses (Item 5.2)

Recommendation: Be received.

- (ii) Correspondence from Marnie Saskin, Odeon Fitness, respecting Mandatory Masks (Added Item 5.3)

Recommendation: Be received.

- (iii) Correspondence from the Deputy Premier and Minister of Health, and Dr. David Williams, Chief Medical Officer of Health respecting Public Health Funding and Accountability Agreement (Added Item 5.4)

Recommendation: Be received.

- (iv) Correspondence from William McDonald respecting the Wearing of Face Masks in Public Areas of Apartments and Condominiums (Added Item 5.5)

Recommendation: Be received.

**(f) STAFF PRESENTATION (Item 9)**

- (i) Overview of COVID-19 Activity in the City of Hamilton 11 Mar – 18 Sept 2020 (Added Item 9.1)**

Stephanie Hughes, Epidemiologist, Healthy and Safe Communities, addressed the Board with an Overview of COVID-19 Activity in the City of Hamilton 11 Mar – 18 Sept 2020, with the aid of a PowerPoint presentation.

The Presentation respecting an Overview of COVID-19 Activity in the City of Hamilton 11 Mar – 18 Sept 2020, was received.

**(g) ADJOURNMENT (Item 15)**

There being no further business, the Board of Health adjourned at 12:50 p.m.

Respectfully submitted,

Mayor F. Eisenberger  
Chair, Board of Health

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



## **PUBLIC WORKS COMMITTEE REPORT 20-008**

1:30 p.m.  
Monday, September 21, 2020  
Council Chambers  
Hamilton City Hall  
71 Main Street West

**Present:** Councillors J.P. Danko (Chair), S. Merulla (Vice-Chair), C. Collins, J. Farr, L. Ferguson, T. Jackson, N. Nann, E. Pauls, M. Pearson, A. VanderBeek and T. Whitehead

### **THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 20-008 AND RESPECTFULLY RECOMMENDS:**

1. **Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1181 Governors Road, Dundas (PW20013) (Ward 13) (Item 7.1)**
  - (a) That the application of the owner of 1181 Governors Road, Dundas, to permanently close and purchase a portion of road allowance abutting 1181 Governors Road, Dundas (“Subject Lands”), as shown on Appendix “A” to Public Works Committee Report 20-008, be approved, subject to the following conditions:
    - (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;
    - (ii) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of 1181 Governors Road, Dundas, as described in Report PW20013, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
    - (iii) That the City Solicitor be authorized to complete the transfer of the Subject Lands to 1181 Governors Road, Dundas pursuant to an

Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;

- (iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
- (v) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
- (vi) That the Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204; and,
- (vii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

**2. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 31 Crooks Street and 35 Crooks Street, Hamilton (PW20017) (Ward 1) (Item 7.2)**

- (a) That the application of the owners of 31 Crooks Street and 35 Crooks Street, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting 31 Crooks Street and 35 Crooks Street, Hamilton, ("Subject Lands"), as shown on Appendix "B" to Public Works Committee Report 20-008, be approved, subject to the following conditions:
  - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
    - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,
    - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;



- (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
  - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
  - (2) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the closed alleyway to the owners of 31 Crooks Street and 35 Crooks Street, Hamilton, as described in Report PW20017, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (3) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 31 Crooks Street and 35 Crooks Street, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
  - (4) The City Solicitor be authorized to waive and amend such terms and conditions to the Agreement of Purchase and Sale or Offer to Purchase as they consider reasonable to give effect to this authorization and direction;
  - (5) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
  - (6) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204.

**3. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 75 Catherine Street South, Hamilton (PW20059) (Ward 2) (Item 7.3)**

- (a) That the application of the owner of 75 Catherine Street South, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting the North side of 75 Catherine Street South, Hamilton, (“Subject Lands”), as shown on Appendix “C” to Public Works Committee Report 20-008, be approved, subject to the following conditions:
  - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
    - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and
    - (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
  - (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
  - (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
    - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
    - (2) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
    - (3) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to

proceed to sell the Subject Lands to the owners of 75 Catherine Street South, Hamilton, as described in Report PW20059, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;

- (4) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 75 Catherine Street South, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
  - (5) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
  - (6) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;
- (iv) That the applicant be responsible for all legal costs associated with the registration of required right of way agreements on title with the abutting land owners who require access as indicated within Report PW20059.

**4. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 401 Victoria Avenue North, Hamilton (PW20060) (Ward 3) (Item 7.4)**

- (a) That the application of the owner of 401 Victoria Avenue North, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting the south side of 401 Victoria Avenue North, Hamilton, ("Subject Lands"), as shown on Appendix "D" to Public Works Committee Report 20-008, be approved, subject to the following conditions:
  - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
    - (1) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and

- (2) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
- (ii) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (iii) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
  - (1) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
  - (2) That the City Solicitor be authorized to amend and waive such terms as they consider reasonable to give effect to this authorization and direction;
  - (3) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements, right of way agreements, and/or other agreements deemed necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the Subject Lands to the owners of 401 Victoria Avenue North, Hamilton, as described in Report PW20060, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (4) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 401 Victoria Avenue North, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
  - (5) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
  - (6) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently

sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204.

**5. Sam Lawrence Park Master Plan (PW18056(a)) (Wards 7 and 8) (Item 8.1)**

- (a) That the Sam Lawrence Park Master Plan, as identified in Appendix “E” to Public Works Committee Report 20-008, which recommends future park improvement projects and implementation strategies, be adopted;
- (b) That staff be directed to include the Sam Lawrence Park Master Plan project initiatives in future capital budgets, for Council consideration, as part of larger projects or as stand-alone project(s); and,
- (c) That staff be directed and authorized to pursue alternative funding sources and grant opportunities to assist with the funding of the various park improvement projects.

**6. 2020 Mum Show Admission Fee Reduction (PW20058) (City Wide) (Item 9.1)**

That the City of Hamilton’s 2020 Fall Garden and Chrysanthemum Show admission fees, as approved by Council in the Tax Supported User Fees (FCS19092), be reduced to zero to allow free entry.

**7. Hamilton Harbour Waterfront Trail - Shoreline Protection (PW19095(a)) (Ward 1 and 2) (Item 9.2)**

That Option 3 - Stepped Revetment, found on page 153 within the SNC-Lavalin Design Brief - Hamilton Harbour Waterfront Trail Shoreline Protection, which is Appendix “F” to Public Works Committee Report 20-008, be selected as the preferred option for detailed design and construction of the 2 kilometre easterly facing section of the Hamilton Harbour Waterfront Trail.

**8. Ward 8 Capital Infrastructure Reserve Allocation to Sam Lawrence Park Master Plan (Wards 7 and 8) (Item 10.1)**

WHEREAS, staff presented the final Sam Lawrence Park Master Plan to the Public Works Committee on September 21, 2020 for approval;

WHEREAS, the Sam Lawrence Park Master Plan identifies \$16.2 million of projects, with an estimated implementation timeframe of 20 + years;

WHEREAS, Sam Lawrence Park is one of Hamilton’s parkland gems, which attracts visitors for the spectacular views of Hamilton, Lake Ontario and the Niagara Escarpment; and,

WHEREAS, Initiative 5.2, as identified in Appendix “E” to Public Works Committee Report 20-008, respecting the Sam Lawrence Park Master Plan, proposes important pedestrian accessibility improvements;

THEREFORE, BE IT RESOLVED:

- (a) That \$120,000 be allocated from the Ward 8 Capital Infrastructure Reserve (108058) in 2021, and \$809,000 be allocated from the Ward 8 Capital Infrastructure Reserve (108058) in 2022, to the Capital Project ID #4401656603 (Sam Lawrence Park) to fund design and construction of Initiative 5.2, as identified in Appendix “E” to Public Works Committee Report 20-008, respecting the Sam Lawrence Park Master Plan;
- (b) That the annual operating costs of \$45,000 be added to the Parks Operations base budget in 2022; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**9. Ward 7 Capital Infrastructure Reserve Allocation to Sam Lawrence Park Master Plan (Wards 7 and 8) (Item 10.2)**

WHEREAS, staff presented the final Sam Lawrence Park Master Plan to the Public Works Committee on September 21, 2020 for approval;

WHEREAS, the Sam Lawrence Park Master Plan identifies \$16.2 million of projects, with an estimated implementation timeframe of 20 + years;

WHEREAS, Sam Lawrence Park is one of Hamilton’s parkland gems, which attracts visitors for the spectacular views of Hamilton, Lake Ontario and the Niagara Escarpment; and,

WHEREAS, Initiative 4.2, as identified in Appendix “E” to Public Works Committee Report 20-008, respecting the Sam Lawrence Park Master Plan, proposes important pedestrian accessibility and safety improvements;

THEREFORE, BE IT RESOLVED:

- (a) That \$131,000 be allocated from the Ward 7 Capital Infrastructure Reserve (108057) in 2021, and \$892,000 be allocated from the Ward 7 Capital Infrastructure Reserve (108057) in 2022, to the Capital Project ID #4401656603 (Sam Lawrence Park) to fund design and construction of Initiative 4.2, as identified in Appendix “E” to Public Works Committee Report 20-008, respecting the Sam Lawrence Park Master Plan;

- (b) That the annual operating costs of \$5,000 be added to the Parks Operations base budget in 2022; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**5. DELEGATION REQUESTS (Item 5)**

- 5.1 Kevin Vander Meulen and Roman Caruk, Hamilton Cycling Committee, respecting a Motion on the Development of Cycling Infrastructure (for a future meeting)

**CHANGE TO THE ORDER OF ITEMS:**

Items 10.1 and 10.2, respecting Ward 7 & 8 Capital Infrastructure Reserve Allocations to the Sam Lawrence Park Master Plan, be considered immediately following the Report PW18056(a), which is Item 8.1 on today's agenda.

The agenda for the September 21, 2020 Public Works Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) September 11, 2020 (Item 3.1)**

The Minutes of the September 11, 2020 meeting of the Public Works Committee were approved, as presented.

**(d) DELEGATION REQUESTS (Item 5)**

- (i) Kevin Vander Meulen and Roman Caruk, Hamilton Cycling Committee, respecting a Motion on the Development of Cycling Infrastructure (for a future meeting) (Added Item 5.1)**

The delegation request submitted by Kevin Vander Meulen and Roman Caruk, Hamilton Cycling Committee, respecting a Motion on the

Development of Cycling Infrastructure, was approved for a future meeting.

**(e) CONSENT ITEMS (Item 6)**

**(i) Hamilton Cycling Committee Minutes (Item 6.1)**

(a) The following minutes of the Hamilton Cycling Committee, were received:

(i) February 5, 2020 (Item 6.1(a))

(ii) March 4, 2020 (Item 6.1(b))

**(f) PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)**

Councillor Danko advised those viewing the virtual meeting that the public were informed of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

**(i) Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1181 Governors Road, Dundas (PW20013) (Ward 13) (Item 7.1)**

Councillor Danko advised that notice of the Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 1181 Governors Road, Dundas (PW20013) (Ward 13) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.

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

**(ii) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 31 Crooks Street and 35 Crooks Street, Hamilton (PW20017) (Ward 1) (Item 7.2)**

Councillor Danko advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 31 Crooks Street and 35 Crooks Street, Hamilton (PW20017) (Ward 1) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.



For further disposition of this matter, refer to Item 2.

**(iii) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 75 Catherine Street South, Hamilton (PW20059) (Ward 2) (Item 7.3)**

Councillor Danko advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 75 Catherine Street South, Hamilton (PW20059) (Ward 2) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.

For further disposition of this matter, refer to Item 3.

**(iv) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 401 Victoria Avenue North, Hamilton (PW20060) (Ward 3) (Item 7.4)**

Councillor Danko advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 401 Victoria Avenue North, Hamilton (PW20060) (Ward 3) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

No members of the public were registered as Delegations.

The public meeting was closed.

For further disposition of this matter, refer to Item 4.

**(g) STAFF PRESENTATIONS (Item 8)**

**(i) Sam Lawrence Park Master Plan (PW18056(a)) (Wards 7 and 8) (Item 8.1)**

Cynthia Graham, Manager, Landscape Architectural Services, addressed Committee respecting Report PW18056(a), Sam Lawrence Park Master Plan, with the aid of a presentation.

The presentation, respecting Report PW18056(a), Sam Lawrence Park Master Plan, was received.

For further disposition of this matter, refer to Item 5.

**(h) MOTIONS (Item 10)**

**(i) Ward 8 Capital Infrastructure Reserve Allocation to Sam Lawrence Park Master Plan (Wards 7 and 8) (Item 10.1)**

Councillor Danko relinquished the Chair to Councillor Merulla.

For further disposition of this matter, refer to Item 8.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 12)**

**(i) Amendments to the Outstanding Business List (Item 12.1)**

The following amendments to the Public Works Committee's Outstanding Business List, were approved:

**(a) Items Requiring a New Due Date:**

- (i) Feasibility of Accelerated Lead Water Service Line Replacement Options**  
Item on OBL: ABA  
Current Due Date: October 5, 2020  
Proposed New Due Date: October 19, 2020
- (ii) COVID-19 Recovery Phase Mobility Plan**  
Item on OBL: ABE  
Current Due Date: September 11, 2020  
Proposed New Due Date: October 19, 2020

**(j) PRIVATE AND CONFIDENTIAL (Item 13)**

Committee determined that discussion of Item 13.1 was not required in Closed Session, so the item was addressed in Open Session, as follows:

**(i) Closed Session Minutes – September 11, 2020 (Item 13.1)**

The Closed Session Minutes of the September 11, 2020 meeting of the Public Works Committee were approved, as presented, and shall remain confidential.

**(k) ADJOURNMENT (Item 14)**

There being no further business, the Public Works Committee was adjourned at 3:19 p.m.

Respectfully submitted,

Councillor J.P. Danko  
Chair, Public Works Committee

Alicia Davenport  
Legislative Coordinator  
Office of the City Clerk



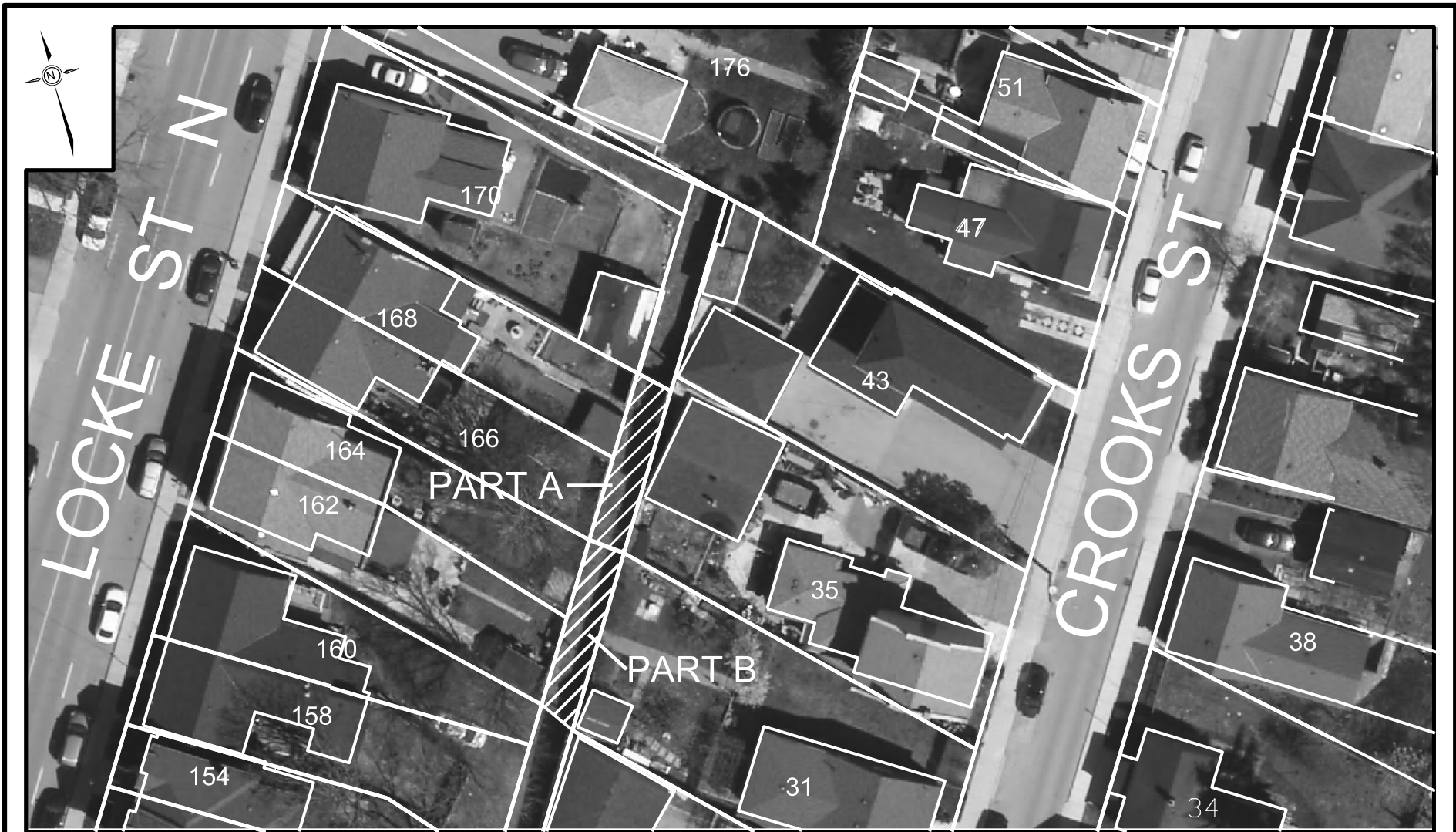
PROPOSED CLOSURE OF PORTION OF UNOPENED ROAD  
ALLOWANCE AT 1181 GOVERNOR'S ROAD

Geomatics & Corridor Management Section  
Public Works Department

**LEGEND**

 **Lands to be Closed**

NTS | 26/08/2019 | Sketch by: CF



Hamilton

PROPOSED CLOSURE OF PORTION OF UNASSUMED ALLEY  
AT 35 CROOKS STREET (PART A) & 31 CROOKS STREET (PART B)

Geomatics & Corridor Management Section  
Public Works Department

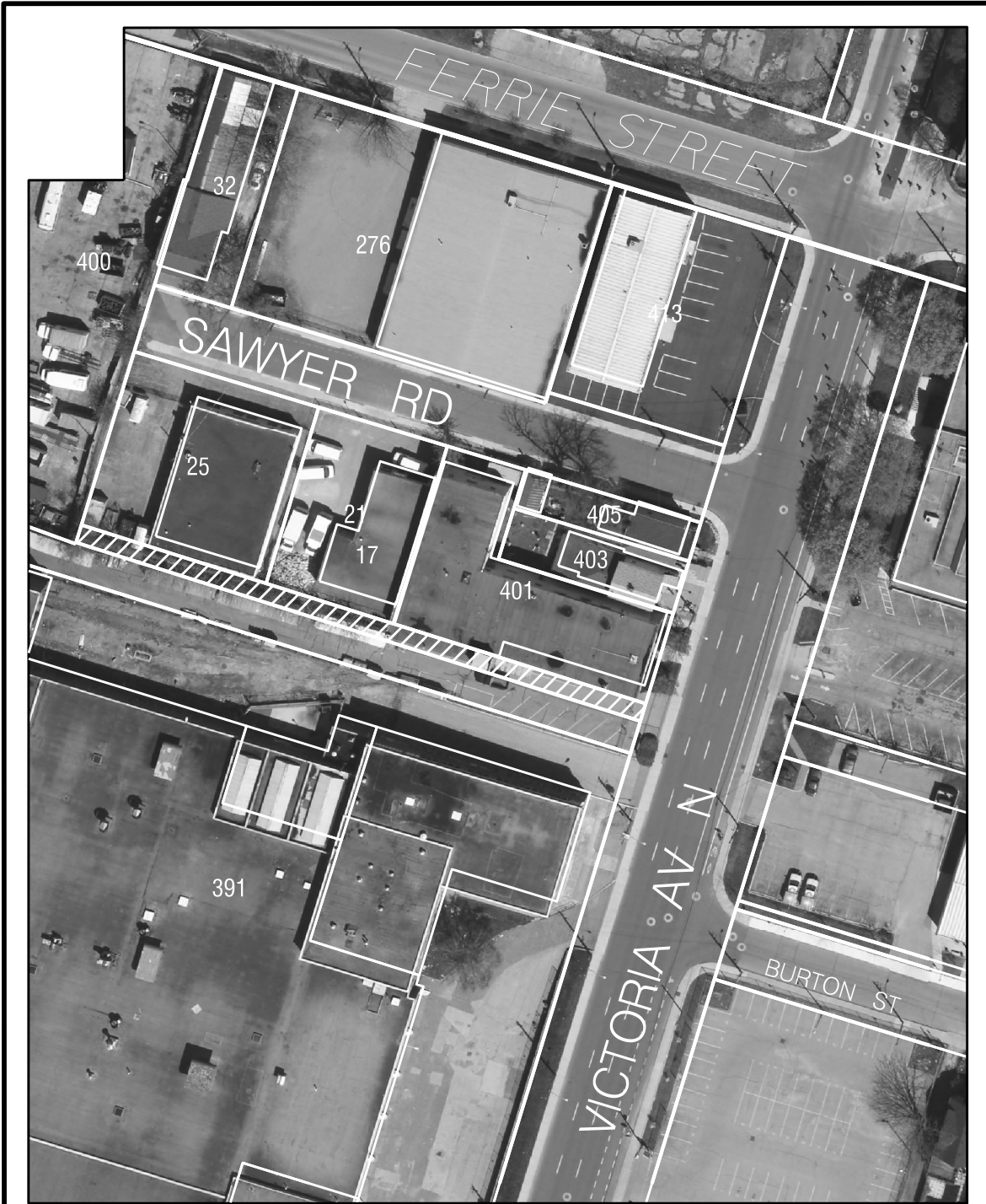
LEGEND



Lands to be Closed

NTS  
01/05/2019  
Sketch By: CF





PROPOSED CLOSURE OF PORTION OF UNASSUMED  
ALLEY ABUTTING 401 VICTORIA AVENUE NORTH

Geomatics & Corridor Management Section  
Public Works Department

LEGEND

 Lands to be Closed





## PLANNING COMMITTEE

### REPORT

#### 20-010

September 22, 2020

9:30 a.m.

Council Chambers, Hamilton City Hall  
71 Main Street West

**Present:** Councillors J. Farr (Chair) J.P. Danko (Vice Chair), C. Collins  
J. Partridge, M. Pearson, B. Johnson, L. Ferguson and M.  
Wilson

#### THE PLANNING COMMITTEE PRESENTS REPORT 20-010 AND RESPECTFULLY RECOMMENDS:

1. **Application for a Zoning By-law Amendment for Lands Located at 2004 Glancaster Road, Ancaster (PED20130) (Ward 12) (Item 7.1)**
  - (a) That Zoning By-law Amendment Application ZAR-18-050 by Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited, (Owner), for a further modification to the Agriculture (A1, 273) Zone to permit an expansion of the existing nursery operation (wire basket and moss products) to a maximum of 8,900 sq m and for a change in zoning from the Agriculture (A1) Zone to the Conservation Hazard Lands – Rural (P7) Zone to include additional area of the Welland River Floodplain for lands located at 2004 Glancaster Road, Ancaster, as shown on Appendix “A” to Report PED20130, be APPROVED on the following basis:
    - (i) That the draft By-law, attached as Appendix “B” to Report PED20130, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
    - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan.
  - (b) That there were no public submissions received regarding this matter.



**2. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) (Item 7.2)**

- (a) That Revised Official Plan Amendment Application UHOPA-18-015, by St. Jean Properties Inc. and Durand Development Corporation, Owner, to establish a Special Policy Area on Schedule “M-2” – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a ten storey, 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare, for lands located at 282 MacNab Street North, Hamilton as shown on Appendix “A” to Report PED19071(a), be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019).
- (b) That Revised Zoning By-law Amendment Application ZAC-18-037, by, St. Jean Properties Inc. and Durand Development Corporation, Owner, for a change in zoning from the “J” (Light and Limited Heavy Industry, Etc.) District to the “E/S-1799-H” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces, for lands located at 282 MacNab Street North, Hamilton, as shown on Appendix “A” to Report PED19071(a), be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “C” to Report PED19071(a) be added to District Map W3 of Zoning By-law No. 6593 as “E/S-1799-H”.
  - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

The Holding Provision “E/S-1799-H” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified, be removed conditional upon:

**Council – September 30, 2020**

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (2) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed building design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

- (3) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019) and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That Item 19R respecting the public meeting for proposed Official Plan and Zoning By-law Amendment applications for 282 MacNab Street North be identified as complete and removed from the Planning Committee Outstanding Business List.
  - (d) That the public submissions received did not affect the decision.

3. **Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Existing Low Density Housing Stock (PED20093) (City Wide) (Item 9.1)**
  - (a) That Report PED20093 (City Initiative CI-20-E), including the Discussion Paper titled Creating a House and Home: Second Dwelling Units – Discussion Paper for the creation of Second Dwelling Units in Hamilton – September 2020, attached as Appendix “A” to Report PED20093, be received;
  - (b) That staff be authorized to proceed with public engagement on the proposed Zoning By-law regulations, that staff report back to the Planning Committee on the feedback received, including the identification of the preferred approach for Second Dwelling Units for incorporation into the development of the residential zones to be added to Hamilton Zoning By-law No. 05-200;
  - (c) That as part of the public engagement on Second Dwelling Units that staff consult and report back on potential financial barriers and incentives to the creation of Second Dwelling Units, including but not limited to, Development Charges and Parkland Dedication; and,
  - (d) That Second Dwelling Units within existing single detached dwellings in the Rural Area be incorporated into the Second Dwelling Units review.
  
4. **Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Ancaster) (PED20160) (Ward 12) (Item 9.2)**
  - (a) That staff be directed to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the Local Planning Appeal Tribunal, respecting Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road; and,
  - (b) That the applicant is required to apply for and receive approval of an Official Plan Amendment and a Zoning By-law Amendment prior to the Consent being approved.
  
5. **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11) (Added Item 13.1)**

~~That Report LS19003(b)/PED19031(b), Appendices “A”, “B”, “C”, “D”, and “E” to Report LS19003(b)/PED19031(b) thereto and recommendations therein be~~

~~released to the public, except for Appendices “F” and “G” to Report LS19003(b)/PED19031(b) which shall remain confidential.~~

- (a) That the City enter into a settlement of the appeal to the LPAT by Binbrook Heritage Developments, Owner, of its Urban Hamilton Official Plan (“UHOP”) Amendment Application UHOPA-16-18, in order to permit a six storey building height in the Binbrook Village Secondary Plan in Volume 2 of the UHOP, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report LS19003(b)/PED19031(b), based on the approval by the LPAT of the draft Official Plan Amendment, attached as Appendix “C” to Report LS19003(b)/PED19031(b), which has been prepared in a form satisfactory to the City Solicitor and that:
  - (i) prior to the finalization of the settlement, the UHOP Amendment, attached as Appendix “C” to Report LS19003(b)/PED19031(b), may be amended as required, to the satisfaction of the Director of Planning and Chief Planner and City Solicitor; and,
  - (ii) that the City Solicitor be authorized and directed to execute minutes of settlement for the appeal of UHOPA-16-18 in a form and content satisfactory to her and consistent with the foregoing.
  
- (b) That the City enter into a settlement of the appeal to the LPAT by Binbrook Heritage Developments, Owner, of its Zoning By-law Amendment (“ZBA”) Application ZAC-16-051, for changes in zoning from the Existing Residential “ER” Zone, to a site specific General Commercial “C3” Zone, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report LS19003(b)/PED19031(b) based on the draft By-law attached as Appendix “D” to Report LS19003(b)/PED19031(b) and that:
  - (i) prior to the finalization of the settlement, the ZBA Amendment, attached as Appendix “D” to Report LS19003(b)/PED19031(b), may be amended as required, to the satisfaction of the Director of Planning and Chief Planner and City Solicitor; and,
  - (ii) the City Solicitor be authorized and directed to execute minutes of settlement for the appeal of ZAC-16-051 in a form and content satisfactory to her and consistent with the foregoing.
  
- (c) That Report LS19003(b)/PED19031(b), Appendices “A”, “B”, “C”, “D”, and “E” to Report LS19003(b)/PED19031(b) thereto and recommendations therein be released to the public, except for Appendices “F” and “G” to Report LS19003(b)/PED19031(b) which shall remain confidential.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

**1. DELEGATION REQUESTS (Item 5)**

- 5.1 Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2) (For today's meeting)

**2. PUBLIC HEARINGS/WRITTEN DELEGATIONS/VIRTUAL DELEGATIONS (Item 7)**

- 7.2 Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2)

(a) Written Submissions

- (i) Lucian Puscariu, The Holy Resurrection Romanian Orthodox Church

- (ii) Paul Consiglio

(b) Registered Delegations

- (i) Nancy Chater

**3. PRIVATE AND CONFIDENTIAL (Item 13)**

- 13.1 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11)

The agenda for the September 22, 2020 meeting was approved, as amended.

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

None declared.

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

(i) **September 8, 2020 (Item 3.1)**

The Minutes of the September 8, 2020 meeting were approved, as presented.

(d) **DELEGATION REQUESTS (Item 5)**

(i) **Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2) (For today's meeting) (Added item 5.1)**

The Delegation from Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2), was approved for today's meeting.

(e) **PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7)**

In accordance with the *Planning Act*, Chair Farr advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Farr advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Official Plan Amendment, applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) **Application for a Zoning By-law Amendment for Lands Located at 2004 Glancaster Road, Ancaster (PED20130) (Ward 12) (Item 7.1)**

No members of the public were registered as Delegations.

The staff presentation was waived

Ed Fothergill, Fothergill Planning and Development Inc., was in attendance and indicated support for the staff report.

The delegation from Ed Fothergill, Fothergill Planning and Development Inc. was received.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAR-18-050 by Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited, (Owner), for a further modification to the Agriculture (A1, 273) Zone to permit an expansion of the existing nursery operation (wire basket and moss products) to a maximum of 8,900 sq m and for a change in zoning from the Agriculture (A1) Zone to the Conservation Hazard Lands – Rural (P7) Zone to include additional area of the Welland River Floodplain for lands located at 2004 Glancaster Road, Ancaster, as shown on Appendix “A” to Report PED20130, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED20130, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan.

The recommendations in Report PED20130 were **amended** by adding the following sub-section (b):

- (b) ***That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 1.

- (ii) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) (Item 7.2) Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) (Item 7.2)**

Councillor Farr relinquished the Chair to Councillor Danko.

Shannon McKie, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

William Neal, Ashraf Azeem and Drew Hauser of McCallum Sather Architects Inc., were in attendance and indicated support for the staff report.

The delegation from William Neal, Ashraf Azeem and Drew Hauser of McCallum Sather Architects Inc., was received.

The following written submissions were received:

1. Lucian Puscariu, The Holy Resurrection Romanian Orthodox Church (Item 7.2 (a)(i))
2. Paul Consiglio (Item 7.2 (a)(ii))

**Registered Delegations:**

- 7.2(b) (i) Nancy Chater, 47 Murray Street West, addressed the Committee and expressed concerns with the proposal.

The delegation was received.

The public meeting was closed.

- (a) That Revised Official Plan Amendment Application UHOPA-18-015, by St. Jean Properties Inc. and Durand Development Corporation, Owner, to establish a Special Policy Area on Schedule “M-2” – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a ten storey, 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare, for lands located at 282 MacNab Street North, Hamilton as shown on Appendix “A” to Report PED19071(a), be APPROVED on the following basis:
    - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
    - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019).
  - (b) That Revised Zoning By-law Amendment Application ZAC-18-037, by, St. Jean Properties Inc. and Durand Development Corporation, Owner, for a change in zoning from the “J” (Light and Limited
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Heavy Industry, Etc.) District to the “E/S-1799-H” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces, for lands located at 282 MacNab Street North, Hamilton, as shown on Appendix “A” to Report PED19071(a), be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED19071(a) be added to District Map W3 of Zoning By-law No. 6593 as “E/S-1799-H”.
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

The Holding Provision “E/S-1799-H” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified, be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (2) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed building design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

- (3) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019) and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That Item 19R respecting the public meeting for proposed Official Plan and Zoning By-law Amendment applications for 282 MacNab Street North be identified as complete and removed from the Planning Committee Outstanding Business List.

The recommendations in Report PED19071(a) were **amended** by adding the following sub-section (d):

- (d) ***That the public submissions received regarding this matter did not affect the decision.***

For disposition of this matter, refer to Item 2.

Councillor Farr assumed the Chair.

- (iii) **Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2) (Added Item 7.4)**

Matt Johnston, Urban Solutions, addressed the Committee with the aid of a PowerPoint presentation.

The delegation from Matt Johnston respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at

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822 Book Road W, 914 Book Road W, and 1276 Shaver Road, was received.

Item 9.2, Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Ancaster) (PED20160) (Ward 12), was moved up in the agenda to be heard at this time.

**(f) DISCUSSION ITEMS (Item 9)**

**(i) Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Ancaster) (PED20160) (Ward 12) (Item 9.2)**

June Christy, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 4.

**(ii) Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Existing Low Density Housing Stock (PED20093) (City Wide) (Item 9.1)**

Timothy Lee, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The recommendations in Report PED20093 were **amended** by adding sub-section (d) as follows:

**(d) *That Second Dwelling Units within existing single detached dwellings in the Rural Area be incorporated into the Second Dwelling Units review.***

For disposition of this matter, refer to Item 3.

**(g) PRIVATE AND CONFIDENTIAL (Item 13)**

Committee moved into Closed Session respecting Item 13.1 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended,  
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and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City, and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- (i) Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11) (Added Item 13.1)**

For disposition of this matter, refer to Item 5.

- (h) ADJOURNMENT (Item 14)**

There being no further business, the Planning Committee was adjourned at 2:38 p.m.

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Councillor J. Farr  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



## **GENERAL ISSUES COMMITTEE REPORT 20-014**

9:30 a.m.

Wednesday, September 23, 2020

Council Chambers

Hamilton City Hall

71 Main Street West

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

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 20-014, AND RESPECTFULLY RECOMMENDS:**

**1. 2022 Municipal Election Voters' List (FCS20080) (City Wide) (Item 6.1)**

That Report FCS20080, respecting the 2022 Municipal Election Voters' List, be received.

**2. 2022 Municipal Election Voters' List (FCS20080(a)) (City Wide) (Item 6.1(a))**

That Report FCS20080(a), respecting the 2022 Municipal Election Voters' List, be received.

**3. Gordon Dean Avenue Phases 3 & 4 Draft Environmental Study Report  
(Ward 10) (PED20149) (Item 6.2)**

- (a) That the Gordon Dean Avenue Phases 3 and 4 Municipal Class Environmental Assessment's Draft Environmental Study Report be endorsed; and,
- (b) That the General Manager of Planning and Economic Development Department be authorized and directed to advise the project proponent (Fruitland-Winona Development Group) to file the Environmental Study Report on the public record for a minimum thirty-day public review, subject to satisfactorily addressing staff comments.

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**4. Synapse Life Sciences Consortium Funding Update (PED19057(a)) (City Wide) (Item 6.3)**

- (a) That the renewal option of a \$10 K funding request by the Synapse Life Sciences Consortium of the City of Hamilton's 2020 community partnership contribution be approved;
- (b) That this \$10 K contribution for the Synapse Life Sciences Consortium be conditional on the Council established KPIs (Key Performance Indicators);
- (c) That this \$10 K contribution for the Synapse Life Sciences Consortium be funded from the Economic Development Initiatives/Investment Reserve Account No. 112221; and,
- (d) That City staff, together with the Synapse Life Sciences Consortium report back to the General Issues Committee with a review of the Municipal Funding Program prior to the approval of a renewal option for 2021 and satisfactory Key Performance Indicator results of previous year.

**5. King West Business Improvement Area (BIA) Revised Board of Management (PED20152) (Ward 2) (Item 6.4)**

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

- (i) Michal Cybin; and,
- (ii) Mike Balog-Sipos.

**6. Business Improvement Area (BIA) Contribution to Operating Budget Grant Program Update (PED20161) (Wards 1, 2, 3, 4, 5, 7, 12, 13 and 15) (Item 6.5)**

- (a) That the funds allocated to the Business Improvement Areas for the 2020 Contribution to Operating Budget Grant Program that are unused, a maximum of \$89,100 within Account No. 56905-815010, be permitted to be carried over and used in accordance with the Contribution to Operating Budget Grant Program terms prior to December 31, 2021;
- (b) That the General Manager of Finance and Corporate Services be authorized to direct staff to establish an appropriate reserve for the unused Contribution to Operating Budget Grant Program funds that were allocated to the BIAs for 2020; and,

- (c) That staff be directed to close the reserve at the end of 2021 and report back to the General Issues Committee advising where any remaining balance in the reserve should be allocated.

**7. Development Applications in the Pleasant View Neighbourhood (PED20154) (Ward 13) (Item 6.6)**

That Report PED20154, respecting the Development Applications in the Pleasant View Neighbourhood, be received.

**8. Dan Carter, Canadian Hemp Farmers Alliance, respecting Adopting Hemp into the Canadian SDGs (Item 7.1)**

The presentation, provided by Dan Carter, Canadian Hemp Farmers Alliance, respecting Adopting Hemp into the Canadian SDGs, be referred to the Agricultural and Rural Affairs Sub-Committee for review and a report back to the Planning Committee.

**9. Hamilton Police Service Budget Process PSB 20-061 (Item 8.4)**

That the Hamilton Police Services Board Report PSB 20-061, respecting the Hamilton Police Service Budget Process, be received.

**10. Hamilton Police Service Response regarding the Use of Force Inquiries (“8 Can’t Wait”) PSB 20-062 (Item 8.5)**

That the Hamilton Police Services Board Report PSB 20-062, respecting the Hamilton Police Service Response regarding the Use of Force Inquiries (“8 Can’t Wait”), be received.

**11. Hamilton Police Service Year End Report – Use of Force 2019 PSB 20-043 (Item 8.6)**

That the Hamilton Police Services Board Report PSB 20-043, respecting the Hamilton Police Service Year End Report – Use of Force 2019, be received.

**12. Hamilton Police Services Equity, Diversity and Inclusion Plan PSB 20-060 (Item 8.7)**

That the Hamilton Police Services Board Report PSB 20-060, respecting the Hamilton Police Service Equity, Diversity and Inclusion Plan, be received.

**13. Hate Prevention and Mitigation Initiative Update (LS19031 / PW19068(c) / CM19006(c)) (Item 8.8)**

- (a) That City Council write a letter to the federal Minister of Justice, requesting that the threshold of “hate crime” as defined in the Criminal Code be consistently applied across law enforcement agencies in Canada;
- (b) That Community Initiatives staff be directed to prepare a report on hate-related flags and symbols, which would enable Council to consider options and actions that could be taken to address public displays of any racist, hateful, offensive and insensitive emblems in Hamilton, in consultation with Legal Services staff with respect to Section (2), Fundamental Freedoms, Canadian Charter of Rights and Freedoms, and report back to the General Issues Committee;
- (c) That City Council request the Association of Municipalities of Ontario (AMO) to play a key role in engaging and addressing community equity issues that are increasingly common across many municipalities, such as racism, hate and discrimination;
- (d) That City staff be directed to conduct further engagement with key stakeholders and equity-seeking groups, and develop specific recommendations, actions and resource requirements to advance the findings submitted by the project consultant and attached as Appendices A and B to Report LS19031/PW19068(c)/CM19006(c); and,
- (e) That staff be directed to review options as to how to obtain feedback from a larger sample of the broader community, with focus given to those with lived experiences, if possible, as it relates to the Hate Prevention and Mitigation Initiative, and report back to the General Issues Committee.

**14. Tax and Rate Operating Budgets Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) (Item 8.9)**

- (a) That the Tax and Rate Operating Budgets Variance Report as at June 30, 2020 attached as Appendices “A” and “B”, respectively, to Report FCS20069, be received;



- (b) That, in accordance with the “Budgeted Complement Control Policy”, the 2020 complement transfer transferring complement from one department / division to another with no impact on the levy, as outlined in Appendix “C” to Report 20-014, be approved;
- (c) That, in accordance with the “Budget Complement Control Policy”, the 2020 extensions of temporary positions with 24-month terms or greater, with no impact on the levy, as outlined in Appendix “B” to Report 20-014, be approved; and,
- (d) That the financing strategy outlined in Appendix “E” to Report FCS20069, which utilizes \$11.2 M of Federal Gas Tax Reserve funding in the place of previously approved Capital Levy funds with the intent to offset COVID-19 financial pressures, be received.

**15. Tim Hortons Field – End Guard Anchor Repair/Replacement (PW20039(a)) (City Wide) (Item 9.1)**

- (a) That staff be directed to repair and/or replace the perimeter end guards that surround the upper bowl of the east and west stands, along with the north and south upper-lower end guards of Tim Hortons Field at an upset limit of \$1.1 million; and,
- (b) That Facilities Management staff be directed to use existing Capital Budget WIPs through appropriation to fund this work by reprioritizing existing projects for the current year, itemized in Appendix “C” to Report 20-014.

**16. Financial Impact of Declining Transit Revenues (PW20061) (City Wide) (Item 9.2)**

That Report PW20061, respecting the Financial Impact of Declining Transit Revenues, be received.

**17. Land Exchange – A. DeSantis Developments Ltd. – 1456 and 1460 Upper James Street, Hamilton (PED20117) (Ward 8) (Item 13.2)**

- (a) That the direction provided to staff in Closed Session, respecting Report PED20117 - Land Exchange – A. DeSantis Developments Ltd. – 1456 and 1460 Upper James Street, Hamilton, be approved; and,

- (b) That Report PED20117, respecting Land Exchange – A. DeSantis Developments Ltd. – 1456 and 1460 Upper James Street, Hamilton, remain confidential until completion of the real estate transactions.

**18. Lease Renewal and Amending Agreement – Suite 220, 100 Main Street East, Hamilton (PED20150) (Ward 2) (Item 13.3)**

- (a) That a Lease Renewal and Amending Agreement between the City of Hamilton (Tenant) and Homestead Land Holdings Limited (Landlord) for the continued occupancy and possible future expansion of leased premises located in the building municipally located at 100 Main Street East, Hamilton, as depicted in Appendix “A” attached to Report PED20150, based substantially on the terms and conditions outlined in Appendix “B” attached to Report PED20150, and on such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department or designate, be approved;
- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as Tenant, be authorized to provide any consents, approvals, and renewal notices related to the Lease Renewal and Amending Agreement at 100 Main Street East, Hamilton;
- (c) That the City Solicitor be authorized to amend and waive such terms and conditions to the Lease Renewal and Amending Agreement as she considers reasonable;
- (d) That the Gross Rent outlined in Appendix “B” attached to Report PED20150, continue to be funded from Account Number 55358-674021 (RMRCH);
- (e) That the Real Estate and Legal fees of \$36,676 be funded from Account No. 55778-674021 (RMRCH) and credited to Account No. 45408-812036 (Real Estate – Admin Recovery);
- (f) That the Mayor and Clerk be authorized and directed to execute the Lease Renewal and Amending Agreement at 100 Main Street East, Hamilton, or such other form and all other necessary associated documents, and all such documents to be in a form satisfactory to the City Solicitor; and,
- (g) That Report PED20150, respecting Lease Renewal and Amending Agreement – Suite 220, 100 Main Street East, Hamilton, and its appendices, remain confidential and not be released as a public document.

**19. Options for Support for Commercial Tenants and Licensees Within City-Owned Properties Due to COVID-19 (PED20162) (City Wide) (Item 13.5)**

- (a) That the COVID-19 Occupant Support Framework, attached as confidential Appendix “A” to Report PED20162, be approved;
- (b) That Corporate Real Estate staff, in consultation with staff in Finance and Corporate Services, and other departments responsible for administering agreements, be authorized and directed to provide support to occupants in City-owned properties in accordance with the COVID-19 Occupant Support Framework, and on such terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department;
- (c) That the City Solicitor, or designate, be authorized and directed to complete any agreements on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable, as it relates to options for support for commercial tenants and licensees within city-owned properties due to COVID-19;
- (d) That the General Manager of the Planning and Economic Development Department be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor, or designate, as it relates to options for support for commercial tenants and licensees within city-owned properties due to COVID-19; and,
- (e) That Report PED20162, respecting Options for Support for Commercial Tenants and Licensees Within City-Owned Properties Due to COVID-19, and its appendix remain confidential.

**20. Stadium Update – Legal Issues (LS20015(a)) (City Wide) (Item 13.6)**

That Report LS20015, respecting the Stadium Update – Legal Issues, remain confidential.

**21. Encampment Litigation Update (Item 13.7)**

- (a) That the direction provided to staff in Closed Session, respecting the Encampment Litigation, be approved; and,
- (b) That the presentation provided in Closed Session, respecting the Encampment Litigation, be received.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

**3. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

3.2 September 14, 2022 - Special GIC

**4. COMMUNICATION ITEMS**

4.1 Correspondence respecting COVID-19 Related Matters

4.1(a) Tobi Bos

4.1(b) David

4.1(c) Todd Ouellette

Recommendation: Be received.

4.2 Correspondence from Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting Systemic Racism in Policing

Recommendation: Be received.

**5. DELEGATION REQUESTS**

5.1 Danny Cerino respecting COVID-19 Measures (for a future GIC)

**6. CONSENT ITEMS**

6.1(a) 2022 Municipal Election Voters' List (FCS20080(a)) (City Wide)

**9. DISCUSSION ITEMS**

9.3 Tax and Rate Operating Budgets Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) now has a presentation to accompany the report; therefore, has been moved to Item 8.9.

**10. MOTIONS**

- 10.1 City of Hamilton's Contribution Towards Business Improvement Area (BIA) Operating Budgets via the Commercial Districts and Small Business Section Operating Budget

As this item is now being addressed through a staff report, which is listed as Item 6.5 on today's agenda, this Motion is being withdrawn from the agenda.

**13. PRIVATE & CONFIDENTIAL**

- 13.1 Disposition Strategy - Wentworth Lodge Lands (PED19138) - This item will remain DEFERRED at this time.
- 13.6 Report LS20015(a) respecting the Stadium Litigation Update
- 13.7 A verbal update respecting the Encampment Litigation Matter

The agenda for the September 23, 2020 General Issues Committee meeting was approved, as amended.

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

- (i) Councillor Pauls declared an interest to Item 4.2, respecting correspondence from Kojo Dampsey, Centre for Civic Inclusion, respecting Systemic Racism in Policing, as her son is employed with the Hamilton Police Service.
- (ii) Councillor Pauls declared an interest to Item 8.2, respecting the Hamilton Police Service Crisis Unit Response, as her son is employed with the Hamilton Police Service.
- (iii) Councillor Pauls declared an interest to Item 8.3, respecting Hamilton Police Service Defund Report, as her son is employed with the Hamilton Police Service.
- (iv) Councillor Pauls declared an interest to Item 8.4, respecting Hamilton Police Service Budget Process Report PSB 20-061, as her son is employed with the Hamilton Police Service.
- (v) Councillor Pauls declared an interest to Item 8.5, respecting Hamilton Police Service Response regarding the Use of Force Inquiries ("8 Can't

Wait”) Report PSB 20-062, as her son is employed with the Hamilton Police Service.

- (vi) Councillor Pauls declared an interest to Item 8.6, respecting Hamilton Police Service Year End Report – Use of Force 2019 Report PSB 20-043, as her son is employed with the Hamilton Police Service.
- (vii) Councillor Pauls declared an interest to Item 8.7, respecting Hamilton Police Service Equity, Diversity and Inclusion Plan Report PSB 20-060, as her son is employed with the Hamilton Police Service.
- (viii) Councillor Pauls declared an interest to Item 8.8, respecting Report LS19031/PW19068(c)/CM19006(c), regarding the Hate Prevention and Mitigation Initiative Update, as her son is employed with the Hamilton Police Service.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)**

The Minutes of the September 9, 2020 and September 14, 2020 General Issues Committee meetings were approved, as presented.

- (i) September 9, 2020 (Item 3.1)
- (ii) September 14, 2020 (Special GIC) (Item 3.2)

**(d) COMMUNICATIONS (Item 4)**

**(i) Correspondence respecting COVID-19 Related Matters (Item 4.1)**

Communication Items 4.1(a) to 4.1(c), respecting COVID-19 Related Matters, were received:

- (1) Tobi Bos (Item 4.1(a))
- (2) David (Item 4.1(b))
- (3) Tom Ouellette (Item 4.1(c))

**(ii) Correspondence from Kojo Damphey, Hamilton Centre for Civic Inclusion, respecting Systemic Racism in Policing (Item 4.2)**

The correspondence from Kojo Damphey, Hamilton Centre for Civic Inclusion, respecting Systemic Racism in Policing, was received.

(e) **DELEGATION REQUESTS (Item 5)**

(i) **Danny Cerino, respecting COVID-19 related Matters (Item 5.1)**

The delegation request, submitted by Danny Cerino, respecting COVID-19 related matters, was approved for a future General Issues Committee meeting.

(f) **CONSENT ITEMS (Item 6)**

(i) **Synapse Life Sciences Consortium Funding Update (PED19057(a)) (City Wide) (Item 6.3)**

Sub-section (a) to Report PED19057(a), respecting the Synapse Life Sciences Consortium Funding Update, was deleted in its entirety, and the balance re-lettered accordingly.

~~(a) Per Report PED19057, that City staff, together with the Synapse Life Sciences Consortium report back to General Issues Committee with a review of the Municipal Funding Program prior to the approval of a renewal option for 2020 and satisfactory Key Performance Indicator results of previous year;~~

(a) That the renewal option of a \$10 K funding request by the Synapse Life Sciences Consortium of the City of Hamilton's 2020 community partnership contribution be approved;

(b) That this \$10 K contribution for the Synapse Life Sciences Consortium be conditional on the Council established KPIs (Key Performance Indicators);

(c) That this \$10 K contribution for the Synapse Life Sciences Consortium be funded from the Economic Development Initiatives/Investment Reserve Account No. 112221; and,

(d) That City staff, together with the Synapse Life Sciences Consortium report back to the General Issues Committee with a review of the Municipal Funding Program prior to the approval of a renewal option for 2021 and satisfactory Key Performance Indicator results of previous year.

For further disposition of this matter, please refer to Item 4.

**(g) PUBLIC HEARINGS / DELEGATIONS (Item 7)**

**(i) Dan Carter, Canadian Hemp Farmers Alliance, respecting Adopting Hemp into the Canadian SDGs (Item 7.1)**

Dan Carter, Canadian Hemp Farmers Alliance, addressed Committee and provided a presentation respecting Adopting Hemp into the Canadian SDGs.

The presentation, provided by Dan Carter, Canadian Hemp Farmers Alliance, respecting Adopting Hemp into the Canadian SDGs, was received.

For further disposition of this matter, please refer to Item 8.

Items 8.2 to 8.7 were moved up on the agenda to be heard before Item 8.1.

**(h) STAFF PRESENTATIONS (Item 8)**

**(i) COVID-19 Verbal Update (Item 8.1)**

Paul Johnson, General Manager of Healthy and Safe Communities; Dr. Ninh Tran, Associate Medical Officer of Health; and, Richard MacDonald, Manager of Food and Water Safety, addressed Committee and provided a verbal update respecting COVID-19.

The verbal update respecting COVID-19 was received.

**(ii) Hamilton Police Service Crisis Unit Response (Item 8.2)**

Chief Eric Girt, along with other Members of the Hamilton Police Service and a Mental Health Worker from St. Joseph's Hospital, addressed Committee and provided a presentation respecting the Hamilton Police Service Crisis Unit Response.

The presentation, respecting the Hamilton Police Service Crisis Unit Response, was received.



**(iii) Hamilton Police Service Defund Report (Item 8.3)**

Chief Eric Girt, along with other Members of the Hamilton Police Service, addressed Committee and provided a presentation respecting the Hamilton Police Service Defund Report.

The presentation, respecting the Hamilton Police Service Defund Report, was received.

**(iv) Hate Prevention and Mitigation Initiative Update (LS19031 / PW19068(c) / CM19006(c)) (City Wide) (Item 8.8)**

John Ariyo, Manager of Community Initiatives, introduced the presentation and Dr. Rebecca Sutherns, CEO of Sage Solutions; and, Sonia Preisler, Assistant Facilitator, with Sage Solutions, continued with the presentation respecting Report LS19031 /PW19068(c) / CM19006(c), regarding the Hate Prevention and Mitigation Initiative Update.

The presentation, respecting Report LS19031 /PW19068(c) / CM19006(c), regarding the Hate Prevention and Mitigation Initiative Update, was received.

The following friendly amendment was made:

That sub-section (b) to Report LS19031 /PW19068(c) / CM19006(c), regarding the Hate Prevention and Mitigation Initiative Update, be deleted in its entirety and replaced with the following in lieu thereof, to read as follows:

~~(b) — That City staff prepare a report on hate-related flags and symbols, which would enable City Council to consider options and actions that could be taken to address public display of any racist, hateful, offensive and insensitive emblems in Hamilton.~~

**(b) *That Community Initiatives staff be directed to prepare a report on hate-related flags and symbols, which would enable Council to consider options and actions that could be taken to address public displays of any racist, hateful, offensive and insensitive emblems in Hamilton, in consultation with Legal Services staff with respect to Section (2), Fundamental Freedoms, Canadian Charter of Rights and Freedoms, and report back to the General Issues Committee.***

A new sub-section (e) was added to Report LS19031 /PW19068(c) / CM19006(c), regarding the Hate Prevention and Mitigation Initiative Update, to read as follows:

- (e) *That staff be directed to review options as to how to obtain feedback from a larger sample of the broader community, with focus given to those with lived experiences, if possible, as it relates to the Hate Prevention and Mitigation Initiative, and report back to the General Issues Committee.***

For further disposition of this matter, please refer to Item 13.

- (v) Tax and Rate Operating Budgets Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) (Item 8.9)**

Mike Zegarac, General Manager of Finance & Corporate Services, addressed Committee and provided the presentation respecting Report FCS20069, regarding the Tax and Rate Operating Budgets Variance Report as at June 30, 2020 – Budget Control Policy Transfers.

The presentation, respecting Report FCS20069, regarding the Tax and Rate Operating Budgets Variance Report as at June 30, 2020 – Budget Control Policy Transfers, was received.

For further disposition of this matter, please refer to Item 14.

- (i) PRIVATE & CONFIDENTIAL (Item 13)**

Committee moved into Closed Session respecting Items 13.2 to 13.7, pursuant to Section 8.1, Sub-sections (c) (e), (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (c), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land by the municipality or local board; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(i) LaSalle Park Disposition Review (PED20156) (City Wide) (Item 13.4)**

Report PED20156, respecting the LaSalle Park Disposition Review, was DEFERRED to the October 7, 2020 General Issues Committee.

**(j) ADJOURNMENT (Item 15)**

There being no further business, the General Issues Committee adjourned at 9:32 p.m.

Respectfully submitted,

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Deputy Mayor Brenda Johnson  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk

**CITY OF HAMILTON  
BUDGETED COMPLEMENT TEMPORARY EXTENSION SCHEDULE**

**TEMPORARY POSITION EXTENSIONS**

**Extensions to temporary positions with terms of 24 months or greater as per the Budgeted Complement Control Policy**

ITEM #	TRANSFER FROM				TRANSFER TO			
	Department	Division	Position Title	FTE	Department	Division	Position Title	FTE
1	City Manager's Office	Human Resources	HR Business Partner	Temp	City Manager's Office	Human Resources	HR Business Partner	Temp
	<b>Explanation:</b> Temporary position with a 24-month term expiring October 2020, requesting approval for an extension of 4 months to support temporary vacancy due to maternity leave							
2	Healthy and Safe Communities	Public Health	P10251 - Public Health Inspector	Temp	Health & Safe Communities	Public Health	P10251 - Public Health Inspector	Temp
	<b>Explanation:</b> PN is being consolidated with PN 10252 and extended to an additional 12 month to December 2021; Ministry pared down funding starting in 2021 for 1 position instead of 2 up to December 2021. Rotating staff are in the position so not to exceed 24 months.							
3	Healthy and Safe Communities	Housing	Sr Proj Mgr Integrated Hsg Sys	Temp	Healthy and Safe Communities	Housing	Sr Proj Mgr Integrated Hsg Sys	Temp
	<b>Explanation:</b> Temporary position with a 24-month term expiring September 2020, requesting approval for additional 6 months extension due to the continued support required on the implementation of the integrated housing system.							
4	Healthy and Safe Communities	Housing	Sr Proj Mgr Rental Hsing Dev't	Temp	Healthy and Safe Communities	Housing	Sr Proj Mgr Rental Hsing Dev't	Temp
	<b>Explanation:</b> Temporary position with a 24-month term expiring February 2020, requesting approval for additional 10 months extension due to the continued support required to meet our legislated responsibilities to the province.							

## Appropriations

<b>Project ID</b>	<b>Description</b>	<b>Appropriation Amount</b>
3541641638	Overhead Door Replacement Program	\$54,370
3541641532	Facility Capital Maintenance	\$21,199
3541741648	Parking Lot Rehabilitation	\$43,602
3541755001	Yard Capital Renewal Program	\$10,964
3541757001	Archibus - Facility Maintenance	\$23,864
3541941648	Parking Lot Rehabilitation	\$179,858
3541941532	Facility Capital Maintenance	\$24,571
3721841805	Hamilton Convention Centre, FirstOntario Concert Hall & FirstOntario Centre Lifecycle Renewal	\$87,946
3721941805	Hamilton Convention Centre, FirstOntario Concert Hall & FirstOntario Centre Lifecycle Renewal	\$377,770
7101454710	Sir Wilfred Laurier Recreation Center Independence	\$377,007
<b>TOTAL</b>		<b>\$1,201,151</b>

**CITY OF HAMILTON  
BUDGETED COMPLEMENT TRANSFER SCHEDULE**

**STAFF COMPLEMENT CHANGE**

**Complement Transfer to another division or department <sup>(1)</sup>**

ITEM #	TRANSFER FROM				TRANSFER TO			
	Department	Division	Position Title (2)	FTE	Department	Division	Position Title (2)	FTE
1.1	Planning and Economic Development	Transportation Planning and Parking	Co-op Student Traffic Engineer/Techl	1.00	Planning and Economic Development	Transportation Planning and Parking	Traffic Engineer/Techl	1.00
	<b>Explanation:</b> Conversion of student position to a technologist position will provide more consistency to development review applications. Change is within one pay band and can be accommodated through available gapping.							
1.2	Healthy and Safe Communities	CSND	Departmental Initiative Coordinator	1.00	Healthy and Safe Communities	CSND	Indigenous Strategy Project Manager	1.00
	<b>Explanation:</b> Transfer vacant permanent Departmental Initiative Coordinator position to support currently non-budgeted Indigenous Strategy Project Manager position.							

**Note** - Complement transfers include the transfer of corresponding budget.

(1) - All other budgeted complement changes that require Council approval per Budgeted Complement Control Policy must be done through either separate report or the budget process (i.e. Increasing/decreasing budgeted complement).

(2) - If a position is changing, the impact of the change is within 1 pay band unless specified.



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 20-007**

9:30 a.m.

**September 24, 2020**

**Council Chambers**

**Hamilton City Hall**

**Present:** Councillors M. Wilson (Chair), B. Clark, C. Collins, L. Ferguson, B. Johnson, J. Partridge, M. Pearson, and A. VanderBeek

### **THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 20-007 AND RESPECTFULLY RECOMMENDS:**

#### **1. Procurement Sub-Committee Report 20-001 - August 27, 2020 (Item 9.1)**

##### **(a) Appointment of Chair and Vice-Chair (Item 1.1)**

- (i) That Councillor L. Ferguson be appointed as Chair of the Procurement Sub-Committee for the remainder of the 2018-2022 term.
- (ii) That Councillor J.P. Danko be appointed as Vice-Chair of the Procurement Sub-Committee for the remainder of the 2018-2022 term.

##### **(b) 2020 Proposed Procurement Policy Review and Proposed Amendments (FCS20022) (City Wide) (Item 9.1)**

- (i) That Appendix "A" to the Procurement Sub-Committee Report 20-001, be further amended to reflect the current wording in the Procurement Policy, as follows:  
  
POLICY # 17 - Conflicts of Interest
  - (4) Any Contract with the City may be voided in which a member of Council or any employee of the City has an undeclared direct or indirect pecuniary interest.
- (ii) That staff be directed to review Sub-Section (4), of Policy #17 – Conflicts of Interest, of the Procurement Policy and report back to the Procurement Sub-Committee at a future meeting; and
- (iii) That a By-Law to adopt and maintain a Procurement Policy for the City of Hamilton, in substantially the form set out in Appendix "A" as further amended, to Audit, Finance & Administration Report 20-007, be enacted.

**Council – September 30, 2020**

**2. Water and Wastewater / Storm Back-billing Policy (FCS20070) (City Wide) (Item 9.2)**

That the Water and Wastewater / Storm Back-billing Policy, attached as Appendix "B" to Audit, Finance & Administration Report 20-007, be approved for implementation effective upon Council approval.

**3. 2020 City Enrichment Funding Recommendations (GRA20003(c)) (City Wide) (Item 9.3)**

- (a) That, the 2020 City Enrichment Fund recommended funding allocation in the amount of \$154,943 (as outlined in the attached Appendix "C" to Audit, Finance & Administration Report 20-007), be approved;
- (b) That, the 2020 City Enrichment Fund recommended funding allocation in the amount of \$11,908 (as outlined in the attached Appendix "D" to Audit, Finance & Administration Report 20-007), be approved pending the submission of additional information;
- (c) That, Appendix "C" to Report GRA20003(c), being the 2020 City Enrichment Fund Application Summary, be received; and,
- (d) That any funds not required in 2020 by organizations, as a result of programs or events being cancelled, reduced, or redesigned, be transferred to the City Enrichment Fund Reserve # 112230

**4. 2019 Freedom of Information Quarterly Report - Quarter 4 (October 1 to December 31) (FCS20076) (City Wide) (Item 9.4)**

- (a) That Report FCS20076 entitled 2019 Freedom of Information Quarterly Report - Quarter 4 (October 1 to December 31), be received; and,
- (b) That the Clerk be directed to actively disseminate all future Freedom of Information reporting according to the City's Routine Disclosure and Active Dissemination Policy through the City's Website and discontinue the quarterly report.

**5. Hamilton Anti-Racism Resource Centre Update (CM20007) (City Wide) (Item 9.5)**

That Report CM20007, respecting the Hamilton Anti-Racism Resource Centre Update, be received.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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



## 9. DISCUSSION ITEMS

- 9.1 Procurement Sub-Committee Report 20-001 – referenced Report FCS20033. The original report was incorrectly numbered and should have been FCS20022. This has been corrected and references updated.

## 12. GENERAL INFORMATION AND OTHER BUSINESS

- 12.1(a) Amendments to the Outstanding Business List – Item to be Removed: Completed date was listed incorrectly and has now been corrected.

The agenda for the September 24, 2020 Audit, Finance and Administration Committee meeting 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) August 13, 2020 (Item 3.1)

The Minutes of the August 13, 2020 meeting of the Audit, Finance and Administration Committee were approved, as presented.

### (d) DELEGATION REQUESTS (Item 5)

The following Motion was **DEFEATED**, by a tied vote:

Delegation Requests 5.1 and 5.2, be approved for a future meeting:

- 5.1 Ryan Verkerk, respecting wastewater charges on their water bill  
5.2 Young Kim, respecting his water and wastewater charges

### (e) DISCUSSION ITEMS (Item 9)

#### (i) Procurement Sub-Committee Report 20-001 - August 27, 2020 (Item 9.1)

That Appendix "A" to the Procurement Sub-Committee Report 20-001, be ***further amended to reflect the current wording in the Procurement Policy***, as follows:

#### **POLICY # 17 - Conflicts of Interest**

- (4) Any Contract ***with the City*** may be voided at the discretion of the City where ***in which*** a member of Council or any employee of the City has ***an undeclared*** direct or indirect pecuniary interest.

That staff be directed to review Sub-Section (4), of Policy #17 – Conflicts of Interest, of the Procurement Policy and report back to the Procurement Sub-Committee at a future meeting.

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

**(ii) 2019 Freedom of Information Quarterly Report - Quarter 4 (October 1 to December 31) (FCS20076) (City Wide) (Item 9.4)**

That sub-section (b) *be amended* as follows:

- (b) That the Clerk be directed to actively disseminate all future Freedom of Information reporting according to the City's Routine Disclosure and Active Dissemination Policy through the City's Website *and discontinue the quarterly report.*

For further disposition of this matter, refer to Item 4.

**(f) GENERAL INFORMATION / OTHER BUSINESS (Item 12)**

**(i) Amendments to the Outstanding Business List (Added Item 12.1)**

The following amendments to the Outstanding Business List, were approved:

**(a) Items to be Removed (Item 12.1(a)):**

2020 City Enrichment Funding Recommendations (GRA20003)  
(City Wide)

Report Recommendations

Added: May 27 and 28, 2020 at Council - Item 5.4(a)

Completed: September 24, 2020 AF&A - Item 9.3

OBL Item: 20-E

2017 Q1 Emergency and Non-Competitive Procurements Report (FCS17011) – staff report back with recommendations and options in order for Councillors to comply with Policy 19 of the Procurement By-law (17-064).

Added: July 14, 2017 at Council

Completed: September 24, 2020 AF&A - Item 9.1

OBL Item: I

**(g) PRIVATE AND CONFIDENTIAL (Item 13)**

**(i) August 13, 2020 – Closed Minutes**

- (a) The Closed Session Minutes of the August 13, 2020 Audit, Finance and Administration Committee meeting, were approved as presented; and,

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- (b) The Closed Session Minutes of the August 13, 2020 Audit, Finance and Administration Committee meeting, remain confidential.

**(h) ADJOURNMENT (Item 14)**

There being no further business, the Audit, Finance and Administration Committee, adjourned at 11:07 a.m.

Respectfully submitted,

Councillor Wilson, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

# Procurement Policy



Hamilton

City of Hamilton

By-Law No. 20-XXXX

Procurement Section • Financial Services  
Corporate Services

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## PROCUREMENT MISSION AND VISION

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### **Mission**

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To ensure that the procurement function meets the current and future needs of the corporation, provides an economical and efficient service and is considered a value-added partner in the securing of Goods and/or Services for the corporation.

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### **Vision**

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A team of resourceful skilled professionals, working in partnership with their customers to procure the best Goods and/or Services in the most efficient manner.

## PROCUREMENT GOALS & OBJECTIVES

### SECTION 1

- (1) Procure the necessary quality and quantity of Goods and/or Services in an efficient, timely and cost effective manner, while maintaining the controls necessary for a public agency, in accordance with the Procurement Policy as approved by Council.
- (2) Encourage an open and competitive bidding process for the acquisition and disposal of Goods and/or Services, and the objective and equitable treatment of all vendors.
- (3) Ensure the best value of an acquisition is obtained. This may include, but not be limited to, the determination of the total cost of performing the intended function over the lifetime of the task, acquisition cost, installation, disposal value, disposal cost, training cost, maintenance cost, quality of performance and environmental impact.
- (4) Procure Goods and/or Services with due regard to the preservation of the natural environment and to encourage the use of "environmentally friendly" products and services, as supported by the City's Strategic Plan.

## RESPONSIBILITIES & PROHIBITIONS OF PROCURING GOODS AND/OR SERVICES

### SECTION 2

#### (1) General Responsibilities

- (a) All City of Hamilton elected officials and staff delegated with the authority to procure shall comply with the Procurement Policy for the City of Hamilton. Without limiting the foregoing, such elected officials and staff shall follow the Statement of Ethics for Public Procurement attached as Schedule A to the Procurement Policy, the City's Code of Conduct for Employees Policy and Policy # 17 – Conflicts of Interest.
- (b) Procurement activities shall be subject to all applicable City of Hamilton policies and by-laws, any specific provisions of the *Municipal Act, 2001* and all other relevant Federal and Provincial legislation, as may be in effect from time to time.
- (c) Procurement by the City may be subject to the provisions of Trade Agreements and where an applicable Trade Agreement is in conflict with this Procurement Policy, the Trade Agreement shall take precedence.

#### (2) Procurement Section Responsibilities

The City's General Manager of Finance and Corporate Services shall operate a Centralized Procurement unit on behalf of the City of Hamilton in accordance with the requirements of the Procurement Policy. In carrying out this responsibility the General Manager of Finance and Corporate Services may appoint certain City staff to act on behalf of the City in entering into Contracts with third parties. The General Manager of Finance and Corporate Services may limit the authority to procure of that City staff, as deemed appropriate. The Procurement Section will therefore have the following specific responsibilities:

- (a) Be responsible for the administration of the Procurement Policy and will continually review the procurement of Goods and/or Services to ensure the City is receiving the best value.
- (b) Ensure that procurement transactions are conducted ethically and professionally in accordance with Schedule A – Statement of Ethics for Public Procurement.
- (c) Advise on the practicability of Specifications to ensure a maximum number of competitive Bids.
- (d) Advise on appropriate Acquisition Method.
- (e) Notify vendors who have expressed an interest in doing business with the City of the availability of the procurement documents.
- (f) Prepare necessary procurement documents and process Purchase Orders.
- (g) Advise and assist in the preparation of Contracts when requested.
- (h) Provide training and documentation on how to use the procurement module to users of the City's financial software application. Make available copies of the Procurement Policy and Procurement Procedures and Guidelines to all relevant City staff.
- (i) Maintain records of Acquisition Methods and procurement transactions as required.
- (j) Advise and assist where a procurement action may not conform to (an) applicable Trade Agreement(s) as early as possible in the procurement process.



(3) General Manager Responsibilities

- (a) Ensure all purchases are performed in accordance with the Procurement Policy and make required reports to the Council or any other interested party explaining why purchases are not in compliance with the Procurement Policy. The Procurement Section will offer advice and assistance in assuring that the Procurement Policy is adhered to upon request.
- (b) Delegate Approval Authority to the appropriate levels and maintain the responsibility for such actions including answering questions raised by such delegation.
- (c) Ensure appropriate action is taken on internal Audit Services recommendations.

(4) Internal Audit Responsibilities

Internal Audit Services shall conduct selected audits to ascertain adherence to the Procurement Policy. The Procurement Section and Council shall receive a copy of the audit results.

(5) Procurement Sub-Committee Responsibilities

The Procurement Sub-Committee shall:

- (a) Review and give input to the biennial report recommending any changes to the Procurement Policy in accordance with Policy #20 – Review of the Procurement Policy.
- (b) Be delegated the authority to impose an interim ban upon a vendor in accordance with Policy #1 – Vendor Eligibility.

(6) Prohibitions

The following activities are prohibited, unless specifically approved by Council:

- (a) Any attempt to evade or circumvent the requirements of the Procurement Policy including, but not limited to, the division of purchases to avoid the requirements of the Procurement Policy by any method, which includes purchases made using procurement cards.
- (b) Purchase by the City of any Goods and/or Services for personal use by or on behalf of any member of Council, employees of the City and their immediate families.
- (c) The acceptance of gifts, benefits, money, discounts, favours or other assistance by any member of Council, employees of the City, and their families contrary to the City of Hamilton Code of Conduct for Members of Council (Appendix H to the City's Procedural By-law No. 10-053, as amended, repealed or replaced from time to time), the City's Code of Conduct for Employees Policy or such other similar policy currently in force. The image and integrity of the employee and the City of Hamilton must be preserved at all times.
- (d) Purchase by the City from any member of Council or employee of the City, their family members or from any other source, that would result in a conflict of interest, unless that interest has been declared pursuant to the *Municipal Conflict*

*of Interest Act* or pursuant to the City's Code of Conduct for Employees Policy or such other similar policy currently in force.

(7) Exemptions

Those items listed in Schedule B - Exemptions, are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority.

## DEFINITIONS AND INTERPRETATION

### SECTION 3

Words and phrases used in the Procurement Policy for the City of Hamilton have the following meanings, unless expressly stated otherwise and all dollar values stated shall be in Canadian funds:

**"Acquisition Method"** means the process by which Goods or Services are procured.

**"Approval Authority"** means the authority to approve and award procurements, as well as any assignment or corporate change requests related to such procurements, up to the procurement values for the respective body or person(s) set out in Policy # 2 - Approval Authority.

**"Approved Products Listing"** means the listing of approved Goods for use with road, watermain, sewer, lighting and traffic signal work as maintained by the City's Standard and Approved Products Committee.

**"Authorized Delegate"** means the person who has been delegated by Council an Approval Authority and includes any other person further sub-delegated such Approval Authority in accordance with the Procurement Policy. An Authorized Delegate includes a person authorized to act on their behalf temporarily.

**"Bid"** means an offer or submission from a vendor in response to a Request for Quotations, Request for Tenders, Request for Proposals, Request for Rostered Candidates or Request for Prequalifications issued by the City.

**"Centralized Procurement"** refers to the activities conducted by the Procurement Section of the City's Corporate Services Department, which facilitates the purchase of all Goods and/or Services in accordance with the requirements of the Procurement Policy.

**"Child"** means any person under the age of 15, unless local minimum age law stipulates a higher age for work or mandatory schooling, or under the age of 14 if minimum age law is set at that age in accordance with exceptions set out for developing countries under International Labour Organization ("ILO") Convention 138.

**"City"** means the City of Hamilton.

**"City Event"** means an event organized and hosted by the City.

**"City Manager"** means the City Manager of the City of Hamilton.

**"Client Department"** means the City department initiating the acquisition of the Goods and/or Services.

**"Consulting and Professional Services"** means services rendered by members of a recognized profession or possessing a special skill. Such services are generally acquired to obtain information, advice, training or direct assistance.

**"Contract"** means a legal agreement between two or more parties, usually written, or a Purchase Order.

**“Cooperative Procurement”** means coordination of City purchases with purchases of other government bodies, public authorities, conservation authorities, municipalities, academia, schools and hospitals (MASH) sector and not-for-profit organizations.

**“Council”** means the Council of the City of Hamilton.

**“Emergency”** means a situation, or the threat of an impending situation, which may affect the environment, life, safety, health and/or welfare of the general public, or the property of the residents of the City, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level.

**“Energy Commodities”** means electricity, Green Power, natural gas, methane and all other petroleum based fuel products such as: diesel, bio-diesel, unleaded, fuel oil, propane and any other bulk commodity primarily used by the City for the purpose of heating and cooling of buildings and other structures, electricity generation, cogeneration and the fuelling of City fleets, as determined by the City’s Manager of Energy Initiatives.

**“General Manager”** means the head of a City department or person authorized to act on their behalf temporarily, and includes the Medical Officer of Health and the City Manager.

**“Goods”** includes supplies, equipment, materials, products, structures and fixtures to be delivered, installed or constructed.

**“Green Power”** means electricity generated from renewable energy sources, such as certified water power, solar, biogas, biomass and wind. Other terms for Green Power include: Green Power certificates, tradable renewable certificates or "Green Tags". These attributes, embodied in a certificate, may be bought and sold either bundled or unbundled with commodity electricity.

**“In-House Bid”** means a Bid that is prepared by an internal City department and is submitted in response to a City competitive procurement process and in competition with external vendors.

**“Joint Venture”** means an association of two or more persons who combine their expertise and resources in a single joint business enterprise to qualify, bid, and perform the Contract. Joint Ventures, sometimes referred to as a consortium, may take the form of a partnership or special purpose vehicle. All persons of a Joint Venture must be eligible persons.

**“Litigation”** means any dispute between the City and a vendor, where a legal proceeding, including third party and cross claims or other form of adjudication has been commenced, or is reasonably contemplated, either by the vendor, or any officer or director of the vendor either directly or indirectly through a corporation or personally, against the City, its elected representatives, appointed officers, or employees, or by the City in relation to any contract or services or any matter arising from the City’s exercise of its powers, duties, or functions.

**“Low Dollar Value Procurements”** means the process of procuring Goods and/or Services with an estimated annual procurement cost of up to but not including \$10,000.

**“Lowest Compliant Bid”** means a Bid with the lowest price meeting all requirements of a RFQ, RFP or RFT, subject to any rights or privileges reserved by the City contained in the respective procurement document, or unless otherwise approved by Council.

**“Mixed Revenue Contracts”** means a combination of various types of Revenue Generating Contracts.

**“Manager of Procurement”** means the Manager of Procurement for the City of Hamilton or a person authorized to act on behalf of the Manager of Procurement on an interim basis.

**“Procurement Policy”** means the procurement policies approved by Council, as amended from time to time.

**“Procurement Procedures and Guidelines”** means the procurement procedures and guidelines approved by the City’s Director of Financial Services & Corporate Controller, as amended from time to time.

**“Profit Sharing Contracts”** means contracts whereby the City receives a portion of revenues, sales or profits earned by a third party under contract with the City.

**“Purchase Order”** means a written offer to procure Goods and/or Services or a written acceptance of an offer, in a form acceptable to the City Solicitor.

**“Purchase Requisition”** means an internal online request by a Client Department to the Procurement Section for procurement of Goods and/or Services.

**“Request for Information”** or **“RFI”** means a process where information is requested from vendors regarding their interest in, or the feasibility and availability of, specific Goods and/or Services in the marketplace and to determine if there are enough vendors to justify a Request for Proposals or Request for Tenders. An RFI may also gather information on potential suppliers and assist Client Departments with their understanding of the marketplace and potential solutions. An Expression of Interest or “EOI” shall be considered an RFI.

**“Request for Prequalification’s”** or **“RFPQ”** means a process where information is requested from vendors to determine whether or not the vendor has the capability in all respects to perform the contract requirements. The Request for Prequalifications process is initiated before a RFP or RFT is issued and only prequalified vendors are eligible to submit a Bid on such procurements.

**“Request for Proposals”** or **“RFP”** means a formal request for prices and details on Goods and/or Services from vendors, where the Goods and/or Services may not be able to be fully defined or specified or when alternate methods are being sought to perform a certain function or service, at the time of the request.

**“Request for Quotations”** or **“RFQ”** means an informal request for prices on Goods and/or Services with an estimated procurement cost between \$10,000 and up to but not including \$100,000, and where comprehensive technical Specifications can be developed. Request for Quotations may be processed by the Client Department.

**“Request for Roster Candidates”** or **“RFRQ”** means a procurement document issued by the City requesting pricing and details with respect to vendors, with the intent of creating an approved list of vendors known as rostered candidates, and whereby work assignments under a specific cost limit will be offered by the City to said rostered candidates on an as-needed basis over a three year period.

**“Request for Roster Quotations”** or **“RFRQ”** means an informal request for costing from roster candidates for category specific consulting services with an estimated procurement cost between \$150,000 and up to but not including \$250,000.

**“Request for Tenders”** or **“RFT”** means a formal request for prices on Goods and/or Services from vendors, where the Goods and/or Services are able to be fully defined or specified at the

time of the request.

**“Revenue Generating Contracts”** means a legal agreement between the City and a third party that yields a financial return for the City. Revenue Generating Contracts include, but are not limited to:

- (a) Service Revenue Contracts; and
- (b) Profit Sharing Contracts; and
- (c) Mixed Revenue Contracts; and
- (d) advertising Contracts.

**“Services”** means all professional, consulting, construction or maintenance services, as well as any other services described in a Contract or in a RFQ, RFT or RFP.

**“Service Revenue Contracts”** means the sale of Goods and/or Services by the City to a third party.

**“Specifications”** means the detailed description of, and written requirements and standards for, Goods and/or Services contained in a RFQ, RFP or RFT to the extent known or available to the Client Department, and also includes any drawings, designs and models.

**“Sponsorship”** means a financial contribution or in-kind contribution of goods or services provided to the City in return for recognition, and includes advertising sold in support of a City Event.

**“Standardization”** is a management decision-making process that examines a specific common need or requirement and then selects a Good and/or Service that best fills that need to become the standard.

**“Sweatshop”** means a facility where individuals manufacture, assemble or produce consumer goods in working conditions that constitute Sweatshop Conditions.

**“Sweatshop Conditions”** means working conditions that include any of the following:

- (a) employees are not provided with working conditions that: meet or exceed the International Labour Organization (“ILO”) Conventions' standards governing forced labour (ILO Convention 29 – Forced Labour Convention, 1930) and (ILO Convention 105 - Abolition of Forced Labour Convention, 1957), child labour (ILO Convention 138 – Convention concerning Minimum Age for Admission to Employment – the “Minimum Age Convention, 1973” and United Nations Convention On The Rights Of The Child – November 20, 1989, Article 32), payment of wages (ILO Convention 95 - Protection of Wages Convention, 1949), hours of work, occupational health, occupational safety, and non-discrimination (ILO Convention 111 – Discrimination {Employment and Occupation, 1958}); and are in compliance with all applicable federal, state, provincial and local laws of the locality of manufacture; and
- (b) employees are compensated by their employer at an hourly rate below the poverty threshold; and
- (c) employees are subject to forced labour practices, whether in the form of involuntary prison labour, indentured labour, bonded labour or otherwise; and
- (d) employees are under the age of 18 are exposed to situations, in or outside the

workplace, that are hazardous, unsafe or unhealthy; and

- (e) employees are not provided with a minimum of one day off for every seven-day period; and
- (f) employees are subject to physical, sexual, psychological abuse or harassment, verbal abuse, or any other form of abuse, including corporal punishment; and
- (g) employees are not provided with a safe and hygienic workplace, including access to clean toilet facilities and safe drinking water.

**"Time-Sensitive"** means a situation for which the timing to complete the procurement is paramount, but the time available to follow normal procedures is insufficient.

**"Trade Agreements"** means the *Canadian Free Trade Agreement (CFTA)*, *Trade and Cooperation Agreement between Ontario and Quebec (OQTCA)*, *Comprehensive Economic and Trade Agreement (CETA)* between Canada and the European Union and such further and other agreements that apply to municipal procurement.

**PROCUREMENT POLICY**  
**POLICY # 1 - Vendor Eligibility**

**SECTION 4.1**

- (1) The City will make reasonable efforts to maintain an electronic vendor database of those vendors who have expressed an interest in doing business with the City and who have completed an online registration process.
- (2) Without limiting or restricting any other right or privilege of the City and regardless of whether or not a Bid otherwise satisfies the requirements of a Request for Prequalifications, RFP or RFT, the City may reject any Bid from a vendor where,
  - (a) in the opinion of the City, the commercial relationship between the City and the vendor has been impaired by the act(s) or omission(s) of such vendor including but not limited to any one or more of the following having occurred within the five year period immediately preceding either the date on which the RFP or RFT is awarded or the date on which the vendor has been shortlisted pursuant to a Request for Prequalifications:
    - (i) the vendor being involved in Litigation with the City;
    - (ii) act(s) or omission(s) resulting in a claim by the City under any security submitted by the vendor on a RFP or RFT, including but not limited to a bid bond, a performance bond, or warranty bond;
    - (iii) the failure of the vendor to pay, in full, any outstanding payments (and, where applicable, interest and costs) owing to the City by such vendor, after the City has made demand for payment of same;
    - (iv) the vendor's refusal to follow reasonable directions of the City or to cure a default under any Contract with the City as and when required by the City;
    - (v) the vendor's refusal to enter into a Contract with the City after the vendor's Bid has been accepted by the City;
    - (vi) the vendor's unsatisfactory performance as determined by the City in its absolute discretion, including the vendor's refusal to perform or to complete performance of a Contract with the City;
    - (vii) the vendor having unlawfully or unreasonably threatened, intimidated, harassed, or otherwise interfered with an attempt by any other prospective vendor to bid for a City Contract or to perform any Contract awarded by the City to that vendor;
    - (viii) the vendor having discussed or communicated, directly or indirectly, with any other vendor or their agent or representative about the preparation of the vendor's Bid including, but not limited to, any connection, comparison of figures or arrangements with, or knowledge of any other vendor making a Bid for the same work except in the instance of a Joint Venture where one is permitted.
    - (ix) the vendor having unlawfully or unreasonably threatened, intimidated, harassed, assaulted or committed battery against, or otherwise interfered with an official, employee, representative, agent or independent consultant or contractor of the City in the performance of his or her duties or in any way attempted to influence such persons;



- (x) the vendor has on one or more occasions, in the performance of a Contract with the City, deliberately, with wilful blindness or negligence, save and except an inadvertent error corrected to the satisfaction of the City within a reasonable time, as determined by the City,
    - 1. over-billed, double-billed and/or retained a known over-payment, or has failed to notify the City of an over-payment or duplicate payment;
    - 2. billed for items not supplied;
    - 3. billed for items of one grade, while supplying items of an inferior grade;
    - 4. made a misrepresentation as to the quality or origin of Goods, their functionality or suitability for a purpose, or their performance characteristics;
    - 5. submitted false or misleading information to the City;
    - 6. acted in conflict with the City's interests;
    - 7. misappropriated any property or right of the City, in any form; or
    - 8. committed any other form of sharp or deceptive practice;
  - (xi) any other act or omission by the vendor that the City deems to impair the commercial relationship between the City and the vendor.
- (b) in the opinion of City there are reasonable grounds to believe that it would not be in the best interests of the City to enter into a Contract with the vendor, including but not limited to:
- (i) the conviction of that vendor or any person with whom that vendor is not at arm's length within the meaning of the *Income Tax Act* (Canada) of an offence under any taxation statute in Canada;
  - (ii) the conviction or finding of liability of that vendor under the *Criminal Code* or other legislation or law, whether in Canada or elsewhere and whether of a civil, quasi-criminal or criminal nature, of moral turpitude including but not limited to fraud, theft, extortion, threatening, influence peddling and fraudulent misrepresentation;
  - (iii) the conviction or finding of liability of that vendor under any environmental legislation, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for the environmental well-being of the communities in which it carries on business;
  - (iv) the conviction or finding of liability of that vendor relating to product liability or occupational health or safety, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for the health and safety of its workers or customers;
  - (v) the conviction or finding of liability of that vendor under the financial securities legislation whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for its stakeholders.
- (3) For the purposes of subsections (2), (4), (5), (6), (7)(d), (8), (9) and (10) of this Policy # 1, a reference to a vendor shall also include: an officer, a director, a majority or

controlling shareholder, or a member of the vendor, if a corporation; a partner of the vendor, if a partnership; any corporation to which the vendor is an affiliate of or successor to, or an officer, a director or a majority or controlling shareholder of such corporation; a Joint Venture; and any person with whom that the vendor is not at arm's length within the meaning of the *Income Tax Act* (Canada).

- (4) In the circumstances described in subsections (2) and (9), the City may, in addition or in the alternative to rejecting a Bid from a vendor, ban a vendor from competing for or being awarded any City Contract for a period of up to ten years.
- (5) Without limiting or restricting any other right or privilege of the City, the City may refuse to enter into a Contract with a vendor where any of the circumstances described in (2)(a), (2)(b) or (9) of this Policy # 1 have occurred within the five year period preceding the date on which the refusal to enter into the Contract is approved by Council. In addition, or in the alternative to refusing to enter into the Contract, the City may ban a vendor from competing for or being awarded any City Contract for a period of up to ten years as approved by Council
- (6) Except with the prior express written consent of the City,
  - (a) a vendor and its representatives shall not act on behalf of the City with respect to any matter, issue or in connection with any property in which the vendor or any employee or subcontractor of the vendor has a direct or indirect pecuniary interest, including any contingent interest;
  - (b) a vendor shall not act in any case where there may be any conflict of interest between it and the City, and each vendor shall notify the City, in writing, immediately of any potential conflict of interest that may arise prior to the award of any contract and fully disclose any details thereof;
  - (c) before submitting any Bid to act on behalf of the City, the vendor shall exercise reasonable due diligence to confirm that there is no conflict of interest within the contemplation of this subsection; and
  - (d) failure on the part of a vendor to declare a conflict of interest to the City and to obtain the City's prior express written consent to waive the conflict of interest shall result in the vendor being ineligible to Bid and shall form a basis for rejection of a Bid submitted to the City.
- (7) Where the Contract is awarded to a vendor who has made an unauthorized amendment to the City's pre-printed forms (e.g. *Form of Proposal* or *Form of Tender*) or other documents submitted as part of the vendor's Bid, then within a reasonable time of the City discovering that unauthorized amendment, the City may,
  - (a) permit the vendor to withdraw an unauthorized amendment to the City's *Form of Proposal* or *Form of Tender*, at no cost to the City; or
  - (b) cancel or terminate the Contract without any compensation whatsoever to the vendor by giving written notice to that effect to the vendor; or
  - (c) recover from such vendor any amounts the City paid to the vendor and all costs, expenses, damages and losses incurred or accrued by the City as a result of the unauthorized amendment; or

- (d) ban such vendor from competing for or being awarded any City Contract for a period of up to ten years where, in the opinion of Council, the change was made by the vendor as part of a deliberate attempt to deceive and such deception has resulted in an impairment of the commercial relationship between the City and such vendor,
- or any combination of the foregoing.
- (8) Where a vendor has the Lowest Compliant Bid to a RFT or RFP or has the successful Bid in accordance with the evaluation methodology set out in a RFP, which Bid has been rejected due to the vendor's failure to initial a legible change such as an erasure, strike out, white out, cross out or overwriting, within one business day of the City's request, the vendor shall also be banned from competing for or being awarded any City Contract for a period of one year. Only the ban, and not the rejection of the Bid, may be challenged by the vendor in accordance with Policy # 18 – Vendor Complaint Resolution.
- (9) No Lobbying and Single Point of Contact
- (a) A vendor and its representatives are prohibited from engaging in any form of public comment, political statement or other lobbying, of any kind whatsoever, that may or could influence the outcome of the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ initiated by the City and therefore shall not:
- (i) make any public comment, respond to questions in a public forum, or carry out any activities to publicly promote or advertise their qualifications, their service or product, or their interest in an RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ;
  - (ii) communicate with the City regarding an RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ except through the Manager of Procurement or designate identified in the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ, who shall be the single point of contact for that procurement document. Having a single point of contact for the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ is intended to allow all other persons involved with the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ on behalf of the City to avoid any perception of a conflict of interest and to conduct the procurement set out in the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ in as fair and objective a manner as possible;
  - (iii) make any attempt to contact, directly or indirectly, any of the following persons, with respect to an RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ,
    1. any member of an evaluation team;
    2. any member of a costing team;
    3. any expert, independent consultant or other advisor assisting the City;
    4. any elected City official;
    5. any staff of the City of Hamilton or its advisors; or
    6. any other persons connected in any way with the procurement document,
- until such time when the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ is cancelled or awarded.
- (b) A vendor who has been awarded a Contract shall not engage in any contact or activities in an attempt to influence any elected City official or City staff with

respect to the purchase of additional enhancements, requirements, options, or modules. A vendor may communicate with the City and City staff for the purposes of administration of the Contract during the term of the Contract.

The determination of what constitutes an attempt to influence shall be at the sole discretion of the City, acting reasonably, and is not subject to challenge under Policy # 18 - Vendor Complaint Resolution.

- (c) The restrictions outline in subsection (a) and (b) of Policy #1 do not preclude the vendor from pursuing its remedies under Policy # 18 Vendor Complaint Resolution.
- (10) Where the Manager of Procurement has demonstrated and the Procurement Sub-Committee is satisfied that there is sufficient evidence of act(s) or omission(s) described in this Policy #1 on the part of a vendor, the Procurement Sub-Committee may impose an interim ban upon the vendor from competing or being awarded any City Contract, under the following circumstances:
- (a) while an investigation is being conducted by the Manager of Procurement;
  - (b) while there is documented poor performance or non-performance that has not been resolved to the City's satisfaction and which has impaired the commercial relationship between the City and the vendor such that the vendor ought to be precluded from submitting bids on other contracts until the vendor performance issues have been rectified; or
  - (c) when a vendor has been found to be in breach of a City Contract and which breach has impaired the commercial relationship between the City and the vendor such that an interim ban is necessary in order to preclude the vendor from submitting bids on other contracts pending Litigation or a final ban.

The interim ban may be imposed for a period of up to 12 months. The Procurement Sub-Committee's decision shall be final with respect to the interim ban.

- (11) Where an interim ban is imposed under subsection (10), the Manager of Procurement shall, prior to the expiry of the interim ban, report to the appropriate standing committee of Council the status of the investigation and any recommendations for further action.

## POLICY # 2 - Approval Authority

### SECTION 4.2

- (1) Any person delegated Approval Authority pursuant to this Policy # 2 shall ensure that an approved budget exists for the proposed procurement and that such procurement does not violate any City policies or any applicable law. Any such procurement shall also satisfy any applicable audit requirements of the City.
- (2) The following body and persons shall have the respective Approval Authority as set out below:
  - (i) **Council** must approve the funding for any procurement of a value of \$250,000 or greater.
  - (ii) **City Manager** must approve the funding for any procurement of a value of \$100,000 up to but not including \$250,000. The City Manager may sub-delegate such Approval Authority to his/her staff, who are referred to as an Authorized Delegate in the table below, at the procurement values he/she deems appropriate. Staff who have been further delegated Approval Authority from the City Manager to approve procurements **shall have no authority to** delegate this Approval Authority to any other person. The City Manager may also exercise the Approval Authority of a General Manager.
  - (iii) **General Managers** are authorized to approve the funding for procurements of a value up to but not including \$100,000, save and except for Policy #9 – Consulting and Professional Services and in an Emergency wherein Policy # 10 Emergency Procurements shall apply. **Only** General Managers may sub-delegate such Approval Authority to their staff, who are referred to as an Authorized Delegate in the table below, at the procurement values they deem appropriate. Staff who have been further delegated Approval Authority from their General Manager to approve procurements **shall have no authority to** delegate this Approval Authority to any other person.
- (a) The following chart indicates the approval authorities for various Procurement Policies in accordance with this Policy #2 as well as the persons having the authority to execute contracts in accordance with Policy #13 Authority to Execute Contracts.

PROCUREMENT POLICY		ESTIMATED PROCUREMENT VALUE (\$, Canadian Funds, exclusive of applicable taxes)	APPROVAL AUTHORITY POLICY #2	AUTHORITY TO EXECUTE CONTRACTS POLICY #13 *
Policy # 5.1	Low Dollar Value Procurements	Up to but not including \$10,000	General Manager or Authorized Delegate	Person who exercised the Approval Authority for the procurement.
Policy # 5.2	Request for Quotations	\$10,000 up to but not including \$100,000	General Manager or Authorized Delegate	Person who exercised the Approval Authority for the procurement.
Policy # 5.4	Request for Proposals	\$10,000 up to but not including \$100,000	General Manager or Authorized Delegate unless any of the conditions in subsection (3) of Policy #2 apply, then Council approval is required.	General Manager and City Manager
Policy # 5.3	Request for Tenders	\$100,000 up to but not including \$250,000	City Manager or Authorized Delegate unless any of the conditions in subsection (3) of Policy # 2 apply, then Council approval is required.	General Manager and City Manager
Policy # 5.4	Request for Proposals		For linear construction Contracts issued in conjunction with the Public Works Department, the General Manager of Public Works or Authorized Delegate unless any of the conditions in subsection (3) of Policy # 2 apply, then Council approval is required.	General Manager of Public Works and City Manager

PROCUREMENT POLICY	ESTIMATED PROCUREMENT VALUE (\$, Canadian Funds, exclusive of applicable taxes)	APPROVAL AUTHORITY POLICY #2	AUTHORITY TO EXECUTE CONTRACTS POLICY #13 *
<p>Policy # 5.3 Request for Tenders</p> <p>Policy # 5.4 Request for Proposals</p>	<p>\$250,000 or greater</p>	<p>Council</p> <p>a) where the funds to procure the goods and services have been previously approved through the budget process;</p>	<p>General Manager and City Manager</p>
		<p>b) for all other Contracts;</p> <p>c) where any of the conditions in subsections (3) and (4) of Policy # 2 apply.</p>	<p>City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract</p>
		<p>For linear construction Contracts issued in conjunction with the Public Works Department, the General Manager of Public Works or Authorized Delegate unless any of the conditions in subsection (3) of Policy # 2 apply, then Council approval is required.</p>	<p>General Manager of Public Works and City Manager</p>
<p>Policy # 7 Construction Contracts (applicable to existing contracts with unexpected circumstances)</p>	<p>\$10,000 or greater</p>	<p>General Manager (Policy #7 <i>Construction Contracts Form</i>)</p>	<p>Where the existing contract requires a formal amendment, same persons as existing contract.</p>

PROCUREMENT POLICY		ESTIMATED PROCUREMENT VALUE (\$, Canadian Funds, exclusive of applicable taxes)	APPROVAL AUTHORITY POLICY #2	AUTHORITY TO EXECUTE CONTRACTS POLICY #13 *
Policy # 10	Emergency Procurements	\$10,000 or greater	General Manager	General Manager
Policy # 11	Non-competitive Procurements (single source and short supply)	Up to but not including \$250,000	General Manager	General Manager
		\$250,000 or greater	Council	City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract.
Policy # 11	Non-competitive Procurements (extension)	Any value where the extension does not exceed 18 months from Contract expiry	General Manager	General Manager
		Any value where the extension exceeds 18 months from Contract expiry	Council	City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract.

\*(persons authorized to execute the Contract and all necessary associated documents. Includes persons in an acting position)



- (3) The Client Department in conjunction with the Procurement Section shall submit a report to Council and the appropriate standing committee recommending award of an RFT or RFP if **ANY** of the following conditions apply:
  - (a) the value of the Bid being recommended for award and any contingency allowance are in excess of the Council approved budget including any contingency allowance, or
  - (b) for capital projects, when the final competitively procured cost of the proposed procurement exceeds the amount provided in the Council approved capital budget for that project by \$250,000 or greater, or
  - (c) for RFTs, the award is not being made for the Lowest Compliant Bid, or
  - (d) for RFPs, the award is not being made in accordance with evaluation methodology set out in the RFP, or
  - (e) where in the opinion of the City Manager, the Client Department's award recommendation is not in the best interest of the City, or
  - (f) there are Provincial or Federal government requirements for Council approval.
- (4) The Client Department shall submit a report to Council and the appropriate standing committee recommending a single source procurement of \$250,000 or greater in accordance with Policy #11 – Non-competitive Procurements.
- (5) Council may delegate further Approval Authority as it considers necessary from time to time, including but not limited to, any extended time periods during which Council does not meet.
- (6) The City's Director of Financial Services & Corporate Controller shall prepare a quarterly status report to Council on Request for Tenders and Request for Proposals which shall identify those procurements:
  - (a) which have been issued, but not yet closed,
  - (b) which have closed and are under review, and
  - (c) which have been awarded or cancelled,since the previous status report.
- (7) The issuance and approval of award of a Revenue Generating Contract of any value requires the approval of the General Manager of the Client Department. It will be at the discretion of the General Manager of the Client Department whether to also seek Council approval on the issuance and/or approval of award of a Revenue Generating Contract.
- (8) Acceptance of a Sponsorship of any value requires the approval of the General Manager of the Client Department. It will be at the discretion of the General Manager of the Client Department whether to also seek Council approval on the City's acceptance of a Sponsorship.

### POLICY # 3 - Specifications

#### SECTION 4.3

- (1) The following requirements shall be followed in the preparation of the Specifications:
  - (a) Specifications are to be detailed but not brand specific, unless standardized in accordance with Policy # 14 – Standardization to maintain a competitive procurement process.
  - (b) Where the Specification requirements of the Client Department will result in a single source purchase, the Client Department shall follow Policy # 11 – Non-competitive Procurements.
  - (c) Where the Specifications relate to matters that are addressed under the Corporate Energy Policy, they shall be approved by the City's Manager of Energy Initiatives to ensure that they meet the requirements of said policy.
  - (d) Client Departments shall advise the Information Technology Division of proposed procurements that relate to new software purchases and shall comply with the Corporate Computer and Technology Acceptable Use Policy and Security Policies. Specifications shall be approved by Director of Information Technology or Authorized Delegate to ensure that they meet the requirements of said policies.
  - (e) Vendors or potential vendors shall not be requested to expend time, money or effort on design or in developing Specifications or otherwise to help define a requirement beyond the normal level of service expected from vendors. Where such services are required,
    - (i) the Manager of Procurement must be advised;
    - (ii) the contracted vendor will be considered a consultant and will not be allowed to make an offer of the supply of the Goods and/or Services;
    - (iii) where a vendor is retained or is anticipated to be retained to complete pre-Bid services, feasibility studies, preliminary design or development work, the Client Department shall engage the Procurement Section during the preliminary planning stages of the project to determine if follow-on or multi-phase assignments are anticipated and to determine the appropriate competitive procurement process to be used and whether a report to Council is necessary with respect to the project;
    - (iv) a fee shall be paid, the amount of which shall be determined and agreed upon by the vendor before the services commence; and
    - (v) the detailed Specifications shall become the property of the City, and can be used in obtaining Bids.
  - (f) Where it is not possible to prepare precise Specifications to issue a Request for Tenders, a Request for Proposals shall be issued. The Client Department, in cooperation with the Procurement Section, shall prepare evaluation criteria and weightings for the criteria. The RFP shall clearly distinguish those requirements that are deemed mandatory and non-mandatory and shall clearly outline how these items will be evaluated.
  - (g) When preparing the Specifications, the Client Department shall be knowledgeable of the *Ontarians with Disabilities Act, 2005* and the regulations thereunder, as amended, re-enacted or replaced from time to time, and the City's

Barrier Free Design Guidelines 2006 or the most recent version and apply those requirements with respect to procuring Goods and/or Services and in the development of the Specifications.

- (h) When preparing the Specifications, the Client Department shall consider the amount of packaging that would be associated with the procurement of a Good. If the required level of packaging is felt to be too excessive, then the Specifications for those Goods will require the vendor to be responsible for and bear the cost for the removal and disposal of the packaging materials.
- (2) The preparation of the Specifications for Request for Quotations, Request for Proposals or Request for Tenders shall be the responsibility of the Client Department. Specifications shall be approved by the Client Department Authorized Delegate and shall be forwarded directly to the Procurement Section with approval attached.
- (3) The Procurement Section shall have the authority to review and recommend improvements to the Specifications when deemed necessary. The Client Department shall cooperate with the Procurement Section in the finalization of the Specifications. Should the Procurement Section and the Client Department not be able to reach agreement on Specifications within the allotted timeline, the General Managers of the Client Department and of Finance and Corporate Services Department will attempt to resolve the matter.
- (4) The City may issue a RFI through Centralized Procurement. A RFI can be used to determine if there is sufficient vendor interest to justify proceeding with a competitive procurement process and/or to gain additional information on the Good and/or Service from the vendor community. Any resulting competitive procurement process will be issued in accordance with Policy # 5 – Determining the Procurement Process.

## **POLICY # 4 - Prequalification of Vendors**

### **SECTION 4.4**

- (1) The purpose for prequalification of vendors is to ensure that each vendor intending to perform work on a City Contract can demonstrate its capability to provide the necessary expertise and resources to satisfactorily complete the work required.
- (2) Prequalification of vendors shall be issued through Centralized Procurement and will only be considered in the following circumstances:
  - (a) the work will require substantial project management by the City if the vendor is not appropriately experienced and could result in a substantial cost to the City;
  - (b) the Goods and/or Services to be purchased must meet national safety standards;
  - (c) the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials, or financial requirements;
  - (d) there could be a substantial impact on City operations if the work is not satisfactorily performed the first time;
  - (e) where time requirements necessitate efficient use of time and expertise;
  - (f) any other circumstances deemed appropriate by the Manager of Procurement.
- (3) Prequalification requires vendors to provide such information as requested by the City to determine that the vendor and, where necessary, any applicable sub-contractors have the capability in all respects to perform the contract requirements. This information may include such things as:
  - (a) previous experience on similar work (firm and staff assigned);
  - (b) capacity to fulfill the contract requirements; and
  - (c) the facilities and/or equipment to perform the work.
- (4) Vendor submissions will be evaluated, ranked, and a list of prequalified vendors will be established.

## POLICY # 5 - Determining the Procurement Process

### SECTION 4.5

- (1) Sales taxes, excise taxes, value added taxes, duties and shipping shall be excluded in determining the procurement limit of Authorized Delegates and the type of procurement process to be followed.
- (2) The dollar values identified in this Procurement Policy represent the **annual** estimated procurement value for a Good and/or Service to be procured. The annual estimated procurement value is the cumulative value of a particular Good and/or Service in one calendar year. For multi-year Contracts, the estimated total procurement value over the term of the Contract, including any renewal periods, shall be used as the basis for determining which procurement process and Approval Authority applies.
- (3) It should be the intent of the Client Department to procure Goods and/or Services of like nature as a combined effort.
- (4) Where Provincial and/or Federal Governments impose unique requirements in order to qualify for funding, the City's procurement documents will be amended to include those provisions.
- (5) Where there is an incumbent vendor on a corporate City Contract which is of a highly sensitive nature due to the risk associated with financial loss, confidentiality or the handling of sensitive information, a report shall be forwarded to the applicable standing committee of Council and Council to seek direction on the type of procurement process to be followed for the acquisition of the Good and/or Service.
- (6) Where the estimated gross revenue for a Revenue Generating Contract is \$10,000 or greater, the Revenue Generating Contract shall follow the RFP or RFT process through Centralized Procurement.

Service Revenue Contracts of any value shall be exempt from the public procurement processes outlined in the Procurement Policy, save and except Policy # 2 – Approval Authority and Policy # 13 – Authority to Execute Contracts. Mixed Revenue Contracts are not exempt.

In the event that a Revenue Generating Contract falls under more than one City Policy, both Policies must be adhered to unless that Contract and/or the other City Policy is specifically exempted from the Procurement Policy.

**POLICY # 5.1 - Low Dollar Value Procurements  
(up to but not including \$10,000)**

**SECTION 4.5.1**

- (1) Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts, the Client Department may directly procure Goods and/or Services with an estimated procurement value up to but not including \$10,000. Neither a RFQ, RFP nor RFT is required for Low Dollar Value Procurements.
- (3) The General Managers may delegate Approval Authority to their staff for Low Dollar Value Procurements. This procurement function has been de-centralized and therefore, it is the responsibility of the respective General Manager to ensure that the Procurement Policy is adhered to.
- (4) An authorized online Purchase Requisition is be utilized to initiate a Purchase Order and/or formal Contract process for any procurement over \$10,000.

**POLICY # 5.2 - Request for Quotations  
(\$10,000 – up to but not including \$100,000)**

**SECTION 4.5.2**

- (1) Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts, a Request for Quotations process is used by the Client Department for Goods and/or Services with an estimated procurement value of between \$10,000 and up to but not including \$100,000 in the following manner:
  - (a) the applicable templated Request for Quotations documents shall be used to issue and secure Bids from vendors unless otherwise previously approved by the Procurement Section;
  - (b) a minimum of three compliant Bids from different vendors shall be obtained by any method of written communication unless otherwise approved by the Procurement Section;
  - (c) in seeking the vendors for Request for Quotations, staff shall also use the electronic vendor database;
  - (d) Bids must be received from a minimum of three separate vendors;
  - (e) a "No Bid" response shall not be considered a valid Bid;
  - (f) all vendors shall receive the same Request for Quotations written information;
  - (g) the Request for Quotations shall be awarded to the Lowest Compliant Bid; and
  - (h) all written Bids shall be retained in the Client Department files in accordance with City By-law No. 11-040 (To Establish Retention Periods for Records of the City of Hamilton), as amended, re-enacted or replaced from time to time.

The Manager of Procurement may waive the requirement for three Bids, but will only do so where the Client Department has demonstrated to the satisfaction of the Manager of Procurement that a minimum of three Bids cannot be obtained.

- (3) Any multi-year Request for Quotations, including any contract with option(s) to extend, issued by the Client Department must be reviewed and approved by the Procurement Section prior to the RFQ being issued. As well, all Bids received in response to a multi-year Request for Quotations and any award recommendation shall also be reviewed by the Procurement Section to ensure compliance with the RFQ this Policy #5.2.
- (4) Staff is encouraged to seek more than the minimum three written Bids to ensure a more competitive process and to utilize any Request for Quotations template provided by the Procurement Section.
- (5) In the event that two or more identical Bids are received and are the Lowest Compliant Bids, best and final offers will be solicited from each of these vendors in order to break the tie. If this effort is unsuccessful, then a draw will be held to determine the successful vendor.
- (6) The Procurement Section shall assist when requested by the Client Department, or when deemed necessary, with the Request for Quotations process.

- (7) An authorized online Purchase Requisition shall be utilized to initiate a Purchase Order and/or formal Contract process.
- (8) When a Client Department would like to issue an RFP in lieu of a Request for Quotations, the RFP shall be issued by the Procurement Section in the same manner as for Requests for Proposals in Policy # 5.4 of the Procurement Policy.



**POLICY # 5.3 - Request for Tenders (\$100,000 and greater)**

**SECTION 4.5.3**

- (1) Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts,
  - (a) the Request for Tenders process is to be used for Goods and/or Services with an estimated procurement value of \$100,000 or greater and where comprehensive technical Specifications can be developed;
  - (b) the Request for Tenders process shall be carried out by Centralized Procurement;
  - (c) all Requests for Tenders shall be issued and awarded in accordance with the tendering procedures as determined by the City's Director of Financial Services;
  - (d) the Request for Tenders shall be awarded based on the Lowest Compliant Bid. In the event that two or more identical Bids are received and are the Lowest Compliant Bids, best and final offers will be solicited from each of these vendors in order to break the tie. If this effort is unsuccessful, then a draw will be held to determine the successful vendor.
- (3) When no compliant Bids are received in response to a Request for Tenders, and
  - (a) where time permits, in the opinion of the General Manager of the Client Department, the Request for Tenders shall be re-issued with the appropriate revisions; or
  - (b) where only one Bid has been received, the Manager of Procurement in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the procurement described in the Request for Tenders; or
  - (c) where time does not permit the re-issuance of the Request for Tenders in the opinion of the General Manager of the Client Department, and the Request for Tenders is not otherwise being revised, all vendors who submitted a Bid or secured the original Request for Tenders shall be given the opportunity to submit a new Bid. The Procurement Section will communicate to each vendor who previously submitted a Bid, any deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum; or
  - (d) where time does not permit the re-issuance of the Request for Tenders, and the Request for Tenders is being revised, all vendors who submitted a Bid or secured the Request for Tenders, shall be given the opportunity to submit a new Bid. The Procurement Section will communicate to each vendor who previously submitted a Bid, any deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum. The General Manager of the Client Department shall approve this process prior to implementation.
- (4) Where one or more Bids have been received and are in excess of budgeted funds, the General Manager of the Client Department in consultation with the Manager of Procurement may enter into negotiations with the vendor submitting the Lowest Compliant Bid, where it is agreed that the changes required to achieve an acceptable Bid will not

change the general nature of the requirement described in the RFT.

- (5) The Goods and/or Services shall be procured through a Purchase Order, Contract process and/or any other process as approved by the Director of Financial Services & Corporate Controller. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.
- (6) Where a Time-Sensitive situation occurs, the Manager of Procurement may authorize the Client Department to utilize the Policy # 5.2 - Request for Quotations in lieu of the Request for Tenders process.

## POLICY # 5.4 - Request for Proposals (\$10,000 and greater)

### SECTION 4.5.4

- (1) The Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts,
  - (a) the Request for Proposals process is to be used for Goods and/or Services with an estimated procurement value of \$10,000 or greater and where comprehensive technical Specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or service, at the time of the request;
  - (b) the Request for Proposals process must be implemented through Centralized Procurement;
  - (c) the Request for Proposals shall be issued and awarded in accordance with the RFP procedures as determined by the City's Director of Financial Services & Corporate Controller;
  - (d) the Request for Proposals shall clearly set out the evaluation criteria and weightings upon which an award of the Request for Proposals may be made. Subject to minor variations as may be approved by the Manager of Procurement, the evaluation methodologies that may be employed, are:
    - (i) **FIXED PRICE.** The City establishes a fixed dollar value for the award, and the Bids consist of only a technical Bid for that fixed dollar value. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. The award shall be made to the highest scoring vendor; or
    - (ii) **PRICE PER POINT.** The evaluation of the RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received. The City will then calculate the price per point for each Bid meeting the technical benchmark score and the award will be made to the vendor with the lowest price per point; or
    - (iii) **COMBINATION OF TECHNICAL AND PRICE SCORES.** The RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received and score the price based on a predetermined calculation set out in the RFP. The price weighting must be a minimum of 25 percent of the technical weighting. Only the General Manager of the Client Department may approve a price weighting of less than 25 percent of the technical weighting. A total evaluation score will be determined by adding the technical score and the price score. The award shall be made to the highest scoring vendor; or

- (iv) **LOWEST PRICED BID MEETING TECHNICAL BENCHMARK SCORE.**  
The RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in the RFP, the City will open the price Bid received. The award shall be made to the vendor who has successfully met the technical benchmark score and has the lowest priced Bid.

Where the RFP requires multiple vendors or a roster of vendors, the award shall be made consistent with the evaluation methodology stated above. The number of vendors to be awarded and the manner in which they shall be selected shall be clearly set out in the RFP.

Where an evaluation methodology other than the above is proposed, specific Council approval shall be obtained.

- (3) The Procurement Section will facilitate the RFP evaluation process. An evaluation committee will be formed with a minimum of three evaluators and be comprised of at least one representative from the Client Department. The evaluators shall review all compliant Bids against the established criteria, reach consensus on the final rating results, and ensure that the final rating results with supporting documents are kept in the procurement file. The Procurement Section representative shall not participate in the scoring of the Bid;
- (4) All Bids that meet the required terms, conditions and Specifications outlined in the Request for Proposals document shall be evaluated based on the evaluation criteria and weightings, subject to any rights or privileges reserved by the City;
- (5) Any award shall be made in accordance with the evaluation criteria and weightings contained in the Request for Proposals document, subject to any rights or privileges reserved by the City or as otherwise approved by Council.
- (6) When no compliant Bids are received in response to a Request for Proposals, and
- (a) where time permits in the opinion of the General Manager of the Client Department, the Request for Proposals shall be re-issued with the appropriate revisions; or
  - (b) where time does not permit the re-issuance of the Request for Proposals in the opinion of the General Manager of the Client Department, the Request for Proposals is not otherwise being revised, and the non-compliance is associated with the pricing portion of the multi-two step evaluation process, all vendors who have successfully passed the technical proposal requirements of the Request for Proposals shall be given the opportunity to submit a new price Bid only. The Procurement Section will communicate to each of these vendors, any Bid deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum.
- (7) Where only one Bid has been received in response to a Request for Proposals and
- (a) is non-compliant; or
  - (b) has successfully passed the technical proposal requirements and the Bid is non-compliant,

the Manager of Procurement in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the requirement described in the Request for Proposals.

- (8) Where the Bid being recommended for award is in excess of budgeted funds, the General Manager of the Client Department in consultation with the Manager of Procurement may enter into negotiations with the vendor submitting that Bid, provided that it is agreed by both the City and the vendor that the changes required to achieve an acceptable Bid will not alter the general nature of the requirement described in the RFP.
- (9) Except where another process is approved by the Director of Financial Services & Corporate Controller, the Goods and/or Services shall be procured through a Purchase Order and/or Contract process. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.

## **POLICY # 6 - Unsolicited Proposals**

### **SECTION 4.6**

- (1) If it is determined that there is a legitimate need for the Goods and/or Services offered by way of an unsolicited proposal, then an Acquisition Method shall be conducted in accordance with the Procurement Policy.

## POLICY # 7 - Construction Contracts

### SECTION 4.7

- (1) Where the procurement of Goods and/or Services involves construction, such construction Contracts must also meet the requirements of the Procurement Policy. However, construction Contracts of \$100,000 or greater also require both a Purchase Order and a written legal agreement, in a form satisfactory to the City Solicitor.
- (2) Construction Contracts are subject to the City's Fair Wage Policy and Fair Wage Schedule. The Fair Wage Policy and Fair Wage Schedule can be accessed on the City of Hamilton website.
- (3) For an approved construction Contract in which an unexpected circumstance arises during construction resulting in additional construction work, the General Manager of the Client Department may authorize the payment for such work and approve any required purchase acquisition documents, including a completed *Construction Contracts Form*.
- (4) Where additional consultancy work is required to oversee or administer the additional construction work referred to in subsection (3), and the consultancy services were not issued as a Policy #9 Consulting and Professional Services roster assignment, Policy #10 Emergency - Procurements or Policy #11-Non-competitive Procurement, the General Manager of the Client Department may authorize the payment for such consultancy work and approve any required purchase acquisition documents, including a completed *Construction Contracts Form*.
- (5) The *Construction Contracts Form* shall detail what additional construction or consultancy work was required to address the unexpected circumstances. Such additional work shall not expand the scope of the work but shall have been determined to be necessary in order to deliver the original approved work.

## POLICY # 8 - Vendor Performance Evaluation

### SECTION 4.8

- (1) On an annual basis and at the completion of every Contract for Goods and/or Services of \$100,000 or greater, the Client Department shall complete a *Vendor Performance Evaluation Form*. The General Manager of the Client Department shall ensure this performance evaluation is completed for these Contracts. Such evaluation shall be completed and a copy will be forwarded to the Procurement Section.
- (2) In the event of a vendor's unsatisfactory performance as determined by the City in its absolute discretion, including the vendor's refusal to perform or to complete performance of a Contract with the City at any time during the term of any City Contract, the General Manager or an Authorized Delegate of the Client Department shall complete and forward a copy of the Vendor Performance – Incident Reporting Form as soon as reasonably possible after the occurrence.
- (3) Documented unsatisfactory performance on any City Contract will be used to determine the eligibility of a vendor to continue to provide Goods and/or Services to the City on a current Contract and to determine their ability to participate on future City Contracts. Any vendor may be excluded from a bidding process due to unsatisfactory performance, where in the opinion of the Procurement Sub-Committee or Council, the commercial relationship between the City and such vendor has been impaired.
- (4) The City's Public Works Department shall be responsible for the vendor performance evaluation process with respect to linear construction Contracts issued by that department under Policy # 7 – Construction Contracts in a format which includes feedback from area residents and elected officials.
- (5) In the event of a vendor's breach of a City Contract, the Manager of Procurement in consultation with the Client Department shall have the discretion to either:
  - (a) re-issue the RFQ, RFT or RFP; or
  - (b) negotiate and enter into a new Contract for the remainder of the Contract with the second lowest bidder of the original RFT or RFQ, or the next qualified Proposal of the original RFP,whichever is in the best interests of the City.



## **POLICY # 9 - Consulting and Professional Services**

### **SECTION 4.9**

- (1) Unless otherwise provided, Consulting and Professional Services shall be acquired in accordance with the Procurement Policy.
- (2) A Consulting and Professional Services roster will be established every three years through a formal Request for Rostered Candidates process.
- (3) All Consulting and Professional Services roster contracts shall be awarded either by work assignments under the RFRC or by using a RFRQ process:
  - (a) Work assignments under the RFRC:
    - (i) shall be presented to vendors on an approved list (rostered candidates) and distributed on a rotational basis as well as a "best fit" basis;
    - (ii) shall have an estimated procurement cost of less than \$150,000; and
    - (iii) the General Manager of the Client Department shall award such works assignments by direct appointment through the applicable roster captain. The applicable roster captain shall ensure that there is a reasonably equitable distribution of the works, based on the total dollar value of the work. This method allows the City to employ a number of different consultants while matching the particular talents of a consultant to the project needs.
  - (b) The RFRQ:
    - (i) shall be issued to no less than three roster candidates under a specific roster category;
    - (ii) shall have an estimated procurement cost between \$150,000 and up to but not including \$250,000; and
    - (iii) is to be awarded to the lowest compliant Bid received.

The RFRQ process shall be administered by the Procurement Section and any Bids submitted shall be sent directly to the designated procurement specialist.
- (4) The General Manager of the Client Departments and the Manager of Procurement shall approve the appointment of rostered candidates and any acceptable subsequent change in any rostered candidate for their respective roster categories in accordance with the Request for Rostered Candidate document.
- (5) The General Managers of the Client Departments shall be responsible to prepare a joint annual information report to Council on all assignments awarded including consultants used and a breakdown of the total cost utilized by each roster category.

## POLICY # 10 – Emergency Procurements

### SECTION 4.10

- (1) Where in the opinion of the General Manager of the Client Department, an Emergency exists, Goods and/or Services shall be acquired by the most expedient and economical means. The Procurement Section will provide cooperative assistance when requested to expedite any procurement documents necessary to deal with the Emergency. The General Manager of the Client Department shall provide the reasons for his or her opinion that an Emergency exists and shall approve any purchase acquisition document issued under such conditions. For amounts exceeding \$250,000, the General Manager shall issue an information update to the City Manager and to Council,
- (2) Where the Emergency Operations Centre ("EOC") has been activated or Emergency situation has been declared, the City's EOC Plan shall supersede this Procurement Policy. Where feasible, all Goods and/or Services acquired during an EOC activation or a declared Emergency are to be processed on a Purchase Order and managed and documented through the use of a transaction log report. For amounts exceeding \$250,000, the City Manager shall submit an information update to Council.
- (3) Any information updates to Council shall endeavor to provide details as to what vendor(s) were engaged and the costs incurred as a result of procuring Goods and/or Services to resolve the Emergency.
- (4) Subsequent to the resolution of the Emergency, all transactions require a Purchase Requisition to be entered to complete the procurement process. The Client Department shall complete the *Emergency Procurement Form* and forward it to the Manager of Procurement for informational purposes.

**POLICY # 11 - Non-competitive Procurements**

**SECTION 4.11**

- (1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department will approve the *Non-competitive Procurement Form*, justifying the need to use this Policy # 11 prior to City staff entering into any discussions with any vendor regarding the purchase of the Goods and/or Services. This process may be adopted when any of the following conditions apply:
  - (a) when Goods and/or Services are judged to be in short supply due to market conditions (short supply);
  - (b) when a single source (for the purpose of this policy this shall include sole source transactions) for the supply of a particular Good and/or Service is being recommended because it is more cost effective or beneficial for the City (single source);
  - (c) where a City Contract has expired or will very shortly expire and unforeseeable circumstances have caused a delay in issuing a new RFP or RFT so that a Contract extension is required (Contract extension).
  
- (2) Council must approve any requests for negotiations for:
  - (a) a single source as set out in subsection (1)(b) of this Policy #11, where the cumulative value of the Policy 11 exceeds a multi-year value of the proposed procurement is \$250,000 or greater. For greater clarity, the total cumulative value of a Policy 11 shall not exceed \$250,000 in any given year or multiple consecutive years; or
  - (b) an extension as set out in subsection (1)(c) of this Policy #11, where the extension exceeds 18 months from the expiry of the Contract with a vendor.
  
- (3) All approved forms shall be forwarded to the Manager of Procurement. The Manager of Procurement will be responsible for reporting the use to Council on a quarterly basis.

TOTAL CUMULATIVE VALUE (\$, Canadian, Not including tax)	APPROVAL TO INITIATE POLICY # 11 PROCESS	APPROVAL TO ENTER INTO CONTRACT
Up to but not including \$250,000 for a single source or short supply type purchase	General Manager	Policy # 2 – Approval Authority
\$250,000 or greater for single source or short supply type purchases	Council	Council as per Policy # 2 – Approval Authority

TOTAL CUMULATIVE VALUE (\$, Canadian, Not including tax)	APPROVAL TO INITIATE POLICY # 11 PROCESS	APPROVAL TO ENTER INTO CONTRACT
Any value where the extension of a Contract does not exceed 18 months from Contract expiry	General Manager	Policy #2 – Approval Authority
Any value where the extension of a Contract exceeds 18 months from Contract expiry	Council	Council as per Policy # 2 – Approval Authority

- (4) The Goods and/or Services shall be procured through a Purchase Order, a formal Contract or any other process as approved by the Director of Financial Services & Corporate Controller.
- (5) Where consultancy services are being procured and are in excess of \$100,000, a formal Contract shall be required.
- (6) All formal Contracts shall be in a form satisfactory to the City Solicitor.

## **POLICY # 12 - Cooperative Procurements**

### **SECTION 4.12**

- (1) The City may participate with other government bodies, public authorities, conservation authorities, municipalities, academia, schools, hospitals (MASH sector) and not-for-profit organizations in cooperative procurement ventures for Goods and/or Services when it is in the best interests of the City to do so. Such cooperative procurements shall require the prior written approval of the Manager of Procurement.
- (2) At the discretion of the City's Manager of Procurement, the procurement procedures and policies of the entity initiating the procurement process will be followed.
- (3) The City will issue its own purchase order or contract for their respective Goods and/or Services to the successful vendor or where applicable to the lead participating agency for all cooperative procurements.
- (4) In the absence of an applicable City Contract and with the approval of the Manager of Procurement, the Client Department may purchase Goods and/or Services using established contracts issued by other government bodies, public authorities, conservation authorities, municipalities, academia, schools, hospitals (MASH sector) and not-for-profit organizations. For these contracts, the selection of the vendor must have been made through a competitive procurement process and the resulting contract must permit the City to purchase from that vendor under the same terms and conditions.
- (5) Where the Province of Ontario requires the City to meet a provincial standard for any Goods and/or Services, and has established a prequalified vendor of record list for such Goods and/or Services, the City may invite only those prequalified vendors to participate in the RFQ, RFT or RFP.

## POLICY # 13 - Authority to Execute Contracts

### SECTION 4.13

- (1) The General Manager of the Client Department and the City Manager shall execute Contracts and all necessary associated documents on behalf of the City for all RFT and RFP awards approved in accordance with Policy # 2 – Approval Authority. The applicable General Manager shall be the General Manager of Finance & Corporate Services in the case of a corporate-wide Contract.
- (2) Where a Contract is required for a procurement which was not initiated by an RFT or RFP but was otherwise authorized and approved in accordance with Policy # 2 – Approval Authority, the person having the applicable Approval Authority for the procurement shall also have the authority to execute the Contract and all necessary associated documents on behalf of the City.
- (3) For all other Contracts that received Council approval, the City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract.
- (4) The person(s) who have executed a Contract on behalf of the City in accordance this Policy # 13 shall also have the authority to execute any documents for an amendment, an assignment or corporate change request related to such Contract.
- (5) All Contracts shall be in a form satisfactory to the City Solicitor and shall contain content which is acceptable to the Client Department.
- (6) All Authorized Delegates will complete the *Notification of Signing Authority Form*, which shall not be effective until approved and executed by the General Manager or City Manager, as the case may be, and forwarded to the City's Finance & Administration and Special Projects Division for reference.

**POLICY # 14 - Standardization**

**SECTION 4.14**

- (1) The Manager of Procurement shall have the authority to negotiate with the original equipment manufacturers and licensed distributors of approved standardized products.
- (2) The Standards and Approved Products Committee shall be responsible to prepare an annual information report to Council outlining the rationale for any Standardization of Goods added to the City's Approved Products Listing, the number of Goods standardized and any standardized Good resulting in a single source purchase.
- (3) Where a standardized Good can be procured from more than one vendor that Good shall not be considered a single source purchase.
- (4) Where a standardized Good or Service is approved by Council or the Manager of Procurement and the expiry of the standardization is not stated in the approval report or motion, the expiry of the standardization shall be no more than 3 years from the date of the approval.
- (5) Standardization Approval Summary Table

<b>Standardization Type</b>	<b>Total Cumulative Value (\$)</b>	<b>Duration of the Standard</b>	<b>Approval Required</b>	<b>Expiry</b>
Standardization does not result in a single source purchase.	Less than \$100,000	No more than 5 years	Manager of Procurement or The Standards and Approved Products Committee*	At the conclusion of the contract term.
Standardization does not result in a single source purchase.	Less than \$100,000	Greater than 5 years	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.
Standardization does not result in a single source purchase.	\$100,000 or greater	Any	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.
Standardization results in a single source purchase.	\$10,000 or greater	Any	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.

\*Approvals made by The Standards and Approved Products Committee shall only be within the committee's mandate as approved by Council.

## **POLICY # 15 - Participation of Elected City Officials in the Procurement Process**

### **SECTION 4.15**

- (1) Elected City officials may participate in the procurement process in the narrowly defined circumstances described in this Policy #15 for those specific procurement projects identified by Council.
- (2) Elected City officials may participate as members of a steering committee for significant procurement projects identified by Council.

When Council identifies a significant procurement project for which elected City officials are to participate as members of a steering committee, Council will also address the following issues:

- (a) the extent of the elected City officials' involvement in the procurement process to ensure that they are able to provide input prior to the issuance of the procurement documents and to oversee the procurement process, but not function in a decision-making capacity;
  - (b) the selection of elected City officials who are able to comply with Policy # 17 - Conflicts of Interest and who do not otherwise have a perceived or actual conflict of interest that would impair their ability to be impartial; and
  - (c) the number of elected City officials to participate.
- (3) Elected City officials may not participate in the procurement process where they are required to be in an evaluation capacity. Their involvement in the approval capacity of the procurement process is limited to items that must be approved by Council pursuant to Policy # 2 - Approval Authority.



## **POLICY # 16 - Disposal of Surplus and Obsolete Goods**

### **SECTION 4.16**

- (1) A Director of the Client Department shall:
  - (a) declare a good as surplus or obsolete to the needs of the City before the good may be disposed of in accordance with this Policy # 16; and
  - (b) recommend the appropriate disposal methods, which are cost effective and in the best interest of the City, for the declared surplus or obsolete good.
- (2) The Manager of Procurement, in conjunction with the City's Director of Financial Services & Corporate Controller, shall have the authority to sell, exchange, or otherwise dispose of goods declared as surplus or obsolete to the needs of the City by any of the following disposal methods:
  - (a) by sale, lease, license or other disposition to other City departments; or
  - (b) by sale, lease, license or other disposition to public or private sector entities; or
  - (c) by external advertisement, Revenue Generating Contract, formal request, auction or public sale (where it is deemed appropriate, a reserve price may be established); or
  - (d) by donation to a non-profit agency; or
  - (e) by recycling; or
  - (f) in the event that all efforts to dispose of the goods by sale are unsuccessful, by scrapping or destroying if recycling is unavailable.
- (3) No disposition of such good(s) shall be made to employees of the City, members of Council, or their family members unless such good(s) are sold through external advertisement, formal request, auction or public sale and no conflict of interest exists. Prior to any such disposition, the employee shall declare their interest in writing to their General Manager, who will confirm whether any conflict of interest exists. In the case of an elected official, the elected official shall declare their interest in writing to the City Manager. Family members include those defined by the City's Code of Conduct for Employees Policy, Code of Conduct for Members of Council or such other similar policy currently in force.
- (4) The Manager of Procurement shall submit an annual report to the General Manager of Finance and Corporate Services summarizing the disposal of all surplus and obsolete goods pursuant to this Policy # 16.
- (5) The value of any declared surplus or obsolete good cannot be used to offset the value of procurement when determining the procurement process. For example, any trade-in value or salvage value recoverable from a project cannot be used to offset, reduce or change the value of the procurement for purposes of determining the appropriate procurement process to be followed under the Procurement Policy.
- (6) The disposal of artifacts is exempt from the requirements of the Procurement Policy.

## POLICY # 17 - Conflicts of Interest

### SECTION 4.17

- (1) Employees of the City shall not have a pecuniary interest, either directly or indirectly, in any City Contract or with any person acting for the City in any Contract for the supply of Goods and/or Services for which the City pays or is liable, directly or indirectly to pay unless such interest has been declared pursuant to the Code of Conduct for Employees Policy, as amended or replaced from time to time, and the employee otherwise complies with such policy.
- (2) In addition to complying with the Code of Conduct for Employees Policy as set out under subsection 4.17(1), employees of the City are required to declare any pecuniary interest, either direct or indirect, in writing to their General Manager with a copy to the Manager of Procurement indicating the specific nature of the conflict.
- (3) Members of Council are required to declare any pecuniary interest direct or indirect, and its general nature, which may result in a conflict of interest pursuant to the *Municipal Conflict of Interest Act* and the member of Council shall otherwise comply with that Act.
- (4) Any Contract with the City may be voided in which a member of Council or any employee of the City has an undeclared direct or indirect pecuniary interest.
- (5) All City employees and others participating in the development of the Specifications and/or evaluation for any Request for Tenders, Request for Prequalifications and Request for Proposals will be required to complete and sign a *Conflict of Interest Form*.

## POLICY # 18 - Vendor Complaint Resolution

### SECTION 4.18

- (1) The City of Hamilton encourages the most open, competitive procurement processes and the objective and equitable treatment of all vendors.
- (2) Vendors may feel aggrieved and may seek to dispute the recommendation of an award of a Contract. To maintain the integrity of the process, vendors who believe they have been treated unfairly may take the following steps, prior to the award of the Contract:
  - (a) Request a meeting with the Manager of Procurement within ten business days after the earlier of the following dates set out below has occurred:
    - (i) the date the vendor is notified that its Bid is non-compliant; and
    - (ii) the date the vendor is notified of the results of the evaluation of its Bid.

The vendor's request shall be in writing and shall provide a detailed statement of the grounds of the complaint, including copies of relevant documents, and identify the form of relief requested; and
  - (b) If no resolution satisfactory to both parties has been achieved, the vendor will have three business days from the date of the meeting with the Manager of Procurement to make a formal written request to meet with the General Managers of the Client Department and of Finance and Corporate Services regarding the vendor's complaint. The General Managers will make the final decision regarding the vendor's complaint, which decision may be made orally or in writing. If the General Managers' decision means that the City can proceed with the award of the Contract, then the award may occur at any time after such decision is made.
- (3) The scheduling of any meeting with the Manager of Procurement or applicable General Managers shall take place within three business days of the Manager of Procurement's receipt of the vendor's written request to meet so as not to delay the award of a contract. The Manager of Procurement shall provide the vendor with proposed dates and times for the meeting. The vendor shall be required to respond with their availability and attend a meeting at one of the proposed day and times otherwise have their complaint denied.
- (4) The request for any meeting with the applicable General Managers may be denied. For instance, where the applicable General Managers have determined that it would be inappropriate or where there is no merit to the complaint.
- (5) Where a vendor has been banned from competing for or being awarded any City Contract for a period of one year in accordance with subsection 4.1(7) of Policy # 1 - Policy for Vendor Eligibility;
  - (a) the vendor may challenge the one year ban only to the appropriate standing committee of Council where there are extenuating circumstances respecting why the initialing was not done within one business day of the City's request; and
  - (b) the appropriate standing committee will provide to Council a recommendation with respect to the vendor's complaint.

## POLICY # 19 – Non-compliance with the Procurement Policy

### SECTION 4.19

- (1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department in consultation with the Manager of Procurement will authorize the use of a *Non-Compliance with the Procurement Policy Form* which outlines the circumstances behind the non-compliance issue. This process is to be used when there is a violation of the Procurement Policy consisting of one or more of the following:
  - (a) the contracting of a vendor to provide Goods and/or Services, not in accordance with the requirements of the Procurement Policy;
  - (b) the receipt of an invoice by the City from a vendor, for Goods and/or Services previously acquired outside the procurement process required under the Procurement Policy;
  - (c) where it can be proven that the actions or non-actions of an employee, or employee group results in the requirement to initiate a procurement process pursuant to Policy # 10 – Emergency Procurements or Policy # 11 – Non-competitive Procurements;
  - (d) splitting of purchases contrary to the Procurement Policy requirements;
  - (e) any and aall other violations of the Procurement Policy.
- (2) Notwithstanding subsection (1) of this Policy # 19, an employee who fails to act in accordance with the provisions of the Procurement Policy, will be subject to appropriate disciplinary action up to and including termination of employment.

The General Manager of the Client Department will review such violations (through the *Non-Compliance with the Procurement Policy Form*) and shall consult with the Director of Employee & Labour Relations for consideration of any disciplinary action to be taken as appropriate.

- (3) The Director of Financial Services & Corporate Controller will be responsible for reporting the use of all *Procurement Policy Non-Compliance Forms* to Council on a quarterly basis.

## **POLICY # 20 – Review of the Procurement Policy**

### **SECTION 4.20**

- (1) The Manager of Procurement shall submit to the Procurement Sub-Committee and to the appropriate standing committee of Council a biennial report recommending any changes to the Procurement Policy to meet the needs and requirements of the City to operate in an efficient and cost effective manner and in accordance with all applicable laws.
- (2) All changes to the Procurement Policy require the approval of Council.
- (3) Changes to Procurement Procedures and Guidelines require the approval of the City's Director of Financial Services & Corporate Controller.
- (4) On a periodic basis the City's Internal Auditor will review the Procurement Policy to assess its effectiveness.

## POLICY # 21 – Anti-Sweatshop Procurement

### SECTION 4.21

- (1) The City of Hamilton does not encourage the use of consumer goods or products manufactured, assembled or produced in factories where persons and, in particular, children are used as slave or forced labour or in other exploitive manners which restricts the person's freedom or impedes the child's development. The City will consider the supply of consumer goods or products manufactured under such exploitive manners as a negative practice of the vendor.
- (2) The City will not knowingly accept consumer goods or products manufactured, assembled or produced in a Sweatshop or under Sweatshop Conditions.
- (3) The determination of compliance with this Policy # 21 shall be in the absolute discretion of the Manager of Procurement. The Manager of Procurement may, but is not obligated to, request further information and documentation from the vendor to confirm compliance; and may base his or her determination on information provided by Canadian or international certification or compliance agencies or groups, workers or labour unions or organizations, manufacturers, consumer groups, international organizations, ILO or United Nations sources and other parties.
- (4) If any consumer goods or products supplied under a RFQ/RFP/RFT are determined by the Manager of Procurement to be manufactured, assembled or produced in contravention to this Policy # 21 and/or the certificate required hereunder, the City reserves the right, at its absolute discretion, to:
  - (a) return all the goods to the vendor and require the vendor to replace, within 30 days from the date of notification by the City, the non-compliant goods or products with goods or products, of at least equal value, complying with this Policy # 21 and all other requirements and specifications of the RFQ/RFP/RFT, all at no cost to the City; or
  - (b) require the vendor, within 30 days from the date of notification by the City, to provide the City with conclusive evidence that the consumer goods or products have not been manufactured, assembled or produced in contravention of this Policy # 21, failing which the City may terminate the Contract without any compensation and without notice to the vendor.
- (5) If the City terminates a Contract with a vendor as a result of a breach of this Policy # 21, the City shall cease to be liable to the vendor or to any other person for any unpaid amounts that would otherwise have been payable under the terms of the Contract and shall not be under any obligation to return to the vendor any product supplied by the vendor under the Contract.
- (6) Child Labour Produced Goods Unacceptable

The City fully subscribes to the United Nations Convention on the Rights of the Child and, in particular, Article 32 of the Convention that requires that a Child shall be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the Child's health or physical, mental, spiritual, moral or social development. The City reserves the right to terminate any Contract unconditionally and without liability or compensation whatsoever to the City in the event

that consumer goods received from a vendor are discovered to have been manufactured, produced or assembled in a Sweatshop or in non-compliance with the national labour laws and regulations with respect to child employment and/or non-compliance with the United Nations Convention on the Rights of the Child.

- (7) A vendor shall certify the following on *the Form of Quotation/Form of Proposal/Form of Tender* to be included in an RFQ/RFP/RFT, as the case may be:

"We hereby represent and certify the foregoing:

- (a) all goods or products supplied under this RFQ/RFT/RFP have not been manufactured, assembled or produced, either wholly or in part, in a Sweatshop, as defined in the City of Hamilton's Procurement Policy or by child labour;
- (b) that any goods or products found to be supplied in contravention of the City's Anti-Sweatshop Policy will be returned to us, at our cost and at no cost whatsoever to the City, and that the City has the option to have the goods or products replaced by us with product of at least equal value, meeting specifications of the RFQ/RFT/RFP, or the City may terminate the Contract without any compensation whatsoever to us.

We hereby acknowledge that the City has been induced to consider this RFQ/RFT/RFP on the basis of this representation and certification.

We further acknowledge that the City shall have the right to reject our Quotation, Bid, or Proposal, terminate any Contract made, and collect any of its losses or damages arising out of our breach of the City of Hamilton's Procurement Policy."

## **POLICY # 22 – In-House Bid Submissions**

### **SECTION 4.22**

- (1) In-House Bid submissions may be considered when contemplating a transfer of services from internal services to external services or vice versa.
- (2) The General Manager of the Client Department submitting an In-House Bid shall obtain Council approval prior to submitting such a Bid. The Client Department's report to Council seeking such approval shall include as a minimum:
  - (a) the members of the In-House Bid submission team;
  - (b) which costs will be included in the Bid and how costs will be determined; and
  - (c) the rationale for submitting an In-House Bid.
- (3) The RFP or RFT documents to be utilized, as applicable, shall clearly indicate:
  - (a) an In-House Bid is being considered for the RFPQ/RFP/RFT; and
  - (b) any advantages that the In-House Bid will have over other bidders by virtue of it being an In-House Bid.
- (4) The integrity of the evaluation process will be maintained when evaluating an In-House Bid as follows:
  - (a) no member of the In-House Bid submission team nor any employee whose employment is affected by the In-House Bid shall have any communications with a member of the evaluation team or an elected official concerning the subject RFPQ/RFP/RFT, as the case may be, except in accordance with the communication and any interview provisions contained in the applicable RFPQ/RFP/RFT;
  - (b) no member of the evaluation team or an elected official shall have any communications with a member of the In-House Bid submission team nor any employee whose employment is affected by the In-House Bid, except in accordance with the communication and any interview provisions contained in the applicable RFPQ/RFP/RFT;
  - (c) no member of the In-House Bid submission team nor any employee whose employment is affected by the In-House Bid shall participate in the development of the subject RFPQ/RFP/RFT nor shall such persons have any communications with any person participating in the development of the subject RFPQ/RFP/RFT;
  - (d) the same rules shall govern the submission of the In-House Bid as will apply to any other bidder, unless expressly provided otherwise in the RFPQ/RFP/RFT document; and
  - (e) the evaluation of Bids shall be objective and the process shall avoid any unfair bias towards either the In-House or external Bids.



## **SCHEDULE A – Statement of Ethics for Public Procurement**

The following ethical principles should govern the conduct of every City employee delegated with the authority to procure.

- Believes in the dignity and worth of the service rendered by the organization, and the societal responsibilities assumed as a trusted public servant.
- Is governed by the highest ideals on honour and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
- Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.
- Keeps the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.

### **Responsibility to the City:**

- Follow the lawful instructions or laws of the employer.
- Understand the authority granted by the employer.
- Avoid activities which would compromise or give the perception of compromising the best interest of the employer.
- Reduce the potential for any chances of preferential treatment by actively promoting the concept of competition.
- Obtain the maximum benefit for funds spent as agents for the City.

### **Relationship with vendors:**

- Maintain and practice, to the highest degree possible, business ethics, professional courtesy and competence in all transactions.
- Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.
- Preclude from showing favouritism or be influenced by vendors through the acceptance of gifts, gratuities, loans or favours.
- Adhere to and protect the vendor's business and legal rights to confidentiality for trade secrets, and other proprietary information.

### **Relationship with the City:**

- Remain free of any and all interests and activities, which are or could be detrimental or in conflict with the best interests of the employer.
- Refrain from engaging in activities where a City employee has a significant personal or indirect financial interest.
- Exercise discretionary authority on behalf of the employer.
- Avoid acquiring interest or incurring obligations that could conflict with the interests of the City.

## SCHEDULE B – Exemptions

Items listed below are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority and Policy #13 – Authority to Execute Contracts. Where feasible, an authorized online Purchase Requisition shall be utilized to initiate a Purchase Order and/or formal Contract process.

### (1) Employer's General Expenses

- (a) Insurance premiums.
- (b) Debt payments.
- (c) Purchase of investments. This exemption does not include any ancillary services.
- (d) Grants, loans and levies.
- (e) Licenses (for example, vehicle, elevators, radios).
- (f) Real property payments including land, buildings, leasehold interests, easements, encroachments and licenses, or the like.
- (g) Insurance claims, legal settlements and grievance settlements. This exemption does not apply to the procurement for Goods to be replaced.
- (h) Adjusting services for the investigation of liability and property claims.
- (i) Binding orders, judgments or decisions of an arbitrator, tribunal or court. Given that these payments are mandatory, approval from the General Manager of the Client Department which is funding the payment is required instead of the approvals set out in Policy # 2 –Approval Authority.
- (j) Refundable travel expenses.
- (k) Temporary staffing agencies and recruitment services
- (l) Assessments and tools where positions and/or individuals are assessed for recruitment and selection purposes, including tools and assessments which would assist in the accommodation of individuals.
- (m) Payments required by Council approved compassionate programs.
- (n) Other City and employee related expenses, such as:
  - (i) memberships in professional organizations (professional dues);
  - (ii) staff attendance at seminars, workshops, courses, educational training, trade shows or conferences;
  - (iii) any training materials that are "off-the-shelf" and not specifically developed or modified for the City or a City program;
  - (iv) testing or examination fees.

This shall not include:

- (i) any training materials developed or modified specifically for the City or a City program;
- (ii) the hiring of instructors or facilitators to conduct such specific training.

**(2) Professional Services**

- (a) Medical Professional Services. Includes physician and dentist recruitment.
- (b) Experts retained for the purposes of, or in contemplation of, Litigation. Includes collection review services for legal documentation.
- (c) Confidential Items (for example Forensic Audits).
- (d) Outside Legal Counsel where retained by the City Solicitor or the Director of Employee & Labour Relations. An annual report shall be issued to Council by the City Solicitor and by the Director of Employee & Labour Relations detailing outside legal counsel pursuant to (2)(d).
- (e) Mediators and Arbitrators.

**(3) Special Services**

- (a) Providers of community support services including:
  - (i) Counselling, individual assessments, training;
  - (ii) Residential care facilities for vulnerable persons and emergency shelters (i.e. Community Living, Wellesley);
  - (iii) Children with special needs resourcing, licensed child care service providers and the system support of the Ontario Child Care Management System, Early On service providers, planned parenthood, prenatal care and education;
  - (iv) Ontario Works recipients;
  - (v) Long Term Care Facilities nursing;
  - (vi) Homemakers and funeral services, including funerals, burials, cremations.
- (b) Vouchers provided by Healthy and Safe Community Services and Public Health Services as part of City-approved programs and projects.
- (c) Financial reviews conducted on a contingency basis for the purposes of recovering amounts paid and/or owed, such as tax recovery services.
- (d) Public/guest speakers, individuals or ensembles that offer creative content for presentation to others.

**(4) Utility Billing**

- (a) Electricity.
- (b) Postal services, postage.
- (c) Water and Wastewater.
- (d) Natural gas.
- (e) Communications, for example: voice and data network communications.
- (f) The addition, removal, relocation, identification or engineering related work to utility infrastructure that exists on road allowances, right of ways and other City properties. This includes sub-surface and above-surface infrastructure.
- (g) Railway companies related to removal, relocation, construction supervision (flagging) and maintenance. Includes vendors mandated by the railway company to perform any of these services.
- (h) The purchase, sale, delivery and storage of Energy Commodities and the

consideration of price hedging for Energy Commodities shall be in accordance with the City's Corporate Energy Policy as amended, repealed or replaced from time to time.

- (5) Government agencies, regulatory bodies, licensing agencies, other public authorities and non-for-profit organizations to the Ontario government and municipalities to which the City is required to remit to or pay a fee. Includes archeological monitoring performed by Indigenous peoples.

**(6) Other**

- (a) Antiques and artifacts (shops, sales, repairs, but not including restoration).
- (b) Acquisition of art.
- (c) The purchase of publications (including newspapers, periodicals, magazines or books), CDs, DVDs and all copyrighted material.
- (d) Maintenance fees for software and computer hardware for information systems previously acquired. This exemption does not apply to new modules nor to new or additional licenses.
- (e) Goods for the purpose of retail sales (re-sale) by the City (not including items that bear the City of Hamilton logo or insignia). This exemption does not include food and beverage items.
- (f) The purchase of media advertising and includes participation in trade shows. Does not include the development of marketing materials for advertising such as photography, videography or web-based media.
- (g) Commodity purchases using a commodity price hedging agreement in accordance with the City's Commodity Price Hedging Policy.
- (h) Venues (including food and beverage where off site catering is not permitted) for banquets, meetings, events, receptions and training.
- (i) Hosting, sponsorship and/or rights fees for conventions or sports events incurred by Tourism Hamilton Inc.
- (j) Admission to tourism attractions and destinations for recreational day camps for children and youth.
- (k) All real property transactions except:
  - (vii) Where the primary purpose of the undertaking relates to a Revenue Generating lease; Revenue generating leases; or
  - (viii) Where a procurement process is to be engaged (i.e. RFP, RFI, etc.) including when Council approval has been obtained, the Procurement Section shall be consulted prior to that process being issued.
- (l) Alcoholic beverage purchases by the golf courses.

**(7) Sponsorships**

Sponsorships solicited by the City shall be in accordance with the City's Policy for Commercial Advertising and Sponsorship as amended, repealed or replaced from time to time.



**POLICY TITLE: Water and Wastewater / Storm Back-billing Policy**

POLICY NO: PP-0015

LAST REVISION DATE: N/A

EFFECTIVE DATE: September 30, 2020

MANAGER REVIEWED: Kirk Weaver

TO BE REVIEWED: 10/1/2025

MAINTENANCE RESPONSIBILITY: Senior Policy Advisor, Financial Planning, Administration and Policy Division

**I GENERAL**

The purpose of the Water and Wastewater / Storm Back-billing Policy (Policy) is to provide utility customers with a transparent and consistent procedure for the processing of water and wastewater / storm back-bills.

**II BACKGROUND**

The City of Hamilton's water and wastewater by-laws provide the municipality the authority and responsibility to bill and collect from consumers for all water and wastewater / storm services utilized. The by-laws do not specifically limit the City's ability to back-bill as their premise is to bill for services used. With the by-laws providing the guiding principles, staff has developed practices and procedures that are designed to result in consistent application when dealing with billing exceptions that result from equipment malfunctions, administrative errors and property-owner oversights.

**III POLICY**

**Back-bills Defined**

Back-billing is that portion of a bill which represents charges not previously billed for service that was delivered to the customer during a period before the current billing cycle where the original billings are discovered to be too low (under-billed). The discovery may be made by either the Customer or the Utility (i.e., the City). Back-bills are not issued for a customer's failure to pay a previously issued utility bill.

Back-bills generally result from unusual circumstances that may include any of the following reasons or combination thereof:

- (a) stopped meter;
- (b) metering equipment failure;
- (c) missing meter now found;
- (d) switched meters;
- (e) double metering;

- (f) incorrect meter connections;
- (g) incorrect use of any prescribed apparatus respecting the registration of a meter;
- (h) incorrect meter multiplier;
- (i) the omission / application of an incorrect rate;
- (j) incorrect reading of meters or data processing; and
- (k) tampering, fraud, theft or any other criminal act.

### **Notification**

The City, directly or through its billing agent, Alectra Utilities Corporation (AUC), notifies the customer by postal mail, email, phone or by a personal visit of the reason for the back-bill.

### **Back-billing Limits and Calculations**

#### Over / Under-billing Resulting from Utility Errors

- Any utility account found to be under-billed or over-billed shall be corrected immediately.
- Accounts found to have been under-billed will be back-billed for the correct amount for the period of the under-billing but not to exceed 24 months.
- Accounts found to have been over-billed will be credited for all amounts that were over billed within the past 24 months.
- For residential accounts, the back-bill may also be limited if there has been a change in property ownership to reflect when the current owner assumed responsibility of the account if less than 24 months.

#### Over / Under Billing Resulting from Errors by Others

- If the General Manager of Finance and Corporate Services (or designated delegate) determines that the failure to bill for services used was not the result of a utility error and instead resulted from an illegitimate connection to the public utility system, the account will be back-billed for all unbilled utility services that have been provided.
- The back-bill will be attributed to an illegitimate connection any time the customer did not obtain the necessary permits for the connection or it is determined by the City that the meter was bypassed.
- The customer's payment of a back-bill does not preclude the levying of other appropriate fees and penalties or the prosecution for theft of utility services.

### Catch-up Billings

- Occurs where previous bills have been based on estimated water use and once an actual water meter reading is obtained, the actual water use for previous billing periods was higher than what was estimated. All consumption registered through the meter will be billed when an actual reading is received.

### Estimated Back-bills

- Where the City is required to estimate the customer's usage in order to produce a back-bill, in most cases, the estimated back-bill will be based on the subject property's normalized average daily consumption. However, the City may also consider any available information to determine a reasonable estimate.

### Payment of Back-Billing

- The City offers customers an optional payment arrangement to pay a back-bill. If requested by the customer, the repayment term will be equivalent, in length, to the back-billing period with other terms and conditions as set out in the City's Water and Wastewater / Storm Billing Payment Arrangement Policy.
- Interest for under-billed accounts will not be applied to the back-billed amount. Similarly, for over-billed accounts, interest will not be paid on the refunded amount.

### Non-Payment of Back-billing

- As per the City's Water and Wastewater / Storm Arrears Policy, in the event the customer does not pay the back-bill upon receipt or accept an optional deferred payment plan, unpaid water accounts are transferred to the property tax roll 60 days post invoice due date.

### Case-by-Case Consideration of Errors

- Each account which is determined to be in error will be reviewed on a case-by-case basis to consider the cause of the error, the cost of research and correction, the knowledge and / or intent of the customer, the payment history and longevity of the customer, the customer's ability to pay, the applicable Limitations Period, the discoverability of the loss by the City and any other circumstances that deserve consideration.

**2020 CITY ENRICHMENT FUND  
Phase 4 - Recommended Grants**

**ARTS**

Ref #	Program Name	Organization	2019 Funded	Rating	2020 Amount Requested	Program Budget	2020 Recommended Funding	Program Status
<b>ART - Arts Festivals</b>								
ART B-4	Strange Day at the Bay 2020	Shush Inc.	\$ 4,937	80	\$ 10,000	\$ 35,600	\$ 5,036	Modified
ART B-5	Festival of Friends	Festival of Friends (Hamilton-Wentworth)	\$ 90,000	78	\$ 100,000	\$ 84,431	\$ 25,329	Cancelled
			<b>\$ 94,937</b>		<b>\$ 110,000</b>	\$ 120,031	<b>\$ 30,365</b>	
<b>ART - Capacity Building</b>								
ART C-3	Arts Capacity Building	Hamilton Youth Poets		75	\$ 10,000	\$ 30,000	\$ 5,000	No Change
		<b>ARTS TOTAL</b>	<b>\$ 94,937</b>		<b>\$ 120,000</b>	<b>\$ 150,031</b>	<b>\$ 35,365</b>	

**COMMUNITIES, CULTURE & HERITAGE**

Ref #	Program Name	Organization	2019 Funded	Rating	2020 Amount Requested	Program Budget	2020 Recommended Funding	Program Status
<b>CCH - Events and Established Activities</b>								
CCH A-3	Winona Peach Festival - Communities, Culture & Heritage Program	Winona Peach Festival	\$ 86,700	87	\$ 97,000	\$ 56,710	\$ 17,013	Cancelled
CCH A-5	Dundas International Buskerfest	Downtown Dundas Business Improvement Area	\$ 28,886	85	\$ 29,950	\$ 3,516	\$ 1,055	Cancelled
CCH A-10	Chorus Hamilton 2019-2020 Season	Chorus Hamilton	\$ 5,000	79	\$ 5,000	\$ 39,365	\$ -	Cancelled
CCH A-11	A Village Christmas	Ancaster Heritage Days	\$ 1,995	78	\$ 2,115	\$ 7,050	\$ -	Cancelled
CCH A-20	Locke Street Festival	Locke Street BIA		76	\$ 12,000	\$ 2,781	\$ 834	Cancelled
CCH A-22	Winterfest/EasterEggHunt/Pumpkinfest/MovieNight	Gourley Park Community Association	\$ 2,765	75	\$ 3,520	\$ 11,736	\$ -	Cancelled
CCH A-26	Communities, Culture & Heritage Program	Hamilton Folk Arts Heritage Council	\$ 58,905	74	\$ 84,881	\$ 41,848	\$ 12,554	Cancelled
CCH A-27	Communities, Culture and Heritage	Durand Neighbourhood Association Inc.	\$ 1,378	73	\$ 1,414	\$ 4,714	\$ -	Cancelled
CCH A-29	Movie Night in the Village & Victorian Night in the Village	International Village BIA	\$ 2,180	73	\$ 4,500	\$ 16,500	\$ -	Cancelled
CCH A-30	7th Annual Something Else! Festival (June 18-21, 2020)	Zula Music & Arts Collective Hamilton	\$ 10,200	72	\$ 28,000	\$ 44,600	\$ 10,200	Modified
CCH A-34	Dundas Cactus Parade	Dundas Cactus Parade Inc.	\$ 10,649	70	\$ 10,649	\$ 1,670	\$ 501	Cancelled
CCH A-36	Sinfonia Ancaster	Sinfonia Ancaster (part of Ancaster Society for the Performing Arts)	\$ 8,231	70	\$ 11,796	\$ 12,871	\$ 3,861	Cancelled
CCH A-43	Binbrook Santa Claus Parade	Binbrook Parade Committee		65	\$ 3,000	\$ 19,000	\$ -	Cancelled
CCH A-45	Promoting Culture and Diversity by Cameroonians in Hamilton	CAMEROONIAN ASSOCIATION IN HAMILTON	\$ 3,000	60	\$ 5,000	\$ 12,000	\$ -	Cancelled
CCH A-47	Flamborough Santa Claus Parade	Flamborough Santa Claus Parade	\$ 15,000	60	\$ 15,000	\$ 58,400	\$ -	Cancelled
			<b>\$ 234,889</b>		<b>\$ 313,825</b>	<b>\$ 332,761</b>	<b>\$ 46,019</b>	
<b>CCH - New Projects</b>								
CCH B-2	Barton First Fridays	Barton Village Business Improvement Area		93	\$ 13,500	\$ 45,470	\$ -	Cancelled



CCH B-4	Kadimah - Winter Camp at the J	Hamilton Jewish Community Centre		80	\$ 2,340	\$ 7,800	\$ -	Cancelled
CCH B-7	Something Else! Composite Arts Series: Watch it Burn!	Zula Music & Arts Collective Hamilton		66	\$ 28,000	\$ 41,800	\$ 8,621	Modified
					\$ 43,840	\$ 95,070	\$ 8,621	
		<b>COMMUNITIES, CULTURE &amp; HERITAGE</b>	\$ 234,889		\$ 357,665	\$ 427,831	\$ 54,640	

**COMMUNITY SERVICES**

Ref #	Program Name	Organization	2019 Funded	Rating	2020 Amount Requested	Program Budget	2020 Recommended Funding	Program Status
<b>CS - Everyone Can Age in Place</b>								
CS E-19	Everyone Can Age in Place	Famee Furlane of Hamilton	\$ 5,719	68	\$ 5,044	\$ 150,000	\$ -	Cancelled
<b>CS - Everyone Has Someone to Talk To</b>								
CS G-2	Supports for Wellness	Multiple Sclerosis Society of Canada	\$ 12,000	94	\$ 12,000	\$ 40,583	\$ -	Cancelled
<b>CS - Emerging Needs and Program Innovation</b>								
CS H-11	Youth Afterschool Meal Program	Mission Services of Hamilton Inc.	\$ 27,587	88	\$ 33,222	\$ 225,853	\$ -	Cancelled
CS H-14	Youth Build Program	Habitat for Humanity Hamilton (Hamilton Habitat for Humanity)		83	\$ 30,000	\$ 108,542	\$ -	Cancelled
CS H-29	City of Hamilton - Community Services	B'nai Brith National Organization of Canada		68	\$ 20,920	\$ 69,750	\$ -	Cancelled
CS H-35	Everyone Can Age in Place	L'Arche Hamilton		60	\$ 13,025	\$ 43,418	\$ -	Cancelled
			\$ 45,306		\$ 114,211	\$ 638,146	\$ -	
		<b>COMMUNITY SERVICES TOTAL</b>	\$ 45,306		\$ 114,211	\$ 638,146	\$ -	

**SPORT & ACTIVE LIFESTYLES**

Ref #	Program Name	Organization	2019 Funded	Rating	2020 Amount Requested	Program Budget	2020 Recommended Funding	Program Status
<b>SAL - Long-Term Athlete Development Planning &amp; Implementation</b>								
SAL A-1	FDSC Follows LTPD for Grassroots Soccer	Flamborough Dundas Soccer Club	\$ 3,902	84	\$ 7,500	\$ 35,500	\$ 3,980	Modified
SAL A-2	Grassroots Development Program	Ancaster Soccer Club	\$ 7,500	83	\$ 7,500	\$ 205,552	\$ -	Cancelled
SAL A-3	HSC LTAD Education and Information Sessions Year 2	Hamilton Skating Club	\$ 7,500	83	\$ 7,500	\$ 25,000	\$ 7,500	Modified
SAL A-4	H&DSA - Grass Roots Soccer Program - Continuance of Program Initiatives	The Hamilton and District Soccer Association	\$ 7,500	80	\$ 7,500	\$ 50,000	\$ 7,500	Modified
SAL A-5	Learn to Skate/U8	Hamilton Ringette Association		78	\$ 7,500	\$ 25,000	\$ 3,750	Modified
SAL A-6	Improving Player and Coaches Skill Development	Croatian Sports and Community Centre of Hamilton (Hamilton Croatia)	\$ 3,500	76	\$ 7,500	\$ 25,000	\$ -	Cancelled
SAL A-7	LTAD Mission – Academy Player Development Program	The Saltfleet Stoney Creek Soccer Club	\$ 3,825	73	\$ 7,500	\$ 150,000	\$ 3,825	Modified
			\$ 33,727		\$ 52,500	\$ 516,052	\$ 26,555	
<b>SAL - Sport Awareness</b>								
SAL B-1	T.E.A.D. Communications Person	The Equestrian Association for the Disabled (T.E.A.D.)		89	\$ 7,500	\$ 25,700	\$ -	Cancelled
SAL B-2	Sport Awareness - Rugby	Hamilton Hornets Rugby Football Club	\$ 5,722	80	\$ 7,500	\$ 26,834	\$ -	Cancelled
SAL B-4	Continued Enhancement of the Match Official Mentorship Program	The Hamilton and District Soccer Association		80	\$ 7,500	\$ 34,000	\$ 5,836	Modified

SAL B-5	GrassRoots - Leading the Training For The Youth	The Saltfleet Stoney Creek Soccer Club	\$ 5,355	78	\$ 7,500	\$ 300,000	\$ 5,355	Modified
SAL B-6	FDSC New Club Awareness	Flamborough Dundas Soccer Club	\$ 7,491	75	\$ 7,500	\$ 30,200	\$ 7,491	Modified
			\$ 18,568		\$ 37,500	\$ 416,734	\$ 18,682	
<b>SAL - Capacity Building</b>								
SAL C-2	HRDownloads	The Equestrian Association for the Disabled (T.E.A.D.)		83	\$ 7,500	\$ 25,235	\$ -	Cancelled
SAL C-4	FDSC Builds Capacity	Flamborough Dundas Soccer Club	\$ 7,500	78	\$ 7,500	\$ 30,000	\$ -	Cancelled
			\$ 7,500		\$ 15,000	\$ 55,235	\$ -	
<b>SAL - Sport Development/Inclusion</b>								
SAL D-4	Rally Cap Program	Binbrook Minor Baseball Association	\$ 5,414	85	\$ 5,000	\$ 20,500	\$ -	Cancelled
SAL D-8	Equine-Assisted Social and Relational Skills Building	The Equestrian Association for the Disabled (T.E.A.D.)		79	\$ 7,500	\$ 16,650	\$ -	Cancelled
SAL D-10	Multicultural Championships	Afghan Sports Federation of Canada	\$ 3,600	75	\$ 7,500	\$ 25,000	\$ -	Cancelled
SAL D-9	Krav Maga at the J	Hamilton Jewish Community Centre		76	\$ 2,100	\$ 7,002	\$ -	Cancelled
SAL D-11	Physical Activation Program	The Jump In Foundation		74	\$ 7,500	\$ 30,000	\$ -	Cancelled
SAL D-13	Active For Life	Hamilton Black Tigers		60	\$ 3,000	\$ 7,002	\$ -	Cancelled
			\$ 9,014		\$ 32,600	\$ 106,154	\$ -	
<b>SAL - Accessibility</b>								
SAL E-2	FDSC Special Soccer Program	Flamborough Dundas Soccer Club	\$ 6,900	89	\$ 7,500	\$ 24,600	\$ -	Cancelled
SAL E-3	RHYC Able Sail	Royal Hamilton Yacht Club	\$ 6,120	89	\$ 7,500	\$ 31,096	\$ -	Cancelled
SAL E-4	Ancaster All Abilities	Ancaster Soccer Club	\$ 195	75	\$ 1,400	\$ 5,110	\$ -	Cancelled
SAL E-5	SSC - Special Team for Special Needs/All Abilities	The Saltfleet Stoney Creek Soccer Club		73	\$ 5,000	\$ 42,000	\$ -	Cancelled
			\$ 13,215		\$ 21,400	\$ 102,806	\$ -	
<b>SAL - Active for Life</b>								
SAL F-2	Rookie Riders	The Equestrian Association for the Disabled (T.E.A.D.)		93	\$ 7,350	\$ 24,501	\$ -	Cancelled
SAL F-3	Rugby for newcomers and at-risk youth	Hamilton Hornets Rugby Football Club		91	\$ 7,500	\$ 44,975	\$ -	Cancelled
SAL F-5	FDSC Soccer for Life	Flamborough Dundas Soccer Club		89	\$ 7,500	\$ 24,000	\$ 5,625	Modified
SAL F-7	HBA 2019-20 Season	Hamilton Basketball Association	\$ 4,266	84	\$ 7,500	\$ 101,200	\$ 4,351	Modified
SAL F-8	Sports and Active Lifestyles Program	Hamilton Bay Sailing Club	\$ 7,500	78	\$ 7,500	\$ 24,805	\$ 7,442	Modified
SAL F-9	Go to Play	Hamilton Chinese Sports Association	\$ 2,283	74	\$ 5,469	\$ 18,230	\$ 2,283	Modified
			\$ 14,049		\$ 42,819	\$ 237,711	\$ 19,701	
		<b>SPORT &amp; ACTIVE LIFESTYLES TOTAL</b>	\$ 96,073		\$ 201,819	\$ 1,434,692	\$ 64,938	
<b>GRAND TOTAL</b>			\$ 471,205		\$ 793,695	\$ 2,650,700	\$ 154,943	





## **EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 20-007**

1:30 p.m.

Thursday, September 24, 2020  
Council Chambers  
Hamilton City Hall  
71 Main Street West

**Present:** Councillors E. Pauls (Chair), T. Jackson, S. Merulla, and N. Nann

**Also Present:** Councillor C. Collins

**Absent  
with Regrets:** Councillors B. Clark and T. Whitehead – Personal

### **THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 20-007 AND RESPECTFULLY RECOMMENDS:**

#### **1. Flu Immunization Program (HSC20042) (City Wide) (Item 10.1)**

- (a) That the Hamilton Paramedic Service provide mobile influenza immunization clinics for a period of 60 days, commencing October 15, 2020, in cooperation with CityHousing Hamilton and under the guidance of Hamilton Public Health, be approved; and,
- (b) That the Hamilton Paramedic Service pursue any available funding sources to cover the cost of providing the mobile influenza immunization clinics.

#### **2. Wesley Day Program (HSC20044) (City Wide) (Added Item 10.2)**

That the General Manager of Healthy and Safe Communities, or his designate, be authorized and directed to:

- (a) Enter into agreements, in a form satisfactory to the City Solicitor, with Wesley Urban Ministries (or alternative Service Provider) to continue enhanced drop-in services to June 30, 2021 at a new location to be determined and at the previously approved budget; and,

- (b) Develop a Communication Plan in conjunction with the Ward Councillor to be implemented prior to the opening of any newly City funded drop-in service.

**3. Modular Housing (Item 11.1)**

- (a) That staff be directed to prepare a report (business plan) for the development of two modular housing pilot projects; and
- (b) That the report include a financing strategy that leverages Provincial and Federal resources for the capital and operating costs associated with a supportive housing service delivery model; and
- (c) That in consultation with Planning, Housing Services, Real Estate and other stakeholders, the report include a list of private and/or publicly owned sites for consideration; and
- (d) That the report include an expedited approval and construction process to facilitate the rapid development of the project(s) within a 12 month timeframe; and
- (e) That staff be directed to develop an application process whereby local housing providers can apply to design, develop and operate the project(s) in partnership with the City and other levels of government; and
- (f) That the report be presented to the Emergency and Community Services Committee for its consideration.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

**5. COMMUNICATIONS (Item 5.1)**

**5.1 Correspondence respecting Temporary Emergency Shelter**

- (a) John Stanley
- (b) Jessica Langley
- (c) Carmen Orlandis
- (d) Deborah Francis
- (e) Michelle Cho
- (f) Damon Joo
- (g) Bryan Watson
- (h) Pam Summers
- (i) Sharon Chisholm
- (j) Dr. R. Pan, Excel Dental

Recommendation: Be received.

**6. DELEGATION REQUEST (Item 6.1)**

6.1 Bryan Hayes, respecting reno viction and tenant harassment in Hamilton (for a future meeting)

**10. DISCUSSION ITEMS (Item 10.2)**

10.2 Wesley Day Centre (HSC20044) (City Wide)

The agenda for the September 24, 2020 Emergency and Community Services Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) September 24, 2020 (Item 4.1)**

The Minutes of the September 10, 2020 meeting of the Emergency and Community Services Committee were approved, as presented.

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

The following Communication Items, were received:

**(i) Correspondence respecting Temporary Emergency Shelter (Added Item 5.1)**

- (a) John Stanley
- (b) Jessica Langley
- (c) Carmen Orlandis
- (d) Deborah Francis
- (e) Michelle Cho
- (f) Damon Joo
- (g) Bryan Watson
- (h) Pam Summers
- (i) Sharon Chisholm
- (j) Dr. R. Pan, Excel Dental

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

The Delegation Request from Bryan Hayes, respecting reno victions and tenant harassment in Hamilton, was approved for a future meeting:

**(f) ADJOURNMENT (Item 14)**

There being no further business, the Emergency and Community Services Committee was adjourned at 2:15 p.m.

Respectfully submitted,

Councillor E. Pauls  
Chair, Emergency and Community Services  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk



Hamilton

**MAYOR'S TASK FORCE ON ECONOMIC RECOVERY  
REPORT 20-005**

**Friday, September 25, 2020**

**8:30 a.m.**

**Council Chamber  
Hamilton City Hall  
71 Main Street West**

**Present:** Mayor F. Eisenberger  
Councillor N. Nann  
R. McKerlie, President of Mohawk College (Chair)  
M. Afinec, President & COO of Business Operations, Hamilton Tiger-Cats & Forge FC  
F. Bernstein, Executive Director, Workers Art & Heritage Centre  
R. Brown, Manager, Westfield Heritage Village  
M. Ellerker, Business Manager, Hamilton-Brantford Building & Construction Trades Council (Building/Skilled Trades Sector)  
P. Hall, Executive Director, Stoney Creek Chamber of Commerce  
K. Jarvi, Executive Director, Downtown Hamilton BIA  
T. Johns, Board Member, West End Home Builders' Association (Vice-Chair)  
L. La Rocca, Director of Operations, Sonic Unyon Records  
K. Loomis, President & CEO, Hamilton Chamber of Commerce  
B. Lubbers, General Manager, Courtyard by Marriott  
A. Marco, President, Hamilton & District Labour Council  
R. McCann, Founder, Clearcable Networks  
B. Munroe, Blacktop Recess  
M. Patricelli, Executive Director, Flamborough Chamber of Commerce  
C. Puckering, President and CEO, Hamilton International Airport  
D. Spoelstra, Chair of Agriculture & Rural Affairs Committee  
T. Shattuck, Chair, Synapse Life Science Consortium, McMaster Innovation Park  
J. Travis, Executive Director Workforce Planning Hamilton  
G. Yuyitung, Executive Director of the McMaster Industry Liaison Office

**Absent with**

**Regrets:** Councillors J. P. Danko and T. Whitehead – Personal  
K. Duffin, President and CEO, Amity Goodwill  
E. Dunham, Owner, The Other Bird  
H. Wegiel, Director of Government and Trade Relations ArcelorMittal Dofasco



**MAYOR'S TASK FORCE ON ECONOMIC RECOVERY PRESENTS REPORT 20-005  
FOR INFORMATION:**

**FOR INFORMATION:**

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

The Clerk advised the Task Force of the following change to the agenda:

**7. DISCUSSION ITEMS**

**7.1 Keeping a Worker Lens on Economic Recovery and Sustainability:  
Hamilton and District Labour Council**

The agenda for the September 25, 2020 meeting of the Mayor's Task Force on Economic Recovery, 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) August 25, 2020 (Item 3.1)**

The Minutes of the August 25, 2020 meeting of the Mayor's Task Force on Economic Recovery, were approved, as presented.

**(d) COMMUNICATIONS (Item 4)**

The following Communications were received:

- (i) Correspondence from Ian Borsuk, Hamilton Transit Alliance, respecting the viability and growth of public transit (Item 4.1)
- (ii) Correspondence from the Hamilton2026 Commonwealth Games Bid Corporation respecting relating the economic impacts expected from the hosting of the 2026 Commonwealth Games (Item 4.2)

**(e) CONSENT ITEMS (Item 5)**

**(i) Panels and Discussions Update (Item 5.1)**

Sarah Wayland, Senior Project Manager Hamilton Immigration Partnership Council addressed the Task Force with an overview of the EDI Panel held earlier in the week.

Trevor Imhoff, Senior Project Manager - Air Quality & Climate Change addressed the Task Force with an overview of the Climate Action Panel held earlier in the week.

The Panels and Discussions Update, was received.

**(ii) Working Group Updates (Item 5.2)**

Members of the Working Groups of the Task Force provided updates on their work up to now.

The Working Group Updates, were received.

**(iii) Workforce Planning Hamilton – Restart and Recovery Survey Results (Item 5.3)**

The Workforce Planning Hamilton – Restart and Recovery Survey Results, were received.

**(f) DISCUSSION ITEM (Item 7)**

**(i) Keeping a Worker Lens on Economic Recovery and Sustainability: Hamilton and District Labour Council (Added Item 7.1)**

Anthony Marco addressed the Task Force with an overview of Keeping a Worker Lens on Economic Recovery and Sustainability: Hamilton and District Labour Council.

Keeping a Worker Lens on Economic Recovery and Sustainability: Hamilton and District Labour Council, was received and referred to staff for the draft final report of the Mayor's Task Force on Economic Recovery.

**(g) ADJOURNMENT (Item 11)**

There being no further business, the Mayor's Task Force on Economic Recovery adjourned at 10:47 a.m.

Respectfully submitted,

Ron McKerlie, Chair  
Mayor's Task Force on Economic  
Recovery

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk

**Authority:** Item 2, Board of Health Report 20-005 (BOH20014(a))  
CM: September 30, 2020  
Ward: City Wide  
**Bill No. 202**

**CITY OF HAMILTON**  
**BY-LAW NO. 20-**

**A By-law to Amend By-law No. 20-155, a By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces**

**WHEREAS** under section 10 of the *Municipal Act, 2001*, the City may pass by-laws respecting health, safety, and well-being of persons and the economic, social, and environmental well-being of the City;

**AND WHEREAS** Council enacted By-law No. 20-155, a By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces on July 20, 2020;

**AND WHEREAS** the City considers it desirable to amend By-law No. 20-155 to include apartments and condominiums to the list of places where Face Coverings are required and to amend the definition of Face Coverings;

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

1. That the definition of “**Establishment**” in By-law No. 20-155 be amended by repealing subsection (h) and replacing it with the following:  
  
(h) common areas of hotels, motels, apartment buildings, condominiums and other multi-unit buildings or townhouse complexes (including those that permit short term rentals), such as lobbies, elevators, meeting rooms, or other common use facilities;
2. That in all other respects, By-law No. 20-155 is confirmed; and
3. That the provisions of this by-law shall become effective when ratified by Council.

**PASSED** this 30<sup>th</sup> day of September, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 1, Planning Committee  
Report 20-010 (PED20130)  
CM: September 30, 2020  
Ward: 12

**Bill No. 203**

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-**

#### **A By-law to amend Zoning By-law No. 05-200 with respect to lands located at 2004 Glanaster Road, Ancaster**

**WHEREAS** Council approved Item 1 of Report 20-010 of the Planning Committee, at its meeting held on September 30, 2020;

**AND WHEREAS** this By-law conforms to the Rural Hamilton Official Plan;

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Maps No. 175, 176, 188 and 189 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone to the Conservation / Hazard Land – Rural (P7) Zone for the lands identified in the Location Map attached as Schedule “A” to this By-law.
2. That Schedule “C” – Special Exemptions is amended by deleting and replacing Section 273 of Special Exception No. 273 with the following amended regulation:
  - a) Changing the words from “0 Carluke Road East” to “2004 Glanaster Road” before “part of” so that the wording is as follows:

273. Notwithstanding Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 176 and 189 of Schedule “A” – Zoning Maps and described as part of 2004 Glanaster Road, the following special provisions shall also apply:
3. That Schedule “C” – Special Exemptions is amended by deleting and replacing Subsection b) iv) of Special Exception No. 273 with the following amended regulation:
  - b) Changing the number from “5,500” to “8,900” before “exceed” so that the wording is as follows:

iv) Maximum Lot Coverage	13 percent, but shall not exceed 8,900 square metres.
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4. That Schedule “C” – Special Exemptions is amended by deleting and replacing Subsection b) vi) A of Special Exception No. 273 with the following amended regulation:

c) Adding the word “front” before “or” so that the wording is as follows:

iv) Outdoor Storage                      Shall only be permitted in  
the side, front or rear yards.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this 30<sup>th</sup> day of September, 2020.

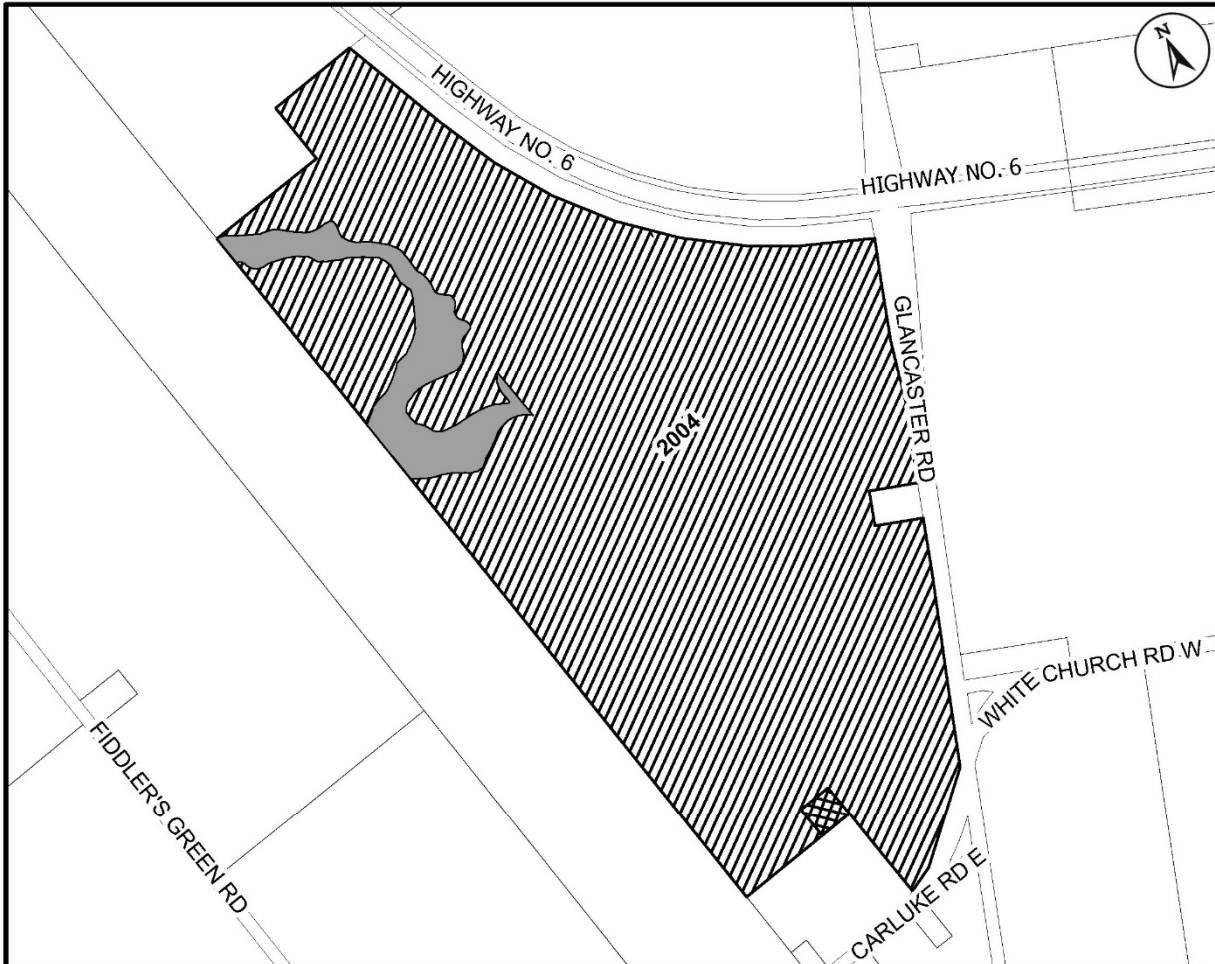
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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAR-18-050



<p>This is Schedule "A" to By-law No. 20- Passed the ..... day of ....., 2020</p>	<p>----- Mayor ----- Clerk -----</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0;">Map forming Part of By-law No. 20-_____</p> <p style="margin: 5px 0;">to Amend By-law No. 05-200</p> <p style="margin: 5px 0;">Maps 1706, 1707, 1744, 1745, 1781 &amp; 1782</p>		<p><b>Subject Property</b></p> <p>2004 Glancaster Road, Ancaster</p> <ul style="list-style-type: none"> <li style="margin-bottom: 10px;">  Block 1 - Lands to be added to Zoning By-law No. 05-200 as Agriculture (A1, 273) Zone             </li> <li style="margin-bottom: 10px;">  Block 2 - Lands to be rezoned from the Agriculture (A1) Zone to Conservation / Hazard land – Rural (P7) Zone             </li> <li>  Block 3 - Other land owned by Applicant             </li> </ul>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-18-050</p>	<p><b>Hamilton</b></p>
<p>Date: August 13, 2020</p>	<p>Planner/Technician: EM/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**Authority:** Item 14, Committee of the Whole  
 Report 01-003 (FCS01007)  
 CM: February 6, 2001  
 Ward: 1, 2, 3, 4, 6, 7, 10, 15

**Bill No. 204**

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

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

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

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

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

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Times	Days	Adding/ Deleting
6 - Time Limit	E	Cline Avenue	West	King Street to Main Street	2 hour	8:00 a.m. to 6:00 p.m.	Monday to Friday	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	E	Grant	West	Main to 163 ft. south	Anytime	Deleting
8 - No Parking	E	Grant Avenue	West	Main Street to 42.5 metres south thereof	Anytime	Adding



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

8 - No Parking	E	<b>Bianca Drive</b>	East & South	55 metres north of Morgante Court to 31 metres north thereof	Anytime	Adding
8 - No Parking	E	<b>Ridley Drive</b>	East & North	57m south of Queen Victoria Drive to 29 metres south thereof	Anytime	Adding
8 - No Parking	F	<b>Palacebeach Trail</b>	North & West	from 41.6 metres east of Willowbanks Terrace to 32.6 metres east thereof	Anytime	Adding
8 - No Parking	E	<b>Fano Drive</b>	South	83 metres east of Corinaldo Drive to 6 metres east thereof	Anytime	Adding

Schedule	Section	Highway	Location	NPA from 8am on 1st day of each month, to 11pm on 15th day of each month AND Dec-Mar	NPA from 8am on 16th day of each month to 11pm on last day of month Apr-Nov	Adding/Deleting
10 - Alt Side (Apr-Nov)	E	<b>Grant Avenue</b>	from 25 metres south of Main Street to Stinson Street	West	East	Adding
10 - Alt Side (Apr-Nov)	E	<b>Grant</b>	Stinson to Main	West	East	Deleting

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
12 - Permit	E	<b>Weir</b>	East	from 25.9m south of the extended south curb line of Maple to 6m southerly	January 1st to June 30th	Deleting
12 - Permit	E	<b>Macauley</b>	South	commencing 269 feet west of MacNab and extending 16 feet westerly therefrom	Anytime	Deleting
12 - Permit	E	<b>Martimas Ave.</b>	West	64m south of Grenfell St. to 5.5m south thereof	Anytime	Deleting
12 - Permit	E	<b>Martimas Avenue</b>	West	23 metres south of Grenfell Street to 15.5 metres south thereof	Anytime	Adding
12 - Permit	E	<b>Chestnut Avenue</b>	East	from 11 metres north of Fife Street to 6 metres north thereof	Anytime	Adding
12 - Permit	E	<b>Ray</b>	West	commencing at a point 120 feet south of Florence to a point 24 feet southerly therefrom	Anytime	Deleting
12 - Permit	E	<b>MacNab</b>	West	from 33.7m south of Simcoe to 6m southerly	Anytime	Deleting
12 - Permit	E	<b>Margaret</b>	East	from 85.8m north of Main to 7.8m northerly	Anytime	Deleting

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

12 - Permit	E	Homewood	South	from 121.8m east of Dundurn to 10.6m easterly	Anytime	Deleting
12 - Permit	E	Picton	North	from 88.3m east of Mary to 6m easterly	Anytime	Deleting
12 - Permit	E	Guise	South	from 33.6m west of Hughson to 6m westerly	Anytime	Deleting
12 - Permit	E	Francis	North	from 29.8m east of Emerald to 5.8m easterly	Anytime	Deleting
12 - Permit	E	Francis	South	from 34.9m east of Emerald to 5.5m easterly	Anytime	Deleting
12 - Permit	E	Francis	South	commencing 180 feet east of Douglas and extending 17 feet easterly therefrom	Anytime	Deleting
12 - Permit	E	Beach	North	from 18.8m west of Albemarle to 5.8m westerly	Anytime	Deleting
12 - Permit	E	Avondale	West	from 53.6m south of Barton to 5.7m southerly	Anytime	Deleting
12 - Permit	E	Avondale	East	from 58.1m south of Barton to 12.2m southerly	Anytime	Deleting
12 - Permit	E	William	West	from 8.4m south of Birge to 5.5m southerly	Anytime	Deleting
12 - Permit	E	Harmony	West	from 7.6m north of Harrison to 5.6m northerly	Anytime	Deleting
12 - Permit	E	Paling	East	from 20.9m south of Vansitmart to 6.5m southerly	Anytime	Deleting
12 - Permit	E	Strathearne	West	from 116m north of Britannia to 6m northerly	Anytime	Deleting
12 - Permit	E	Robins Avenue	East	from 50 metres south of Hope Avenue to 5.5 metres south thereof	Anytime	Adding
12 - Permit	E	MacNab	West	from 46.7m south of Ferrie to 6m southerly	Anytime	Deleting
12 - Permit	E	Harvey Street	South	from 20 metres west of Birch Avenue to 6 metres west thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
13 - No Stopping	E	King	North	Victoria to East City Limits	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	King	North	East to Main	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	King	South	Delta to Wellington	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	King	South	East Avenue to Wellington Limits	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	King	South	Sanford to Wentworth	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	King	South	Delta to East City Limits	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting

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

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13 - No Stopping	E	King	South	Glendale to Spadina	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	King Street East	North	Gage Avenue to East City Limits	7:00 a.m. to 9:00 a.m. Monday to Friday	Adding
13 - No Stopping	E	King Street East	North	Gage Avenue to Main Street	4:00 p.m. to 6:00 p.m. Monday to Friday	Adding
13 - No Stopping	E	King Street East	South	Gage Avenue to Main Street	7:00 a.m. to 9:00 a.m. Monday to Friday	Adding
13 - No Stopping	E	King Street East	South	Gage Avenue to East City Limits	4:00 p.m. to 6:00 p.m. Monday to Friday	Adding
13 - No Stopping	E	Barton	North	Wellington to East	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	North	William to Barnesdale	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	North	James to Ferguson	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	North	Sherman to Barnesdale	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	North	Lottridge to Parkdale	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	South	John to East	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	South	Sanford to Barnesdale	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	South	Lottridge to Talbot	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	South	John to Ferguson	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	South	Sherman to Barnesdale	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	South	Lottridge to Talbot	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	South	Talbot to East City Limits	4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton	North	Lottridge to Parkdale	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	E	Barton Street East	North	Ottawa Street to Parkdale Avenue	7:00 a.m. to 9:00 a.m. Monday to Friday	Adding
13 - No Stopping	E	Barton Street East	North	Ottawa Street to Parkdale Avenue	4:00 p.m. to 6:00 p.m. Monday to Friday	Adding
13 - No Stopping	E	Barton Street East	South	Ottawa Street to Talbot Street	7:00 a.m. to 9:00 a.m. Monday to Friday	Adding
13 - No Stopping	E	Barton Street East	South	Ottawa Street to East City Limits	4:00 p.m. to 6:00 p.m. Monday to Friday	Adding
13 - No Stopping	C	Braeheid	West	from the extended south curb line of Rockhaven to 256.2m southerly	8:00 a.m. to 9:00 a.m. 2:30 p.m. to 3:30 p.m. Monday to Friday	Deleting
13 - No Stopping	C	Braeheid Avenue	West	Rockhaven Lane to 107.2 metres south thereof	8:00 a.m. to 9:00 a.m. 2:30 p.m. to 3:30 p.m. Monday to Friday	Adding

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

<i>13 - No Stopping</i>	<i>C</i>	<b>Braeheid Avenue</b>	West	from 156.7 metres north of Riley Street to 30m north thereof	Anytime	Adding
<i>13 - No Stopping</i>	<i>E</i>	<b>Hess Street South</b>	East	33 metres south of Bold Street to 6 metres south thereof	Anytime	Adding
<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
<i>14 - Wheelchair LZ</i>	<i>E</i>	<b>East 24th Street</b>	West	100 metres south of Crockett Street to 6 metres south thereof	Anytime	Adding
<i>14 - Wheelchair LZ</i>	<i>E</i>	<b>MacNab Street North</b>	West	47 metres south of Ferrie Street West to 6 metres south thereof	Anytime	Adding

- Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
- This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 30<sup>th</sup> day of September 2020.

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F.  
Eisenberger  
Mayor

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A. Holland  
City Clerk

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A. Holland  
City Clerk

**Authority:** Item 1, Audit, Finance &  
Administration Committee Report  
20-007 (FCS20022)  
CM: September 30, 2020  
Ward: City Wide  
**Bill No. 205**

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-**

#### **A By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton**

**WHEREAS** paragraph 270(1)3 of the *Municipal Act*, 2001, S.O. 2001, c. 25 provides that a municipality shall adopt and maintain a policy with respect to its procurement of goods and services;

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

1. Schedule "A", which is attached to and forms part of this By-law, is the City of Hamilton procurement policy adopted and maintained in accordance with paragraph 270(1)3 of the *Municipal Act*, 2001.
2. The short title of this by-law shall be the "Procurement Policy By-law".
3. By-law No. 17-064 is repealed.
4. This by-law comes into force on the day it is passed.

**PASSED** this 30 day of September, 2020.

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Fred Eisenberger  
Mayor

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Andrea Holland  
City Clerk

# Procurement Policy



Hamilton

City of Hamilton

By-Law No. 20-205

Procurement Section • Financial Services  
Corporate Services

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## PROCUREMENT MISSION AND VISION

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### Mission

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To ensure that the procurement function meets the current and future needs of the corporation, provides an economical and efficient service and is considered a value-added partner in the securing of Goods and/or Services for the corporation.

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### Vision

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A team of resourceful skilled professionals, working in partnership with their customers to procure the best Goods and/or Services in the most efficient manner.



## PROCUREMENT GOALS & OBJECTIVES

### SECTION 1

- (1) Procure the necessary quality and quantity of Goods and/or Services in an efficient, timely and cost effective manner, while maintaining the controls necessary for a public agency, in accordance with the Procurement Policy as approved by Council.
- (2) Encourage an open and competitive bidding process for the acquisition and disposal of Goods and/or Services, and the objective and equitable treatment of all vendors.
- (3) Ensure the best value of an acquisition is obtained. This may include, but not be limited to, the determination of the total cost of performing the intended function over the lifetime of the task, acquisition cost, installation, disposal value, disposal cost, training cost, maintenance cost, quality of performance and environmental impact.
- (4) Procure Goods and/or Services with due regard to the preservation of the natural environment and to encourage the use of “environmentally friendly” products and services, as supported by the City’s Strategic Plan.

## RESPONSIBILITIES & PROHIBITIONS OF PROCURING GOODS AND/OR SERVICES

### SECTION 2

#### (1) General Responsibilities

- (a) All City of Hamilton elected officials and staff delegated with the authority to procure shall comply with the Procurement Policy for the City of Hamilton. Without limiting the foregoing, such elected officials and staff shall follow the Statement of Ethics for Public Procurement attached as Schedule A to the Procurement Policy, the City's Code of Conduct for Employees Policy and Policy # 17 – Conflicts of Interest.
- (b) Procurement activities shall be subject to all applicable City of Hamilton policies and by-laws, any specific provisions of the *Municipal Act, 2001* and all other relevant Federal and Provincial legislation, as may be in effect from time to time.
- (c) Procurement by the City may be subject to the provisions of Trade Agreements and where an applicable Trade Agreement is in conflict with this Procurement Policy, the Trade Agreement shall take precedence.

#### (2) Procurement Section Responsibilities

The City's General Manager of Finance and Corporate Services shall operate a Centralized Procurement unit on behalf of the City of Hamilton in accordance with the requirements of the Procurement Policy. In carrying out this responsibility the General Manager of Finance and Corporate Services may appoint certain City staff to act on behalf of the City in entering into Contracts with third parties. The General Manager of Finance and Corporate Services may limit the authority to procure of that City staff, as deemed appropriate. The Procurement Section will therefore have the following specific responsibilities:

- (a) Be responsible for the administration of the Procurement Policy and will continually review the procurement of Goods and/or Services to ensure the City is receiving the best value.
- (b) Ensure that procurement transactions are conducted ethically and professionally in accordance with Schedule A – Statement of Ethics for Public Procurement.
- (c) Advise on the practicability of Specifications to ensure a maximum number of competitive Bids.
- (d) Advise on appropriate Acquisition Method.
- (e) Notify vendors who have expressed an interest in doing business with the City of the availability of the procurement documents.
- (f) Prepare necessary procurement documents and process Purchase Orders.
- (g) Advise and assist in the preparation of Contracts when requested.
- (h) Provide training and documentation on how to use the procurement module to users of the City's financial software application. Make available copies of the Procurement Policy and Procurement Procedures and Guidelines to all relevant City staff.
- (i) Maintain records of Acquisition Methods and procurement transactions as required.
- (j) Advise and assist where a procurement action may not conform to (an) applicable Trade Agreement(s) as early as possible in the procurement process.

(3) General Manager Responsibilities

- (a) Ensure all purchases are performed in accordance with the Procurement Policy and make required reports to the Council or any other interested party explaining why purchases are not in compliance with the Procurement Policy. The Procurement Section will offer advice and assistance in assuring that the Procurement Policy is adhered to upon request.
- (b) Delegate Approval Authority to the appropriate levels and maintain the responsibility for such actions including answering questions raised by such delegation.
- (c) Ensure appropriate action is taken on internal Audit Services recommendations.

(4) Internal Audit Responsibilities

Internal Audit Services shall conduct selected audits to ascertain adherence to the Procurement Policy. The Procurement Section and Council shall receive a copy of the audit results.

(5) Procurement Sub-Committee Responsibilities

The Procurement Sub-Committee shall:

- (a) Review and give input to the biennial report recommending any changes to the Procurement Policy in accordance with Policy #20 – Review of the Procurement Policy.
- (b) Be delegated the authority to impose an interim ban upon a vendor in accordance with Policy #1 – Vendor Eligibility.

(6) Prohibitions

The following activities are prohibited, unless specifically approved by Council:

- (a) Any attempt to evade or circumvent the requirements of the Procurement Policy including, but not limited to, the division of purchases to avoid the requirements of the Procurement Policy by any method, which includes purchases made using procurement cards.
- (b) Purchase by the City of any Goods and/or Services for personal use by or on behalf of any member of Council, employees of the City and their immediate families.
- (c) The acceptance of gifts, benefits, money, discounts, favours or other assistance by any member of Council, employees of the City, and their families contrary to the City of Hamilton Code of Conduct for Members of Council (Appendix H to the City's Procedural By-law No. 10-053, as amended, repealed or replaced from time to time), the City's Code of Conduct for Employees Policy or such other similar policy currently in force. The image and integrity of the employee and the City of Hamilton must be preserved at all times.
- (d) Purchase by the City from any member of Council or employee of the City, their family members or from any other source, that would result in a conflict of interest, unless that interest has been declared pursuant to the *Municipal Conflict*

*of Interest Act* or pursuant to the City's Code of Conduct for Employees Policy or such other similar policy currently in force.

(7) Exemptions

Those items listed in Schedule B - Exemptions, are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority.

## DEFINITIONS AND INTERPRETATION

### SECTION 3

Words and phrases used in the Procurement Policy for the City of Hamilton have the following meanings, unless expressly stated otherwise and all dollar values stated shall be in Canadian funds:

**“Acquisition Method”** means the process by which Goods or Services are procured.

**“Approval Authority”** means the authority to approve and award procurements, as well as any assignment or corporate change requests related to such procurements, up to the procurement values for the respective body or person(s) set out in Policy # 2 - Approval Authority.

**“Approved Products Listing”** means the listing of approved Goods for use with road, watermain, sewer, lighting and traffic signal work as maintained by the City’s Standard and Approved Products Committee.

**“Authorized Delegate”** means the person who has been delegated by Council an Approval Authority and includes any other person further sub-delegated such Approval Authority in accordance with the Procurement Policy. An Authorized Delegate includes a person authorized to act on their behalf temporarily.

**“Bid”** means an offer or submission from a vendor in response to a Request for Quotations, Request for Tenders, Request for Proposals, Request for Rostered Candidates or Request for Prequalifications issued by the City.

**“Centralized Procurement”** refers to the activities conducted by the Procurement Section of the City’s Corporate Services Department, which facilitates the purchase of all Goods and/or Services in accordance with the requirements of the Procurement Policy.

**“Child”** means any person under the age of 15, unless local minimum age law stipulates a higher age for work or mandatory schooling, or under the age of 14 if minimum age law is set at that age in accordance with exceptions set out for developing countries under International Labour Organization (“ILO”) Convention 138.

**“City”** means the City of Hamilton.

**“City Event”** means an event organized and hosted by the City.

**“City Manager”** means the City Manager of the City of Hamilton.

**“Client Department”** means the City department initiating the acquisition of the Goods and/or Services.

**“Consulting and Professional Services”** means services rendered by members of a recognized profession or possessing a special skill. Such services are generally acquired to obtain information, advice, training or direct assistance.

**“Contract”** means a legal agreement between two or more parties, usually written, or a Purchase Order.

**“Cooperative Procurement”** means coordination of City purchases with purchases of other government bodies, public authorities, conservation authorities, municipalities, academia, schools and hospitals (MASH) sector and not-for-profit organizations.

**“Council”** means the Council of the City of Hamilton.

**“Emergency”** means a situation, or the threat of an impending situation, which may affect the environment, life, safety, health and/or welfare of the general public, or the property of the residents of the City, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level.

**“Energy Commodities”** means electricity, Green Power, natural gas, methane and all other petroleum based fuel products such as: diesel, bio-diesel, unleaded, fuel oil, propane and any other bulk commodity primarily used by the City for the purpose of heating and cooling of buildings and other structures, electricity generation, cogeneration and the fuelling of City fleets, as determined by the City’s Manager of Energy Initiatives.

**“General Manager”** means the head of a City department or person authorized to act on their behalf temporarily, and includes the Medical Officer of Health and the City Manager.

**“Goods”** includes supplies, equipment, materials, products, structures and fixtures to be delivered, installed or constructed.

**“Green Power”** means electricity generated from renewable energy sources, such as certified water power, solar, biogas, biomass and wind. Other terms for Green Power include: Green Power certificates, tradable renewable certificates or "Green Tags". These attributes, embodied in a certificate, may be bought and sold either bundled or unbundled with commodity electricity.

**“In-House Bid”** means a Bid that is prepared by an internal City department and is submitted in response to a City competitive procurement process and in competition with external vendors.

**“Joint Venture”** means an association of two or more persons who combine their expertise and resources in a single joint business enterprise to qualify, bid, and perform the Contract. Joint Ventures, sometimes referred to as a consortium, may take the form of a partnership or special purpose vehicle. All persons of a Joint Venture must be eligible persons.

**“Litigation”** means any dispute between the City and a vendor, where a legal proceeding, including third party and cross claims or other form of adjudication has been commenced, or is reasonably contemplated, either by the vendor, or any officer or director of the vendor either directly or indirectly through a corporation or personally, against the City, its elected representatives, appointed officers, or employees, or by the City in relation to any contract or services or any matter arising from the City’s exercise of its powers, duties, or functions.

**“Low Dollar Value Procurements”** means the process of procuring Goods and/or Services with an estimated annual procurement cost of up to but not including \$10,000.

**“Lowest Compliant Bid”** means a Bid with the lowest price meeting all requirements of a RFQ, RFP or RFT, subject to any rights or privileges reserved by the City contained in the respective procurement document, or unless otherwise approved by Council.

**“Mixed Revenue Contracts”** means a combination of various types of Revenue Generating Contracts.

**“Manager of Procurement”** means the Manager of Procurement for the City of Hamilton or a person authorized to act on behalf of the Manager of Procurement on an interim basis.

**“Procurement Policy”** means the procurement policies approved by Council, as amended from time to time.

**“Procurement Procedures and Guidelines”** means the procurement procedures and guidelines approved by the City’s Director of Financial Services & Corporate Controller, as amended from time to time.

**“Profit Sharing Contracts”** means contracts whereby the City receives a portion of revenues, sales or profits earned by a third party under contract with the City.

**“Purchase Order”** means a written offer to procure Goods and/or Services or a written acceptance of an offer, in a form acceptable to the City Solicitor.

**“Purchase Requisition”** means an internal online request by a Client Department to the Procurement Section for procurement of Goods and/or Services.

**“Request for Information”** or **“RFI”** means a process where information is requested from vendors regarding their interest in, or the feasibility and availability of, specific Goods and/or Services in the marketplace and to determine if there are enough vendors to justify a Request for Proposals or Request for Tenders. An RFI may also gather information on potential suppliers and assist Client Departments with their understanding of the marketplace and potential solutions. An Expression of Interest or “EOI” shall be considered an RFI.

**“Request for Prequalification’s”** or **“RFPQ”** means a process where information is requested from vendors to determine whether or not the vendor has the capability in all respects to perform the contract requirements. The Request for Prequalifications process is initiated before a RFP or RFT is issued and only prequalified vendors are eligible to submit a Bid on such procurements.

**“Request for Proposals”** or **“RFP”** means a formal request for prices and details on Goods and/or Services from vendors, where the Goods and/or Services may not be able to be fully defined or specified or when alternate methods are being sought to perform a certain function or service, at the time of the request.

**“Request for Quotations”** or **“RFQ”** means an informal request for prices on Goods and/or Services with an estimated procurement cost between \$10,000 and up to but not including \$100,000, and where comprehensive technical Specifications can be developed. Request for Quotations may be processed by the Client Department.

**“Request for Roster Candidates”** or **“RFRQ”** means a procurement document issued by the City requesting pricing and details with respect to vendors, with the intent of creating an approved list of vendors known as rostered candidates, and whereby work assignments under a specific cost limit will be offered by the City to said rostered candidates on an as-needed basis over a three year period.

**“Request for Roster Quotations”** or **“RFRQ”** means an informal request for costing from roster candidates for category specific consulting services with an estimated procurement cost between \$150,000 and up to but not including \$250,000.

**“Request for Tenders”** or **“RFT”** means a formal request for prices on Goods and/or Services from vendors, where the Goods and/or Services are able to be fully defined or specified at the

time of the request.

**“Revenue Generating Contracts”** means a legal agreement between the City and a third party that yields a financial return for the City. Revenue Generating Contracts include, but are not limited to:

- (a) Service Revenue Contracts; and
- (b) Profit Sharing Contracts; and
- (c) Mixed Revenue Contracts; and
- (d) advertising Contracts.

**“Services”** means all professional, consulting, construction or maintenance services, as well as any other services described in a Contract or in a RFQ, RFT or RFP.

**“Service Revenue Contracts”** means the sale of Goods and/or Services by the City to a third party.

**“Specifications”** means the detailed description of, and written requirements and standards for, Goods and/or Services contained in a RFQ, RFP or RFT to the extent known or available to the Client Department, and also includes any drawings, designs and models.

**“Sponsorship”** means a financial contribution or in-kind contribution of goods or services provided to the City in return for recognition, and includes advertising sold in support of a City Event.

**“Standardization”** is a management decision-making process that examines a specific common need or requirement and then selects a Good and/or Service that best fills that need to become the standard.

**“Sweatshop”** means a facility where individuals manufacture, assemble or produce consumer goods in working conditions that constitute Sweatshop Conditions.

**“Sweatshop Conditions”** means working conditions that include any of the following:

- (a) employees are not provided with working conditions that: meet or exceed the International Labour Organization (“ILO”) Conventions' standards governing forced labour (ILO Convention 29 – Forced Labour Convention, 1930) and (ILO Convention 105 - Abolition of Forced Labour Convention, 1957), child labour (ILO Convention 138 – Convention concerning Minimum Age for Admission to Employment – the “Minimum Age Convention, 1973” and United Nations Convention On The Rights Of The Child – November 20, 1989, Article 32), payment of wages (ILO Convention 95 - Protection of Wages Convention, 1949), hours of work, occupational health, occupational safety, and non-discrimination (ILO Convention 111 – Discrimination {Employment and Occupation, 1958}); and are in compliance with all applicable federal, state, provincial and local laws of the locality of manufacture; and
- (b) employees are compensated by their employer at an hourly rate below the poverty threshold; and
- (c) employees are subject to forced labour practices, whether in the form of involuntary prison labour, indentured labour, bonded labour or otherwise; and
- (d) employees are under the age of 18 are exposed to situations, in or outside the



workplace, that are hazardous, unsafe or unhealthy; and

- (e) employees are not provided with a minimum of one day off for every seven-day period; and
- (f) employees are subject to physical, sexual, psychological abuse or harassment, verbal abuse, or any other form of abuse, including corporal punishment; and
- (g) employees are not provided with a safe and hygienic workplace, including access to clean toilet facilities and safe drinking water.

**"Time-Sensitive"** means a situation for which the timing to complete the procurement is paramount, but the time available to follow normal procedures is insufficient.

**"Trade Agreements"** means the *Canadian Free Trade Agreement (CFTA)*, *Trade and Cooperation Agreement between Ontario and Quebec (OQTCA)*, *Comprehensive Economic and Trade Agreement (CETA)* between Canada and the European Union and such further and other agreements that apply to municipal procurement.

**PROCUREMENT POLICY**  
**POLICY # 1 - Vendor Eligibility**

**SECTION 4.1**

- (1) The City will make reasonable efforts to maintain an electronic vendor database of those vendors who have expressed an interest in doing business with the City and who have completed an online registration process.
- (2) Without limiting or restricting any other right or privilege of the City and regardless of whether or not a Bid otherwise satisfies the requirements of a Request for Prequalifications, RFP or RFT, the City may reject any Bid from a vendor where,
  - (a) in the opinion of the City, the commercial relationship between the City and the vendor has been impaired by the act(s) or omission(s) of such vendor including but not limited to any one or more of the following having occurred within the five year period immediately preceding either the date on which the RFP or RFT is awarded or the date on which the vendor has been shortlisted pursuant to a Request for Prequalifications:
    - (i) the vendor being involved in Litigation with the City;
    - (ii) act(s) or omission(s) resulting in a claim by the City under any security submitted by the vendor on a RFP or RFT, including but not limited to a bid bond, a performance bond, or warranty bond;
    - (iii) the failure of the vendor to pay, in full, any outstanding payments (and, where applicable, interest and costs) owing to the City by such vendor, after the City has made demand for payment of same;
    - (iv) the vendor's refusal to follow reasonable directions of the City or to cure a default under any Contract with the City as and when required by the City;
    - (v) the vendor's refusal to enter into a Contract with the City after the vendor's Bid has been accepted by the City;
    - (vi) the vendor's unsatisfactory performance as determined by the City in its absolute discretion, including the vendor's refusal to perform or to complete performance of a Contract with the City;
    - (vii) the vendor having unlawfully or unreasonably threatened, intimidated, harassed, or otherwise interfered with an attempt by any other prospective vendor to bid for a City Contract or to perform any Contract awarded by the City to that vendor;
    - (viii) the vendor having discussed or communicated, directly or indirectly, with any other vendor or their agent or representative about the preparation of the vendor's Bid including, but not limited to, any connection, comparison of figures or arrangements with, or knowledge of any other vendor making a Bid for the same work except in the instance of a Joint Venture where one is permitted.
    - (ix) the vendor having unlawfully or unreasonably threatened, intimidated, harassed, assaulted or committed battery against, or otherwise interfered with an official, employee, representative, agent or independent consultant or contractor of the City in the performance of his or her duties or in any way attempted to influence such persons;

- (x) the vendor has on one or more occasions, in the performance of a Contract with the City, deliberately, with wilful blindness or negligence, save and except an inadvertent error corrected to the satisfaction of the City within a reasonable time, as determined by the City,
    - 1. over-billed, double-billed and/or retained a known over-payment, or has failed to notify the City of an over-payment or duplicate payment;
    - 2. billed for items not supplied;
    - 3. billed for items of one grade, while supplying items of an inferior grade;
    - 4. made a misrepresentation as to the quality or origin of Goods, their functionality or suitability for a purpose, or their performance characteristics;
    - 5. submitted false or misleading information to the City;
    - 6. acted in conflict with the City's interests;
    - 7. misappropriated any property or right of the City, in any form; or
    - 8. committed any other form of sharp or deceptive practice;
  - (xi) any other act or omission by the vendor that the City deems to impair the commercial relationship between the City and the vendor.
- (b) in the opinion of City there are reasonable grounds to believe that it would not be in the best interests of the City to enter into a Contract with the vendor, including but not limited to:
- (i) the conviction of that vendor or any person with whom that vendor is not at arm's length within the meaning of the *Income Tax Act* (Canada) of an offence under any taxation statute in Canada;
  - (ii) the conviction or finding of liability of that vendor under the *Criminal Code* or other legislation or law, whether in Canada or elsewhere and whether of a civil, quasi-criminal or criminal nature, of moral turpitude including but not limited to fraud, theft, extortion, threatening, influence peddling and fraudulent misrepresentation;
  - (iii) the conviction or finding of liability of that vendor under any environmental legislation, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for the environmental well-being of the communities in which it carries on business;
  - (iv) the conviction or finding of liability of that vendor relating to product liability or occupational health or safety, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for the health and safety of its workers or customers;
  - (v) the conviction or finding of liability of that vendor under the financial securities legislation whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for its stakeholders.
- (3) For the purposes of subsections (2), (4), (5), (6), (7)(d), (8), (9) and (10) of this Policy # 1, a reference to a vendor shall also include: an officer, a director, a majority or

controlling shareholder, or a member of the vendor, if a corporation; a partner of the vendor, if a partnership; any corporation to which the vendor is an affiliate of or successor to, or an officer, a director or a majority or controlling shareholder of such corporation; a Joint Venture; and any person with whom that the vendor is not at arm's length within the meaning of the *Income Tax Act* (Canada).

- (4) In the circumstances described in subsections (2) and (9), the City may, in addition or in the alternative to rejecting a Bid from a vendor, ban a vendor from competing for or being awarded any City Contract for a period of up to ten years.
- (5) Without limiting or restricting any other right or privilege of the City, the City may refuse to enter into a Contract with a vendor where any of the circumstances described in (2)(a), (2)(b) or (9) of this Policy # 1 have occurred within the five year period preceding the date on which the refusal to enter into the Contract is approved by Council. In addition, or in the alternative to refusing to enter into the Contract, the City may ban a vendor from competing for or being awarded any City Contract for a period of up to ten years as approved by Council
- (6) Except with the prior express written consent of the City,
  - (a) a vendor and its representatives shall not act on behalf of the City with respect to any matter, issue or in connection with any property in which the vendor or any employee or subcontractor of the vendor has a direct or indirect pecuniary interest, including any contingent interest;
  - (b) a vendor shall not act in any case where there may be any conflict of interest between it and the City, and each vendor shall notify the City, in writing, immediately of any potential conflict of interest that may arise prior to the award of any contract and fully disclose any details thereof;
  - (c) before submitting any Bid to act on behalf of the City, the vendor shall exercise reasonable due diligence to confirm that there is no conflict of interest within the contemplation of this subsection; and
  - (d) failure on the part of a vendor to declare a conflict of interest to the City and to obtain the City's prior express written consent to waive the conflict of interest shall result in the vendor being ineligible to Bid and shall form a basis for rejection of a Bid submitted to the City.
- (7) Where the Contract is awarded to a vendor who has made an unauthorized amendment to the City's pre-printed forms (e.g. *Form of Proposal* or *Form of Tender*) or other documents submitted as part of the vendor's Bid, then within a reasonable time of the City discovering that unauthorized amendment, the City may,
  - (a) permit the vendor to withdraw an unauthorized amendment to the City's *Form of Proposal* or *Form of Tender*, at no cost to the City; or
  - (b) cancel or terminate the Contract without any compensation whatsoever to the vendor by giving written notice to that effect to the vendor; or
  - (c) recover from such vendor any amounts the City paid to the vendor and all costs, expenses, damages and losses incurred or accrued by the City as a result of the unauthorized amendment; or

- (d) ban such vendor from competing for or being awarded any City Contract for a period of up to ten years where, in the opinion of Council, the change was made by the vendor as part of a deliberate attempt to deceive and such deception has resulted in an impairment of the commercial relationship between the City and such vendor,
- or any combination of the foregoing.
- (8) Where a vendor has the Lowest Compliant Bid to a RFT or RFP or has the successful Bid in accordance with the evaluation methodology set out in a RFP, which Bid has been rejected due to the vendor's failure to initial a legible change such as an erasure, strike out, white out, cross out or overwriting, within one business day of the City's request, the vendor shall also be banned from competing for or being awarded any City Contract for a period of one year. Only the ban, and not the rejection of the Bid, may be challenged by the vendor in accordance with Policy # 18 – Vendor Complaint Resolution.
- (9) No Lobbying and Single Point of Contact
- (a) A vendor and its representatives are prohibited from engaging in any form of public comment, political statement or other lobbying, of any kind whatsoever, that may or could influence the outcome of the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ initiated by the City and therefore shall not:
- (i) make any public comment, respond to questions in a public forum, or carry out any activities to publicly promote or advertise their qualifications, their service or product, or their interest in an RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ;
  - (ii) communicate with the City regarding an RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ except through the Manager of Procurement or designate identified in the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ, who shall be the single point of contact for that procurement document. Having a single point of contact for the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ is intended to allow all other persons involved with the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ on behalf of the City to avoid any perception of a conflict of interest and to conduct the procurement set out in the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ in as fair and objective a manner as possible;
  - (iii) make any attempt to contact, directly or indirectly, any of the following persons, with respect to an RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ,
    1. any member of an evaluation team;
    2. any member of a costing team;
    3. any expert, independent consultant or other advisor assisting the City;
    4. any elected City official;
    5. any staff of the City of Hamilton or its advisors; or
    6. any other persons connected in any way with the procurement document,
- until such time when the RFI/RFPQ/RFQ/RFT/RFP/RFRC/RFRQ is cancelled or awarded.
- (b) A vendor who has been awarded a Contract shall not engage in any contact or activities in an attempt to influence any elected City official or City staff with

respect to the purchase of additional enhancements, requirements, options, or modules. A vendor may communicate with the City and City staff for the purposes of administration of the Contract during the term of the Contract.

The determination of what constitutes an attempt to influence shall be at the sole discretion of the City, acting reasonably, and is not subject to challenge under Policy # 18 - Vendor Complaint Resolution.

- (c) The restrictions outline in subsection (a) and (b) of Policy #1 do not preclude the vendor from pursuing its remedies under Policy # 18 Vendor Complaint Resolution.
- (10) Where the Manager of Procurement has demonstrated and the Procurement Sub-Committee is satisfied that there is sufficient evidence of act(s) or omission(s) described in this Policy #1 on the part of a vendor, the Procurement Sub-Committee may impose an interim ban upon the vendor from competing or being awarded any City Contract, under the following circumstances:
- (a) while an investigation is being conducted by the Manager of Procurement;
  - (b) while there is documented poor performance or non-performance that has not been resolved to the City's satisfaction and which has impaired the commercial relationship between the City and the vendor such that the vendor ought to be precluded from submitting bids on other contracts until the vendor performance issues have been rectified; or
  - (c) when a vendor has been found to be in breach of a City Contract and which breach has impaired the commercial relationship between the City and the vendor such that an interim ban is necessary in order to preclude the vendor from submitting bids on other contracts pending Litigation or a final ban.

The interim ban may be imposed for a period of up to 12 months. The Procurement Sub-Committee's decision shall be final with respect to the interim ban.

- (11) Where an interim ban is imposed under subsection (10), the Manager of Procurement shall, prior to the expiry of the interim ban, report to the appropriate standing committee of Council the status of the investigation and any recommendations for further action.

## POLICY # 2 - Approval Authority

### SECTION 4.2

- (1) Any person delegated Approval Authority pursuant to this Policy # 2 shall ensure that an approved budget exists for the proposed procurement and that such procurement does not violate any City policies or any applicable law. Any such procurement shall also satisfy any applicable audit requirements of the City.
- (2) The following body and persons shall have the respective Approval Authority as set out below:
  - (i) **Council** must approve the funding for any procurement of a value of \$250,000 or greater.
  - (ii) **City Manager** must approve the funding for any procurement of a value of \$100,000 up to but not including \$250,000. The City Manager may sub-delegate such Approval Authority to his/her staff, who are referred to as an Authorized Delegate in the table below, at the procurement values he/she deems appropriate. Staff who have been further delegated Approval Authority from the City Manager to approve procurements **shall have no authority to** delegate this Approval Authority to any other person. The City Manager may also exercise the Approval Authority of a General Manager.
  - (iii) **General Managers** are authorized to approve the funding for procurements of a value up to but not including \$100,000, save and except for Policy #9 – Consulting and Professional Services and in an Emergency wherein Policy # 10 Emergency Procurements shall apply. **Only** General Managers may sub-delegate such Approval Authority to their staff, who are referred to as an Authorized Delegate in the table below, at the procurement values they deem appropriate. Staff who have been further delegated Approval Authority from their General Manager to approve procurements **shall have no authority to** delegate this Approval Authority to any other person.
- (a) The following chart indicates the approval authorities for various Procurement Policies in accordance with this Policy #2 as well as the persons having the authority to execute contracts in accordance with Policy #13 Authority to Execute Contracts.

<b>PROCUREMENT POLICY</b>	<b>ESTIMATED PROCUREMENT VALUE (\$, Canadian Funds, exclusive of applicable taxes)</b>	<b>APPROVAL AUTHORITY POLICY #2</b>	<b>AUTHORITY TO EXECUTE CONTRACTS POLICY #13 *</b>
Policy # 5.1 Low Dollar Value Procurements	Up to but not including \$10,000	General Manager or Authorized Delegate	Person who exercised the Approval Authority for the procurement.
Policy # 5.2 Request for Quotations	\$10,000 up to but not including \$100,000	General Manager or Authorized Delegate	Person who exercised the Approval Authority for the procurement.
Policy # 5.4 Request for Proposals	\$10,000 up to but not including \$100,000	General Manager or Authorized Delegate unless any of the conditions in subsection (3) of Policy #2 apply, then Council approval is required.	General Manager and City Manager
Policy # 5.3 Request for Tenders	\$100,000 up to but not including \$250,000	City Manager or Authorized Delegate unless any of the conditions in subsection (3) of Policy # 2 apply, then Council approval is required.	General Manager and City Manager
Policy # 5.4 Request for Proposals		For linear construction Contracts issued in conjunction with the Public Works Department, the General Manager of Public Works or Authorized Delegate unless any of the conditions in subsection (3) of Policy # 2 apply, then Council approval is required.	General Manager of Public Works and City Manager



PROCUREMENT POLICY	ESTIMATED PROCUREMENT VALUE (\$, Canadian Funds, exclusive of applicable taxes)	APPROVAL AUTHORITY POLICY #2	AUTHORITY TO EXECUTE CONTRACTS POLICY #13 *
<p>Policy # 5.3 Request for Tenders</p> <p>Policy # 5.4 Request for Proposals</p>	<p>\$250,000 or greater</p>	<p>Council</p> <p>a) where the funds to procure the goods and services have been previously approved through the budget process;</p>	<p>General Manager and City Manager</p>
		<p>b) for all other Contracts;</p> <p>c) where any of the conditions in subsections (3) and (4) of Policy # 2 apply.</p>	<p>City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract</p>
		<p>For linear construction Contracts issued in conjunction with the Public Works Department, the General Manager of Public Works or Authorized Delegate unless any of the conditions in subsection (3) of Policy # 2 apply, then Council approval is required.</p>	<p>General Manager of Public Works and City Manager</p>
<p>Policy # 7 Construction Contracts (applicable to existing contracts with unexpected circumstances)</p>	<p>\$10,000 or greater</p>	<p>General Manager (Policy #7 <i>Construction Contracts Form</i>)</p>	<p>Where the existing contract requires a formal amendment, same persons as existing contract.</p>

<b>PROCUREMENT POLICY</b>		<b>ESTIMATED PROCUREMENT VALUE</b> (\$, Canadian Funds, exclusive of applicable taxes)	<b>APPROVAL AUTHORITY POLICY #2</b>	<b>AUTHORITY TO EXECUTE CONTRACTS POLICY #13 *</b>
Policy # 10	Emergency Procurements	\$10,000 or greater	General Manager	General Manager
Policy # 11	Non-competitive Procurements (single source and short supply)	Up to but not including \$250,000	General Manager	General Manager
		\$250,000 or greater	Council	City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract.
Policy # 11	Non-competitive Procurements (extension)	Any value where the extension does not exceed 18 months from Contract expiry	General Manager	General Manager
		Any value where the extension exceeds 18 months from Contract expiry	Council	City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract.

\*(persons authorized to execute the Contract and all necessary associated documents.  
Includes persons in an acting position)

- (3) The Client Department in conjunction with the Procurement Section shall submit a report to Council and the appropriate standing committee recommending award of an RFT or RFP if **ANY** of the following conditions apply:
  - (a) the value of the Bid being recommended for award and any contingency allowance are in excess of the Council approved budget including any contingency allowance, or
  - (b) for capital projects, when the final competitively procured cost of the proposed procurement exceeds the amount provided in the Council approved capital budget for that project by \$250,000 or greater, or
  - (c) for RFTs, the award is not being made for the Lowest Compliant Bid, or
  - (d) for RFPs, the award is not being made in accordance with evaluation methodology set out in the RFP, or
  - (e) where in the opinion of the City Manager, the Client Department's award recommendation is not in the best interest of the City, or
  - (f) there are Provincial or Federal government requirements for Council approval.
- (4) The Client Department shall submit a report to Council and the appropriate standing committee recommending a single source procurement of \$250,000 or greater in accordance with Policy #11 – Non-competitive Procurements.
- (5) Council may delegate further Approval Authority as it considers necessary from time to time, including but not limited to, any extended time periods during which Council does not meet.
- (6) The City's Director of Financial Services & Corporate Controller shall prepare a quarterly status report to Council on Request for Tenders and Request for Proposals which shall identify those procurements:
  - (a) which have been issued, but not yet closed,
  - (b) which have closed and are under review, and
  - (c) which have been awarded or cancelled,since the previous status report.
- (7) The issuance and approval of award of a Revenue Generating Contract of any value requires the approval of the General Manager of the Client Department. It will be at the discretion of the General Manager of the Client Department whether to also seek Council approval on the issuance and/or approval of award of a Revenue Generating Contract.
- (8) Acceptance of a Sponsorship of any value requires the approval of the General Manager of the Client Department. It will be at the discretion of the General Manager of the Client Department whether to also seek Council approval on the City's acceptance of a Sponsorship.

## POLICY # 3 - Specifications

### SECTION 4.3

- (1) The following requirements shall be followed in the preparation of the Specifications:
  - (a) Specifications are to be detailed but not brand specific, unless standardized in accordance with Policy # 14 – Standardization to maintain a competitive procurement process.
  - (b) Where the Specification requirements of the Client Department will result in a single source purchase, the Client Department shall follow Policy # 11 – Non-competitive Procurements.
  - (c) Where the Specifications relate to matters that are addressed under the Corporate Energy Policy, they shall be approved by the City’s Manager of Energy Initiatives to ensure that they meet the requirements of said policy.
  - (d) Client Departments shall advise the Information Technology Division of proposed procurements that relate to new software purchases and shall comply with the Corporate Computer and Technology Acceptable Use Policy and Security Policies. Specifications shall be approved by Director of Information Technology or Authorized Delegate to ensure that they meet the requirements of said policies.
  - (e) Vendors or potential vendors shall not be requested to expend time, money or effort on design or in developing Specifications or otherwise to help define a requirement beyond the normal level of service expected from vendors. Where such services are required,
    - (i) the Manager of Procurement must be advised;
    - (ii) the contracted vendor will be considered a consultant and will not be allowed to make an offer of the supply of the Goods and/or Services;
    - (iii) where a vendor is retained or is anticipated to be retained to complete pre-Bid services, feasibility studies, preliminary design or development work, the Client Department shall engage the Procurement Section during the preliminary planning stages of the project to determine if follow-on or multi-phase assignments are anticipated and to determine the appropriate competitive procurement process to be used and whether a report to Council is necessary with respect to the project;
    - (iv) a fee shall be paid, the amount of which shall be determined and agreed upon by the vendor before the services commence; and
    - (v) the detailed Specifications shall become the property of the City, and can be used in obtaining Bids.
  - (f) Where it is not possible to prepare precise Specifications to issue a Request for Tenders, a Request for Proposals shall be issued. The Client Department, in cooperation with the Procurement Section, shall prepare evaluation criteria and weightings for the criteria. The RFP shall clearly distinguish those requirements that are deemed mandatory and non-mandatory and shall clearly outline how these items will be evaluated.
  - (g) When preparing the Specifications, the Client Department shall be knowledgeable of the *Ontarians with Disabilities Act, 2005* and the regulations thereunder, as amended, re-enacted or replaced from time to time, and the City’s

Barrier Free Design Guidelines 2006 or the most recent version and apply those requirements with respect to procuring Goods and/or Services and in the development of the Specifications.

- (h) When preparing the Specifications, the Client Department shall consider the amount of packaging that would be associated with the procurement of a Good. If the required level of packaging is felt to be too excessive, then the Specifications for those Goods will require the vendor to be responsible for and bear the cost for the removal and disposal of the packaging materials.
- (2) The preparation of the Specifications for Request for Quotations, Request for Proposals or Request for Tenders shall be the responsibility of the Client Department. Specifications shall be approved by the Client Department Authorized Delegate and shall be forwarded directly to the Procurement Section with approval attached.
- (3) The Procurement Section shall have the authority to review and recommend improvements to the Specifications when deemed necessary. The Client Department shall cooperate with the Procurement Section in the finalization of the Specifications. Should the Procurement Section and the Client Department not be able to reach agreement on Specifications within the allotted timeline, the General Managers of the Client Department and of Finance and Corporate Services Department will attempt to resolve the matter.
- (4) The City may issue a RFI through Centralized Procurement. A RFI can be used to determine if there is sufficient vendor interest to justify proceeding with a competitive procurement process and/or to gain additional information on the Good and/or Service from the vendor community. Any resulting competitive procurement process will be issued in accordance with Policy # 5 – Determining the Procurement Process.

## **POLICY # 4 - Prequalification of Vendors**

### **SECTION 4.4**

- (1) The purpose for prequalification of vendors is to ensure that each vendor intending to perform work on a City Contract can demonstrate its capability to provide the necessary expertise and resources to satisfactorily complete the work required.
- (2) Prequalification of vendors shall be issued through Centralized Procurement and will only be considered in the following circumstances:
  - (a) the work will require substantial project management by the City if the vendor is not appropriately experienced and could result in a substantial cost to the City;
  - (b) the Goods and/or Services to be purchased must meet national safety standards;
  - (c) the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials, or financial requirements;
  - (d) there could be a substantial impact on City operations if the work is not satisfactorily performed the first time;
  - (e) where time requirements necessitate efficient use of time and expertise;
  - (f) any other circumstances deemed appropriate by the Manager of Procurement.
- (3) Prequalification requires vendors to provide such information as requested by the City to determine that the vendor and, where necessary, any applicable sub-contractors have the capability in all respects to perform the contract requirements. This information may include such things as:
  - (a) previous experience on similar work (firm and staff assigned);
  - (b) capacity to fulfill the contract requirements; and
  - (c) the facilities and/or equipment to perform the work.
- (4) Vendor submissions will be evaluated, ranked, and a list of prequalified vendors will be established.

## POLICY # 5 - Determining the Procurement Process

### SECTION 4.5

- (1) Sales taxes, excise taxes, value added taxes, duties and shipping shall be excluded in determining the procurement limit of Authorized Delegates and the type of procurement process to be followed.
- (2) The dollar values identified in this Procurement Policy represent the **annual** estimated procurement value for a Good and/or Service to be procured. The annual estimated procurement value is the cumulative value of a particular Good and/or Service in one calendar year. For multi-year Contracts, the estimated total procurement value over the term of the Contract, including any renewal periods, shall be used as the basis for determining which procurement process and Approval Authority applies.
- (3) It should be the intent of the Client Department to procure Goods and/or Services of like nature as a combined effort.
- (4) Where Provincial and/or Federal Governments impose unique requirements in order to qualify for funding, the City's procurement documents will be amended to include those provisions.
- (5) Where there is an incumbent vendor on a corporate City Contract which is of a highly sensitive nature due to the risk associated with financial loss, confidentiality or the handling of sensitive information, a report shall be forwarded to the applicable standing committee of Council and Council to seek direction on the type of procurement process to be followed for the acquisition of the Good and/or Service.
- (6) Where the estimated gross revenue for a Revenue Generating Contract is \$10,000 or greater, the Revenue Generating Contract shall follow the RFP or RFT process through Centralized Procurement.

Service Revenue Contracts of any value shall be exempt from the public procurement processes outlined in the Procurement Policy, save and except Policy # 2 – Approval Authority and Policy # 13 – Authority to Execute Contracts. Mixed Revenue Contracts are not exempt.

In the event that a Revenue Generating Contract falls under more than one City Policy, both Policies must be adhered to unless that Contract and/or the other City Policy is specifically exempted from the Procurement Policy.

**POLICY # 5.1 - Low Dollar Value Procurements  
(up to but not including \$10,000)**

**SECTION 4.5.1**

- (1) Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts, the Client Department may directly procure Goods and/or Services with an estimated procurement value up to but not including \$10,000. Neither a RFQ, RFP nor RFT is required for Low Dollar Value Procurements.
- (3) The General Managers may delegate Approval Authority to their staff for Low Dollar Value Procurements. This procurement function has been de-centralized and therefore, it is the responsibility of the respective General Manager to ensure that the Procurement Policy is adhered to.
- (4) An authorized online Purchase Requisition is be utilized to initiate a Purchase Order and/or formal Contract process for any procurement over \$10,000.



**POLICY # 5.2 - Request for Quotations  
(\$10,000 – up to but not including \$100,000)**

**SECTION 4.5.2**

- (1) Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts, a Request for Quotations process is used by the Client Department for Goods and/or Services with an estimated procurement value of between \$10,000 and up to but not including \$100,000 in the following manner:
  - (a) the applicable templated Request for Quotations documents shall be used to issue and secure Bids from vendors unless otherwise previously approved by the Procurement Section;
  - (b) a minimum of three compliant Bids from different vendors shall be obtained by any method of written communication unless otherwise approved by the Procurement Section;
  - (c) in seeking the vendors for Request for Quotations, staff shall also use the electronic vendor database;
  - (d) Bids must be received from a minimum of three separate vendors;
  - (e) a “No Bid” response shall not be considered a valid Bid;
  - (f) all vendors shall receive the same Request for Quotations written information;
  - (g) the Request for Quotations shall be awarded to the Lowest Compliant Bid; and
  - (h) all written Bids shall be retained in the Client Department files in accordance with City By-law No. 11-040 (To Establish Retention Periods for Records of the City of Hamilton), as amended, re-enacted or replaced from time to time.

The Manager of Procurement may waive the requirement for three Bids, but will only do so where the Client Department has demonstrated to the satisfaction of the Manager of Procurement that a minimum of three Bids cannot be obtained.

- (3) Any multi-year Request for Quotations, including any contract with option(s) to extend, issued by the Client Department must be reviewed and approved by the Procurement Section prior to the RFQ being issued. As well, all Bids received in response to a multi-year Request for Quotations and any award recommendation shall also be reviewed by the Procurement Section to ensure compliance with the RFQ this Policy #5.2.
- (4) Staff is encouraged to seek more than the minimum three written Bids to ensure a more competitive process and to utilize any Request for Quotations template provided by the Procurement Section.
- (5) In the event that two or more identical Bids are received and are the Lowest Compliant Bids, best and final offers will be solicited from each of these vendors in order to break the tie. If this effort is unsuccessful, then a draw will be held to determine the successful vendor.
- (6) The Procurement Section shall assist when requested by the Client Department, or when deemed necessary, with the Request for Quotations process.

- (7) An authorized online Purchase Requisition shall be utilized to initiate a Purchase Order and/or formal Contract process.
- (8) When a Client Department would like to issue an RFP in lieu of a Request for Quotations, the RFP shall be issued by the Procurement Section in the same manner as for Requests for Proposals in Policy # 5.4 of the Procurement Policy.

### **POLICY # 5.3 - Request for Tenders (\$100,000 and greater)**

#### **SECTION 4.5.3**

- (1) Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts,
  - (a) the Request for Tenders process is to be used for Goods and/or Services with an estimated procurement value of \$100,000 or greater and where comprehensive technical Specifications can be developed;
  - (b) the Request for Tenders process shall be carried out by Centralized Procurement;
  - (c) all Requests for Tenders shall be issued and awarded in accordance with the tendering procedures as determined by the City's Director of Financial Services;
  - (d) the Request for Tenders shall be awarded based on the Lowest Compliant Bid. In the event that two or more identical Bids are received and are the Lowest Compliant Bids, best and final offers will be solicited from each of these vendors in order to break the tie. If this effort is unsuccessful, then a draw will be held to determine the successful vendor.
- (3) When no compliant Bids are received in response to a Request for Tenders, and
  - (a) where time permits, in the opinion of the General Manager of the Client Department, the Request for Tenders shall be re-issued with the appropriate revisions; or
  - (b) where only one Bid has been received, the Manager of Procurement in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the procurement described in the Request for Tenders; or
  - (c) where time does not permit the re-issuance of the Request for Tenders in the opinion of the General Manager of the Client Department, and the Request for Tenders is not otherwise being revised, all vendors who submitted a Bid or secured the original Request for Tenders shall be given the opportunity to submit a new Bid. The Procurement Section will communicate to each vendor who previously submitted a Bid, any deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum; or
  - (d) where time does not permit the re-issuance of the Request for Tenders, and the Request for Tenders is being revised, all vendors who submitted a Bid or secured the Request for Tenders, shall be given the opportunity to submit a new Bid. The Procurement Section will communicate to each vendor who previously submitted a Bid, any deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum. The General Manager of the Client Department shall approve this process prior to implementation.
- (4) Where one or more Bids have been received and are in excess of budgeted funds, the General Manager of the Client Department in consultation with the Manager of Procurement may enter into negotiations with the vendor submitting the Lowest Compliant Bid, where it is agreed that the changes required to achieve an acceptable Bid will not

change the general nature of the requirement described in the RFT.

- (5) The Goods and/or Services shall be procured through a Purchase Order, Contract process and/or any other process as approved by the Director of Financial Services & Corporate Controller. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.
- (6) Where a Time-Sensitive situation occurs, the Manager of Procurement may authorize the Client Department to utilize the Policy # 5.2 - Request for Quotations in lieu of the Request for Tenders process.

## POLICY # 5.4 - Request for Proposals (\$10,000 and greater)

### SECTION 4.5.4

- (1) The Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts,
  - (a) the Request for Proposals process is to be used for Goods and/or Services with an estimated procurement value of \$10,000 or greater and where comprehensive technical Specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or service, at the time of the request;
  - (b) the Request for Proposals process must be implemented through Centralized Procurement;
  - (c) the Request for Proposals shall be issued and awarded in accordance with the RFP procedures as determined by the City's Director of Financial Services & Corporate Controller;
  - (d) the Request for Proposals shall clearly set out the evaluation criteria and weightings upon which an award of the Request for Proposals may be made. Subject to minor variations as may be approved by the Manager of Procurement, the evaluation methodologies that may be employed, are:
    - (i) **FIXED PRICE.** The City establishes a fixed dollar value for the award, and the Bids consist of only a technical Bid for that fixed dollar value. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. The award shall be made to the highest scoring vendor; or
    - (ii) **PRICE PER POINT.** The evaluation of the RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received. The City will then calculate the price per point for each Bid meeting the technical benchmark score and the award will be made to the vendor with the lowest price per point; or
    - (iii) **COMBINATION OF TECHNICAL AND PRICE SCORES.** The RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received and score the price based on a predetermined calculation set out in the RFP. The price weighting must be a minimum of 25 percent of the technical weighting. Only the General Manager of the Client Department may approve a price weighting of less than 25 percent of the technical weighting. A total evaluation score will be determined by adding the technical score and the price score. The award shall be made to the highest scoring vendor; or

- (iv) **LOWEST PRICED BID MEETING TECHNICAL BENCHMARK SCORE.** The RFP will utilize a multi-step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in the RFP, the City will open the price Bid received. The award shall be made to the vendor who has successfully met the technical benchmark score and has the lowest priced Bid.

Where the RFP requires multiple vendors or a roster of vendors, the award shall be made consistent with the evaluation methodology stated above. The number of vendors to be awarded and the manner in which they shall be selected shall be clearly set out in the RFP.

Where an evaluation methodology other than the above is proposed, specific Council approval shall be obtained.

- (3) The Procurement Section will facilitate the RFP evaluation process. An evaluation committee will be formed with a minimum of three evaluators and be comprised of at least one representative from the Client Department. The evaluators shall review all compliant Bids against the established criteria, reach consensus on the final rating results, and ensure that the final rating results with supporting documents are kept in the procurement file. The Procurement Section representative shall not participate in the scoring of the Bid;
- (4) All Bids that meet the required terms, conditions and Specifications outlined in the Request for Proposals document shall be evaluated based on the evaluation criteria and weightings, subject to any rights or privileges reserved by the City;
- (5) Any award shall be made in accordance with the evaluation criteria and weightings contained in the Request for Proposals document, subject to any rights or privileges reserved by the City or as otherwise approved by Council.
- (6) When no compliant Bids are received in response to a Request for Proposals, and
- (a) where time permits in the opinion of the General Manager of the Client Department, the Request for Proposals shall be re-issued with the appropriate revisions; or
  - (b) where time does not permit the re-issuance of the Request for Proposals in the opinion of the General Manager of the Client Department, the Request for Proposals is not otherwise being revised, and the non-compliance is associated with the pricing portion of the multi-two step evaluation process, all vendors who have successfully passed the technical proposal requirements of the Request for Proposals shall be given the opportunity to submit a new price Bid only. The Procurement Section will communicate to each of these vendors, any Bid deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum.
- (7) Where only one Bid has been received in response to a Request for Proposals and
- (a) is non-compliant; or
  - (b) has successfully passed the technical proposal requirements and the Bid is non-compliant,

the Manager of Procurement in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the requirement described in the Request for Proposals.

- (8) Where the Bid being recommended for award is in excess of budgeted funds, the General Manager of the Client Department in consultation with the Manager of Procurement may enter into negotiations with the vendor submitting that Bid, provided that it is agreed by both the City and the vendor that the changes required to achieve an acceptable Bid will not alter the general nature of the requirement described in the RFP.
- (9) Except where another process is approved by the Director of Financial Services & Corporate Controller, the Goods and/or Services shall be procured through a Purchase Order and/or Contract process. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.

## **POLICY # 6 - Unsolicited Proposals**

### **SECTION 4.6**

- (1) If it is determined that there is a legitimate need for the Goods and/or Services offered by way of an unsolicited proposal, then an Acquisition Method shall be conducted in accordance with the Procurement Policy.



## POLICY # 7 - Construction Contracts

### SECTION 4.7

- (1) Where the procurement of Goods and/or Services involves construction, such construction Contracts must also meet the requirements of the Procurement Policy. However, construction Contracts of \$100,000 or greater also require both a Purchase Order and a written legal agreement, in a form satisfactory to the City Solicitor.
- (2) Construction Contracts are subject to the City's Fair Wage Policy and Fair Wage Schedule. The Fair Wage Policy and Fair Wage Schedule can be accessed on the City of Hamilton website.
- (3) For an approved construction Contract in which an unexpected circumstance arises during construction resulting in additional construction work, the General Manager of the Client Department may authorize the payment for such work and approve any required purchase acquisition documents, including a completed *Construction Contracts Form*.
- (4) Where additional consultancy work is required to oversee or administer the additional construction work referred to in subsection (3), and the consultancy services were not issued as a Policy #9 Consulting and Professional Services roster assignment, Policy #10 Emergency - Procurements or Policy #11-Non-competitive Procurement, the General Manager of the Client Department may authorize the payment for such consultancy work and approve any required purchase acquisition documents, including a completed *Construction Contracts Form*.
- (5) The *Construction Contracts Form* shall detail what additional construction or consultancy work was required to address the unexpected circumstances. Such additional work shall not expand the scope of the work but shall have been determined to be necessary in order to deliver the original approved work.

## POLICY # 8 - Vendor Performance Evaluation

### SECTION 4.8

- (1) On an annual basis and at the completion of every Contract for Goods and/or Services of \$100,000 or greater, the Client Department shall complete a *Vendor Performance Evaluation Form*. The General Manager of the Client Department shall ensure this performance evaluation is completed for these Contracts. Such evaluation shall be completed and a copy will be forwarded to the Procurement Section.
- (2) In the event of a vendor's unsatisfactory performance as determined by the City in its absolute discretion, including the vendor's refusal to perform or to complete performance of a Contract with the City at any time during the term of any City Contract, the General Manager or an Authorized Delegate of the Client Department shall complete and forward a copy of the Vendor Performance – Incident Reporting Form as soon as reasonably possible after the occurrence.
- (3) Documented unsatisfactory performance on any City Contract will be used to determine the eligibility of a vendor to continue to provide Goods and/or Services to the City on a current Contract and to determine their ability to participate on future City Contracts. Any vendor may be excluded from a bidding process due to unsatisfactory performance, where in the opinion of the Procurement Sub-Committee or Council, the commercial relationship between the City and such vendor has been impaired.
- (4) The City's Public Works Department shall be responsible for the vendor performance evaluation process with respect to linear construction Contracts issued by that department under Policy # 7 – Construction Contracts in a format which includes feedback from area residents and elected officials.
- (5) In the event of a vendor's breach of a City Contract, the Manager of Procurement in consultation with the Client Department shall have the discretion to either:
  - (a) re-issue the RFQ, RFT or RFP; or
  - (b) negotiate and enter into a new Contract for the remainder of the Contract with the second lowest bidder of the original RFT or RFQ, or the next qualified Proposal of the original RFP,whichever is in the best interests of the City.

## POLICY # 9 - Consulting and Professional Services

### SECTION 4.9

- (1) Unless otherwise provided, Consulting and Professional Services shall be acquired in accordance with the Procurement Policy.
- (2) A Consulting and Professional Services roster will be established every three years through a formal Request for Rostered Candidates process.
- (3) All Consulting and Professional Services roster contracts shall be awarded either by work assignments under the RFRC or by using a RFRQ process:
  - (a) Work assignments under the RFRC:
    - (i) shall be presented to vendors on an approved list (rostered candidates) and distributed on a rotational basis as well as a “best fit” basis;
    - (ii) shall have an estimated procurement cost of less than \$150,000; and
    - (iii) the General Manager of the Client Department shall award such works assignments by direct appointment through the applicable roster captain. The applicable roster captain shall ensure that there is a reasonably equitable distribution of the works, based on the total dollar value of the work. This method allows the City to employ a number of different consultants while matching the particular talents of a consultant to the project needs.
  - (b) The RFRQ:
    - (i) shall be issued to no less than three roster candidates under a specific roster category;
    - (ii) shall have an estimated procurement cost between \$150,000 and up to but not including \$250,000; and
    - (iii) is to be awarded to the lowest compliant Bid received.

The RFRQ process shall be administered by the Procurement Section and any Bids submitted shall be sent directly to the designated procurement specialist.
- (4) The General Manager of the Client Departments and the Manager of Procurement shall approve the appointment of rostered candidates and any acceptable subsequent change in any rostered candidate for their respective roster categories in accordance with the Request for Rostered Candidate document.
- (5) The General Managers of the Client Departments shall be responsible to prepare a joint annual information report to Council on all assignments awarded including consultants used and a breakdown of the total cost utilized by each roster category.

## POLICY # 10 – Emergency Procurements

### SECTION 4.10

- (1) Where in the opinion of the General Manager of the Client Department, an Emergency exists, Goods and/or Services shall be acquired by the most expedient and economical means. The Procurement Section will provide cooperative assistance when requested to expedite any procurement documents necessary to deal with the Emergency. The General Manager of the Client Department shall provide the reasons for his or her opinion that an Emergency exists and shall approve any purchase acquisition document issued under such conditions. For amounts exceeding \$250,000, the General Manager shall issue an information update to the City Manager and to Council,
- (2) Where the Emergency Operations Centre (“EOC”) has been activated or Emergency situation has been declared, the City’s EOC Plan shall supersede this Procurement Policy. Where feasible, all Goods and/or Services acquired during an EOC activation or a declared Emergency are to be processed on a Purchase Order and managed and documented through the use of a transaction log report. For amounts exceeding \$250,000, the City Manager shall submit an information update to Council.
- (3) Any information updates to Council shall endeavor to provide details as to what vendor(s) were engaged and the costs incurred as a result of procuring Goods and/or Services to resolve the Emergency.
- (4) Subsequent to the resolution of the Emergency, all transactions require a Purchase Requisition to be entered to complete the procurement process. The Client Department shall complete the *Emergency Procurement Form* and forward it to the Manager of Procurement for informational purposes.

## POLICY # 11 - Non-competitive Procurements

### SECTION 4.11

- (1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department will approve the *Non-competitive Procurement Form*, justifying the need to use this Policy # 11 prior to City staff entering into any discussions with any vendor regarding the purchase of the Goods and/or Services. This process may be adopted when any of the following conditions apply:
  - (a) when Goods and/or Services are judged to be in short supply due to market conditions (short supply);
  - (b) when a single source (for the purpose of this policy this shall include sole source transactions) for the supply of a particular Good and/or Service is being recommended because it is more cost effective or beneficial for the City (single source);
  - (c) where a City Contract has expired or will very shortly expire and unforeseeable circumstances have caused a delay in issuing a new RFP or RFT so that a Contract extension is required (Contract extension).
  
- (2) Council must approve any requests for negotiations for:
  - (a) a single source as set out in subsection (1)(b) of this Policy #11, where the cumulative value of the Policy 11 exceeds a multi-year value of the proposed procurement is \$250,000 or greater. For greater clarity, the total cumulative value of a Policy 11 shall not exceed \$250,000 in any given year or multiple consecutive years; or
  - (b) an extension as set out in subsection (1)(c) of this Policy #11, where the extension exceeds 18 months from the expiry of the Contract with a vendor.
  
- (3) All approved forms shall be forwarded to the Manager of Procurement. The Manager of Procurement will be responsible for reporting the use to Council on a quarterly basis.

TOTAL CUMULATIVE VALUE (\$, Canadian, Not including tax)	APPROVAL TO INITIATE POLICY # 11 PROCESS	APPROVAL TO ENTER INTO CONTRACT
Up to but not including \$250,000 for a single source or short supply type purchase	General Manager	Policy # 2 – Approval Authority
\$250,000 or greater for single source or short supply type purchases	Council	Council as per Policy # 2 – Approval Authority

TOTAL CUMULATIVE VALUE (\$, Canadian, Not including tax)	APPROVAL TO INITIATE POLICY # 11 PROCESS	APPROVAL TO ENTER INTO CONTRACT
Any value where the extension of a Contract does not exceed 18 months from Contract expiry	General Manager	Policy #2 – Approval Authority
Any value where the extension of a Contract exceeds 18 months from Contract expiry	Council	Council as per Policy # 2 – Approval Authority

- (4) The Goods and/or Services shall be procured through a Purchase Order, a formal Contract or any other process as approved by the Director of Financial Services & Corporate Controller.
- (5) Where consultancy services are being procured and are in excess of \$100,000, a formal Contract shall be required.
- (6) All formal Contracts shall be in a form satisfactory to the City Solicitor.

## POLICY # 12 - Cooperative Procurements

### SECTION 4.12

- (1) The City may participate with other government bodies, public authorities, conservation authorities, municipalities, academia, schools, hospitals (MASH sector) and not-for-profit organizations in cooperative procurement ventures for Goods and/or Services when it is in the best interests of the City to do so. Such cooperative procurements shall require the prior written approval of the Manager of Procurement.
- (2) At the discretion of the City's Manager of Procurement, the procurement procedures and policies of the entity initiating the procurement process will be followed.
- (3) The City will issue its own purchase order or contract for their respective Goods and/or Services to the successful vendor or where applicable to the lead participating agency for all cooperative procurements.
- (4) In the absence of an applicable City Contract and with the approval of the Manager of Procurement, the Client Department may purchase Goods and/or Services using established contracts issued by other government bodies, public authorities, conservation authorities, municipalities, academia, schools, hospitals (MASH sector) and not-for-profit organizations. For these contracts, the selection of the vendor must have been made through a competitive procurement process and the resulting contract must permit the City to purchase from that vendor under the same terms and conditions.
- (5) Where the Province of Ontario requires the City to meet a provincial standard for any Goods and/or Services, and has established a prequalified vendor of record list for such Goods and/or Services, the City may invite only those prequalified vendors to participate in the RFQ, RFT or RFP.

## POLICY # 13 - Authority to Execute Contracts

### SECTION 4.13

- (1) The General Manager of the Client Department and the City Manager shall execute Contracts and all necessary associated documents on behalf of the City for all RFT and RFP awards approved in accordance with Policy # 2 – Approval Authority. The applicable General Manager shall be the General Manager of Finance & Corporate Services in the case of a corporate-wide Contract.
- (2) Where a Contract is required for a procurement which was not initiated by an RFT or RFP but was otherwise authorized and approved in accordance with Policy # 2 – Approval Authority, the person having the applicable Approval Authority for the procurement shall also have the authority to execute the Contract and all necessary associated documents on behalf of the City.
- (3) For all other Contracts that received Council approval, the City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract.
- (4) The person(s) who have executed a Contract on behalf of the City in accordance this Policy # 13 shall also have the authority to execute any documents for an amendment, an assignment or corporate change request related to such Contract.
- (5) All Contracts shall be in a form satisfactory to the City Solicitor and shall contain content which is acceptable to the Client Department.
- (6) All Authorized Delegates will complete the *Notification of Signing Authority Form*, which shall not be effective until approved and executed by the General Manager or City Manager, as the case may be, and forwarded to the City's Finance & Administration and Special Projects Division for reference.



## POLICY # 14 - Standardization

### SECTION 4.14

- (1) The Manager of Procurement shall have the authority to negotiate with the original equipment manufacturers and licensed distributors of approved standardized products.
- (2) The Standards and Approved Products Committee shall be responsible to prepare an annual information report to Council outlining the rationale for any Standardization of Goods added to the City's Approved Products Listing, the number of Goods standardized and any standardized Good resulting in a single source purchase.
- (3) Where a standardized Good can be procured from more than one vendor that Good shall not be considered a single source purchase.
- (4) Where a standardized Good or Service is approved by Council or the Manager of Procurement and the expiry of the standardization is not stated in the approval report or motion, the expiry of the standardization shall be no more than 3 years from the date of the approval.
- (5) Standardization Approval Summary Table

Standardization Type	Total Cumulative Value (\$)	Duration of the Standard	Approval Required	Expiry
Standardization does not result in a single source purchase.	Less than \$100,000	No more than 5 years	Manager of Procurement or The Standards and Approved Products Committee*	At the conclusion of the contract term.
Standardization does not result in a single source purchase.	Less than \$100,000	Greater than 5 years	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.
Standardization does not result in a single source purchase.	\$100,000 or greater	Any	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.
Standardization results in a single source purchase.	\$10,000 or greater	Any	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.

\*Approvals made by The Standards and Approved Products Committee shall only be within the committee's mandate as approved by Council.

## **POLICY # 15 - Participation of Elected City Officials in the Procurement Process**

### **SECTION 4.15**

- (1) Elected City officials may participate in the procurement process in the narrowly defined circumstances described in this Policy #15 for those specific procurement projects identified by Council.
- (2) Elected City officials may participate as members of a steering committee for significant procurement projects identified by Council.

When Council identifies a significant procurement project for which elected City officials are to participate as members of a steering committee, Council will also address the following issues:

- (a) the extent of the elected City officials' involvement in the procurement process to ensure that they are able to provide input prior to the issuance of the procurement documents and to oversee the procurement process, but not function in a decision-making capacity;
  - (b) the selection of elected City officials who are able to comply with Policy # 17 - Conflicts of Interest and who do not otherwise have a perceived or actual conflict of interest that would impair their ability to be impartial; and
  - (c) the number of elected City officials to participate.
- (3) Elected City officials may not participate in the procurement process where they are required to be in an evaluation capacity. Their involvement in the approval capacity of the procurement process is limited to items that must be approved by Council pursuant to Policy # 2 - Approval Authority.

## POLICY # 16 - Disposal of Surplus and Obsolete Goods

### SECTION 4.16

- (1) A Director of the Client Department shall:
  - (a) declare a good as surplus or obsolete to the needs of the City before the good may be disposed of in accordance with this Policy # 16; and
  - (b) recommend the appropriate disposal methods, which are cost effective and in the best interest of the City, for the declared surplus or obsolete good.
- (2) The Manager of Procurement, in conjunction with the City's Director of Financial Services & Corporate Controller, shall have the authority to sell, exchange, or otherwise dispose of goods declared as surplus or obsolete to the needs of the City by any of the following disposal methods:
  - (a) by sale, lease, license or other disposition to other City departments; or
  - (b) by sale, lease, license or other disposition to public or private sector entities; or
  - (c) by external advertisement, Revenue Generating Contract, formal request, auction or public sale (where it is deemed appropriate, a reserve price may be established); or
  - (d) by donation to a non-profit agency; or
  - (e) by recycling; or
  - (f) in the event that all efforts to dispose of the goods by sale are unsuccessful, by scrapping or destroying if recycling is unavailable.
- (3) No disposition of such good(s) shall be made to employees of the City, members of Council, or their family members unless such good(s) are sold through external advertisement, formal request, auction or public sale and no conflict of interest exists. Prior to any such disposition, the employee shall declare their interest in writing to their General Manager, who will confirm whether any conflict of interest exists. In the case of an elected official, the elected official shall declare their interest in writing to the City Manager. Family members include those defined by the City's Code of Conduct for Employees Policy, Code of Conduct for Members of Council or such other similar policy currently in force.
- (4) The Manager of Procurement shall submit an annual report to the General Manager of Finance and Corporate Services summarizing the disposal of all surplus and obsolete goods pursuant to this Policy # 16.
- (5) The value of any declared surplus or obsolete good cannot be used to offset the value of procurement when determining the procurement process. For example, any trade-in value or salvage value recoverable from a project cannot be used to offset, reduce or change the value of the procurement for purposes of determining the appropriate procurement process to be followed under the Procurement Policy.
- (6) The disposal of artifacts is exempt from the requirements of the Procurement Policy.

## POLICY # 17 - Conflicts of Interest

### SECTION 4.17

- (1) Employees of the City shall not have a pecuniary interest, either directly or indirectly, in any City Contract or with any person acting for the City in any Contract for the supply of Goods and/or Services for which the City pays or is liable, directly or indirectly to pay unless such interest has been declared pursuant to the Code of Conduct for Employees Policy, as amended or replaced from time to time, and the employee otherwise complies with such policy.
- (2) In addition to complying with the Code of Conduct for Employees Policy as set out under subsection 4.17(1), employees of the City are required to declare any pecuniary interest, either direct or indirect, in writing to their General Manager with a copy to the Manager of Procurement indicating the specific nature of the conflict.
- (3) Members of Council are required to declare any pecuniary interest direct or indirect, and its general nature, which may result in a conflict of interest pursuant to the *Municipal Conflict of Interest Act* and the member of Council shall otherwise comply with that Act.
- (4) Any Contract with the City may be voided in which a member of Council or any employee of the City has an undeclared direct or indirect pecuniary interest.
- (5) All City employees and others participating in the development of the Specifications and/or evaluation for any Request for Tenders, Request for Prequalifications and Request for Proposals will be required to complete and sign a *Conflict of Interest Form*.

## POLICY # 18 - Vendor Complaint Resolution

### SECTION 4.18

- (1) The City of Hamilton encourages the most open, competitive procurement processes and the objective and equitable treatment of all vendors.
- (2) Vendors may feel aggrieved and may seek to dispute the recommendation of an award of a Contract. To maintain the integrity of the process, vendors who believe they have been treated unfairly may take the following steps, prior to the award of the Contract:
  - (a) Request a meeting with the Manager of Procurement within ten business days after the earlier of the following dates set out below has occurred:
    - (i) the date the vendor is notified that its Bid is non-compliant; and
    - (ii) the date the vendor is notified of the results of the evaluation of its Bid.

The vendor's request shall be in writing and shall provide a detailed statement of the grounds of the complaint, including copies of relevant documents, and identify the form of relief requested; and
  - (b) If no resolution satisfactory to both parties has been achieved, the vendor will have three business days from the date of the meeting with the Manager of Procurement to make a formal written request to meet with the General Managers of the Client Department and of Finance and Corporate Services regarding the vendor's complaint. The General Managers will make the final decision regarding the vendor's complaint, which decision may be made orally or in writing. If the General Managers' decision means that the City can proceed with the award of the Contract, then the award may occur at any time after such decision is made.
- (3) The scheduling of any meeting with the Manager of Procurement or applicable General Managers shall take place within three business days of the Manager of Procurement's receipt of the vendor's written request to meet so as not to delay the award of a contract. The Manager of Procurement shall provide the vendor with proposed dates and times for the meeting. The vendor shall be required to respond with their availability and attend a meeting at one of the proposed day and times otherwise have their complaint denied.
- (4) The request for any meeting with the applicable General Managers may be denied. For instance, where the applicable General Managers have determined that it would be inappropriate or where there is no merit to the complaint.
- (5) Where a vendor has been banned from competing for or being awarded any City Contract for a period of one year in accordance with subsection 4.1(7) of Policy # 1 - Policy for Vendor Eligibility;
  - (a) the vendor may challenge the one year ban only to the appropriate standing committee of Council where there are extenuating circumstances respecting why the initialing was not done within one business day of the City's request; and
  - (b) the appropriate standing committee will provide to Council a recommendation with respect to the vendor's complaint.

## POLICY # 19 – Non-compliance with the Procurement Policy

### SECTION 4.19

- (1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department in consultation with the Manager of Procurement will authorize the use of a *Non-Compliance with the Procurement Policy Form* which outlines the circumstances behind the non-compliance issue. This process is to be used when there is a violation of the Procurement Policy consisting of one or more of the following:
  - (a) the contracting of a vendor to provide Goods and/or Services, not in accordance with the requirements of the Procurement Policy;
  - (b) the receipt of an invoice by the City from a vendor, for Goods and/or Services previously acquired outside the procurement process required under the Procurement Policy;
  - (c) where it can be proven that the actions or non-actions of an employee, or employee group results in the requirement to initiate a procurement process pursuant to Policy # 10 – Emergency Procurements or Policy # 11 – Non-competitive Procurements;
  - (d) splitting of purchases contrary to the Procurement Policy requirements;
  - (e) any and aall other violations of the Procurement Policy.
- (2) Notwithstanding subsection (1) of this Policy # 19, an employee who fails to act in accordance with the provisions of the Procurement Policy, will be subject to appropriate disciplinary action up to and including termination of employment.

The General Manager of the Client Department will review such violations (through the *Non-Compliance with the Procurement Policy Form*) and shall consult with the Director of Employee & Labour Relations for consideration of any disciplinary action to be taken as appropriate.

- (3) The Director of Financial Services & Corporate Controller will be responsible for reporting the use of all *Procurement Policy Non-Compliance Forms* to Council on a quarterly basis.

## **POLICY # 20 – Review of the Procurement Policy**

### **SECTION 4.20**

- (1) The Manager of Procurement shall submit to the Procurement Sub-Committee and to the appropriate standing committee of Council a biennial report recommending any changes to the Procurement Policy to meet the needs and requirements of the City to operate in an efficient and cost effective manner and in accordance with all applicable laws.
- (2) All changes to the Procurement Policy require the approval of Council.
- (3) Changes to Procurement Procedures and Guidelines require the approval of the City's Director of Financial Services & Corporate Controller.
- (4) On a periodic basis the City's Internal Auditor will review the Procurement Policy to assess its effectiveness.

## POLICY # 21 – Anti-Sweatshop Procurement

### SECTION 4.21

- (1) The City of Hamilton does not encourage the use of consumer goods or products manufactured, assembled or produced in factories where persons and, in particular, children are used as slave or forced labour or in other exploitive manners which restricts the person's freedom or impedes the child's development. The City will consider the supply of consumer goods or products manufactured under such exploitive manners as a negative practice of the vendor.
- (2) The City will not knowingly accept consumer goods or products manufactured, assembled or produced in a Sweatshop or under Sweatshop Conditions.
- (3) The determination of compliance with this Policy # 21 shall be in the absolute discretion of the Manager of Procurement. The Manager of Procurement may, but is not obligated to, request further information and documentation from the vendor to confirm compliance; and may base his or her determination on information provided by Canadian or international certification or compliance agencies or groups, workers or labour unions or organizations, manufacturers, consumer groups, international organizations, ILO or United Nations sources and other parties.
- (4) If any consumer goods or products supplied under a RFQ/RFP/RFT are determined by the Manager of Procurement to be manufactured, assembled or produced in contravention to this Policy # 21 and/or the certificate required hereunder, the City reserves the right, at its absolute discretion, to:
  - (a) return all the goods to the vendor and require the vendor to replace, within 30 days from the date of notification by the City, the non-compliant goods or products with goods or products, of at least equal value, complying with this Policy # 21 and all other requirements and specifications of the RFQ/RFP/RFT, all at no cost to the City; or
  - (b) require the vendor, within 30 days from the date of notification by the City, to provide the City with conclusive evidence that the consumer goods or products have not been manufactured, assembled or produced in contravention of this Policy # 21, failing which the City may terminate the Contract without any compensation and without notice to the vendor.
- (5) If the City terminates a Contract with a vendor as a result of a breach of this Policy # 21, the City shall cease to be liable to the vendor or to any other person for any unpaid amounts that would otherwise have been payable under the terms of the Contract and shall not be under any obligation to return to the vendor any product supplied by the vendor under the Contract.
- (6) Child Labour Produced Goods Unacceptable

The City fully subscribes to the United Nations Convention on the Rights of the Child and, in particular, Article 32 of the Convention that requires that a Child shall be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the Child's health or physical, mental, spiritual, moral or social development. The City reserves the right to terminate any Contract unconditionally and without liability or compensation whatsoever to the City in the event



that consumer goods received from a vendor are discovered to have been manufactured, produced or assembled in a Sweatshop or in non-compliance with the national labour laws and regulations with respect to child employment and/or non-compliance with the United Nations Convention on the Rights of the Child.

- (7) A vendor shall certify the following on *the Form of Quotation/Form of Proposal/Form of Tender* to be included in an RFQ/RFP/RFT, as the case may be:

“We hereby represent and certify the foregoing:

- (a) all goods or products supplied under this RFQ/RFT/RFP have not been manufactured, assembled or produced, either wholly or in part, in a Sweatshop, as defined in the City of Hamilton’s Procurement Policy or by child labour;
- (b) that any goods or products found to be supplied in contravention of the City’s Anti-Sweatshop Policy will be returned to us, at our cost and at no cost whatsoever to the City, and that the City has the option to have the goods or products replaced by us with product of at least equal value, meeting specifications of the RFQ/RFT/RFP, or the City may terminate the Contract without any compensation whatsoever to us.

We hereby acknowledge that the City has been induced to consider this RFQ/RFT/RFP on the basis of this representation and certification.

We further acknowledge that the City shall have the right to reject our Quotation, Bid, or Proposal, terminate any Contract made, and collect any of its losses or damages arising out of our breach of the City of Hamilton’s Procurement Policy.”

## POLICY # 22 – In-House Bid Submissions

### SECTION 4.22

- (1) In-House Bid submissions may be considered when contemplating a transfer of services from internal services to external services or vice versa.
- (2) The General Manager of the Client Department submitting an In-House Bid shall obtain Council approval prior to submitting such a Bid. The Client Department's report to Council seeking such approval shall include as a minimum:
  - (a) the members of the In-House Bid submission team;
  - (b) which costs will be included in the Bid and how costs will be determined; and
  - (c) the rationale for submitting an In-House Bid.
- (3) The RFP or RFT documents to be utilized, as applicable, shall clearly indicate:
  - (a) an In-House Bid is being considered for the RFPQ/RFP/RFT; and
  - (b) any advantages that the In-House Bid will have over other bidders by virtue of it being an In-House Bid.
- (4) The integrity of the evaluation process will be maintained when evaluating an In-House Bid as follows:
  - (a) no member of the In-House Bid submission team nor any employee whose employment is affected by the In-House Bid shall have any communications with a member of the evaluation team or an elected official concerning the subject RFPQ/RFP/RFT, as the case may be, except in accordance with the communication and any interview provisions contained in the applicable RFPQ/RFP/RFT;
  - (b) no member of the evaluation team or an elected official shall have any communications with a member of the In-House Bid submission team nor any employee whose employment is affected by the In-House Bid, except in accordance with the communication and any interview provisions contained in the applicable RFPQ/RFP/RFT;
  - (c) no member of the In-House Bid submission team nor any employee whose employment is affected by the In-House Bid shall participate in the development of the subject RFPQ/RFP/RFT nor shall such persons have any communications with any person participating in the development of the subject RFPQ/RFP/RFT;
  - (d) the same rules shall govern the submission of the In-House Bid as will apply to any other bidder, unless expressly provided otherwise in the RFPQ/RFP/RFT document; and
  - (e) the evaluation of Bids shall be objective and the process shall avoid any unfair bias towards either the In-House or external Bids.

## **SCHEDULE A – Statement of Ethics for Public Procurement**

The following ethical principles should govern the conduct of every City employee delegated with the authority to procure.

- Believes in the dignity and worth of the service rendered by the organization, and the societal responsibilities assumed as a trusted public servant.
- Is governed by the highest ideals on honour and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
- Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.
- Keeps the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.

### **Responsibility to the City:**

- Follow the lawful instructions or laws of the employer.
- Understand the authority granted by the employer.
- Avoid activities which would compromise or give the perception of compromising the best interest of the employer.
- Reduce the potential for any chances of preferential treatment by actively promoting the concept of competition.
- Obtain the maximum benefit for funds spent as agents for the City.

### **Relationship with vendors:**

- Maintain and practice, to the highest degree possible, business ethics, professional courtesy and competence in all transactions.
- Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.
- Preclude from showing favouritism or be influenced by vendors through the acceptance of gifts, gratuities, loans or favours.
- Adhere to and protect the vendor's business and legal rights to confidentiality for trade secrets, and other proprietary information.

### **Relationship with the City:**

- Remain free of any and all interests and activities, which are or could be detrimental or in conflict with the best interests of the employer.
- Refrain from engaging in activities where a City employee has a significant personal or indirect financial interest.
- Exercise discretionary authority on behalf of the employer.
- Avoid acquiring interest or incurring obligations that could conflict with the interests of the City.

## SCHEDULE B – Exemptions

Items listed below are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority and Policy #13 – Authority to Execute Contracts. Where feasible, an authorized online Purchase Requisition shall be utilized to initiate a Purchase Order and/or formal Contract process.

### (1) Employer's General Expenses

- (a) Insurance premiums.
- (b) Debt payments.
- (c) Purchase of investments. This exemption does not include any ancillary services.
- (d) Grants, loans and levies.
- (e) Licenses (for example, vehicle, elevators, radios).
- (f) Real property payments including land, buildings, leasehold interests, easements, encroachments and licenses, or the like.
- (g) Insurance claims, legal settlements and grievance settlements. This exemption does not apply to the procurement for Goods to be replaced.
- (h) Adjusting services for the investigation of liability and property claims.
- (i) Binding orders, judgments or decisions of an arbitrator, tribunal or court. Given that these payments are mandatory, approval from the General Manager of the Client Department which is funding the payment is required instead of the approvals set out in Policy # 2 –Approval Authority.
- (j) Refundable travel expenses.
- (k) Temporary staffing agencies and recruitment services
- (l) Assessments and tools where positions and/or individuals are assessed for recruitment and selection purposes, including tools and assessments which would assist in the accommodation of individuals.
- (m) Payments required by Council approved compassionate programs.
- (n) Other City and employee related expenses, such as:
  - (i) memberships in professional organizations (professional dues);
  - (ii) staff attendance at seminars, workshops, courses, educational training, trade shows or conferences;
  - (iii) any training materials that are “off-the-shelf” and not specifically developed or modified for the City or a City program;
  - (iv) testing or examination fees.

This shall not include:

- (i) any training materials developed or modified specifically for the City or a City program;
- (ii) the hiring of instructors or facilitators to conduct such specific training.

**(2) Professional Services**

- (a) Medical Professional Services. Includes physician and dentist recruitment.
- (b) Experts retained for the purposes of, or in contemplation of, Litigation. Includes collection review services for legal documentation.
- (c) Confidential Items (for example Forensic Audits).
- (d) Outside Legal Counsel where retained by the City Solicitor or the Director of Employee & Labour Relations. An annual report shall be issued to Council by the City Solicitor and by the Director of Employee & Labour Relations detailing outside legal counsel pursuant to (2)(d).
- (e) Mediators and Arbitrators.

**(3) Special Services**

- (a) Providers of community support services including:
  - (i) Counselling, individual assessments, training;
  - (ii) Residential care facilities for vulnerable persons and emergency shelters (i.e. Community Living, Wellesley);
  - (iii) Children with special needs resourcing, licensed child care service providers and the system support of the Ontario Child Care Management System, Early On service providers, planned parenthood, prenatal care and education;
  - (iv) Ontario Works recipients;
  - (v) Long Term Care Facilities nursing;
  - (vi) Homemakers and funeral services, including funerals, burials, cremations.
- (b) Vouchers provided by Healthy and Safe Community Services and Public Health Services as part of City-approved programs and projects.
- (c) Financial reviews conducted on a contingency basis for the purposes of recovering amounts paid and/or owed, such as tax recovery services.
- (d) Public/guest speakers, individuals or ensembles that offer creative content for presentation to others.

**(4) Utility Billing**

- (a) Electricity.
- (b) Postal services, postage.
- (c) Water and Wastewater.
- (d) Natural gas.
- (e) Communications, for example: voice and data network communications.
- (f) The addition, removal, relocation, identification or engineering related work to utility infrastructure that exists on road allowances, right of ways and other City properties. This includes sub-surface and above-surface infrastructure.
- (g) Railway companies related to removal, relocation, construction supervision (flagging) and maintenance. Includes vendors mandated by the railway company to perform any of these services.
- (h) The purchase, sale, delivery and storage of Energy Commodities and the

consideration of price hedging for Energy Commodities shall be in accordance with the City's Corporate Energy Policy as amended, repealed or replaced from time to time.

- (5) Government agencies, regulatory bodies, licensing agencies, other public authorities and non-for-profit organizations to the Ontario government and municipalities to which the City is required to remit to or pay a fee. Includes archeological monitoring performed by Indigenous peoples.

**(6) Other**

- (a) Antiques and artifacts (shops, sales, repairs, but not including restoration).
- (b) Acquisition of art.
- (c) The purchase of publications (including newspapers, periodicals, magazines or books), CDs, DVDs and all copyrighted material.
- (d) Maintenance fees for software and computer hardware for information systems previously acquired. This exemption does not apply to new modules nor to new or additional licenses.
- (e) Goods for the purpose of retail sales (re-sale) by the City (not including items that bear the City of Hamilton logo or insignia). This exemption does not include food and beverage items.
- (f) The purchase of media advertising and includes participation in trade shows. Does not include the development of marketing materials for advertising such as photography, videography or web-based media.
- (g) Commodity purchases using a commodity price hedging agreement in accordance with the City's Commodity Price Hedging Policy.
- (h) Venues (including food and beverage where off site catering is not permitted) for banquets, meetings, events, receptions and training.
- (i) Hosting, sponsorship and/or rights fees for conventions or sports events incurred by Tourism Hamilton Inc.
- (j) Admission to tourism attractions and destinations for recreational day camps for children and youth.
- (k) All real property transactions except:
  - (vii) Where the primary purpose of the undertaking relates to a Revenue Generating lease; Revenue generating leases; or
  - (viii) Where a procurement process is to be engaged (i.e. RFP, RFI, etc.) including when Council approval has been obtained, the Procurement Section shall be consulted prior to that process being issued.
- (l) Alcoholic beverage purchases by the golf courses.

**(7) Sponsorships**

Sponsorships solicited by the City shall be in accordance with the City's Policy for Commercial Advertising and Sponsorship as amended, repealed or replaced from time to time.

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

To Confirm the Proceedings of City Council at its meeting held on September 30<sup>th</sup>, 2020.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 30<sup>th</sup> day of September, 2020, in respect of each recommendation contained in

Hamilton Street Railway Company Shareholder – Annual General Meeting Report 20-001 – September 14, 2020,  
Sole Voting Member of the Hamilton Farmers' Market – Annual General Meeting Report 20-001 – September 14, 2020,  
Special General Issues Committee Report 20-013 – September 14, 2020,  
Board of Health Report 20-005 – September 21, 2020,  
Public Works Committee Report 20-008 – September 21, 2020,  
Planning Committee Report 20-010 – September 22, 2020,  
General Issues Committee Report 20-014 – September 23, 2020,  
Audit, Finance & Administration Committee Report 20-007 – September 24, 2020,  
Emergency & Community Services Committee Report 20-007 – September 24, 2020,  
and  
Mayor's Task Force on Economic Recovery Report 20-005 – September 25, 2020

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

**PASSED** this 30<sup>th</sup> day of September, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk