



**City of Hamilton**  
**GENERAL ISSUES COMMITTEE**  
**REVISED**

**Meeting #:** 20-014  
**Date:** September 23, 2020  
**Time:** 9:30 a.m.  
**Location:** 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>

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<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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

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**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 9, 2020

\*3.2. September 14, 2020 (Special GIC)

**4. COMMUNICATIONS**

\*4.1. Correspondence respecting COVID-19 related matters:

\*4.1.a. Tobi Bos

\*4.1.b. David

\*4.1.c. Todd Ouellette

\*4.2. Correspondence from Kojo Damptey, Centre for Civic Inclusion, respecting Systemic Racism in Policing

## **5. DELEGATION REQUESTS**

\*5.1. Danny Cerino, respecting COVID-19 related Matters  
(For a future GIC)

## **6. CONSENT ITEMS**

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

\*6.1.a. 2022 Municipal Election Voters' List (FS20080(a)) (City Wide)

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

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

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

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

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

## **7. PUBLIC HEARINGS / DELEGATIONS**

\*7.1. Dan Carter, Canadian Hemp Farmers Alliance, respecting Adopting Hemp into the  
Canadian SDGs

## **8. STAFF PRESENTATIONS**

8.1. COVID-19 Verbal Update

\*8.2. Hamilton Police Service Crisis Unit Response  
(Deferred from the September 9, 2020 GIC)

\*8.3. Hamilton Police Service Defund Report

- \*8.4. Hamilton Police Service Budget Process PSB 20-061  
(Deferred from the September 9, 2020 GIC)
- \*8.5. Hamilton Police Service Response regarding the Use of Force Inquiries (“8 Can’t Wait”) PSB 20-062  
(Deferred from the September 9, 2020 GIC)
- \*8.6. Hamilton Police Service Year End Report – Use of Force 2019 PSB 20-043  
(Deferred from the September 9, 2020 GIC)
- \*8.7. Hamilton Police Services Equity, Diversity and Inclusion Plan PSB 20-060  
(Deferred from the September 9, 2020 GIC)
- 8.8. Hate Prevention and Mitigation Initiative Update (LS19031/PW19068(c)/CM19006(c))  
(City Wide)
- \*8.9. Tax and Rate Operating Budgets Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide)

**NOTE: This matter has been moved from Item 9.3, as it has a staff presentation to accompany the report.**

## **9. DISCUSSION ITEMS**

- \*9.1. Tim Hortons Field – End Guard Anchor Repair/Replacement (PW20039(a)) (City Wide)
- \*9.2. Financial Impact of Declining Transit Revenues (PW20061) (City Wide)

## **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

(Deferred from the August 10, 2020 General Issues Committee meeting.)

## **11. NOTICES OF MOTION**

## **12. GENERAL INFORMATION / OTHER BUSINESS**

## **13. PRIVATE AND CONFIDENTIAL**

13.1. Disposition Strategy - Wentworth Lodge Lands (PED19138) (Ward 13)

**NOTE: Report PED19138 will remain TABLED and will not be before Committee for consideration at this time.**

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

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

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

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

13.4. LaSalle Park Disposition Review (PED20156) (City Wide)

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.

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

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.

\*13.6. Stadium Update - Legal Issues (LS20015(a)) (City Wide)

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

\*13.7. Encampment Litigation Update

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

**14. ADJOURNMENT**



## GENERAL ISSUES COMMITTEE MINUTES 20-012

9:30 a.m.

Wednesday, September 9, 2020

Due to COVID 19 this meeting was Livestreamed only

**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, J. Partridge

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

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

**1. Hamilton Tax Increment Grant - 11 and 15 Cannon Street West (PED20138) (Ward 2) (Item 6.1)**

**(Pearson/Ferguson)**

- (a) That a Hamilton Tax Increment Grant Program application submitted by Areacor Inc. (Roni Gilyana), for the property at 11 and 15 Cannon Street West, Hamilton, estimated at \$266,867.70 over a maximum of a five-year period, and based upon the incremental tax increase attributable to the development of 11 and 15 Cannon Street West, Hamilton, be authorized and approved in accordance with the terms and conditions of the Hamilton Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED20138, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

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

**Council – September 16, 2020**

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

**2. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 115 and 121 Vansitmart Avenue, ERG-18-08 (PED20139) (Ward 4) (Item 6.2)**

**(Pearson/Ferguson)**

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-18-08, submitted by 1349010 Ontario Inc., owner of the properties at 115 and 121 Vansitmart Avenue, for an ERASE Redevelopment Grant not to exceed \$354,828 over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to effect Recommendation (a) of Report PED20139, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

**3. Ottawa Street Business Improvement Area (BIA) Revised Board of Management (PED20143) (Wards 3 and 4) (Item 6.3)**

**(Pearson/Ferguson)**

That the following individual be appointed to the Ottawa Street Business Improvement Area (BIA) Board of Management:

- (i) Nadia Ishmail

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

**4. Grant from Parks Canada's National Cost-Sharing Program for Heritage Places for Battle of Stoney Creek National Historic Site of Canada (Battlefield Park) (PED20151) (Ward 5) (Item 6.4)**

**(Pearson/Ferguson)**

That the Mayor and Clerk be authorized to execute all necessary documentation, including a Contribution Agreement for funding up to \$100 K under Parks Canada's National Cost-Sharing Program for Heritage Places, for Battle of Stoney Creek National Historic Site of Canada (Battlefield Park), in a form satisfactory to the City Solicitor.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

**5. Tim Hortons Field – End Guard Anchor Repair/Replacement (PW20039(c)) (City Wide) (Item 9.6(a))**

**(Partridge/Clark)**

That Report PW20039(c), respecting Tim Hortons Field – End Guard Anchor Repair/Replacement, be received.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

**6. Grant Increase to an Existing Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Approval, 467 Charlton Avenue East, ERG-15-03 (PED16037(a)) (Ward 2) (Item 9.7)**

**(Farr/Eisenberger)**

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-19-05, submitted by 467 Charlton Avenue Inc., owner of the property at 467 Charlton Avenue East, for an ERASE Redevelopment Grant not to exceed an additional \$1,311,754, for a total maximum grant of \$3,441,154, payable over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to effect Recommendation (a) of Report PED16037(a), in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

**7. Airport Employment Growth District (AEGD) Wastewater Servicing Update and Capacity Allocation Policy (PED20040/PW20055) (City Wide) (Item 9.9)**

**(Ferguson/Pearson)**

- (a) That Planning and Economic Development staff be directed to consult with relevant stakeholders and report back to General Issues Committee on the implementation of the Airport Employment Growth District Wastewater Capacity Allocation Policy, attached as Appendix “B” to Report PED20040 / PW20055, including:
- (i) The annual solicitation / receipt of wastewater conveyance and treatment capacity allocation requests;
  - (ii) The format / content of the Airport Employment Growth District Wastewater Capacity Agreement;
  - (iii) The amount / deposit / payment method of current wastewater capacity allocation Development Charge Fees; and,
  - (iv) Any other implementation issues that may arise.
- (b) That, until such time as Council approves a Wastewater Capacity Allocation Policy for the Airport Employment Growth District, Planning and Economic Development staff be directed to include a standard condition for all development applications and approvals that require wastewater capacity allocation requiring the applicant to receive written confirmation (including an expiry date) from the Senior Director of Growth Management that adequate wastewater capacity exists and has been allocated for the development application, prior to proceeding with detailed engineering design; and,

- (c) That Planning and Economic Development staff be directed to formulate a City-Wide Wastewater Capacity Allocation Policy and report back to General Issues Committee in Q4 2021.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

**8. Encampment Update (HSC20038) (City Wide) (Item 9.11)**

**(Farr/Eisenberger)**

That Report HSC20038, respecting the Encampment Update, be received.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead

Absent - Ward 15 Councillor Judi Partridge

**9. Encampment Litigation Update (LS20023(b) (City Wide) (Item 13.2)**

**(Farr/Eisenberger)**

That Report LS20023(b), respecting the Encampment Litigation Update, be REFERRED to the September 16, 2020 Council, pending additional information to be provided from the City Solicitor.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Absent	-	Ward 15 Councillor Judi Partridge

**FOR INFORMATION:**

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

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

**5. ADDED DELEGATION REQUESTS**

5.1 Delegation Requests respecting Defunding of the Hamilton Police Service (for the September 9, 2020 GIC):

5.1.i Danielle Hitchcock-Welsh (Video Submission)

5.1.j Katharine King (Video Submission)

5.1.k Karlie Rogerson (Video Submission)

5.2 Dan Carter, Canadian Hemp Farmers Alliance, respecting Adopting Hemp into the Canadian SDGs (For a future GIC)

## **9. DISCUSSION ITEMS**

9.6.a Tim Hortons Field - End Guard Anchor Repair-Replacement (PW20039(c)) (City Wide)

9.11 Encampment Update (HSC20038) (City Wide)

## **12. GENERAL INFORMATION / OTHER BUSINESS**

12.1 Amendments to the Outstanding Business List

12.1.a Items to be removed:

12.1.a.a Contractual Update - Alectra (Addressed on July 6, 2020 as Item 1 of GIC Report 20-010 - Report FCS19059(a) / LS19048(a))

12.1.a.b Divesting and Defunding of the Hamilton Police Services (Addressed as Items 9.1 to 9.5 on today's agenda)

## **13. PRIVATE AND CONFIDENTIAL**

13.2 Encampment Litigation Update (LS20023(b)) (City Wide)

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

**(Eisenberger/Wilson)**

That the agenda for the September 9, 2020 General Issues Committee meeting, be approved, as amended.

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

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

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

- (i) Councillor E. Pauls declared in interest to Item 9.1, respecting the Hamilton Police Service Budget Process – PSB 20-061, as her son is employed by the Hamilton Police Service.
- (ii) Councillor E. Pauls declared in interest to Item 9.2, respecting the Hamilton Police Service Response regarding the Use of Force Inquiries (“8 Can’t Wait”) – PSB 20-062, as her son is employed by the Hamilton Police Service.
- (iii) Councillor E. Pauls declared in interest to Item 9.3, respecting the Hamilton Police Service Year End Report – Use of Force 2019 – PSB 20-043, as her son is employed by the Hamilton Police Service.
- (iv) Councillor E. Pauls declared in interest to Item 9.4, respecting the Hamilton Police Service Equity, Diversity and Inclusion Plan PSB 20-060, as her son is employed by the Hamilton Police Service.
- (v) Councillor E. Pauls declared in interest to Item 9.5, respecting the Hamilton Police Service Crisis Unit Response, as her son is employed by the Hamilton Police Service.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)****(i) August 10, 2020 (Item 3.1)****(Farr/Nann)**

That the minutes of the August 10, 2020 General Issues Committee meeting be approved, as presented.

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

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

**(d) COMMUNICATIONS (Item 4)****(i) Correspondence respecting Defunding of the Hamilton Police Service (Item 4.1)****(Merulla/Jackson)**

That the following Communication Items, respecting Defunding of the Hamilton Police Service, be received:

4.1.a	Naomi Frederick
4.1.b	Vilma Rossi
4.1.c	Razan Samara
4.1.d	Dawnie Chomitsch

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

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

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

**(Danko/Clark)**

(a) That the following Delegation Requests respecting Defunding of the Hamilton Police Service, be approved to appear before the General Issues Committee on September 9, 2020:

5.1 Delegation Requests respecting Defunding of the Hamilton Police Service (for the September 9, 2020 GIC):

- 5.1.a Kailey Cutillo (Video Submission)
- 5.1.b Joanna Aitcheson (Video Submission)
- 5.1.c Jeanette Eby (Video Submission)
- 5.1.d Ken Stone (Video Submission)
- 5.1.e Imasha Perera (Video Submission)
- 5.1.f Sarah Warry-Poljanski (Video Submission)
- 5.1.g Clair Bodkin (Video Submission)
- 5.1.h Diana Igdoura (Video Submission)
- 5.1.i Danielle Hitchcock-Welsh (Video Submission)

5.1.j Katharine King (Video Submission)

5.1.k Karlie Rogerson (Video Submission)

(b) That the following Delegation Request, respecting Adopting Hemp into the Canadian SDGs, be approved to appear at a future General Issues Committee:

5.2 Dan Carter, Canadian Hemp Farmers Alliance, respecting Adopting Hemp into the Canadian SDGs (For a future GIC)

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

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

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

**(Clark/VanderBeek)**

That the following delegations, respecting Defunding the Hamilton Police Service, be received:

7.1.a James Cairns (Video Submission)

7.1.b Emily Meilleur-Rivers (Video Submission)

7.1.c Maddie Brockbank (Video Submission)

7.1.d Jacqueline Cantar (Video Submission)

7.1.e Matt Steski (Video Submission)

- 7.1.f Atlas Ditomasso (Video Submission)
- 7.1.g Alex Kerner, Spring Magazine Video Submission
- 7.1.h Brett Klassen (Video Submission)
- 7.1.i Rick Roberts (Video Submission)
- 7.1.j Adrian Underhill (via WebEx)
- 7.1.k Meir Gordskoy (via WebEx), not present when called upon.
- 7.1.l Ashley Letts, Microbac Laboratories (Video Submission)
- 7.1.m Elisabetta Paiano (Video Submission)
- 7.1.n Abedar Kamgari (Video Submission)
- 7.1.o Susanne Nyaga (via WebEx)
- 7.1.p Hiva Nematollahi (Video Submission)
- 7.1.q Laura Howdene (Video Submission)
- 7.1.r Lauren Ecker (Video Submission)
- 7.1.s Shanice Bowrin (Video Submission)
- 7.1.t Hollie Pocsai, White Elephant (Video Submission)
- 7.1.u Marissa Gilmore (Video Submission)
- 7.1.v Mariel Rutherford (Video Submission)
- 7.1.w Kalya Whitney (Video Submission)
- 7.1.x Emma Barrette (Video Submission)
- 7.1.y Amani Williams (Video Submission)
- 7.1.z Rachel Cuthill (Video Submission)
- 7.1.aa Guiliana Frontini (Video Submission)
- 7.1.ab Eshan Merali (Video Submission)

- 7.1.ac Kinsey Robertson (Video Submission)
- 7.1.ad Lisa Wang (Video Submission)
- 7.1.ae Jessica Clegg and Connor Bennett (Video Submission)
- 7.1.af Hannah MacDonald (Video Submission)
- 7.1.ag Kailey Cutillo (Video Submission)
- 7.1.ah Joanna Aitchenson (via WebEx)
- 7.1.ai Jeanatte Eby (Video Submission)
- 7.1.aj Ken Stone (Video Submission)
- 7.1.ak Imasha Perera (Video Submission)
- 7.1.al Sarah Warry-Poljanski (Video Submission)
- 7.1.am Clair Bodkin (Video Submission), Unable to play delegate's video submission.
- 7.1.an Dania Igdoura (Video Submission)
- 7.1.ao Danielle Hitchcock-Welsh (Video Submission)
- 7.1.ap Katharine King (Video Submission)
- 7.1.aq Karlie Rogerson (Video Submission)

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

- |     |   |   |
|-----|---|---|
| Yes | - | Mayor Fred Eisenberger                          |
| 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 J. P. Danko                   |
| Yes | - | Ward 9 Councillor Brad Clark                    |
| Yes | - | Ward 10 Councillor Maria Pearson                |
| Yes | - | Ward 11 Councillor Brenda Johnson, Deputy Mayor |
| Yes | - | Ward 12 Councillor Lloyd Ferguson               |

Yes - Ward 13 Councillor Arlene VanderBeek  
 Absent - Ward 14 Councillor Terry Whitehead  
 Absent - Ward 15 Councillor Judi Partridge

**(g) DISCUSSION ITEMS (Item 9)**

**(i) Hamilton Police Service Board Reports (Items 9.1 to 9.5)**

**(Eisenberger/Jackson)**

That, in order to have Chief Girt attend to present the Hamilton Police Service Board reports, Items 9.1 to 9.5, respecting the following reports, be DEFERRED to the September 23, 2020 General Issues Committee:

- 9.1 Hamilton Police Service Budget Process PSB 20-061
- 9.2 Hamilton Police Service Response regarding the Use of Force Inquiries ("8 Can't Wait") PSB 20-062
- 9.3 Hamilton Police Service Year End Report – Use of Force 2019 PSB 20-043
- 9.4 Hamilton Police Services Equity, Diversity and Inclusion Plan PSB 20-060
- 9.5 Hamilton Police Service Crisis Unit Response

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

Yes - Mayor Fred Eisenberger  
 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  
 Conflict - Ward 7 Councillor Esther Pauls  
 Yes - Ward 8 Councillor J. P. Danko  
 Yes - Ward 9 Councillor Brad Clark  
 Yes - Ward 10 Councillor Maria Pearson  
 Yes - Ward 11 Councillor Brenda Johnson, Deputy Mayor  
 Yes - Ward 12 Councillor Lloyd Ferguson  
 Yes - Ward 13 Councillor Arlene VanderBeek  
 Absent - Ward 14 Councillor Terry Whitehead  
 Yes - Ward 15 Councillor Judi Partridge

**(ii) Tim Hortons Field – End Guard Anchor Repair/Replacement  
(PW20039(a)) (City Wide) (Item 9.6)**

**(Ferguson/Danko)**

That Report PW20039(a), respecting Tim Hortons Field – End Guard Anchor Repair/Replacement, be DEFERRED to the September 23, 2020 General Issues Committee meeting, pending additional information to be provided in a report from Legal Services on September 23, 2020.

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

Yes	-	Mayor Fred Eisenberger
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
No	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

**(iii) Federal and Provincial Government Municipal Funding  
Announcements Update (FCS20071) (City Wide) (Item 9.8)**

The following item was considered by Council at the September 10, 2020 Special Council meeting:

**(Ferguson/Jackson)**

- (a) That the General Manager, Finance and Corporate Services, be authorized and directed to execute and submit the funding acknowledgement letter(s) for the Safe Restart Program, including the letter attached as Appendix “A” to Report FCS20071 and any supporting documentation to support the Hamilton funding allocation under the Safe Restart Program; and,
- (b) That staff be directed to prepare, execute and submit any required documentation to support the City of Hamilton funding allocation under the Safe Restart Program.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

**(iv) COVID-19 Update (Verbal) (Item 9.10)**

Paul Johnson, General Manager of the Healthy and Safe Communities Department; and, Dr. Ninh Tran, Associate Medical Officer of Health, provided the verbal update respecting COVID-19.

**(Pauls/Pearson)**

That the verbal update, respecting COVID-19, be received.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead

Absent - Ward 15 Councillor Judi Partridge

**(h) GENERAL INFORMATION / OTHER BUSINESS (Item 11)**

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

**(Pearson/Jackson)**

That the following amendments to the Outstanding Business List, be approved, **as amended**:

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

12.1.a.a Contractual Update – Alectra  
(Addressed on July 6, 2020 as Item 1 of GIC Report  
20-010 – Report FCS19059(a) / LS19048(a))

~~12.1.a.b **Divesting and Defunding of the Hamilton Police Service**~~

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Absent	-	Ward 15 Councillor Judi Partridge

**(i) PRIVATE & CONFIDENTIAL (Item 12)****(i) Closed Session Minutes – August 10, 2020 (Item 13.1)****(Farr/Nann)**

- (a) That the Closed Session Minutes of the August 10, 2020 General Issues Committee meeting, be approved, as amended; and,
- (b) That the Closed Session Minutes of the of the August 10, 2020 General Issues Committee meeting remain confidential.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Absent	-	Ward 15 Councillor Judi Partridge

**(VanderBeek/Merulla)**

That Committee move into Closed Session respecting Item 13.2, 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 14 to 0, as follows:**

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek
Absent	-	Ward 14	Councillor Terry Whitehead
Absent	-	Ward 15	Councillor Judi Partridge

**(i) ADJOURNMENT (Item 13)**

**(Danko/Nann)**

That there being no further business, the General Issues Committee be adjourned at 7:19 p.m.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Absent	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

Respectfully submitted,

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Brenda Johnson, Deputy Mayor  
Chair, General Issues Committee

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Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk



## SPECIAL GENERAL ISSUES COMMITTEE MINUTES 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 FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR INFORMATION:

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

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

#### (Danko/Collins)

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

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Absent	-	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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Yes	-	Ward 14 Councillor Terry Whitehead
Yes	-	Ward 15 Councillor Judi Partridge

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

There were no declarations of interest.

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

**(Wilson/Whitehead)**

That Committee move 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.

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

Yes	-	Mayor Fred Eisenberger
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 J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Yes	-	Ward 14 Councillor Terry Whitehead
Absent	-	Ward 15 Councillor Judi Partridge

There was nothing to report in Open Session.

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

**(Pearson/Nann)**

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

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

Yes	-	Mayor Fred Eisenberger
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
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson, Deputy Mayor
Yes	-	Ward 12 Councillor Lloyd Ferguson
Yes	-	Ward 13 Councillor Arlene VanderBeek
Yes	-	Ward 14 Councillor Terry Whitehead
Absent	-	Ward 15 Councillor Judi Partridge

Respectfully submitted,

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Deputy Mayor B. Johnson  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk

**From:** Tobi Bos

**Sent:** September 15, 2020 9:11 PM

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

**Subject:** Increase in Covid cases

We sent you the email below almost two months ago...

Just wondering if you are still confident with your belief on Mandatory mask wearing and it's ability to reduce Covid cases. I haven't seen a single person in an indoor public space without a mask in the last few months, so it can't be that 1% that may not be following the bylaw causing this massive increase in cases.

I work in an elementary school. (School secretary) The kids are struggling. I have had more requests for Advil and Tylenol in the last week than I have had all of last year. This is what you are doing to our kids, making them sick, light headed, nauseous, dizzy, headaches, afraid. Something for you to think about. This is on you. The masks are causing more illness than the are preventing. Are you ok with that, the knowledge that you are knowingly harming our children? It's ok to be wrong, you have the ability to fix this. Please, please fix this, make masks optional again in Hamilton.

On Jul 21, 2020, at 1:23 PM, Tobi Bos > wrote:

Good day, perhaps you noticed in the news today that Covid cases have increased, they have especially increased in areas where masks were made mandatory over two weeks ago which are also areas that have not yet opened to stage three. **So, almost 75% of the cases come from areas that have made masks mandatory but have not yet opened to stage three.** We cannot say the increase came from opening to early, what does this tell us? Perhaps we should have listened to Terry Whitehead, Judi Partridge, Lloyd Ferguson and Esther Pauls. Perhaps we shouldn't be listening to public health doctors who may know about health but not about PPE's and homemade masks. In the same way that I use a car and know how to drive a car, I don't know how the car works. A Dr and surgeon uses PPE's they don't exactly know how they work or what they do. Find a PPE specialist, one that might not be afraid to lose their job by telling the truth... **Public health can be wrong and if you are willing to wait a few more weeks to see if our cases increase as well, just know... that is on you, all of you who failed to do your research.** Toronto area implemented a mandatory mask by-law July 7th. Covid Symptoms appear on average 5-6 days from infection. Testing would likely be done with an onset of

symptoms, days 7-10, two days for results and another day or two for reporting... puts us at... well, right about now...

Perhaps you have another explanation? If so, I'd like to hear it.

With all due respect,

~ Tobi

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From: David  
Sent: Thursday, September 17, 2020 8:35 AM  
To: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
Subject: Fw: Limit social gatherings considerations

Sent: Wednesday, September 16, 2020 at 7:36 PM  
From: "David"  
To: [Mayor@hamilton.ca](mailto:Mayor@hamilton.ca)  
Subject: Limit social gatherings considerations

Dear Mayor.

I hope that you will consider lowering gatherings back down to 10. With the increase in numbers throughout the province we are a hot spot in Hamilton given that we have a number of facilities for events such as weddings funerals and other events. This is concerning since we will have out of town people coming to our area to old events when their areas now become restricted.

Please consider this at your earliest convenience.

David.

**From:** Todd Ouellette <  
**Sent:** September 21, 2020 11:24 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Rescind Mandatory Masking

Mayor and Members of Council,

My name is Todd Ouellette and I reside in Ward 4. I'm connecting with you today to voice my concerns over the Mandatory Mask Bylaw in effect since July 29.

The mandatory mask mandate is not making a significant difference, certainly not enough of a difference to ignore the Citizen's Charter Rights of Life, Liberty and Security of Person. Information directly from Health Canada indicates face masks must allow for "easy breathing", none of them do, especially wearing one at work for 8 hours/day, people need to breathe freely at work. Also from Health Canada, they indicate homemade masks are highly ineffective in blocking particulates carried by coughs and sneezes. Duke University has shown that Bandanas and Gaiters actually make it worse by aerosolizing large droplets into smaller droplets. Essentially the wearing of a homemade mask is just a pretense, a show. I feel that Council members seriously failed to adequately research this mandatory mask issue and that in the absence of direct and verified scientific evidence, (relating to COVID and not ILI), the masks are an example of Governmental overreach, the response just simply doesn't meet the actual threat.

Historically the act of covering one's mouth/facial area is related to the goals of control, submission and encouraging a compliant population, a mandatory mask mandate has the same parallels. This can be highly detrimental to a population, people are saying, "It's just a mask....just wear it, it doesn't hurt anything". In my opinion this edict is hurting MUCH. I embrace and cling to every right that our Charter of Rights and Freedoms guarantees the Citizens of this Country. Altering or manipulating only one, is one too many in my opinion. I am no longer willing to give up my freedoms, I am an intelligent and responsible resident, refusing to mask does not mean that I'm not, it means that I'm a logical and analytical thinker, I can take care of myself, as well as those around me.

I would also like to mention that this entire mask dynamic is literally turning people into unsocial animals, some of the things that I have borne witness to are utterly nauseating. Give the residents a choice, those that feel better masking are welcome to, those that feel the mask offers little protection (to others) while possibly putting themselves in greater jeopardy by wearing, should be free to choose to abstain. Also I would like to add, advocate for the children of this community, our kids are going to have mental, emotional and developmental impacts from being forced to cover their faces, as well as interacting with people who have their faces covered. Just because a child SEEMS fine with the masking, DOESN'T mean that in their minds or psyche that they genuinely are. The masks are a greater threat to them. I REALLY think that there is a lack of evidence to suggest that masking has many benefits. It also contributes to massive BioHazard Pollution seen on our streets everyday.

I humbly request that this mask bylaw be rescinded immediately as it violates the Constitution and the Charter of Rights and Freedoms. You are on notice for this and history will not judge you well!

Regards  
Todd Ouellette  
Hamilton



Dear Mayor & City Councillors,  
 CC: Members of Provincial Parliament in Hamilton

### Systemic Racism in Policing

To understand the full impact of policing on Black and Indigenous communities it is important to locate how the above communities have been treated historically. The inception of this country was born out of appropriating lands for settlers at the expense of Indigenous communities, nations, and people's. This is why the first Prime Minister of Canada pushed for the Indian Act (1876) to be enacted and this allowed for the cultural genocide of Indigenous peoples and nations under the guise of the law of the land. This is an example of how what we call the "law" is used as a systemic practice to exploit and criminalize racialized communities. It is the Indian Act (1876) that allowed for the establishment of the RCMP and its mandate was to relocate Indigenous communities, nations, and peoples into reserves to uphold Canada's interest such as the Canadian Pacific Railway.

For Black communities Canada's complicity in slavery which lasted for over 200 years is hardly known or taught. What does this mean? This means that majority of Canadians do not know how Black enslaved people in Canada were objects to be used, misused, abused, enjoyed, damaged or destroyed (Maynard, 19). Since this history is absent from schools, colleges, universities, and the public sphere Canadians have social amnesia about slavery and are oblivious to how the history of policing upholds anti-Blackness. This is evident in the Act of Union 1840 that legally endorsed the concept of separate schooling and informally blocked Black children access to schools in Canada West (Maynard, 33). In Ontario MPP Malcolm Cameron was supportive of segregation of schools. In 1910 the Immigration Act prohibited entry of immigrants belonging to "any race deemed unsuited to the climate or requirement of Canada. Here in Hamilton Black Canadians were refused access to land and housing. These are examples that set foundational practices, laws, and attitudes to foster anti-Blackness in Hamilton and Canada.

The connections of Policing to anti-Blackness have been ingrained in the Canadian way of life. In 1868, just over 3 decades after the abolition of slavery, Prime Minister Macdonald evoked both the "Black rapist" myth and the threat of lynch mobs to justify keeping rape a capital offence. He justified the need for the death penalty because of the "frequency of rape committed by Negroes," whom he argued were very prone to felonious assaults on white women (Maynard, 41). Now while many may say this happened long ago, it was Chief Decaire who elicited this very trope in 2015.<sup>1</sup> He then forwarded an email to his front-line officers that included a line "it is time for these black kids to stop blaming the police for the problems and take responsibility for the action of the youth."<sup>2</sup> These examples illustrate

<sup>1</sup> <https://www.cbc.ca/news/canada/hamilton/headlines/chief-racial-profiling-is-prohibited-but-criminal-profiling-is-not-1.3299686>

<sup>2</sup> <https://www.cbc.ca/news/canada/hamilton/news/police-board-chair-defends-chief-over-forwarding-racially-charged-email-1.3221924>



how institutions engage in the practice of anti-Blackness that is rooted in historical practices of slavery and genocide.

These issues of systemic racism have been reviewed on the provincial level and recommendations from these reviews are yet to be put in place. Many of the recommendations are directed to Police Boards, Police Services and the Province (changes to the Police Act), however most if not all haven't been taken up. It is my hope that you would read these reports to get a better picture on how anti-Black racism is part of the Ontario Criminal System.

- [Stephen Lewis Report on Race Relation in Ontario](#)
- [Report of the Commission on Systemic Racism in the Ontario Criminal Justice System](#)
- [Independent Police Oversight Review](#)
- [Independent Street Checks Review](#)
- [Use of Deadly Force in Canada](#)

### **Report of the Commission on Systemic Racism in the Ontario Criminal Justice System**

The reports above are clear that Police services across Ontario engage in racist behavior and practices and in extension oversight bodies aren't doing enough to hold Police services accountable and to keep Black, Indigenous, racialized, and marginalized communities safe. In one of the reports they highlight an example where in 1993 Toronto Police conducted secret surveillance of prominent Black community organizations and leaders. The police "Intelligence Report" of April 25, 1989, which was shared with other police forces, contained information about individuals such as dates of birth, social insurance numbers, addresses, organizational affiliation and automobile license plates. All persons named were of African heritage and shared an interest in community-police relations. The Toronto Police were criticized and specific requests were made to the Police Service board for a justification from the Chief for this systematic invasion of privacy. (Report on Systemic Racism in the Ontario Criminal Justice System, 343). In this instance the Board didn't respond and no action was taken against the Toronto Police service.

The 1995 a report on systemic racism in Ontario was submitted to the Honourable HNR Jackman (Lieutenant Governor of Ontario). The report talks about community policing and offers recommendations to Police Board and Police services across Ontario. Many of the recommendations have not been implemented and are in fact in line with demands from the #blacklivesmatter and #defundpolice movement.

### **Community Policing – Recommendations from the Commission on Systemic Racism in the Ontario Criminal Justice System**

\*Traditional structures of police governance are insufficiently accountable and accessible to the community



\* Police board were said to be too weak to regulate effectively, too distant from the concerns of ordinary people and too close to police leadership to provide oversight.

Here are the recommendations on Community policing in the report

1. Each Ontario service should conduct a comprehensive review of its commitment to racial equality, publicize action plans in most common languages in the service areas, progress on implementation should be reported to police board and to the public.
2. Police boards should establish local community policing committees around either divisional levels, geographical area or community groups in conjunction with Police boards.
3. Minister of Solicitor general & correctional services in association with police boards and services fund community surveys regarding safety.
4. Ministry of Solicitor general develop guidelines for the exercise of police discretion to stop a question people with the goal of eliminating differential treatment of black and other racialized people. Guidelines should be translated into common languages
5. Ministry of Solicitor General develop a comprehensive public complaints database about police stops of Black or other racialized people and fund education on formal and informal police complaint mechanisms.
6. Police Service boards ensure policies for policing schools reflect the goals of community policing policies and standards in the local area

### **Systemic Responses to Police Shootings - Recommendations from the Commission on Systemic Racism in the Ontario Criminal Justice System**

Perhaps no incidents involving the criminal justice system generate as much public outcry, especially in the black community as police shootings of civilians. The police are quicker to use their guns against Black people and that the shootings are unduly harsh responses to the incidents under investigation. The shootings are tragedies that affect the entire Black community and as a reflection of the destructive force of systemic racism.

Because the Ontario government in April 1991 failed to give the SIU sufficient financial support to function properly there was a secret protocol between Ontario police forces and the Solicitors general's office. In effect, the protocol handed back to local forces the investigation of the very incidents that the SIU was created to investigate

3 problems with the SIU: inadequate funding, lack of cooperation from police services and the refusal of the individual officers to be interviewed.



#### Recommendations:

1. Funding for SIU be significantly increased
2. Police act be amended to require any officer involved in an investigation falling within the jurisdiction of SIU be required to turn any requested information and evidence to SIU not later than 24 hrs after request
3. Police Act be amended to provide director of SIU be authorized to charge any officer who fails to provide such information or evidence in a timely fashion with a misconduct offence.
4. Police Act be amended to require that any officer who fails to answer questions from an SIU investigator be suspended without pay
5. Police Act be amended to provide that when the director of SIU informs Chief of police that an officer under the chief's command has failed to give a complete statement to an SIU investigator the chief shall suspend the officer forthwith without pay.

#### **Report of the Independent Police Oversight Review**

This report looks at the Ontario's three civilian police oversight bodies, the Special Investigations Unit (which investigates police-civilian interactions that result in serious injury or death to a civilian, the Office of the Independent Police Review Director (oversees public complaints about the police in Ontario) and Ontario Civilian Police Commission (which primarily adjudicates appeals of police disciplinary hearings, among a number of other functions).

#### **Recommendations for Police Service Boards**

1. The Ministry of Community Safety and Correctional Services should establish selection criteria for police services board appointees.
2. The Ministry of Community Safety and Correctional Services should develop mandatory training for police services board members. This training should be developed in partnership with the Ontario Association of Police Services Boards and post-secondary institutions with expertise in the areas of public sector and not-for-profit governance.

The issues of systemic racism in Policing and in our society aren't going to disappear as such as we move forward it is important to acknowledge how racism impacts Black Indigenous People of Color on an individual level and an institutional level. For many people particularly white people of North America and European descent this might be hard to understand since you will never experience racism. However, we can move forward to address racism by listening to and implementing the



suggestions offered by Black, Indigenous, and racialized communities. It may and will disrupt what is common to white people but that is what anti-racism is about. I hope you find this letter helpful in working through how policing has and continues to affect racialized and marginalized communities in Hamilton.

Yours sincerely,

Kojo Dampety

A handwritten signature in black ink, appearing to read "KOJO".

## Appendix

### SYSTEMIC RACISM, POLICING AND THE COURTS IN ONTARIO

Summary prepared by Bob Munroe

June, 2020

1. Justice Goodman, a Judge in Hamilton recently wrote that “systemic racism in Canadian society has led to the over-policing and racial profiling of indigenous and racialized minority communities.” Goodman J. also noted that this fact has been accepted by the Supreme Court of Canada (“SCC”) in R v. Le 2019 SCC 34” R v King 2019 ONSC 6851 at paragraph 36 ; R v. Le 2019 SCC 34 (“Le”)
2. Justice Goodman quoted the Supreme Court of Canada saying that “over-policing has led to the ‘continuing social exclusion of racial minorities, encourages a loss of trust in the fairness of our criminal justice system and perpetuates criminalization’ ” Goodman J quoting from paragraph 95 of Le in King 2019 ONSC 6851
3. Ontario Courts have repeatedly examined allegations of anti-black racism, including systemic racism, by police officers in a wide variety of cases including: bail requests; improper arrests; Charter violations; mitigation of sentencing in criminal cases; and, damage claims in civil cases involving police misconduct.
4. In these cases, the Courts have repeatedly accepted that racial profiling occurs and is a day to day reality in the lives of minorities affected by it in their interactions with police officers. David M. Tanovich, “Applying the Racial Profiling Correspondence Test”, 64 Criminal Law Quarterly, at page 359 and footnotes 1, 2, 3 and 4 on page 359
5. Ontario Courts have been discussing systemic anti-black racism for decades. For example, in 1993 a decision of the Ontario Court of Appeal (“OCA”) said: “Racism, and in particular anti-black racism, is a part of our community’s psyche. A significant segment of our community holds overtly racist views.” per Doherty J.A. in R. v Parks, 1993 CanLii 3383 ( OCA) at para
6. In 2006, a decision of the Ontario Court of Appeal said: “Racial profiling is wrong ...Police conduct that is the product of racial profiling and interferes with the constitutional rights of the target of the profiling gives rise to a cause of action under the Charter” The Court also observed that the courts accept that “...racial profiling occurs and is a day-to-day reality in the lives of those minorities affected by it” per Doherty J.A. in Peart v Peel, 2006 CanLii 37566 (OCA) at paragraphs 91 thru 94
7. In 2017 in Elmardy v. Toronto Police Services Board, the Ontario Divisional Court (“ODC”) repeated a 2003 conclusion of the Ontario Court of Appeal that “...the attitudes underlying racial profiling can be consciously or unconsciously held and that social science research establishes that racialized



characteristics of black people provoke police suspicion in Toronto” *Elmardy v. Toronto Police Service Board*, 2017 ONSC 2074 at paragraph 15 in reference to *R. v Brown* 2003 CanLII 52142 at paragraph 295

8. In *Elmardy*, the ODC said of the police conduct in that case “...both officers, without any reasonable basis, suspected the Appellant of criminal behaviour ... by the fact that he was black and by their conscious or unconscious beliefs that black men have a propensity for criminal behaviour. This is the essence of racial profiling” *Elmardy* at paragraph 20

9. In December, 2018 the Office of the Independent Police Review Director issued its report “Broken Trust: Indigenous People and the Thunder Bay Police Service” which included a finding that “...systemic racism exists in the TBPS (Thunder Bay Police Service) at an institutional level.” This report and its conclusions were widely published in the media and would have come to the attention of Police Services, the Courts and lawyers in Ontario.

10. In 2019, a Superior Court Judge in Ontario wrote that racial profiling in policing “...continues to be a huge concern” and that “Courts have a responsibility to ensure that racial profiling is not the real motive...” for detention of a person. *R. v. Campbell* 2019 ONSC 430 at paragraphs 79 and 80

11. In 2019, the SCC examined racial profiling and police conduct and in doing so said that “...a common and shared experience of racialized young men: being frequently targeted, stopped, and subjected to pointed and familiar questions.” by the police. *Le* at paragraph 97

12. In 2019, the OCA rejected the legitimacy of police powers being exercised where “...subjectively their decisions are influenced by race or racial stereotypes...” The Court further said: “Where race or racial stereotypes are used to any degree in suspect selection or subject treatment, there will be no reasonable suspicion or reasonable grounds. The decision will amount to racial profiling.” *Paciocco J.A.* in *R. v. Dudhi*, 2019 ONCA 665 at paragraphs 64-66

13. For decades authoritative studies and reports have repeatedly confirmed systemic anti-black and/or anti-aboriginal racism in Ontario - including racism by the police. Over 15 such reports between the 1970’s and 2018 have been identified by the Ontario Human Rights Commission (“OHRC”). These reports include the OHRC report in November, 2018 “A Collective Impact Interim report on the inquiry into racial discrimination of Black persons by the Toronto Police Services” and “The Report of the Independent Police Oversight Review” (2017) by The Honourable Mr. Justice Michael H. Tulloch of the Ontario Court of Appeal.

14. The SCC observed in October, 2018 that “A striking feature of these reports is how the conclusions and recommendations are so similar to studies done 10,20 or even 30 years ago” *Le* at paragraph 96



15. The Courts in Ontario are or ought to be well aware of these many reports. The SCC has confirmed that "...the research now shows disproportionate policing of racialized and low-income communities"

Le at paragraph 97

16. Despite the language of Court decisions and Government reports about racial profiling by police, the rules of evidence and onus/burden of proof in Courts can make it difficult to prove racial profiling or anti-black racist motives by police.

17. It is highly improbable that police officers will admit to racial profiling or race bias in Court. Police officers are more likely to deny and/or fail to recognize anti-black and anti-aboriginal racial biases in their Police Services: see for example a recent Tweet by Inspector Treena MacSween of the Hamilton Police Service ("HPS") that "I would NEVER work for a service that turns a blind eye to prejudice in any form." Twitter "tweet" by @TMacSween370 June 27, 2020

18. That being said, while not admitting racial bias or systemic race bias in his own police service, Chief Girt of the Hamilton Police Service wrote recently on behalf of the Hamilton Police Service: "We recognize and acknowledge that racism; racial profiling and other biases exist in policing." Twitter "tweet" by @HamiltonPolice attaching letter signed by Chief Girt June 2, 2020

19. Notwithstanding the recognition that "...racial profiling occurs and is a day-to-day reality in the lives of those minorities affected by it", the SCC also observed that that it is still open to prove in a specific case that "...something that often occurs did not actually happen in the particular case..." leaving open the door for evidence from police officers denying racist motives which could overcome allegations of anti-black racism. Le at paragraph 80

20. Court decisions have acknowledged that racist motives of police officers must usually be proven by reasonable inferences drawn from circumstantial evidence. *Elmardy v. Toronto Police Services Board* 2017 ONSC 2074 [DIV. CT.] per H. Sachs J., at paragraphs 16 and 17. David M. Tanovich: Applying the Racial Profiling Correspondence Test, 64 *Criminal Law Quarterly*, at pages 361 through 377.

21. The SCC has said that "Evidence about race relations ... can be proven by direct evidence, admissions, or by the taking of judicial notice ... The need to consider the race relations context arises even in cases where there is no testimony from ... any witnesses about their personal experience with the police. Even without direct evidence, the race of the accused remains a relevant consideration..." The many reports (see paragraphs 9 and 13 above) "will clearly form part of the social context when determining whether or

not there has been an arbitrary detention contrary to the Charter" based upon race bias. Le at paragraphs 83, 95 and 106

22. An additional hurdle in court arises from the "onus/burden of proof". The burden of proving anti-black or anti-indigenous racist motives by the police remains on the person raising the issue in Court.



For example, a Court required that a black man stopped by the police had the onus of proving that it is more probable than not that the motive for the stop was that he was a black man. *R. v Brown* 2003 CanLii 52142 (Ontario Court of Appeal per Morden J) at paragraphs 7 through 11

23. The difficulty of proving racist motives and systemic racism as the reason for police activity and possible solutions for this difficulty have been analysed by University of Windsor law professor David Tanovich in his article “Applying the Racial Profiling Correspondence Test”. The Courts, including the SCC, have repeatedly referred to professor Tanovich’s article. Here is a brief summary of Prof. Tanovich’s argument in the article:

- Racial profiling (bias) is a reality in policing in Canada and in crime decision making by police. Page 359
- Twenty-eight judicial and tribunal decisions provide material for use by lawyers advancing racial profiling arguments. Page 361 and Appendix “A”
- Circumstantial evidence showing a correspondence between police actions and racial profiling can lead to a finding that conduct is motivated by racial profiling. Page 361
- Racial profiling may be established with circumstantial evidence and using reasonable inferences drawn from factual indicators supporting a conclusion that police conduct was racially motivated. page 361, footnote 12, page 362
- Indicators of racial profiling are recognized in literature which can assist a court in drawing inferences. page 362 quoting Peart
- Manifestations of racial profiling may include: using race as part of a criminal profile; heightened surveillance and “checks” of racialized individuals; using discretionary power and minor statutory powers to justify criminal investigations of racialized people; using ambiguous behaviour as incriminatory; using race to target an individual on a purported match to a known suspect; over-reaction with unjustifiable use of excessive force. pages 362 through 368
- Indicators for proving racial profiling include circumstances where experience shows racial profiling exists such as: carding; street checks; searches based on race; excessive arrests and excessive use of force. page 369
- Courts have rejected a reverse onus argument presented by the African Canadian Legal Clinic that the burden of proof in racial profiling cases should fall on the police to show that it did not occur. page 370



- A reverse burden of proof was rejected by the Court of Appeal in 2003 because while the Court accepted that racial profiling occurs it was unable to assess whether or not this was the norm. page 370
- Evidence available since 2003 shows the disproportionate scope of police intervention with black people including carding and street checks. Data available between 2010 through 2017 confirms this for Toronto, Peel, Waterloo, Hamilton (11-14% of the street checks v 3% of the population), London, Ottawa, Montréal and Halifax. pages 370 through 374
- This evidence shows that it is time to revisit the “reverse-onus” concept rejected in 2003. at page 373
- Judges should begin with the presumption that there is evidence of racialized stereotypes in the exercise of police discretion involving racialized individuals. pages 373,374
- Lawyers have not been active in raising racism and racial profiling and ought to raise racial profiling in appropriate cases using the framework set out in the article. pages 377 through 379
- Lawyers ought to raise race-based Charter claims and advance more racial profiling arguments.

## Request to Speak to Committee of Council

Submitted on Thursday, September 17, 2020 - 12:28 pm

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Danny Cerino

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** You are all overstepping your roles of SERVICE and are unconstitutionally ordering lockdowns and other nonsense that has no basis.

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

**Will you be submitting a formal presentation?** No



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	2022 Municipal Election Voters' List (FCS20080)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Andrea Coyne, Manager, Elections and Print/Mail
<b>SUBMITTED BY:</b>	Andrea Holland, City Clerk
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

Not applicable.

## EXECUTIVE SUMMARY

- The *Municipal Elections Act* provides authority to the Municipal Property Assessment Corporation (MPAC) to maintain owner and occupancy information in order to produce the preliminary list of electors, from which the municipality creates the final voters' list for municipal elections.
- All Ontario municipalities continue to deal with the challenges caused by the inaccuracies in the voters' list.
- In Oct 2019, the Minister of Municipal Affairs and Housing proposed legislation amendments to combine the municipal and provincial voters' lists, to be managed by Elections Ontario.
- To date, no legislation has been tabled to effect the change in responsibility. Further delay may impact the success of this transition for the 2022 municipal election.

## INFORMATION

### Background

The *Municipal Elections Act, 1996* (the *MEA*), as amended, provides authority to the Municipal Property Assessment Corporation (MPAC), to maintain owner and occupancy information in order to produce the preliminary list of electors, from which the municipality creates the final voters' list for municipal elections. MPAC maintains public information in non-election years through regular updates applied to the property assessment database, land titles/land registry changes, and mailing address changes. Since 2010, MPAC's enumeration methods have changed. They are no longer conducting enumeration through mass mail out or by physically attending buildings. Continued improvements to the accuracy of the data are sought through new initiatives,

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## **SUBJECT: 2022 Municipal Election Voters' List - Page 2 of 4**

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such as MPAC's online registration process, voter lookup tool, and a multi-faceted outreach campaign.

All Ontario municipalities are challenged with inaccuracies in the voters' list. As outlined in the information report to Council at the General Issues Committee meeting of December 4, 2019 (Report CL19011), for the 2018 municipal election, City Clerk's staff used all available means, within legislated parameters, to cleanse the data received from MPAC (preliminary list of electors) to produce the final voters' list. In addition, MPAC's voter look-up site was actively promoted from April to September, through a direct link on the City's website and in both social and traditional media.

Despite greater collaboration election after election between municipalities and MPAC, it was made clear at the General Issues Committee meeting of September 9, 2019 (Report CL19-016) that there are major issues with the accuracy of the information received for municipalities to create a final voters' list, and that this issue must be addressed by the next regular election (2022).

At the September 11, 2019 Council meeting, the following recommendations were approved:

*That the City Clerk be authorized and directed to draft a letter, for the Mayor's signature, to the Minister of Finance and the Minister of Municipal Affairs and Housing requesting the government amend legislation to require rental property owners to provide tenant information, for election purposes only, to the Municipal Property Assessment Corporation; and,*

*That the City Clerk look at developing a Communications Strategy directed to residents to check that they are on the Voters List and if not, add themselves to the Voters List, prior to the next Municipal Election.*

### **Partnership with Elections Ontario**

In Oct 2019, the Minister of Municipal Affairs and Housing announced measures to make Ontario Municipalities stronger. Among these recommendations was a proposal to amend the legislation to combine the municipal and provincial voters' lists. If passed, this recommendation would harmonize the development of a single list of electors for use in both provincial and municipal elections, managed by Elections Ontario.

Since this announcement, there has been no further public information provided, and no legislation tabled to effect the change in responsibility. Due to the COVID-19 pandemic, many provincial initiatives and projects have been stopped or delayed. Municipalities have not been advised as to whether this project is moving forward; however, MPAC representatives indicate that over the coming months, they will work with the province, Elections Ontario, and other stakeholders to transition the enumeration responsibility. In the interim, MPAC will continue to maintain data, should there be an election before the transition is complete. As of special note, while writing this report, staff observed and have confirmed with MPAC representatives that voterlookup.ca is currently inactive.

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**SUBJECT: 2022 Municipal Election Voters' List - Page 3 of 4**

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**Transition of Responsibility: Next steps**

Introduction and passing of a bill to provide Elections Ontario the authority to take over the responsibility of the voters' list is required before any transition can occur. If a bill is introduced and passed, minor changes to the *MEA* to support the change in authority of the voters' list will be required. Should there be no immediacy in introducing the necessary bill, it is unlikely that the partnership project will be implemented in time for the 2022 municipal election. AMCTO, on behalf of all Ontario municipalities, has been working with stakeholders to urge the Ministry to prioritize this partnership, as it would enable municipalities to produce the most accurate voters' list possible.

At the 2020 AMO Conference, AMCTO President Rob Tremblay delegated with the Honourable Steve Clark, Minister of Municipal Affairs and Housing. The Minister expressed his continued commitment to the Elections Ontario takeover of the voters' list, and welcomes ideas for moving it forward; however, he did not commit to a timeline for implementation. Minister Clark highlighted that AMCTO has been a valuable partner, that the Ministry remains committed to the work, and acknowledged that change is long overdue.

**Communication Strategy and Consultation: Next steps**

Once authority over the voters' list is established, a Communication Strategy for the 2022 municipal election will be developed in collaboration by City Clerk's staff and Communications. The strategy will aim to educate eligible electors to check that they are accurately listed on the voters' list, and will be built on a foundation of technology, partnership, and education. Outreach will be targeted to tenants of rental properties, and employ location-based advertising. Relevant consultation with internal and external stakeholders will occur, including collaboration with the multi-stakeholder Elections Working Group (comprised of over 50 members, representing approximately 30 municipalities). Concerns surrounding the accuracy of the voters' list, particularly as it relates to tenants, is shared by all Ontario municipalities, particularly those in the Greater Toronto and Hamilton Area. Prioritization in passing of legislation to move authority of the voters' list is critical in order to accurately develop outreach and communication plans.

Municipal elections are a vital part of the democratic process. We all must work collaboratively to maintain electoral integrity and trust in the democratic system. Regardless of who holds the authority of the voters' list data, City Clerk's staff will work with its partners to improve the accuracy of the voters' list.

Staff will report back to Council with any significant updates related to the passing of a bill, and any significant decisions made regarding the authority over the municipal voters' list. Once it is known who will hold the authority over the voters' list, staff will establish a thorough and accurate strategy.

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**SUBJECT: 2022 Municipal Election Voters' List - Page 4 of 4**

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

**Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Not applicable.

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# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	2022 Municipal Election Voters' List (FCS20080(a))
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Andrea Coyne (905) 546-2424 Ext. 2753
<b>SUBMITTED BY:</b>	Andrea Holland, City Clerk
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

Not applicable.

## INFORMATION

Subsequent to Information Report FCS20080, 2022 Municipal Election Voters' List, on September 17, 2020, the Honourable Steve Clark, Minister of Municipal Affairs and Housing introduced Bill 204, *Helping Tenants and Small Businesses Act* that would, if passed, create one unified Electors' List for provincial and municipal elections, which will be in place for 2024 and subsequent municipal elections. The proposed amendments to the *Municipal Elections Act* and *Elections Act* will result in a single register of electors for municipal and provincial elections, which is expected to be more accurate, may reduce costs for municipalities to verify information, and improve the voting experience for the public. Staff will report back to the General Issues Committee with any significant legislation updates.

At the September 11, 2019 Council meeting, staff were directed to develop a Communication Strategy directed to residents to ensure accuracy of the voters' list prior to the next municipal election, and to make recommendations to ensure tenants living in rental properties are included on voters' list. Bill 204 may address challenges faced by tenants, however, this solution will not be in place for the 2022 municipal election. For this reason, staff will work with Communications staff to develop a comprehensive communication strategy for the 2022 municipal election. Building on a foundation of technology, partnership, and education, this strategy will include tenant outreach, targeting tenants of rental properties, with consideration of location-based advertising

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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.

for rental properties in addition to areas with historically low voter turnout. New outreach opportunities and initiatives will be explored to ensure tenants living in rental properties are included in the municipal elections voters' list.

For the 2022 municipal election, City Clerk's staff will work collaboratively with MPAC, internal and external stakeholders, and other municipalities through the multi-stakeholder Elections Working Group, to improve the accuracy of the voters' list.

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

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Not applicable.

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**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	Gordon Dean Avenue Phases 3 & 4 Draft Environmental Study Report (Ward 10) (PED20149)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Margaret Fazio (905) 546-2424 Ext. 2218
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

- (a) That the Gordon Dean Avenue Phases 3 and 4 Municipal Class Environmental Assessment's Draft Environmental Study Report be endorsed and 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.

## EXECUTIVE SUMMARY

Council approved the Fruitland Road (Barton Street to Highway 8) Municipal Class Environmental Assessment (EA) Study - Phases 1 & 2 in 2010, which fulfilled requirements of the Municipal Engineers Association's Municipal Class Environment Assessment Document. The recommendations from the study included replacing Fruitland Road between Barton Street and Highway 8 with a new minor arterial road (with a truck route designation) within Block 1 of the Stoney Creek Urban Boundary Expansion (SCUBE) lands to the east (refer to Appendix "A" to Report PED20149).

Two possible route options for the new road corridor, named Gordon Dean Avenue, one of which included a roundabout intersection with mid-block east-west Collector Road "B"

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were subsequently incorporated into the Fruitland-Winona Secondary Plan approved in 2014 (refer to Appendix “B” to Report PED20149).

The Gordon Dean Avenue Class EA Phases 3 & 4, a requirement of the SCUBE Secondary Plan, was initiated by the Fruitland–Winona Development Group, a consortium of land owners in the Block 1 growth area, in late 2014. These land owners are also the project proponent of the ongoing Block 1 Servicing Strategy.

The Phase 3 & 4 study area included Gordon Dean Avenue and a portion of the planned east-west collector road (Collector Road ‘B’), connecting Gordon Dean to Fruitland Road at Sherwood Park Road (refer to Appendix “C” to Report PED20149).

Phase 3 of the study served to finalize the location of Gordon Dean Avenue by identifying Alternative Design Concepts (refer to Appendix “D” to Report PED20149), taking into consideration specific criteria, such as existing and future land use, the road network and traffic safety, the natural environment and cultural / built heritage, drainage and groundwater, as well as input from the public and stakeholders such the Hamilton Conservation Authority.

The Alternative Design Concepts, each starting from the same location on Barton Street connect to different locations along Highway 8 (refer to Appendix “D” to Report PED20149). The alternatives also included connections to Collector Road B within the Block 1 growth area and evolved through the study to include only a signalized intersection whereas originally a roundabout was contemplated for this intersection. From Barton Street southerly, each alternative is generally the same through the Block 1 toward the north end of 703 Highway 8 where the alignments diverge and flank either side of the property (westerly or easterly) with some of the proposed alternatives also going through the middle of the property. The property (9.9 acres) is significant in that it was purchased by the City in February 2020 to replace the Jones Road Public Works Yard and to serve as the future expansion site of the Mountview Gardens Cemetery, which abuts the north end of the property.

Results of the evaluation identified Alternative 4b as the Preferred Alternative (refer to Appendix “D” to Report PED20149). While the Preferred Alternative for the most part extends through the future development lands in Block 1; the southern portion of the alignment bisects the eastern portion of 703 Highway 8 (City property) and requires the purchase of two residential properties on Highway 8.

Implementation of the Preferred Alternative (refer to Appendix “D” to Report PED20149) may impact plans for the expansion of Mountview Gardens Cemetery for a columbarium; however, staff have identified other opportunities for cemetery expansion on abutting lands that will mitigate the impact.

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When constructed, Gordon Dean Avenue will be classified as a minor arterial roadway, designated as a truck route (replaces Fruitland Road), and will serve as a future Rapid Transit route. It will also be designed to provide pedestrian and cycling opportunities.

Although the City of Hamilton is not the proponent of this Study, staff have provided technical oversight to support requirements of the Class EA process and have confirmed that the Preferred Alternative reflects the City of Hamilton's values, standards and objectives.

A Draft Environmental Study Report (ESR) was submitted by the proponent and staff comments have been provided (refer to Appendix "E" to Report PED20149) that include details that need to be addressed in the final ESR; however, the required changes to the ESR are immaterial to the choice of the Preferred Alternative. In addition, there will be an opportunity for further staff review during the formal public review period.

***Alternatives for Consideration – See Page 7***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Gordon Dean Avenue is a growth-related project identified in the 2019 Development Charges Background Study with a construction value of \$8.7M including land costs. The project is already partially funded (\$5.28M) in approved Capital Project 4031980988 Fruitland By-Pass – Barton to Hwy. 8. As a growth-related project, it is subject to the City's Local Service Policy. Benefitting developers of the Block 1 growth area are responsible to pay the local service component of the road with the remainder of the project to be funded by the City for the growth-related (over-sizing) and benefit to existing components of the road (levy).

Also, through the Local Service Policy, a significant amount of the land required for the road will be obtained by land dedication from developers. The balance of the road corridor will be acquired through the approved Capital Project 4031980988 Fruitland By-Pass – Barton to Hwy. 8. Any amount of additional required funds for the project including an appropriate source will be brought forward as part of the annual budget approval process.

**Staffing:** N / A

**Legal:** N / A

## **HISTORICAL BACKGROUND**

Fruitland Road is a minor arterial roadway and a designated truck route that extends southerly from Lake Ontario to Highway 8 in Stoney Creek. The section between Barton Street and Highway 8 has a long history of truck traffic concerns amongst residents.

In 2010, the Fruitland Road EA (Phases 1 & 2) updated the results of the 1992 Fruitland Road Realignment (Barton Street to Highway 8) Class EA Study which identified a future Fruitland Road bypass, between Barton Street and a future escarpment crossing south of Highway 8 (refer to Appendix “A” to Report PED20149).

The 2010 study recommended construction of a new north-south truck route, east of the existing Fruitland Road between Barton Street and Highway 8. Two possible alignments were identified with the westerly option allowing for a roundabout intersection with mid-block east-west Collector Road “B” and with the final alignment to be determined through a subsequent Class EA process (Phases 3 & 4 EA), (refer to Appendix “A” to Report PED20149). These two alignments were also approved as part of the Stoney Creek Urban Boundary Expansion (SCUBE) Secondary Plan road network (refer to Appendix “B” to Report PED20149).

The Phase 1 & 2 study recommendations were carried forward to the Gordon Dean Avenue Phase 3 & 4 Class EA initiated in late 2014 (refer to Appendix “C” to Report PED20149) by the Fruitland-Winona Development Group, a consortium of land owners in the Block 1 growth area.

The Class EA study is now complete and a Draft Environmental Study Report (ESR) was submitted by the proponent in May 2020. Staff comments have been provided to the proponent and form the basis of the recommendation in this report (PED20149), (refer to Appendix “E” to Report PED20149).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Municipal undertakings such as road, water and wastewater and transit projects are subject to *Ontario’s Environmental Assessment Act (EA Act)*. The *EA Act* allows for the approval of the Municipal Class Environmental Assessments following the planning process set out in the Municipal Engineers Association Municipal Class Environmental Assessment document (October 2000, amended in 2015). The Schedule C project requirements for this Class EA have been fulfilled.

Under provisions of the *EA Act* there is an opportunity for the Minister to review the project. During the review period, members of the public, interest groups and review agencies may request the Minister to require a proponent to comply with Part II of the *EA Act* before proceeding with a proposed undertaking (commonly referred to as a

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“bump up”). The Minister determines if this is necessary with the Minister’s decision being final.

The Fruitland-Winona Secondary Plan, section 7.4.14.1 states: “All development within the lands identified as the “Servicing Strategy Area” shall conform to the Block Servicing Strategy”. The Gordon Dean Avenue is a major component of the Block 1 Servicing Strategy and the finalization of the alignment through the approval of the Municipal Class EA is required before the rest of the Block 1 area servicing can be finalized in accordance with the Fruitland-Winona Secondary Plan.

## **RELEVANT CONSULTATION**

Gordon Dean Avenue EA has fulfilled Phases 3 & 4 of the Municipal Class EA process in accordance with the Municipal Class Environmental Assessment document which requires a transparent decision-making process involving public consultation.

Public Information Centres (PICs) were held on April 4, 2017 and October 17, 2019. The first was combined with the City-led Block 2 Servicing Strategy PIC, and multiple meetings were held with staff, Hamilton Conservation Authority (HCA) and impacted land owners during the study process.

Growth Management staff facilitated the public engagement process for this study by providing the proponent the City’s standard agency list for agency mail outs, attending meetings with the public, various stakeholders, the proponent team, and HCA staff, and posted PIC materials on the City website at [Hamilton.ca/blockservicingstrategies](http://Hamilton.ca/blockservicingstrategies).

Staff in the following City departments / divisions were consulted throughout the study process and in preparation of this report (PED20149):

**Corporate Services:**

- Financial Planning Administration and Policy

**Planning and Economic Development Department:**

- Planning
- Transportation Planning
- Economic Development

**Public Works Department:**

- Energy, Fleet and Facilities Management
- Environmental Services
- Engineering Services
- Transportation Operations and Maintenance

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There will be an opportunity for further public, agency and staff consultation during the minimum thirty-day review period.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Alternative Design Concepts (route options) for Gordon Dean Avenue were generated based on the approved Fruitland Road Class EA (2010) (refer to Appendix “D” to Report PED20149). As part of Phase 3 work, variations of the two primary options identified in the Secondary Plan (refer to Appendix “B” to Report PED20149) were developed in order to investigate requirements related to the future intersection of Gordon Dean Avenue and Collector Road ‘B’ (the planned Block 1 east-west collector road connecting Fruitland Road to Jones Road).

The Secondary Plan recommended a roundabout at this intersection; however, through the technical review of alternatives being considered a roundabout was determined to be undesirable due to pedestrian traffic safety concerns related to the planned Community Centre situated on the east side of Gordon Dean Avenue. The deletion of the roundabout was an important consideration in the evolution of route options leading to four core route options being developed and analyzed, each providing for a signalized controlled intersection at Collector Road ‘B’.

Based on the results of the analysis and evaluation process which included inputs from members of the public, staff, agencies, and land owners, Option 4b (refer to Appendix “D” to Report PED20149) was chosen as the preferred alignment for the Gordon Dean Avenue corridor. Although there was some difference in the functionality of the main alternatives, Option 4b is preferred because it:

- Addresses the problem and opportunity statement identified in Fruitland Class EA (2010); i.e. it would replace Fruitland Road from Barton Street to Highway 8 as an arterial road with a truck route designation and could accommodate pedestrian, cycling, vehicular and transit needs;
- Conforms to the Fruitland-Winona Secondary Plan;
- Better limits predicted noise level impacts to future residential development compared to westerly options; and,
- Optimizes the developability of lands relative to the other options considered.

Overall, Option 4b is the Preferred Alternative and is supported by staff. It is recommended that the Gordon Dean Avenue Class EA be filed with the Ministry of Environment, Conservation and Parks for formal minimum thirty-day public review and approval and that it be incorporated into the Block 1 Servicing Strategy.

## **ALTERNATIVES FOR CONSIDERATION**

There are two alternatives for Council to consider with respect to the Class EA recommendations:

1. To not endorse the ESR and, therefore, not proceed with next steps to implementation.

This is not recommended and would likely delay the advancement of the Block 1 Servicing Strategy and in turn delay planned development in this strategic growth area. Should Council not endorse the Gordon Dean Avenue Municipal Class Environmental Assessment, the proponent (Fruitland-Winona Development Group) may still proceed and file the ESR for public review with the intent to have it approved by the Ministry of Environment, Conservation and Parks.

2. To not endorse the ESR until an amended version is submitted that addresses staff comments before it being posted for public review.

This is not recommended and would require staff to submit another recommendation report to Council on this matter in the future. Staff have consulted with the land owner's group which has agreed to address comments to staff's satisfaction prior to filing the ESR for public review.

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

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

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**Built Environment and Infrastructure**

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

**Our People and Performance**

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

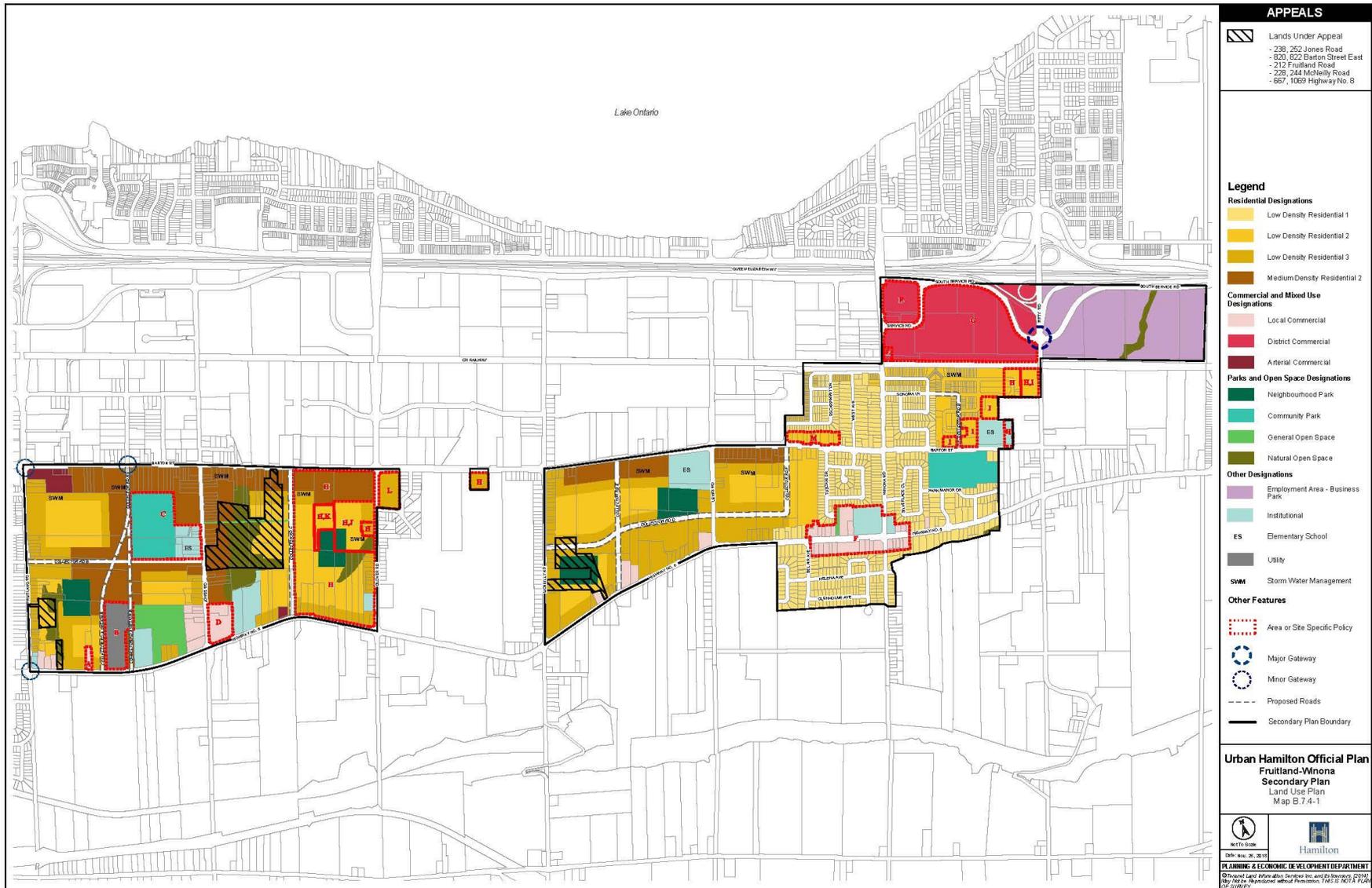
**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”- Fruitland Road Phases 1 & 2 Class EA – Figure 19 – Report Recommendation Map
- Appendix “B”- Fruitland-Winona Secondary Plan – Map B.7.4-1 Land Use Plan
- Appendix “C” - Study Location Map
- Appendix “D” - Gordon Dean Avenue Class EA – Alternative Design Concepts
- Appendix “E”- Draft Environmental Staff Report – Preliminary Staff Comments

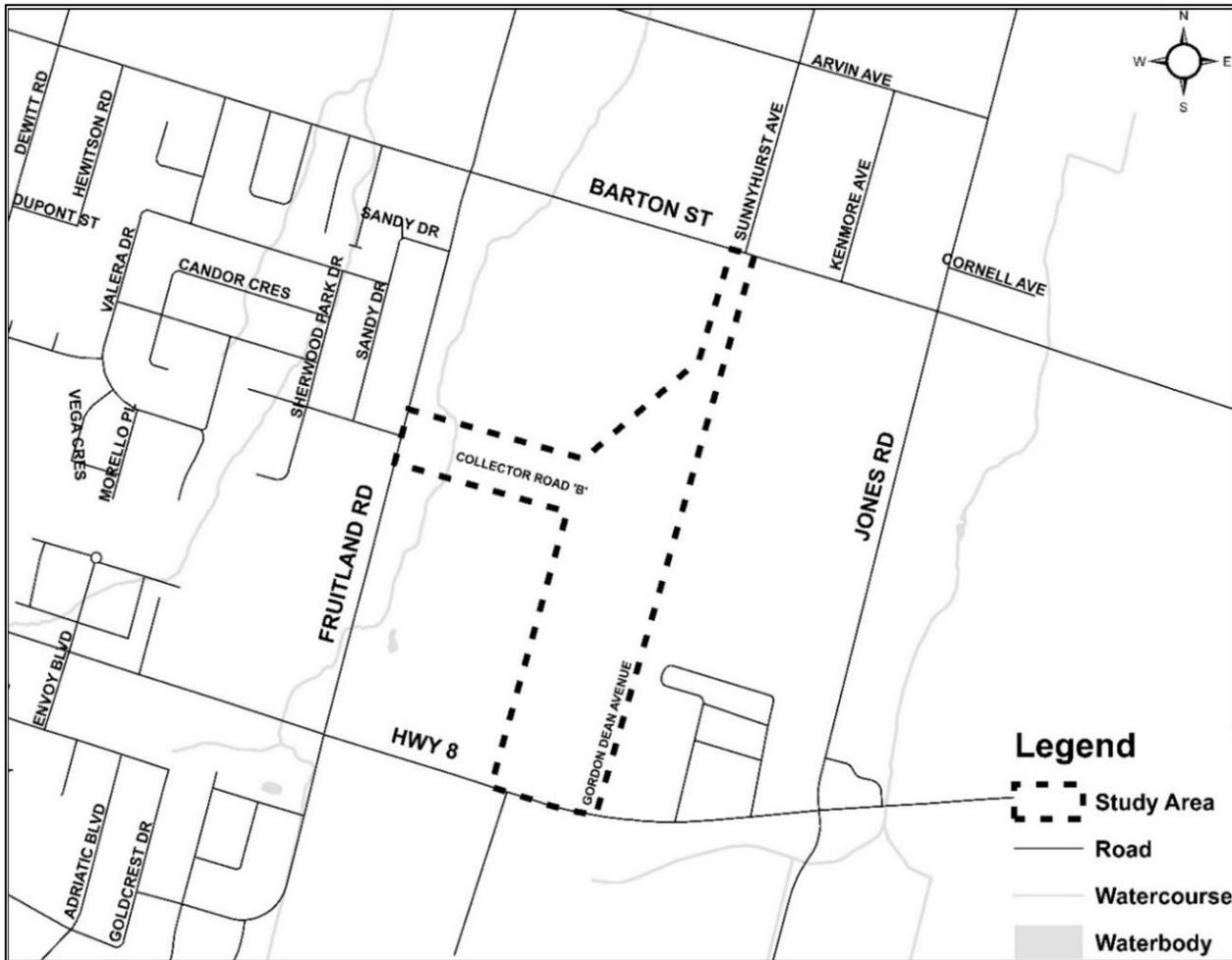
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Urban Hamilton Official Plan – Fruitland – Winona Secondary Plan Land Use Map B.7.4-1 - Recommended Alignment Options for Gordon Dean Avenue (Collector A)



Gordon Dean Avenue Municipal Class Environmental Assessment Phases 3 and 4  
Study Location Map



Gordon Dean Avenue Phases 3 and 4 Municipal Class Environmental Assessment Process – Alternatives Design Concepts

FRUITLAND - WINONA BLOCK 1 EA





Hamilton

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July 14, 2020

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**RE: Future Gordon Dean Avenue Phases 3 & 4 Municipal Class Environmental Assessment Pre - Public Review Environmental Study Report Comments (submitted via e-mail).**

Thank you for the opportunity to comment on the future Gordon Dean Ave. Phases 3&4 Municipal Class Environmental Assessment (EA) Environmental Study Report (ESR), prior to the formal mandatory public review period. Please be advised that the comments contained herein and attached are to be considered preliminary. Final comments will be provided as part of the public review period and are subject to Council endorsement of the study recommendations.

It is staff's practice to seek Council approval before posting an ESR for 30 - day public review. We therefore highly recommend that the Proponent Team wait for Council's endorsement of the Staff recommendation report prior to initiating the formal minimum public 30-day review.

The City of Hamilton has a dual obligation to fulfill when commenting on the Gordon Dean Ave. Class EA. Its primary role is as a commenting body and EA process facilitator; its secondary role is as a land holder and stakeholder within the study area (notably #703 Highway 8). As such, we have the following general comments related to each role with attached detailed comments table, as follows:

**1. EA Commenting Body and Process Facilitator**

Currently, the Class EA is still deficient in the following areas (that are typically required in a robust standalone study) that is either not included in the ESR or is being proposed to defer to future development:

- a. Built Heritage and Cultural Landscape (not included) – it does not appear that a qualified professional has provided their signed opinion / check list.
- b. Road Design Elements (not included) - vertical alignment, cross section alternative's evaluation, drainage, and stormwater management.

- c. Natural Heritage (proposed to be deferred) – the Report does not follow the City's Environmental Impact Study (EIS) Guidelines, Terms of Reference, process and previously provided comments.

Please advise how the above will be addressed without risk to the Class EA approval and the need to potentially consider new alternatives or revisions to the preferred alignment. In addition, please respond to the detailed comments in the attached spreadsheet.

## 2. Land Owner / Stakeholder (Municipal Address 703 Highway 8)

The eastern corridor (Alternative 4b) has been chosen as the Preferred Alternative. However, despite it addressing the noted traffic safety and operational concerns identified by City for Alternative 1a, the resultant proposed City-owned land taking presents a significant operational / service impact to the City's Public Works Department (Transportation, Operations and Maintenance as well as the Parks and Cemeteries divisions).

Notwithstanding, City Staff support the Preferred Alternative 4b on the premise that suitable compensation can be made to the City to assure that it is able to proceed with its Operations Plan for 703 Highway 8. In addition to the land taking for the road itself, the location of the road bisects the property such that it renders the City's plan for cemetery expansion infeasible. Although detailed impacts have not been investigated, compensation would, in principle, be based on the ability of the City to acquire land to replace what is lost to the road, and to address the inability to use the remaining lands for cemetery expansion.

Please contact me directly for clarification of any comments and any other questions you may have. Also please advise of your intentions regarding the timing of addressing the City's comments including the 30-day public review vis-à-vis the need for Council's endorsement of the ESR.

Yours truly,



**Margaret Fazio, B.Sc., EP, MCIP, RPP**

Senior Project Manager, Infrastructure Planning  
Growth Management, Planning and Economic Development Department  
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cc: Tony Sergi, Senior Director Growth Management, City of Hamilton  
Maria Pearson, Cllr. Ward 10, City of Hamilton

MF/as attachment

Item #	City of Hamilton: Received – June 10, 2019	Wood’s Response: Sent - August 12, 2019	City of Hamilton: Received – September 6 and 16, 2019	Wood’s Final Response: Sent June 25, 2020	City of Hamilton’s Preliminary Comments on June 25, 2020 DRAFT ESR Submitted July 15, 2020
<b>Overall</b>					
<b>1</b>	Not enough detail provided regarding property impact evaluation/cost	The Project Team has reevaluated all options, taking into consideration the impact on property, specifically the impact on the former Alectra land.	Business Impacts: Please see comment Number 5. The alternative where the east-west road was meandered, and north-south corridor could be adjusted to fit in with the Secondary Plan proposed layout around Alectra Lands is missing – Alternative 1b. Why?	Alternative 1B was eliminated due to discussions held with the City and the Project Team in 2018 regarding the design of the intersection. The roundabout alternative was dismissed and concerns over the angle of intersection was raised. As such, due to safety concerns, Wood has removed Alternative 1b.	<p>Concerned that the extent of the potential property acquisition costs and value implications associated with the alternative options are underestimated and not fully captured in the report.</p> <ol style="list-style-type: none"> <li>The ESR needs to be updated to reflect the City’s ownership of the Alectra lands and should comment what is understood about the acquisition; ie land was purchased for TOM and Parks and Cemetery expansion.</li> </ol> <p>For example:  It does not appear that consideration was given to the market value of the lands that may need to be acquired in terms of their highest and best use. Much of the surrounding lands would be valued as low to medium residential development land, in line with the Secondary Plan. For a residential property, for example, the cost may not simply be the value of the single detached dwelling, but also the value of the excess land on the basis of its highest and best use as future residential development land. Similarly, while the existing commercial building at 703 Highway 8 does have value on its own, from an appraisal perspective the remainder of the site (the excess land to the north) would be valued by assuming that portion of the property is hypothetically severed for future residential development.</p> <p>The properties directly affected, and/or those adjacent, could also suffer injurious affection as a result of the construction of the road. For example, if a portion of a residential property is required, there may also be a negative value impact to the remainder of the property due to proximity to the road, a less efficient configuration, diminished redevelopment potential, etc. How the partial taking affects the utility of the remainder of the property is an important value consideration. Injurious affection can also apply where no land is taken but a property is negatively impacted due to lost privacy, increased noise, etc. Acknowledge that noise impacts will specifically be addressed during development application stage).</p> <p>There are additional costs that could be incurred, particularly with respect to commercial uses where the acquisition may result in disturbance damages such as relocation costs and compensation for business loss. Similarly, relocation or other costs could be involved in the acquisition of a residential property. These costs and others associated with the compensation claims under the Expropriations Act could be substantial, if required.</p> <p>Given these concerns, it is difficult to assess whether the evaluation of options presented in the report is appropriate, and our recommendation would be that further valuation work is required to better understand the magnitude of the potential property acquisition costs. One final overall comment is that in some instances the language is misleading in that it states land acquisition “may” be necessary or it refers to a “potential”</p>



Item #	City of Hamilton: Received – June 10, 2019	Wood’s Response: Sent - August 12, 2019	City of Hamilton: Received – September 6 and 16, 2019	Wood’s Final Response: Sent June 25, 2020	City of Hamilton’s Preliminary Comments on June 25, 2020 DRAFT ESR Submitted July 15, 2020
					<p>acquisition, when such acquisition would certainly be necessary to proceed with the option in question.</p> <p>Specific comments on some of the evaluation items are below:</p> <ol style="list-style-type: none"> <li>1. Socio-Economic Impacts – Residential Impacts <ul style="list-style-type: none"> <li>• With respect to options 1A, 2A and 2B it is noted that one residence is <i>likely</i> displaced. Based on the maps of the proposed alignments, it seems like a full buy-out would be required as the residence would be too close to the road.</li> <li>• This section does not address any injurious affection to the adjacent residential properties which would be impacted by their proximity to the road, and potentially by diminished future development potential.</li> </ul> </li> <li>2. Socio-Economic Impacts – Commercial Impacts <ul style="list-style-type: none"> <li>• With respect to options 2A, 2B, 3A and 3B, it is accurate that a significant portion of the former Alectra lands would be displaced, however it should also be recognized that the property also has value as residential development land if the excess land were to be severed from the improved commercial portion.</li> <li>• While the existing building does have commercial value, the impact and potential cost would also include disturbance damages such as business loss, relocation costs, etc.</li> <li>• Options 4A and 4B should not be rated as “good”. The portion of 703 Hwy 8 that would be required for the road was to be used for an expansion of the adjacent cemetery. The costs associated with finding suitable replacement land should be considered. The market value of this land would also likely be based on a highest and best use as residential development land. Please see the letter attached to this table for appropriate provisions.</li> </ul> </li> <li>3. Governance – Impacts to Non-Participating Lands <ul style="list-style-type: none"> <li>• With respect to options 1A, 2A and 2B a full buy-out of the residential property is likely.</li> <li>• The “sliver” of the former Alectra lands noted in 4A and 4B is misleading, as it is actually a small portion of the L-shape and its intended use is to facilitate the expansion of the adjacent cemetery, therefore the City may incur additional costs if alternative cemetery expansion options are necessary.</li> </ul> </li> <li>4. Governance – Ease of Implementation <ul style="list-style-type: none"> <li>• The impact to 703 Highway 8 is not reflected under options 4A and 4B.</li> </ul> </li> <li>5. Governance – Estimated Capital Costs</li> </ol>



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					<ul style="list-style-type: none"> <li>The potential costs associated with the property acquisitions are not quantified, nor is an order of magnitude provided.</li> </ul>
2	<p>Gordon Dean Ave. Cross Section(s) need to be updated and shown/provided. Given that the City of Hamilton has now declared a Climate Change state of Emergency, we would like to request options/direction for sustainable materials use, such as LED lighting, LID considerations, in the final project recommendations.</p>	<p>The Gordon Dean Ave. Cross Sections will be updated and provided. The preliminary design and the ESR will provide further detail regarding any climate change measures and practices. The current criterion is similar to the one used to evaluate the alternatives for the Barton St. EA.</p>	<p>The Purpose of Phase 3 EA process is not just to place alternative locations of the roadway, but to propose and evaluate alternative functional designs of the roadway. Cross Sections and alternatives, interim and long-term solutions should be shown and evaluated for this EA requirements. This is missing entirely from the Tech Memo.</p>	<p>Cross-sections and functional design details of the preferred alternative are provided in Section 6 of the ESR.</p>	<ol style="list-style-type: none"> <li>Cross Section does not reflect alternatives as is required of Phases 3 &amp; 4 EA ESR. There is only one cross section provided without an evaluation of alternative uses of that cross section, including the reasoning behind a Multi-use – Path on both sides of the road. Our previous comments reflected a need for 1.5m sidewalk on the west side and 3.0 m MUP on the east side. How was this preferred cross section determined? Please show all analyses and references in the ESR.</li> <li>Given that the FWSP polices do not allow for the creation individual household driveways onto Gordon Dean, the road functional design should identify dedicated left turn lanes and their appropriate length instead of a continuous centre turning lane for the entire length.</li> <li>Please remove the interim cross-section scenario as it brings no value given that the timelines for full build out are imminent/within the time horizon of the provided TIS.</li> <li>Please adjust ROW width to round 36m.</li> <li>HSR stops – we are in discussions with HSR regarding provisions for future routes and stops. Can provide further input soon.</li> </ol>
3	<p>Please provide more details/explanation regarding the basis for the angle of where the various options impact various lands. This was in part asked for during the May 22, 2019 meeting, impacts versus no impacts on all lands, including Alectra lands, which are a departure from the Secondary Plan, etc.</p>	<p>Wood has reassessed the impacts to existing land uses, especially as it relates to the former Alectra lands.</p>	<p>The wording of “Without prejudice” will be removed in the next set of drawings since they don’t apply here.</p>	<p>The wording has been removed from the final version. Final evaluation of alternatives memo is provided in Appendix G of the ESR.</p>	<p>Please see comments to No. 1</p>
4	<p><u>RE: East-West Collector corridor was set by the Secondary Plan.</u> Background/justification for variance on the Secondary Plan approved layout needs to be itemized in the EA analysis. City staff don’t believe that the variance proposed in the provided drawings is a big departure from the Secondary Plan, but a written justification should be provided in the EA drawings/evaluation process. This detail in justification - i.e. more equitable impacts on landowners’ lands, we suggest being documented in the EA evaluation as a differential between straight versus bent option. It seems from our discussions, that the more equitable version would be more beneficial to all concerned, so this should transparent in the documentation.</p>	<p>Wood has reassessed the impacts to existing land uses, especially as it relates to the former Alectra lands. Wood also added a criterion, “Conforms to Secondary Plan” to compare and contrast those alternatives who do (and do not) comply with the Secondary Plan.</p>	<p>Summary has a sentence which reads: “ This portion of lands was previously anticipated within the Approved Fruitland-Winona Secondary Plan” – What is meant by this statement? An explanation is needed.</p>	<p>The sentence has been reworded to provide further clarification – “The displacement of this portion of lands was previously accounted for within the Approved Fruitland-Winona Secondary Plan.”</p> <p>Final evaluation of alternatives memo is provided in Appendix G of the ESR.</p>	<p>Please see response to No.1</p>



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5	There are no alternatives shown which follow the Secondary Plan, as it intended to have Gordon Dean Ave. link to Highway 8 abutting Aletra lands, not impacting them in any way. We would ultimately like to see the range of alternatives and/ or seeing a written justification as to why another alternative without impacts to Aletra lands were not included in this analysis. If there is another piece of information not discussed/understood by staff, please also include this in the amended evaluation.	Alignments have been updated to include an option that follows the Secondary Plan.	General evaluation of each criterion per alternative is not substantiated FOR each alternative separately – in all categories, but rather given as a range. This makes the evaluation process NOT transparent and needs to be amended before going before the public/staff can support it.  An EA process is a PLANNING process – i.e. it helps us to make decisions better. You may find that if you answer the questions quantitatively/substantiated manner, as required for the EA process, your preferred alternative may change.	A thorough evaluation of each alternative was completed based on various criterions. Ranges are provided in areas where there are no differences between each alternative. Further detail is provided in the ESR.  Final evaluation of alternatives memo is provided in Appendix G of the ESR.	Please see our comment No. 1.
6	We do not see the previous alternatives being included/discussed within the Memo. We believe that this work should still be considered both at the coming PIC and in the EAR, to illustrate how the study moved from the last PIC to the new alternatives - in the new PIC as well as in the ESR document. Given the amount of detail missing from the Memo, City staff are not certain that the intended June 13, 2019 PIC date is achievable.	The memo associated with the evaluation table will be updated to include a review of the Phase 1 and 2 alternatives. A summary of the discussions with the City and the justification will be included.	The Alternative presented with the previous set of drawings proposed Alternative 1b. Why was it now excluded from the evaluation?	See Item #1.	We note that the original alternative was now included in the alternative evaluation, thank you. Please see comment No. 1.  The Summary of the Preferred Alternative should provide a more comprehensive rationale for the preferred choice using qualitative and quantitative descriptors that compare to the other alternative(s) – presumably 1a especially because it was displaced as the preferred.....There needs to be discussion about why it’s better than 1a overall, not simply that it meets the need.
<b>Natural Heritage</b>					
9	Natural Heritage Impacts - no detail has been provided to substantiate equal claim to all alternatives.	See responses to comments 6 to 16 below. Furthermore, the updated Evaluation Matrix will provide full details to support the revised ranking of alternatives from an environmental perspective.			<ul style="list-style-type: none"> <li>a) Page 14: A reference has been made to a Natural Heritage Characterization Assessment prepared by Colville Consulting in 2019. It is important to note that this Report was not prepared in accordance to the City’s Environmental Impact Statement (EIS) Guidelines (revised March 2015) and a Terms of Reference was not approved for this report. Please see link to the Guidelines in comments to Item No. 10.</li> <li>b) Page 37: Section 4.2.3.2 discusses the Hamilton Official Plan. It is important to note that a City-wide Natural Heritage System has been developed and included within the Official Plan. This is missing from the discussion. It is important to include since roads may have negative impacts on the features and functions of this system. In</li> </ul>



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					<p>addition, the study area is located within the Fruitland Winona Secondary Plan. This is also missing from the discussion.</p> <p>c) Page 41: Section 4.2.4.3 discusses the Provincial Policy Statement (PPS). It is important to note that the natural environment has been identified as a matter of provincial interest. Policies related to the natural environment are found in sections 2.1 and 2.2 of the PPS. In this case, fish habitat (Watercourse 5.0), habitat for endangered and threatened species (Bobolink, Eastern Meadowlark, Barn Swallow) and significant wildlife habitat (candidate habitat for Snapping Turtle and Monarch) have been identified within the study area and will be impacted as a result of the proposed roads. This is missing from the discussion.</p>
10	<p>Species at Risk - no EIS information has been provided specific to the locations at hand. Use of Watercourse 5 &amp; 6 Report, which was not finalized/Filed with the MOECP (former MOE), is incorrect.</p>	<p>For SAR, no site-specific EIS data is available for the alternatives. The alternative evaluation will be reliant on SAR data available for the Block 1 lands as found within the report <i>Fruitland-Winona Block 1 Servicing Strategy Environmental Assessment and Natural Heritage System Plan</i> (D&amp;A, September 2017).</p>	<p>Watercourse 5 &amp; 5 EA document was never filed with the approving Ministry, therefore has no legal standing and should not be relied upon for information – please see our previous comments in the attached “FINAL Responses to City Comments”.</p>	<p>All references to Watercourse 5 &amp; 6 EA have been removed.</p>	<p>a) Page 56: A map (Map 4-Dougan and Associates Environmental Impact Assessment) illustrating the location of significant species has been provided. We acknowledge and appreciate that this has been provided to our staff. Since, however, this is a public document, there is concern with the illustration of these locations. This map should be removed from the publicly available document.</p> <p>Within the Council adopted Environmental Impact Statement (EIS) Guidelines (revised March 2015), it has been stated that the location of Species at Risk (SAR) should not be included within the EIS. We have provided the excerpt for you below (page 11 of the Guidelines):</p> <p><i>"the area studied for each of the above elements. A map should be provided showing the sampling locations. The presence of a Species at Risk (SAR) should be filed with the Natural Heritage Information Centre (NHIC) in Peterborough and the Hamilton Conservation Authority for inclusion in the Hamilton Natural Heritage Database. NAD 83 or UTM locations of SAR and locally uncommon and rare species should be recorded. Due to the sensitive nature of the data, the location of SAR should not be included in the EIS".</i></p> <p>In addition, on page 5 of these Guidelines, it is noted that when preparing an Environmental Assessment, the proponent should use the EIS Guidelines. These Guidelines can be found at:</p> <p><a href="https://www.hamilton.ca/sites/default/files/media/browser/2015-05-31/eis-guidelines-2015.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2015-05-31/eis-guidelines-2015.pdf</a></p>
11	<p>C10:C21+C10:C12 Evaluation of Alternative Alignments: Overall, Natural Heritage Planning staff</p>	<p>See responses below.</p>	<p>EIS is required for an EA, and the impact on how many trees will be</p>	<p>An EIA has been prepared and is included as part of the ESR (Appendix E). A tree inventory</p>	<p>Please see comment No 9.</p>



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	is concerned with the evaluation of the impacts on the natural environment.		removed, is also standard practice for an EA alternative evaluation process.	and protection plan will be completed during detailed design.	
12	The evaluation of alternative alignments has been based on “excellent”, “good”, “neutral” and “poor” indicators. In the case of the natural environment, there is concern with this approach. The evaluation does not take into consideration short-term, long-term and cumulative impacts. The spatial extent, magnitude, frequency and duration of impacts should also be considered.	The indicators for the evaluation of alternative alignments have been refined. The short-term, long-term and cumulative impacts, including the spatial extent, magnitude, frequency and duration of these impacts, will be essentially the same for all seven alternatives. The B1SS EA and NHSP report by D&A provides high level impacts for the Block 1 lands and some of these will be adapted for this analysis. Only where there are subtle differences in impacts for the alternatives will these impacts be discussed for the revised environmental evaluation matrix. It should be noted that these road corridor alternatives exist within an approved Secondary Plan; it is not appropriate to discuss impacts of new roads within the current [mostly agricultural] context as the entire Block 1 lands will eventually be developed for residential, commercial, stormwater management and institutional uses, with some natural open space and NHS.	In previous comments (May 22, 2019), there was concern that the evaluation of alignments did not take into consideration the short-term, long-term and cumulative impacts. Within the Wood Comment Response, it has been identified that these impacts will be the same for all seven alternatives. In addition, it has been identified that only subtle differences in impacts will be discussed. Natural Heritage Planning staff is concerned with this approach. All impacts on the Natural Heritage System should be evaluated for all alternatives.	An EIA has been prepared, which looks at direct, indirect and cumulative impacts and includes short- and long-term impact assessment. The EIA is provided in in Appendix E of the ESR. Potential impacts and mitigation are also discussed in Section 7 of the ESR.  The alternative assessment table will not be updated to include further detail as this is a high-level summary. Please refer to the EIS for a more detailed impact assessment.	Please see comment No. 9
13	Impacts have been discussed for “natural heritage features”, “Species at Risk”, “avian and wildlife”, “watercourse and aquatic” and “vegetation and wetlands”. There is concern with this approach. It appears that there is a misunderstanding with regards to the Natural Heritage System (NHS). The NHS is not just comprised of Environmentally Significant Areas (ESAs) or Areas of Natural and	The evaluation matrix has been revised. However, it should be noted that all the alternatives cross the NHS (at WC 5.0 and 6.0) at the same location, with the same width Right-of-Way, so anticipated impacts will be identical.	In previous comments (May 22, 2019), there was concern that the impacts of the alignment alternatives had not been discussed with regards to the entire Natural Heritage System (the	See Item #12.  Compensation of wetland loss is also discussed in Section 7 of the EIA (provided in Appendix E of the ESR).	e) We acknowledge the comments provided. Our Comments No 9 apply, and additionally, Pages 54 and 55: A discussion of significant features within the area has been provided in Section 4.3.1.5. i. Linkages: The Natural Heritage System within the Fruitland Winona Secondary Plan includes Core Areas, Linkages, vegetation protection zones (VPZ) and restoration areas. A Linkage has been identified along Watercourse 5.0; however, discussions with regards to Linkages is missing from this report.



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	Scientific Interest (ANSIs). The NHS within the Fruitland-Winona Secondary Plan consists of Core Areas (i.e. watercourses, wetlands, Species at Risk), Linkages, Vegetation Protection Zones and Restoration Areas.	Also, it is not possible to provide an impact assessment of the VPZs and Restoration Areas (RAs) as they will be determined through site-specific EISs so they therefore have not been spatially determined. The enhanced channel corridors recommended in the BSS will represent major RAs in their own right, given the predominantly degraded conditions of the existing watercourses. At present, these future VPZs and RAs are existing agricultural, cultural and disturbed habitats and it is premature to assign impacts to VPZs and RAs that will be recommended and designed on the basis of future site-specific EISs. The road corridor (both north-south and east-west) will be already completed so the VPZs and RAs will reflect the built road infrastructure.	Natural Heritage System is comprised of Core Areas, Linkages, Vegetation Protection Zones and Restoration Areas). There is concern that this comment has not been adequately addressed. Discussions of impacts on vegetation protection zones and restoration areas should be included at this stage and not left strictly to the site-specific Environmental Impact Statement (EIS) stage.  Compensation of wetland lost – and mitigation locations are not specified – It is our understanding that in this functional design stage of the EA process an indication of location should be provided, no matter that they’re all equivalent impacts.	<u>EIS Recommendation and Conclusion:</u> <i>Protection of the relocated Watercourse 5.0 with minimum 15 m Vegetation Protection Zones is recommended. Based on guidance in the Block 1 BSS NHS Plan, new wetlands will comprise a significant portion of the floodplain in the new channel corridor; this will offset wetland losses along the existing creek channels and provide higher functioning wetland habitat.</i>	This area will be impacted by the realignment of the watercourse and the proposed culvert. ii. Key Natural Heritage Features: Fish habitat (which is represented by Watercourse 5.0), Significant Wildlife Habitat (candidate habitat for Snapping Turtle and Monarch) and wetlands are considered key natural heritage features. These features are missing from the discussion. iii. Key Hydrologic Features: Wetlands are considered key hydrologic features. It has been stated that wetlands are defined by City of Hamilton policies as being larger than 0.5 hectares. To clarify, the size of wetlands are not specifically identified within the Urban Hamilton Official Plan. iv. Local Natural Areas: It is important to note that unevaluated wetlands are classified as local natural areas. This is missing from the description.
14	The impacts of specific activities such as vegetation removal (i.e. clearing/grubbing), grading, watercourse crossings, installation of services and paving of roads should be included within the evaluation.	While impacts from these activities are not relevant to ranking the alternatives (as they are all essentially equal), a high-level discussion of them will be provided in a revised evaluation matrix. Again, it should be emphasized that the entire road corridors fall within an approved Secondary Plan, with all Block 1 lands being developed except the NHS.	In addition, impacts of specific activities such as vegetation removal (i.e. clearing/grubbing), grading, watercourse crossings, installation of services and paving of roads were not included within the evaluation. Natural Heritage Planning staff is satisfied that this information will be included within the evaluation.	See Item #12.	Please see comment No. 9
15	Mitigation measures that reduce or minimize significant impacts have not been included within the impact evaluation. This is important since it provides an understanding of how negative impacts are mitigated or eliminated.	Mitigation measures will be included within the revised alternative evaluation.	Within previous comments (May 22, 2019), there were concerns that mitigation measures to minimize or reduce the impacts were	See Item #12.	Please see comment No. 9



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			not included within the evaluation. Natural Heritage Planning staff is satisfied that this information will be included within the evaluation.		
16	Species at Risk (SAR): It has been identified that all of the proposed alignments would not negatively impact SAR (“good” indicator-small corridor between SAR habitat and roadway; some steps taken to mitigate risk to SAR). There is concern with this approach. The proposed alignments will impact SAR by further removing and fragmenting habitat. It is the opinion of Natural Heritage Planning staff that the evaluation should be revised to “poor” (large area of SAR habitat removed).	SAR impacts will be ranked as low, medium or high. These will be defined for Bobolink/Eastern Meadowlark as: low – less than 4 ha of suitable habitat being removed; medium – 4 to 30 ha (the maximum allowed per ESA Section 23.6); high – greater than 30 ha (no regulatory exemption allowed per 23.6; Overall Benefit permit required). All alternatives will thus be categorized as low. Furthermore, any remaining habitat for SAR (including Category 3 (foraging habitat) for Barn Swallow) will be lost to development per the approved Secondary Plan, requiring compensation by the site-specific development proponent.	In previous comments (May 22, 2019), there was concern that there would be impacts on SAR by removing and fragmenting habitat. Natural Heritage Planning staff is satisfied that SAR will be considered in the revised evaluation matrix.	See Item #12.	Please see above comments.
17	Habitat for SAR (i.e. Bobolink) has been identified within the proposed road realignments (not just the right-of-way). It is important to take SAR into consideration early in the process. SAR is now under the jurisdiction of the Ministry of Environment, Conservation and Parks (MECP). Correspondence from MECP has not been provided. If they are all equal then this needs to be acknowledged that all alternatives will be impacted equally, but SAR consideration specifics need to be included in the evaluation.	Consultation with MNRF took place as part of the B1SS EA and NHSP report (D&A September 2017). Earlier studies in the block by Stantec (2009), North-South Environmental (2010), and Aquafor Beech (2013), as summarized in this report, also consulted MNRF regarding SAR. SAR will be considered in the revised evaluation matrix.	In previous comments (May 22, 2019), there was concern that correspondence from the Ministry of Environment, Conservation and Parks (MECP) had not been provided. While it has been noted within Wood’s Comment Response, that the Ministry of Natural Resources and Forestry (MNRF) had been consulted in previous studies, it is important to include any Ministry correspondence.	See Item #12.  All agency correspondence is included in Appendix C of the ESR.	Pages 83-89: An evaluation of alternatives has been provided. While it is appreciated that the evaluation has been revised to include a more robust review of the impacts on the Natural Heritage System, there is concern with the evaluation. <ul style="list-style-type: none"> <li>Core Areas: Within the evaluation, it has been identified that Core Areas include Significant Woodlands and Provincially Significant Wetlands (PSW). It is important to note that Watercourse 5.0, Significant Wildlife Habitat, Species at Risk and wetlands (other than PSWs) are Core Areas. It has been identified that all 7 alternatives would not directly impact these features (categorized as “excellent”). While the area is subject to proposed development there will be impacts on these features and their functions. The category should be changed from “excellent” to “neutral” (impacts are likely and can be mitigated).</li> <li>SAR: It has been identified that all 7 alternatives would not negatively impact SAR (“excellent”). There is concern with this approach since the alignments will impact SAR by further removing and fragmenting habitat. Since SAR are under the jurisdiction of the</li> </ul>



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					Ministry of Environment, Conservation and Parks (MECP), further compensation may be required. The category should be changed from “excellent” to “neutral”.
18	Vegetation: There are trees that would need to be removed to facilitate all proposed alternative alignments. The impacts of the removal of these trees have not been discussed, and how different alternatives would have different impacts. In addition, vegetation is associated with Watercourse 5.0. There is concern that impacts on the vegetation along the watercourse have not been evaluated.	An impact assessment for tree and vegetation removal will be included with the evaluation matrix, appropriate to a preliminary design stage. Note that impacts to vegetation along WC 5.0 and 6.0 will be the same for all seven alternatives as they cross at the same location and are the same width. Also, beyond WC 5.0 and 6.0, the tree impacts will be along hedgerows, Hawthorn Deciduous Shrub Thicket, and Oak-Hardwood Deciduous Forest. For the deciduous forest (which was not included in the Secondary Plan NHS), the amount of habitat lost is the same for all seven alternatives, so it has no bearing on the ranking of alternatives. Note that a tree inventory was not conducted as part of the Block 1 BSS so the number and species (along with size, health, etc.) of individual trees being lost to each alternative is not known. A tree survey should be completed as part of detailed design for the preferred alternative.	Vegetation: In previous comments (May 22, 2019), there was concern that the impacts of the removal of trees associated with the alignments had not been discussed. In addition, there was concern that the impacts on the vegetation associated with Watercourse 5.0 had not been discussed.  Natural Heritage Planning staff is satisfied that an impact assessment for tree and vegetation removal will be included within the evaluation matrix, however there is concern that the impacts on the vegetation along the watercourse will not be included.	See Item #11 and 12.	<p>1. Pages 119-120: Future Commitments</p> <ul style="list-style-type: none"> <li>ii. Species at Risk (SAR): On pages 49-50, it has been identified that the MECP should be consulted to confirm the next steps regarding SAR (Bobolink, Eastern Meadowlark, Barn Swallow and bat species). This is missing from the future commitments list.</li> <li>iii. New Channel Design: It has been identified that a hydrologic and hydraulic assessment of the Watercourse 5.0 crossing will be undertaken to confirm the location of the culvert and associated channel realignment. It is important that the new channel be designed with inputs from an ecologist (as outlined on page 99).</li> <li>iv. Vegetation Restoration/Landscape Plan: It has been identified that vegetation restoration/landscaping will occur along Watercourse 5.0. It is important that the landscape plan include Gordon Dean Avenue since a multi-use trail has been identified. In addition, the recommendations (i.e. planting more native trees) from the Environmental Impact Assessment (EIA) prepared by Dougan and Associates should be considered. A monitoring plan should also be included.</li> <li>v. Tree Inventory/Protection Plan: It is important that the tree inventory/protection plan be prepared using the City’s Tree Protection Guidelines (revised October 2010). A screening for Butternut and further assessment of Hawthorns is to be included within this Plan.</li> <li>vi. Salvage/Transplant of Native Plants: Within the Dougan and Associates EIA, it has been identified that locally uncommon plants (Waxy-fruited Hawthorn-<i>Crataegus pruinosa</i>) and other native species (<i>Cornus</i> spp., <i>Salix</i> spp., <i>Rosa Carolina</i>, <i>Comandra umbellata</i> and <i>Potentilla simplex</i>) should be salvaged and planted within the vegetation protection zone (VPZ) or enhancement areas. This is missing from the list of commitments. A Salvage/Transplant Plan is required to be submitted prior to the removal of this vegetation.</li> <li>vii. Monitoring Plan: Within the Dougan and Associates EIA, it has been identified that a Monitoring Plan addressing the performance of the Watercourse 5.0 crossing and channel is to be developed during detail design. This is missing from the commitments list.</li> </ul> <p>2. Environmental Impact Assessment:</p> <ul style="list-style-type: none"> <li>a) Pages 12-14 Field Inventories: It has been identified that no new field inventories were undertaken for this project (evaluation was based on the inventories completed as part of the Block 1 Servicing Strategy; BSS1). It is important to note that the studies started for the BSS1 in 2015, which is 5 years ago. <ul style="list-style-type: none"> <li>i. Breeding Bird Surveys: Breeding bird surveys are to be completed between May 24 and July 10. The first survey is</li> </ul> </li> </ul>



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					<p>to be completed between May 24 and June 15 and the second survey is to be completed between June 15 and July 10. There is concern that all of the breeding bird surveys in 2015 occurred within the first survey window with the first survey being completed outside of this window (May 21<sup>st</sup>). While a second survey was completed in late June 2019 (June 27<sup>th</sup>), this is four years after the original survey.</p> <p>i. Wetlands: Based on Table 1 (page 13), wetlands were delineated August 6, 2015 and refined on November 12, 2015. Further clarification is required on where refinement occurred and why it occurred in the late fall (not in spring or summer). In addition, it has been identified within the report that further refinement occurred on June 27, 2019; however, this timing is missing from the table.</p> <p>b) Pages 2-12 Policy Review:</p> <p>i. Page 5 (Migratory Birds Convention Act): Timing for removal of trees and vegetation has been referenced as April 1 to August 31. In Hamilton, the timing of March 31 to August 31 is used.</p> <p>ii. Pages 6-7 (Provincial Policy Statement (PPS)):</p> <ul style="list-style-type: none"> <li>• On page 6, it is stated "<i>planning authorities are encouraged to identify natural heritage features and areas that complement, link and enhance natural systems</i>". There is concern with this reference. It appears that this reference may not be from the PPS but from the 2006 Growth Plan for the Greater Golden Horseshoe (4.2.1 Natural Heritage Systems). The Growth Plan has since been updated. Within the PPS, natural heritage systems are to be identified within Ecoregions 6E and 7E (policy 2.1.3) (Hamilton is located in Ecoregion 7E).</li> <li>• Watercourse 5.0 is representative of fish habitat (indirect habitat) and is included within the PPS (policy 2.1.6). This is missing from the discussion on page 7.</li> </ul> <p>iii. Page 12 (City of Hamilton Tree By-laws): Section 2.3.2 (City of Hamilton Tree By-laws) has been included within the discussion. To clarify, the information provided discusses the City’s Tree Protection Guidelines (revised October 2010) and is not specific to the City’s Tree By-laws. While it is important to note that these Guidelines are to be used to develop the Tree Protection Plan during detailed design, this is a guidance document and should not be referenced in this section of the report.</p>
<b>Natural Heritage: Aquatic</b>					
19	Based on information provided in Appendix A (Table 1), a small pond has been identified within the former Alectra lands. It has been identified that this pond should be assessed for aquatic features.	The pond was assessed by D&A staff on June 24, 2019 and categorized as mineral marsh and open aquatic; the	In previous comments (May 22, 2019), there was concern that a small pond on the former	See Item #12.	Noted thank you.



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	There is concern that this assessment has not been included within the evaluation.	size was less than 0.5 ha (0.028 ha) so the feature is not to be included as NHS. It will be considered in the revised alternative evaluation as options 4a and 4b involve removing this feature.	Alectra lands was not included within the evaluation. Natural Heritage Planning staff is satisfied that this will be included within the evaluation.  In previous comments (May 22, 2019), there was concern that the impacts of crossing that watercourse had not been provided within the evaluation. There is concern that this has not been addressed within the Wood Comment Response.	The small pond has been included in the EIA (Table 3 and Map 3).	
<b>Groundwater impacts</b>					
20	What is the basis of the claim that no changes are anticipated for any of the design options?	The creation of roads on the property will affect the site water balance by creating impervious surfaces and the magnitude of the effect will be dependent upon the area of the impervious surfaces. This is expected to decrease evapotranspiration, decrease infiltration of precipitation and increase surface runoff, thus resulting in some decrease of recharge to groundwater and potentially a localized lowering of the groundwater table. As indicated in the Hydrogeology Report this can be mitigated to some extent by directing runoff from the impervious areas towards pervious areas. As the alternative proposed road alignments are very similar in extent and location no significant difference in effects on groundwater between the alternative road locations are expected.	Groundwater impacts: It is staff’s understanding that Hamilton Conservation Authority and City discussions about the EIS are still ongoing so this needs to be flushed out before finalization of the evaluation criteria and ESR/finalization of the EA.	Noted.	It is our understanding that negotiations are ongoing with the impacted land owners regarding appeals pertaining to land use. It is also noted that watershed impacts are now delayed until Block 1 SS process. Any findings due to details which tip the evaluation scale towards a different alternative as a result of later studies than that which is finalized within this ESR/study process may trigger an amendment and re-open comment and appeal process for all stakeholders/public.



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21	<p>Some of the lands abutting Watercourse 5 are still under appeal of the Fruitland-Winona Secondary Plan, and they are irrelevant to Gordon Dean Ave itself., therefore it is not appropriate to depend on or make conclusions or comments based on this watercourse as part of this EA. This is best left for the Block 1 SS, and after the LPAT appeals are concluded. Watercourse 5 &amp; 6 EA also was not completed/ filed with MOECP so should not be used as a basis for decision making.</p>	<p>Comment acknowledged. Watercourse 5 is currently degraded and per the current BSS recommendations will be replaced with an upgraded channel corridor. Irrespective of the final disposition of the channel in the LPAT appeal, a road crossing is required.</p>	<p>Natural Assessment Reports for Block 1 SS – were only provided in first drafts to staff and HCA and have not been finalized. Staff feel that the information relied upon there is incomplete and cannot be relied upon for the evaluation - PIC.</p>	<p>An EIA specific to Gordon Dean Avenue has been prepared and included in Appendix E of the ESR. The EA will not rely upon the Natural Assessment Report for Block 1 SS.</p> <p>See Item #12.</p>	<p>It is noted that</p> <ol style="list-style-type: none"> <li>1. not all issues have been resolved for this ESR, and</li> <li>2. that some study points are still being delayed to Block 1 Servicing Strategy process. We have the following for your consideration: <ol style="list-style-type: none"> <li>a) Page 17: Section 3.3.3 indicates that the only Core Area mapped is Watercourse 5.0.</li> <li>b) It is important to note that there are a few Core Areas (i.e. habitat for threatened and endangered species, significant wildlife habitat) that are not included on the Schedules of the Official Plan (Volumes 1 and 2).</li> <li>c) Pages 20 and 21: Reference has been made to the BSS1. Since this study is ongoing and has not been approved, it may be premature to provide conclusions from this report, except to provide commitment to add required information.</li> <li>d) Page 36: With regards to SAR, it is noted that with the removal of the open areas for the roads there will be substantial amounts of foraging habitat within the area and surrounding lands. There is concern with this approach since it suggests that the areas elsewhere will have appropriate carrying capacity.</li> <li>e) Page 47: It has been identified that 5.06 ha of vegetation will be removed. This includes deciduous forest, hedgerow, reed canary grass mineral meadow marsh, cattail mineral shallow marsh and fresh-moist mixed meadow. While it has been identified that a variety of habitats will be created within the realigned channel (associated with the BSS1), there is concern that the time lag from removal to planting has not been discussed.</li> <li>f) Page 55: A Monitoring Plan addressing the performance of the Watercourse 5.0 crossing and channel is to be developed during detail design. There is concern that the timeframe for monitoring (i.e. 1, 2, 5 years) has not been identified. In addition, a monitoring plan for the restoration plantings has not been identified.</li> <li>g) Mapping: <ol style="list-style-type: none"> <li>i. Maps 1 and 2 illustrate the study area. A notation should be provided on the maps clarifying why the east-west collector road (Collector B) does not extend to Jones Road.</li> <li>ii. Map 4 illustrates significant species. Since this is a public document, there is concern with identifying the location of significant species. This map should be removed. – as per above SAR comments.</li> </ol> </li> <li>h) Linkages: The Natural Heritage System within the Fruitland Winona Secondary Plan includes Core Areas, Linkages, vegetation protection zones (VPZ) and restoration areas. A Linkage has been identified along Watercourse 5.0. There is concern that discussions with regards to this feature and its functions is missing from the report. We recognize that discussions outside of this report/study process are ongoing</li> </ol> </li> </ol>



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					regarding land use designations appeal of Fruitland-Winona Secondary Plan with some of the land owners.
<b>Socio-economic Impacts</b>					
22	The Category of "Acquisition of Non-participating Lands" is incorrect as far as EA Act, and Municipal Engineers Association's Municipal Class Environmental Assessment Document (Last amended in 2015) is concerned. The evaluation under the MCEA document needs to consider impacts to all properties. It is recognized that the land owners within Block 1 have approached land owners adjacent to Alectra lands and they were not willing to sell/potentially making implementation difficult. This was not shown in the evaluation, and if implementation needs to be a category that is included in the evaluation, then unwillingness to sell from those land owners and the City should be indicated for all property owners.	The existing evaluation included a category for the Ease of Implementation, which took into consideration the number of properties impacted and the possible expropriation required. The category "Acquisition of Non-participating Lands" has been renamed to "Impacts of Non-participating Lands" and the criteria has been altered to include the following options:  Poor                    Significant impact and acquisition required Good                    Some impact but no acquisition required Excellent No impacts and no acquisition required  This will take into account the amount (in hectares) of land impacted and will also consider the impact on the former Alectra lands.			Please see our comment to No. 1
<b>Acquisition of Non-participating Lands</b>					
23	Evaluation of Acquisition of Non-participating Lands is incorrect in judging Options 3a & 3b to be excellent. Material loss of civic property is apparent if a City property were affected, and ideally all land transactions would be first carried out on a willing buyer and willing seller highest and best use value basis. The City is not willing to sell at this time, since it has purchased the land for specific civic use purposes and intends to use the entire purchased property for uses other than a road. The land required from ALL properties, should be evaluated equitably.	The Project Team was unaware of the purposes of the former Alectra lands, however we recognize the City as an important stakeholder and understand the value of civic property. As mentioned in comment 19, this category has been updated and reevaluated to include impact to the former Alectra lands.	Please define rankings / provide background and details. For information pertaining to impacts on public lands the market value would be different than residential if the zoning is different. This needs to be provided in detail.	Further detail regarding impact on land is provided in Section 7 of the ESR.	Please see comment to No. 1
24	Further, impact to business/institutions should be marked as poor, for categories 2-4, since they	This category will be updated appropriately, as requested	Socio-Economic Impacts: claims that impacts on	Option 1 and 4 are deemed "good" because there is no	Please see our comment to No. 1



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	would all have greater impacts on Alectra properties than alternative 1.	to take into consideration the impact on the former Alectra land.	business of Options 1 & 4 as “Good” – City staff disagree.	business displacement. However, the Project Team recognizes the impact on the former Alectra Lands. This impact is minor and will occur at the edge of the Alectra property. In comparison, Options 2a – 3b are determined to be “poor” because there is a significant displacement of lands north of the former Alectra lands and will impact business structure, which has commercial value.	
25	We also ask that another alternative should be added or wording which explains why the precise following of the Fruitland-Winona Secondary Plan for Gordon Dean Ave. is not possible, for any lands, if that is the case. An alternative which precisely follows the Secondary Plan needs to be included since that is the starting point of Phase 3 – Phases 1 & 2 outlined the location, which we are in the process of fine tuning - usually involving minor changes only. We understand that some changes were implemented as a result of City request for change of intersection of Gordon Dean and mid-block West-East collector. City staff believe that the Wood team has carried out all the necessary work to provide all required information, but this needs to be expressed in the documentation as well, so that the decision making can be transparent and easily understood by all.	The memo associated with the evaluation table will be updated to include a review of the Phase 1 and 2 alternatives. A summary of the discussions with the City and the justification will be included.	Impacts to Non-residential Lands – please provide values (we recognize that they’re provided in the summary table). Currently, lands indicate that there is slightly more land (0.04ha) required for Alternative 1, but one more dwelling to purchase for Alternatives 4a & 4b. The description of both “poor” and “medium” impact provided is the same “acquisition required” ...more details are required for your conclusion of their rankings. City staff recognize that more detail is provided in the “FINAL Response to City Comments”, but those details, incorporating our comments, should be indicated to substantiate the ranking claim to the public at the PIC. We also believe that it is currently inaccurate.	Further detail requested relevant to the cost associated with Option 4a and 4b are provided in Section 5 of the ESR. Also, this “FINAL Response to City Comments” table is also be included in Appendix C of the ESR.	Please see our comment to No. 1.
26	We applaud the provided detail of land area provided as to required land taking, to accurately	Noted. Thank you.			Please see our comment to No. 1



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	identify how much land would be taken from all lands impacted by the proposed road.				
<b>Emergency Services</b>					
27	One of the future uses of the Alectra property, is the City's intent to place an EMS station within its lands. Any taking away of Alectra lands which would result in impacts to the future EMS function, would therefore give a possibly different rating than it presently has. EMS station presence would improve any option where the road does not take away former Alectra lands/impede its functional use.	The evaluation will reflect the fact that an EMS is planned at the former Alectra site.			Please note that the EMS site is not a confirmed proposed land use. Please remote emergency services off the evaluation process.
<b>Noise Level Impacts</b>					
28	Please provide the analytical basis, for this evaluation. This impact was considered during the Fruitland Road Phases 1 & 2 EA process and The Fruitland-Winona Secondary Plan's policies. Based on previous discussions on this project, it was our understating that precise noise levels would be determined and applied at Subdivision Application level. Perhaps this can be included here/in the evaluation/ESR.	The noise study will be completed during the draft plan stage. More detailed assessments will be completed during detailed design.	Mitigative higher noise levels analyses – bottom of pg. 13 – Insufficient level of detail provided in the evaluation. Should indicate what is stated in the Response to City Comments document.  Comment No. 22 – Noise Level Impacts – needs to be better reflected in the evaluation – Tech Memo/PIC panels.	As mentioned in Wood August 2019 response, a noise study will be undertaken during the draft plan stage. Further information will be available during detailed design. Impacts are discussed in Section 7 and Future Commitments are discussed in Section 8 of the ESR.	Noted, thank you.
<b>Community / Recreational Features Impacts</b>					
29	City staff recommend that this be separated into two categories. One is Community, the other Recreational.	The categories will be separated into community and recreational, as suggested.	Access to Community Services –Why is there a difference between alternatives? Please provide an explanation - details.	As per the detailed evaluation of alternatives (Appendix A of the Evaluation of Alternatives Memo), the difference in alternatives is due to the following: <ul style="list-style-type: none"> <li>Route 1: Direct access to potential community features located on former Alectra lands. (Excellent)</li> <li>Route 2a-3b: Displacing significant portion of lands north of former Alectra lands will remove some potential community features. (Poor)</li> <li>Route 1: Direct access to potential community features located on former Alectra lands. (Excellent)</li> </ul>	Noted, thank you. The answers provided on June 25 mention Route 1 twice. Is this a typo? If so, could you please re-send with corrected response?



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<b>Community Uses</b>					
30	City bought the Alectra property for the following Community Uses: A move of a Public Works yard from another Stoney Creek location, an EMS station, and an expansion of the existing Cemetery to the east of the property. With this category in place, and the amount of space needed, the Alectra lands were purchased (just finalized in mid-April 2019), for the purpose of utilizing it for various Public Works and EMS uses. Until the purchase was completed, and negotiations were ongoing the information was confidential, therefore could not be disclosed to the public. Now that the transaction is complete, City staff believe that any impacts on this property will have large impacts/cost to the Community, financially and in services that it would provide for a long time to come. This makes Option 1 the least likely to cause impacts to the former Alectra Lands, and therefore of the greatest benefit of the options provided, to the Community.	The Project Team will re-evaluate the alternatives based on the potential community benefits the former Alectra lands are anticipated to provide.			Please see our Comment No. 1
31	We request that the EA evaluation re-introduce an option which does not take the N-W corner of former Alectra lands out/impacts its function.	The Project Team will re-evaluate the alignment options to consider an alignment that avoids the north-west corner of the former Alectra lands.			Please see comment NO. 6
<b>Recreational</b>					
32	Wood staff’s earlier questions about impacts to the planned Community Park, as a result of changes to the Gordon Dean Ave. intersection with the proposed East-West Corridor will be answered when the future unit numbers from subdivision plans are known and confirmed/approved. Once approved, park dedication will be re-evaluated and re- determined, as per standard practice. Right now, staff have no concerns and we are to proceed with the understanding that this is to be determined.	Noted.	Recreational Features Impacts? - More details required. Context is not well understood/explained. How is “recreation” defined?	As per the detailed evaluation of alternatives (Appendix A of the Evaluation of Alternatives Memo), recreational features are defined as the future community centre and recreational facility, identified in the Block 1 Plan.	Noted, thank you.
<b>Urban Design</b>					
33	Please provide the facts that this evaluation is based on. None were provided in the Memo. Please remove from the evaluation/provide a general preamble statement which would explain that all options are to be considered the same, if that is the case. F- W Secondary Plan calls for Urban Design to be considered. A Phase 3 & 4 EA requires functional design to provide cross sections, which will include some level of detail in	Removed from analysis as the ESR will address this element as part of its recommendations and next steps.			It does not appear that Urban Design has been mentioned/specified in the recommendations. Please amend or point out its location, if missed.



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	its evaluation and/or as part of the Environmental Study Report Recommendations/Next Steps.				
<b>Economic</b>					
34	Capital Costs are not the only sub-category to be considered. It is incorrect to state that the only option that has a poor rating is Route 4a, and 4b, with the Memo being understood to be based on the assumption that it's based on entirely impacts only to the land owners who bought into the Block 1 SS process. The evaluation should be based on accurate real estate property assessments and/or other factors, as appropriate, equitably for all alternatives. City staff are happy to assist with review of such evaluations, when provided.	Noted. We will reassess based on accurate real estate assessments.	Cost claims for Alternative 1 versus Alternatives 4 a & b – ARE THEY equivalent if the road size is the same, and there is a difference of 2 versus 1 house. An EA process needs to provide a more precise facts/information in the evaluation to provide the correct preferred alternative.	Cost evaluation is provided in Section 5 and cost estimate for the preferred alternative is provided in Section 6 of the ESR.	Please see our Comment to No. 1
35	Business impacts should not be rated as good, when there are potential impacts to a business/industrial property - former Alectra lands, City Yard, in question. Such impacts to this type of property, whether City owned or not, would have long term implications to the City/tax payer. So, we would recommend that for economic evaluation a three-pronged approach could be taken. Short term, medium- and long-term impacts to provide for better precision and accuracy of evaluation.	The Project Team reassessed the capital costs by developing detailed infrastructure costs for each alternative. Land acquisition costs are not included in the overall costs but are described quantitatively. As a result of recent discussions with the City, the Project Team has a better understanding of the costs associated with purchasing the former Alectra lands from the City given their planned future uses. This is reflected in the second iteration of the evaluation. A comparison of short-term, medium-term and long-term impacts across all of the alternatives proved to be too cumbersome without adding significant value to the overall evaluation.			Please see comment No. 1 A thorough evaluation would add value and may change the preferred alternative and provide valuable information for next steps. Detailed cost evaluation is what Council usually ask staff for, when the City is a study's proponent. It appears to be missing from the evaluation including impacts on remaining land owners. In the EA process, if no clear alternative emerges based on general information, the proponent must delve deep enough for a clear fact - based preferred alternative to emerge.
36	Short term would include current land value and construction costs, medium term would consider phasing of construction/implementation. Development of areas north of the proposed West-East Collector would allow for return on investment without having to build the entire length of Gordon Dean Ave. at the same time. Occupancy of Alectra Lands is also possible.				
37	Medium Term - Phasing - it could be correlated with the needs of development along the Southern portion of Gordon Dean - South of East-West corridor. Alectra Lands will be occupied, and Public Works can function fully with two access points from Highway 8.				
38	Long term impacts evaluation should include benefits to the tax payers based on the long-term municipal benefit and significant ability for adaptive reuse of the property in question for many municipal purposes. The long-term economic implications of land such as former Alectra lands far supersedes those of residential benefits. There is tax benefit on all properties long term, but business use also provides employment.		Transit Supportive Development – need to provide a drawing and alternatives to the layout – road ROW – interim versus full build out with and without future RT (it is not certain what form of Rapid Transit will be	Section 5 of the ESR includes information related to transit supportive development.  Since Barton St. EA and Highway 8 EA is both being completed by Wood and by the same Transportation Engineer, Wood will ensure	Noted, thank you, however, please note that some of the information contained in the ESR has not been yet finalized/approved by staff for release to the public. Due to the confidentiality agreement that Wood. Signed with the City, we have not given permission to release detailed in that indicates direction and findings from those studies. The only information that can be released to your other clients/public, are those which were provided at PIC#1 – background/existing information or that which is indicated by other background reports.



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	<p>This is one of the reasons why the studies leading up to Gordon Dean Ave Phases 3 &amp; 4 EA have avoided impacting Alectra lands. The long-term implications should also include the consideration of the necessity of Rapid Transit and Truck Route use for the future road.</p>		<p>there so just Rapid Transit is sufficient) – just like we are doing for Barton EA. Suggest the same strategy - curbs/underground infrastructure to be placed only once with other forms of transportation all available sooner, and full ROW available now – as a cost saving measure and ease of implementation of transit sooner rather than later. An example of interim use of additional asphalt may be parking/electric vehicle parking/car share parking, etc. Having said that, City staff will not be providing the cross-section specifics or evaluation – that is for your team to do. We wanted to also make sure that when connected to Barton and Highway 8 the same modes of transportation are still supported along those corridors.</p>	<p>that the transportation design is consistent throughout this area.</p>	<p>It is appreciated that the interim and ultimate solutions were considered with our comments in mind – curbs being in the same location. However, please see our Comments to No. 2.</p>
<b>Sustainability</b>					
39	<p>Is the intent of this category to cover for climate change category required of EA projects? Please elaborate/provide direction for "Incorporate innovative products/practices". In light of the City of Hamilton's Council's declaration of Climate Change Emergency in March 2019, all specific developer input/ideas are welcome. This stage of the EA process allows for some detail - Functional Design. Please provide this in your revisited cross-section and write up at ESR.</p>	<p>The preliminary design and the ESR will provide further detail regarding any climate change measures and practices. The current criterion is similar to the one used to evaluate the alternatives for the Barton St. EA.</p>	<p>Category 5: Sustainability: We do not see the level of detail here which would show WHICH impacts will be the same for all alternatives. (We recognize that they were explained in greater detail in the Response to City Comments spreadsheet – why aren't they included in the full evaluation process? They need to be.). It is</p>	<p>The ESR includes more detail and include the ROW layouts as well (Section 5 and 6, and Appendix H). The road design considers the long-term rapid transit corridor. Cross-sections were included at PIC #2 and all legal obligations as per the MCEA document for Phase 3 were fulfilled.</p>	<p>Please note comment no. 2. Appendix I speaks at length to Climate Change and mentions Low Impact Development measures but does not provide any details/direction. Is it possible to provide a list of options that would be applicable for this corridor at this time? We are not asking for the same level of detail as we are holding ourselves to, that we're asking for of the same consultant for Barton and Fifty Road Phases 3 &amp; 4 EA, as well as Highway 8 Phases 3 &amp; 4 EA. We are asking for a list of possible options that would then be vetted during subsequent processes appropriate to the study's general location, e.g. soil types used within boulevard.</p>



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			<p>mentioned in comments, that the level of detail would be akin to that which will be presented for Barton and Fifty Road EA – Phase 3. It is Not the same. We will be expecting a greater level of detail at our next Barton and Fifty Road EA PIC at Phase 3 PIC – we are expecting to have alternative ROW lay outs and their evaluations. There are variances in the potential layouts, and the consideration of longer term Rapid Transit Corridor – to be graphically shown, which needs to be at PIC stage for Phase 3, not just ESR, etc., which have been discussed previously. It is the provision of THESE alternatives AS WELL AS alternative road locations, that fulfills the legal requirements of the Phase 3 of the EA process. The road cross section options requires public input at the coming PIC – not at ESR/Completion stage. Please refer to the MEA – Municipal Class EA document last amended in 2015, on page A-22 for direction.</p>		
<b>Operations and Safety</b>					
40	Other than the provided drawings (without cross sections), and without further detail, the claims stating that all are "good" are not considered substantiated. More details are needed. Long term - e.g. at updated ESR stage, the TIS and/or other transportation specifics need to be provided for input/comment and reference in this evaluation, for	Noted. Further details will be included in the ESR. A safety assessment is currently being completed by Wood and will be included in the ESR and detailed in the evaluation.	The Updated TIS was not discussed in the Tech Memo, although asked for originally, and we know it has a bearing on this process – so it’s expected to be included in the ESR but available	The Updated TIS is included in the ESR (Appendix D).  Road ROW width and interim and ultimate cross sections are all provided in Section 6 of the ESR.	Please see comment No. 2



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	fulsome detailed comments from City staff long term.		for the public/staff for comment before project completion, if asked for.  Road ROW width and interim as well as ultimate cross sections are not provided – therefore claims of exact impacts are not substantiated.		
<b>Implementation</b>					
41	<p>City staff disagree with the implementation evaluation, since the only reference to expropriation within the Fruitland-Winona Secondary Plan is in reference to park land, not a road. Please see the Fruitland-Winona Secondary Plan in UHOP, section 7.4.17.5, policy, which clearly states as follows: 7.4.17.5 The following policy shall apply to the lands designated as Community Park located on the south side of Barton Street, east of Collector Road “A”:</p> <p>a) The City shall acquire lands for the Community Park in accordance with any Council approved acquisition policies, plans, strategies and By-laws. Notwithstanding the foregoing, however, the City shall not acquire lands for the Community Park by means of expropriation. For your convenience please see the link to the UHOP as stated:  <a href="https://d3fplf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-01-15/urbanhamiltonofficialplan-volume2-chapterb7-stoneycreeksecondaryplans-dec2018.pdf">https://d3fplf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-01-15/urbanhamiltonofficialplan-volume2-chapterb7-stoneycreeksecondaryplans-dec2018.pdf</a></p> <p>We have also provided separately the links (City website), to the copies of Planning Committee of Council Meeting Minutes of April 15, 2014, and City Council Minutes from April 23, 2014, to illustrate this point as well.</p>	Noted. The Project Team will reassess the Ease of Implementation category based on this information.			Noted, thank you. Please refer to the letter, which this table is appended to.
<b>Recommendations</b>					
42	Please note that the discussion regarding "expropriation" within the document is incorrect. City would not be a willing seller of former Alectra land due to long term community plans in this location, accessible currently from Highway 8, and other costly domino effects resulting from inability to use the Alectra as its future Public works yard, extended cemetery, and EMS station, etc.	Noted.	Overall evaluation Table: Governance cont'd: Why are Routes 1 and Route 4 deemed to have the same /expropriation impacts? Suggest removing the term "expropriation" out of the	Route 1 and 4 are deemed to have the same acquisition impacts as they will not be impacting the former Alectra Lands.	Noted, thank you. Please let us know if you wish to discuss comments in No. 1, where expropriation is mentioned. Implementation is never a certainty, which is why phasing of implementation for the entire road/Block is not appropriate to mention within an ESR.



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			evaluation and just mention “land acquisition” in the formal evaluation. Expropriation is the final option if the road is built by the City and there is no willing seller and willing buyer. We anticipate that the developers will be building this road – not the City. Based on what we have discussed with the Wood/landowners’ team in the past, expropriation is not the only alternative for Route 4 a & b.	Noted. We have removed the term expropriation from the evaluation.  It is determined that developers will be constructing the north portion of the road.	
43	Confidential contractual obligations do not permit disclosure of specific impacts if the former Alectra Lands are functionally* impacted in any way. Characteristically, staff know that the consequences of non-completion of purchase of lands being sold/vacated by operations yard which is planned to relocate to former Alectra lands, will have significant financial impact to the City, and the tax payers potentially in the millions of dollars.	Noted.			
44	* Functional Impact in Real Estate terms means impacts to the property which prevent intended use of it. For example, taking away a portion of the north-west corner of the former Alectra property would result in an inability of the cemetery to offer full services at this location. Impacts to a future EMS station (mid-property) would require a purchase of land somewhere else instead of placement along these lands. Impacts to a building/accessibility to the yard/buildings within the entire property would render a domino effect and loss of time from its functionality. The existing building on the former Alectra property is in the planning process of being occupied/Public Works Yard in the process of being moved ASAP - fall 2019. At the same time, if the impacts can be minimized, i.e. the ROW can incorporate existing tree line, which would both mitigate natural heritage impacts from the EA perspective, and the ROW can minimally impact the rest of the property if that is the outcome of the evaluation.	Noted.	Incorporate Innovative products/practices – would be sufficient as a TO DO in the ESR and provide a list of possibilities just like we are doing for Barton EA – no matter what we built it’s ALL going to need to consider innovation, sustainability and climate change.	Innovative practices and products will be explored during detailed design.	Please see comments No. 1
	NEW ITEMS – ESR Review – Executive Summary				



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	<b>EXECUTIVE SUMMARY</b>				
45	...highlighted -" Although the City of Hamilton is not the proponent of this study, they provided technical oversight to support meeting the Class EA process and confirm that the selected design reflects the City of Hamilton's values, standards and objectives. Reword to say:				Since discussions are still ongoing, please reword to: "... City staff have been closely consulted during the study process".
46	Consultation Schedule page ii - "Study mailing list".				- Please clarify this pertains to public/all impacted area land owners or agencies or both. City of Hamilton staff will have provided/shared their agency list, but they have not, and would not be permitted due to privacy protection policies and City's agreement with EMPAC, to release any private person's information to a third party. Please amend wording to clarify.
47	Proponency for EA or implementation				The proponent has undertaken this EA in its entirety. It is therefore inappropriate and irrelevant to talk about a responsibility for this EA or its implementation with another party. An EA document, unless formally integrated is intended as a standalone document, and implementation designation is to be determined once that point is reached, irrelevant to an ESR. Implementation discussions should take place outside of the EA process.
49	Multi-Use Path on both sides of the roadway				Please see the City of Hamilton's Cycling Master Plan - Pg. 154/159 <a href="https://www.hamilton.ca/sites/default/files/media/browser/2018-10-24/tmp-review-update-final-report-oct2018.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2018-10-24/tmp-review-update-final-report-oct2018.pdf</a> shows no need for cycling - MUP function on both sides of the roadway. Please change the Cross Section to reflect a 1.5m sidewalk on the west side and 3 m MUP on the east side.
50	LED reference for Lighting – Sidewalk and Roadway Lighting Guideline				LED lighting should not be considered an above standard feature as this is the new City standard for street lights. Also, placement of lights should be considered in detailed design as per City's Development Engineering Guidelines and included in the study recommendations: <a href="https://www.hamilton.ca/sites/default/files/media/browser/2020-05-27/2019_cdegfp_published_jan_2020.pdf">https://www.hamilton.ca/sites/default/files/media/browser/2020-05-27/2019_cdegfp_published_jan_2020.pdf</a> Please see M.18 in Appendix R – Sidewalk and Roadway Lighting Guideline.
51	Pg. vii -Construction Implementation				Please see comment NO. 47
52	Pg. viii - Natural Environment Terrestrial Resources				Please explain the statement " Detailed Design of Collector B crossing will consider the accommodation of maintenance of wildlife and terrestrial corridor functions at least within the area between Highway 8 and Barton Street". It reads that some of the functions will be accommodated in Block 1 but others won't - more detail is needed for this specific EA, or a firmer commitment - beyond "will consider" - to be changed to "will accommodate".
53	Pg. x - Cultural Heritage & Built Heritage and Cultural Landscapes				1. Please note that Ministry of Heritage, Tourism, Sport and Culture Industries (MHTSC) usually requires a Check list for cultural heritage features to be considered and confirmed/proven as not being impacted (as is the case here) signed by a qualified professional. This appears to be missing from this report. City staff were also asked to supply such documentation after making similar statements during



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					Fruitland Road EA process. Suggest checking with the Ministry to confirm/resolve prior to posting for 30-day review.  2. Archaeology Stage 1 is noted as included via link to the City website. We advise that you include the report in an appendix of the ESR, in case that the City web page is changed/ taken out - harder to reference.
	ENVIRONMENTAL STUDY REPORT – BODY of the REPORT				
54	Pg. 3 – Background and History – RE: City Hamilton publishing Notice of Study Commencement.				Request amending to say that “the City of Hamilton issued a published a combined notice for Block 2 SS, for which it was a proponent, with Block 1 (and Gordon Dean Ave. PIC), to efficiently use time of everyone involved.”
55	Pg. 7 – EA Process				Phases 1 & 2 have been completed during the Fruitland Road EA process, so Gordon Dean Ave. EA is only required to complete Phases 3 & 4 and only those are applicable. It is not clear if phases 1 & 2 were planned/ intended to be revisited here?
56	Pg. 10 - Project Team Organization, last paragraph before "Project Study team"				Suggest amending wording to say "...given that Gordon Dean Ave. and West-West Collector fall within Block 1 Servicing Strategy which the land owners are the proponent".
57	Pg. 10 - bottom paragraph of "Fruitland Road..."				Suggest changing "Tributary #5" to "Watercourse 5.0"
58	Pg. 14 - Highway 8 - top bullet & detailed references and BFI EA references				Re confirmed lane numbers on “Highway 8, as per latest discussions within Barton and Fifty Road EA and Highway 8 EA.” Please refrain from/remove inputting recommendations for Highway 8 as it is still in progress. This is not yet public knowledge and should also not be divulged to your clients in Block 1 SS at this point, due to the confidentiality agreement that Wood has with COH for both BFI EA and Highway 8 EAs, a mentioned above.
59	Pg. 20 – Public Engagement and City of Hamilton - providing contact information of land owner and private persons’ information				Please correct this per comment No. 46
60	Pg. 20 – Notice of Study Commencement				The Notice was published by the City because it coincided with the publication of its own Notice of PIC and Study Commencement for Block 2SS - please see the copy of it. The way it is stated it sounds like COH just published the notice on behalf of the land owners by itself -without anything else. Please correct. The notice was not published by the City of Hamilton because staff were coordinating the PIC for Block 2 SS with Block 1 SS and Gordon Dean EA to maximize staff, consultant and public’s time and resources. ....” Under the context of COH municipal planning” ...please remove sentence - it is confusing.
61	Table 3.3 – PIC#2 – Summary of Comments and Responses				Summary makes references to section numbers but none area visible in the summary? Please provide original responses or consider rewording.
62	3.4.1 - pg. 27 &28 - Identification of Indigenous Communities - City of Hamilton identifies 5 Indigenous Groups throughout its lands.				1. There appears to be no correspondence with the Ministry of Environment, Conservation and Parks, (MECP) to confirm the Indigenous List - as per MCEA direction. 2. City of Hamilton staff also provided phone information for follow up and our standard mailing list – it impacts the entire Hamilton area. No phone follow - up was mentioned – was it carried out? Did the Indigenous Communities themselves confirm “no capacity to comment” during COVID? Please include a record of this.



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					3. * Please see the information below this table and provide an explanation/update and follow up with those groups during the 30 day public review.
63	Pg. 62 – Archeology Stage 1 - 4				There is mention of Archaeological potential for all alternatives. It should be noted in the ESR that the construction of the eastern alternative should be conducted without encroachment onto existing Mountview Gardens Cemetery. Stage 2 Archaeological Report should also mention this. Encroachment onto active cemeteries would entail a list of agreements prior to construction.
64	Table 3.4 - Summary of Meetings with the City of Hamilton				The staff provided input that closer to 90o degree also had flexibility of 85-90 on an arterial roadway, as per City’s published Development Engineering Design Guidelines – please see link above.
65	Table 3.4 - Summary of Meetings with the City of Hamilton				<ol style="list-style-type: none"> <li>The highlighted statement that the curved alignment will have a substantial impact on landowners and land usage and advised that a straight alignment is the safest, is not currently reflected in the evaluation analysis, as land impacts and land use are not mentioned in detail in the evaluation. As it is, the only thing that seems to tip the scale in favour of the easterly alignment in the evaluation, are noise impacts. Greater details are needed for clarity of why the eastern alternative is preferred.</li> <li>Please clarify the general reference to “Category 7” etc? It is hard to follow what this is pertaining to. Where are they described in the ESR - for reference and understanding of the reader?</li> </ol>
66	ESR - s 5.3.1 - Preferred Alignment				Bullet #4 - Avoidance of need to displace existing business and planned civic uses has not been achieved in this case. Planned civic use arose since the Secondary Plan approval, the City of Hamilton purchased the said lands, with the intent of expanding the existing Mountview Gardens Cemetery to the east, across to west - into 703 highway 8 property. Please see the letter accompanying this table for additional consideration.
67	Table 5.3 - Evaluation of Alignment Alternatives				Please see comment No. 1
68	s 4.2 - Socio-economic Environment of the City of Hamilton.				<p>This information is City wide and does not bring value to understanding the impacts to Stoney Creek, its Urban Boundary Expansion Lands, this study area or process. If no further specific information is available to the proponent, staff suggest:</p> <ol style="list-style-type: none"> <li>Referring to the Fruitland-Winona Secondary Plan Background Report that would have been submitted to Council, although this is not necessary for this study.</li> <li>If this information is not to be included further in the rest of the report for purposes of exploring alternative options for road alignment, suggest removing altogether and replacing with reference to the Fruitland-Winona Secondary Plan (FWSP) instead.</li> </ol>
69	Pg. 38 – S. 4.2.3.2 – Hamilton Official Plan (2013)				Please refer to the Urban Hamilton Official Plan – Fruitland- Winona Secondary Plan – map references where the RT network is embedded and approved by Council.



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70	Appendix A – Public Consultation				<p>1. Various e-mails were provided to members of the public in answer to their question, but those e-mails indicate that further follow up needed to take place. There doesn't seem to be any follow up - e-mails or meeting minutes to many of the conversations other than acknowledgement of receipt? Were they followed up on? If so, the record of those discussions needs to be included (all discussions should be recorded/included for the ESR even if the follow up was via phone call – in a log format). If not followed up – why not?</p> <p>2. Thank you for protecting the privacy of those members of the public with whom engagement took place.</p>
71	Appendix B - Agency Comments				<p>June 27, 2019 - Land Owners meeting minutes stated that the City was not acting impartially in our comments to the Tech Memo. We were not aware of these statements until preliminary ESR review stage. Stating that we wore 2 hats means that we are representing corporate interests (land owner and public service provider) as well as that of an approving agency, which means the evaluation and impacts of the alternatives have become more complex. It should not mean our comments are to be disregarded, as indicated by the proponent’s meetings. Please see the letter accompanying this table.</p>
72	Appendix G - Evaluation Memo				<ol style="list-style-type: none"> <li>Why was the original option not included in the evaluation memo i.e. changed slightly from Secondary Plan - follow to 90o angle intersection with West-East collector, but then go around Alectra lands fully?  Is this has been considered and for some reason abandoned for any reason (e.g. curvature too sharp for safe turns, land impacts etc, further mention should be made in the body of the Report and in this Memo if full evaluation was not carried out.</li> <li>The impacts on value of impacted lands and their development - See Comment No.1 and our letter.</li> <li>Public Engagement - Appendix A minutes of City Staff and Fruitland-Winona Development Group indicated the land impacts to land owners, but the substantiation of this was not provided in writing or graphically to City staff. We would appreciate seeing this for the full understanding of the issues/greater transparency of the EA process and it would add to the transparency of the process overall.</li> </ol>



• City of Hamilton Standard Mailing List for Indigenous Groups to be contacted within City of Hamilton area:

			Metis Consultation Unit	Metis Nation of Ontario	500 Old St. Patrick Street Unit #3	Ottawa, ON	K1N 9G4	Tel: (613) 798-1488 Fax: (613)725-4225	<a href="http://www.metisnation.org/home.aspx">http://www.metisnation.org/home.aspx</a> <a href="mailto:RussellO@metisnation.org">RussellO@metisnation.org</a>	Alternate Email Contact for Notice: Mr. Russell Ott Consultation Intake Clerk Metis Nation of Ontario 311-75 Sherbourne Street Toronto, ON, M5A 2P9 Phone: 416-977-9881 ext: 100 Fax: 416-466-6684 <a href="mailto:RussellO@metisnation.org">RussellO@metisnation.org</a>	Mandatory Contact for all mail-outs as per an email from the MECP.
			Ministry of Indigenous Affairs	Ministry of Indigenous Affairs	9 - 160 Bloor Street East	Toronto, ON	M7A 2E6		-		
DeVries	Megan	Ms.	Archaeological Operations Supervisor	Department of Consultation and Accommodation (DOCA) of the Mississaugas of the Credit First Nation	4065 Highway 6	Hagersville, ON	N0A 1H0	Phone: 905-768-4260 <a href="mailto:megan.devries@mncfn.ca">megan.devries@mncfn.ca</a>	<a href="http://mncfn.ca/docca-2/">http://mncfn.ca/docca-2/</a>	Email Notices	Mandatory Contact for all mail-outs as per the City's Indigenous Archaeological Monitoring Policy.
General	Paul	Mr.	Lands & Resources	Six Nations Eco-Centre	1721 Chiefswood Road Iroquois Village Plaza Unit 109 PO Box 5000	N0A 1H0	N0A 1M0	519-445-0330 <a href="mailto:pgeneral@sixnations.ca">pgeneral@sixnations.ca</a>	<a href="http://www.sixnations.ca/LandsResources/contactUs.htm">http://www.sixnations.ca/LandsResources/contactUs.htm</a>	Email Notices	
Hill	Mark	Chief		Six Nations of the Grand River Territory	1695 Chiefswood Road P.O. Box 5000	Oshweken, ON	N0A 1M0	Chief Mark Hill Tel: (519) 732-2905 <a href="mailto:markhill@sixnations.ca">Email:markhill@sixnations.ca</a>  <a href="mailto:arleenmaracle@sixnations.ca">arleenmaracle@sixnations.ca</a> and <a href="mailto:lonnybomberry@sixnations.ca">lonnybomberry@sixnations.ca</a>  Fax: 519-445-4208			Mandatory Contact for all mail-outs as per an email from the MECP.

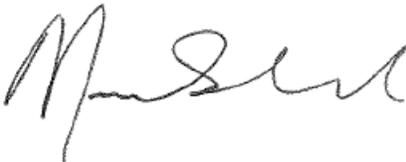


MacNaughton	Allen	Chief	Haudenosaunee Development Institute	Haudenosaunee Confederacy Council	2634 6th Line Road RR #2	Oshweken, ON	N0A 1M0	Phone: 519-445-4222 Fax (519) 753-3449	-		Mandatory Contact for all mail-outs as per an email from the MECP (MECP mis-spelled his name).
LaForme	Stacey	Chief		Mississaugas of the Credit First Nation	2789 Mississauga Road RR #6	Hagersville, ON	N0A 1H0	Email: <a href="mailto:Stacey.LaForme@newcreditfirstnation.com">Stacey.LaForme@newcreditfirstnation.com</a> Phone: 905-768-1133 ext. 240		Email Notices	Mandatory Contact for all mail-outs as per an email from the MECP.
Picard	Maxime	Ms.	Project Coordinator (Ontario Based Inquiries)	Huron-Wendat Nation at Wendake	255 Place Chef Michel-Laveau	Wendake, QC	G0A 4V0	Phone: 418-843-3767 ext 2105 Fax: 418-842-1108 <a href="mailto:maxime.picard@cnhw.qc.ca">maxime.picard@cnhw.qc.ca</a>  Tina Durand, Executive Secretary to Grand Chief Konrad Sioui Email: <a href="mailto:tina.durand@cnhw.qc.ca">tina.durand@cnhw.qc.ca</a>	<a href="http://www.wendake.ca/">http://www.wendake.ca/</a>		Mandatory Contact for all mail-outs as per the City's Archaeology Management Plan (AMP).
Thomas	Joanne	Ms.	Consultant Supervisor	Six Nations Land and Resource Department, Land Use Unit	2498 Chiefswood Road PO Box 5000	Oshweken, ON	N0A 1M0	519-753-0665 (x 5411) <a href="mailto:jthomas@sixnations.ca">jthomas@sixnations.ca</a>	<a href="http://www.sixnations.ca/LandsResources/contactUs.htm">http://www.sixnations.ca/LandsResources/contactUs.htm</a>	Email Notices	Mandatory Contact for all mail-outs as per the City's Indigenous Archaeological Monitoring Policy.
Williams	Todd	Mr.	Program Coordinator	Haudenosaunee Development Institute	16 Sunrise Court Suite 600 PO Box 714	Oshweken, ON	N0A 1M0	Email: <a href="mailto:hdi2@bellnet.ca">hdi2@bellnet.ca</a> Phone: 519-445-4222 Fax (519) 445-2389	<a href="https://www.haudenosauneeconfederacy.com/departments/haudenosaunee-development-institute/">https://www.haudenosauneeconfederacy.com/departments/haudenosaunee-development-institute/</a>		Mandatory Contact for all mail-outs as per the City's Indigenous Archaeological Monitoring Policy.





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

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	Synapse Life Sciences Consortium Funding Update (PED19057(a)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Carolynn Reid (905) 546-2424 Ext. 4381
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (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;
- (b) 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;
- (c) That this \$10 K contribution for the Synapse Life Sciences Consortium be conditional on the Council established KPIs (Key Performance Indicators);
- (d) That this \$10 K contribution for the Synapse Life Sciences Consortium be funded from the Economic Development Initiatives/Investment Reserve Account No. 112221;
- (e) 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

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**SUBJECT: Synapse Life Sciences Consortium Funding Update (PED19057(a))  
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prior to the approval of a renewal option for 2021 and satisfactory Key Performance Indicator results of previous year.

**EXECUTIVE SUMMARY**

At its meeting of April 3, 2019, the General Issues Committee (GIC) 19-007 approved Report PED19057 funding request by the Synapse Life Sciences Consortium. This \$25 K contribution was conditional on the Council established KPIs (Key Performance Indicators) as contained in the report. Report PED19057(a) provides a review of the KPIs and an indication on how the Synapse Life Sciences Consortium has supported the creation and cultivation of an inclusive business driven ecosystem, enhanced the City of Hamilton's global and regional cluster connectivity and its life sciences sector growth and attraction.

With other stakeholders joining and some increasing their support of Synapse's efforts, the City of Hamilton will be reducing its 2020 funding contribution to \$10 K (See Appendix "A". Economic Development Division staff will also remain an active voice on the Synapse Life Sciences Consortium board of directors.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The request can be accommodated through the Economic Development Initiatives/Investment Reserve Account with no impact on the Levy.

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

The Synapse Life Science Consortium was established in 2017 to be an impartial champion and advocate for Hamilton's strong life sciences cluster. Representing Hamilton's leading institutions McMaster University, Mohawk College, McMaster Innovation Park, Hamilton Health Sciences, St. Joseph's Healthcare, Bay Area Health Trust and Innovation Factory, the Consortium's goal was to leverage our collective strengths to drive commercialization and investment.

Hamilton's life sciences cluster strengths identified include:

- World-class research and innovation capabilities;
- Expertise in digital health, biomedicine, and clinical trials;

**SUBJECT: Synapse Life Sciences Consortium Funding Update (PED19057(a))  
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- Strong supporting academic institutions; and,
- Culture of collaboration and cooperation.

Supported by the following assets:

- +36,000 people employed in hospitals, academic institutions and private sector businesses in the region;
- +2,500 researchers;
- + \$450 million in annual innovative research;
- Second largest hospital network in Canada;
- #1 research-intensive university in Canada; and,
- More than 40 world-class research institutes and centers focused on life sciences.

Consequently, three strategic pillars had been established as core drivers:

- Communicate successes and impact of the life science cluster to raise visibility and reach of the consortium both within the region and beyond;
- Collaborate with key partners and stakeholders to foster a more dynamic and cooperative ecosystem for life science innovation and commercialization; and,
- Accelerate efforts to attract and secure life science companies and investment.

The City of Hamilton's Economic Development Action Plan 2016-2020 had identified life sciences as a key sector for growth. Together with our community stakeholders, the Synapse Life Science Consortium continues to be intent on supporting Hamilton's economic diversification and growth through the attraction of private sector investment, partnerships and the commercialization of innovation to enable the creation of new enterprises and scaling up of existing operations.

Key Performance Indicators (KPIs) had been established in Report PED19057 to support the Synapse Life Science Consortium's funding request. The following identifies the KPI's together with outcomes for the period of April 2019 – March 2020:

Create and cultivate an inclusive business driven ecosystem:

- Number of Synapse Life Science Consortium meetings held annually: 15;
- Number of industry related theme events hosted/supported annually: 2 events including the Synapse Life Sciences Competition and Hamilton Health Innovation Week with over 1500 attendees participating;
- Number of attendees participating in Consortium meetings and events annually: Hosted 11 monthly health community check-ins attended by +375 innovators, entrepreneurs, researchers and clinicians; and,

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- Number of collisions or connections created annually: 348 curated introductory collisions, connecting 724 innovators, entrepreneurs, researchers, clinicians and investors.

Enhance global and regional cluster connectivity:

- Number of new Synapse Life Sciences Consortium stakeholders and champions identified: includes Stryker, Mariner Endosurgery, Gowlings and CBRE to act as champions to promote Hamilton ecosystem;
- Number of marketing initiatives:
  - Monthly newsletter of events and opportunities in Hamilton sent to over 750 people across Ontario and beyond;
  - Maintained dedicated website as landing pad for incoming interest into Hamilton; and,
  - Attended +5 conferences and events, including Collision and MedTech Conference, conducted over 50 B2B meetings to identify potential leads for companies looking to come to Hamilton.
- Number of partnerships initiated with international life sciences clusters and organizations: +5 partnerships initiated and maintained including:
  - Jacobs Institute – connected Hamilton companies to perform applied research and commercialization engagements;
  - AdvaMed – supporting standing up the MedTech 2020 Conference coming to Toronto for the first time;
  - Buffalo-Niagara Medical Campus – enabled Hamilton company to secure first U.S. sales;
  - Innovation Norway – facilitated visit of Nordic companies to Hamilton and Hamilton company to secure first European sale in Norway; and,
  - BIOCUM – provide connections and contacts for Hamilton companies looking to access California market.

City of Hamilton life sciences sector growth and attraction:

- Number of new life sciences business investment leads: Supported City of Hamilton staff on +20 new life sciences business investment leads;
- Number of company visits: Led and participated in 17 curated company and organizational visits to Hamilton;
- Number of life sciences start-ups and SMEs supported and connected: +50 life sciences start-ups and SMEs supported and connected with local partners in Hamilton, including university, hospitals and commercial institutions; and,

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**SUBJECT: Synapse Life Sciences Consortium Funding Update (PED19057(a))  
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- Number of funding and grant applications pursued: Organized and coordinated on behalf of the Synapse Consortium partners four funding and grant applications, including National Research Council – Industry Research Assistance Program (NRC-IRAP), Federal Economic Development Agency of Ontario Regional Innovation Ecosystem stream and the Innovation, Science and Economic Development Canada (ISED) Stream IV and V.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

Synapse Life Sciences Consortium partners:

- Hamilton Health Sciences
- St Joseph's Healthcare
- Bay Area Health Trust
- McMaster University
- Mohawk College
- McMaster Innovation Park
- Innovation Factory

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Synapse Life Sciences Consortium is now into its third year of operation having provided tremendous value to the Consortium partners and the community that it serves. It has been recognized as a best practise for municipalities to align their strengths and drive their life science sector by both the Ministry of Economic Development, Job Creation and Trade as well as Global Affairs Canada. Hamilton is seen as a community that 'gets it' working collectively and collaboratively to grow this emerging industry.

**ALTERNATIVES FOR CONSIDERATION**

Provision of a reduced community partnership contribution by the City of Hamilton or eliminate the contribution. Either option would require the Synapse Life Sciences Consortium to scale back efforts to create an ecosystem to attract investment and develop a collaborative hub to drive global health innovation. The result would most certainly have an impact on meeting their current KPIs and literally handicap Ontario's leading regional cluster initiative supporting life science growth and development.

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(City Wide) - Page 6 of 6**

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

**Economic Prosperity and Growth**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – 2020 Funding Request Synapse Life Sciences Consortium

CR:dt



August 4, 2020

Norm Schleeahn  
Director  
Economic Development Department  
City of Hamilton

Dear Norm,

By way of this letter, I would like to extend my appreciation for the continued participation of **The City of Hamilton** in the Hamilton Synapse Life Sciences Consortium. Your commitment and effort in support of a shared vision for the Hamilton life sciences ecosystem is critical to ensuring the success and sustainability of our vibrant cluster.

As you know, the Synapse Consortium is a partnership of public and private anchor institutions in the Hamilton region which together employ 25,000 people and invest almost \$500 million in innovation research and development each year. A neutral advocate and concierge for the entire Hamilton life sciences community, Synapse seeks to raise the profile of the Hamilton cluster, facilitate the commercialization of innovation, attract new partnerships and investment, and open national and global export markets.

The Consortium is guided by the following vision and mandate, which was articulated and agreed upon at the September 23, 2016 meeting of the founding members of the Synapse Consortium:

**Synapse Vision:** A collaborative hub to drive global health innovation

**Synapse Mission:** To create an ecosystem to attract investment and develop health innovation for global export

As a Partner of the Consortium, **The City of Hamilton** will have the opportunity to provide strategic oversight and guidance to the activities and initiatives of the Synapse team. In addition to overseeing and managing the activities of the Director, our Partners set the Consortium's strategic objectives and key performance indicators.

As a Partner with more than 100 employees, **The City of Hamilton** is being asked to make an annual cash contribution of \$10,000 in support of the Synapse Consortium for Fiscal Year 2020-2021 (August 1, 2020 through July 31, 2021). Partners have previously committed to making a three (3) year commitment to ensure the sustainability and continuity of the Synapse Consortium. It is understood that an ongoing commitment to the Consortium is subject to an annual review of Synapse's operational and financial performance.

The mandate of the Synapse Consortium will be held by Innovation Factory, which will collect Partner contributions that will be used to pay Consortium expenses. As a non-profit, and Hamilton's Regional



Innovation Centre, Innovation Factory will maintain separate accounting lines to track contributions and payments made in support of the Synapse Consortium. Innovation Factory will provide audited financial records, as required, to verify that Partner contributions have been used solely for Synapse operations. Contributions to the Synapse Consortium are separate and distinct from any ongoing financial relationship and/or sponsorship your institution may have with Innovation Factory, including the annual Synapse Showcase Competition.

The founding Partners of the Consortium include:

- Bay Area Health Trust
- City of Hamilton
- Hamilton Health Sciences
- Innovation Factory
- McMaster University
- McMaster Innovation Park
- Mohawk University
- St. Joseph's Hospital, Hamilton

Additional stakeholders, including private sector companies, will be asked to join the consortium to ensure their unique perspectives and insights are incorporated in setting the strategic direction of the cluster.

Should you have any questions or concerns, please contact Ty Shattuck (Chair, Synapse Consortium) or Alex Muggah (Director, Synapse Consortium).

Yours Sincerely

A handwritten signature in black ink, appearing to read "Alex Muggah", with a long horizontal flourish extending to the right.

Alex Muggah

Director, Synapse Life Sciences Consortium

cc:

Ty Shattuck, Chair, Synapse Consortium and CEO, McMaster Innovation Park;  
David Carter, Executive Director, Innovation Factory



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

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	King West Business Improvement Area (BIA) Revised Board of Management (PED20152) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Julia Davis (905) 546-2424 Ext. 2632
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

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

Michal Cybin  
Mike Balog-Sipos

### EXECUTIVE SUMMARY

Appointment to the Ottawa Street Business Improvement Area (BIA) Board of Management.

### Alternatives for Consideration – Not Applicable

### FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

**SUBJECT: King West Business Improvement Area (BIA) Revised Board of Management (PED20152) (Ward 2) - Page 2 of 3**

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Legal: *The Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of, (a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality”. Section 204 Subsection (12) stipulates “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

**HISTORICAL BACKGROUND**

A meeting of the membership of the King West BIA took place on August 12, 2020 at which both Michal Cybin and Mike Balog-Sipos were selected to be appointed to the Board of Management. These appointees will be filling the vacancies left by Frank Bergen and Patrick Guilbault.

Should Council adopt the recommendation in Report PED20152, the aforementioned nominated BIA members would be appointed to service on the King West BIA Board of Management for the remainder of this term, through the end of 2022.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Not Applicable

**RELEVANT CONSULTATION**

Not Applicable

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Not Applicable

**ALTERNATIVES FOR CONSIDERATION**

Not Applicable

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

**Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**SUBJECT: King West Business Improvement Area (BIA) Revised Board of Management (PED20152) (Ward 2) - Page 3 of 3**

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**Economic Prosperity and Growth**

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

**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable

JD:dt



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

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	Business Improvement Area (BIA) Contribution to Operating Budget Grant Program Update (PED20161) (Wards 1, 2, 3, 4, 5, 7, 12, 13 and 15)
<b>WARD(S) AFFECTED:</b>	Wards 1, 2, 3, 4, 5, 7, 12, 13 and 15
<b>PREPARED BY:</b>	Julia Davis (905) 546-2424 Ext. 2632
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (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;
- (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.

### EXECUTIVE SUMMARY

On an annual basis, the 13 Business Improvement Areas (BIAs) in Hamilton receive funding enhancements from the Commercial Districts and Small Business (CDSB) section budget through the Contribution to Operating Budget Grant Program. The

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**SUBJECT: Business Improvement Area (BIA) Contribution to Operating Budget Grant Program Update (PED20161) (Wards 1, 2, 3, 4, 5, 7, 12, 13 and 15) - Page 2 of 7**

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funding for this program is separate from the BIA levy and is approved through the CDSB operating budget in the amount of \$89,100 annually. This lump sum is split across the 13 BIAs using a weighted formula and the eligible expenses are narrowly scoped to include operating costs. Eligible expenses include:

- Purchase of street furniture (benches, planters, banners, murals, etc.)
- Maintenance of street furniture
- Costs to hire individuals to clean/maintain the public road allowance
- Purchase and maintenance of hanging flower baskets
- Christmas decorations and their maintenance
- Office equipment
- Office maintenance/improvement

With this program being completely funded through the CDSB operating budget, and acting as an enhancement to each BIAs budget, it must be allocated and spent in the year which is has been approved. Due to the pressures and uncertainty of COVID-19, the BIAs have directed staff to request that the unused funds in 2020 be placed into a reserve account and carried over to 2021 to ensure these funds are not forfeited if they cannot be spent in 2020.

**Alternatives for Consideration – See Page 6**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The \$89,100 allocation of funding is part of the approved annual CDSB Operating Budget. The recommendations in this Report would place any of the unspent funds from this account into a reserve to be used for the purposes described above in addition to any funds allocated to the CDSB Operating Budget in 2021.

**Staffing:** There are no Staffing Implications.

**Legal:** There are no significant legal implications associated with these recommendations.

**HISTORICAL BACKGROUND**

Due to the unique circumstances surrounding COVID-19, the BIAs in Hamilton have had to realign their budgets, projects and priorities. As a component of this, the BIAs have looked at many funding opportunities, one of which being the Contribution to Operating Grant Budget Program and have strategized contingency plans to ensure those funds are accessible beyond 2020 as needed. The Contribution to Operating

**SUBJECT: Business Improvement Area (BIA) Contribution to Operating Budget Grant Program Update (PED20161) (Wards 1, 2, 3, 4, 5, 7, 12, 13 and 15) - Page 3 of 7**

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Budget Grant Program is completely funded through the CDSB budget on an annual basis. The BIAs have requested that staff investigate the possibility of having any unused funds allocated to the Contribution to Operating Budget Grant Program in 2020, to a maximum of \$89,100, placed in a reserve account to be accessed by the end of 2021. This request is to be made for 2020 only given the pressures presented by COVID-19 and would not be precedent setting for future years.

The Contribution to Operating Budget Grant Program has been in place since 2003 to enable the BIAs to access funds on an annual basis which are enhancements to their operations. The Contribution to Operating Budget Grant Program is completely funded from the CDSB section budget and is a separate enhancement, above and beyond the BIA levies, which are self-funded through memberships.

At a meeting of the BIA Advisory Committee on August 20, 2013, the eligibility criteria of City of Hamilton's contribution towards BIA operating budgets, which offers financial enhancements to the BIA budgets, was amended and approved.

As per the direction and guidelines of this Program:

Upon approval of the annual current budget by the City of Hamilton, the CDSB will determine funding for each BIA. The funding is to be used toward their operating budgets.

It was approved by the BIA Advisory Committee that the eligible costs will include:

- Purchase of street furniture (benches, planters, banners, murals, etc.)
- Maintenance of street furniture
- Costs to hire individuals to clean/maintain the public road allowance
- Purchase and maintenance of hanging flower baskets
- Christmas decorations and their maintenance
- Office equipment
- Office maintenance/improvement

In the event that a unique special event is being held, consideration will be made for funding initiatives to promote the area in which the event is being held. Funding will not be available for promoting special events. Promotional activities of BIAs are not an eligible expense under the City's Program.

Individual BIAs are required to take their funding requests to a BIA Advisory Committee meeting for review and approval. The request and approval must be received within the calendar year and should be spent within the calendar year. Due to the City of Hamilton closures from COVID-19, no BIA Advisory Committees have been held since February

**SUBJECT: Business Improvement Area (BIA) Contribution to Operating Budget Grant Program Update (PED20161) (Wards 1, 2, 3, 4, 5, 7, 12, 13 and 15) - Page 4 of 7**

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11, 2020. Without these meeting to put forward motions requesting their funding, the money cannot be approved nor paid to the BIAs. BIAs have received notification of their funding allocations for 2020, but have not been able to make any requests to access this funding to date because all meetings have been cancelled.

Since 2015, up to and including 2020, the amount allocated across the 13 BIAs annually has been \$89,100 total from the CDSB section budget, which acts as an enhancement to each BIA's operating budget. The allocation annually to each BIA is calculated based on the ratio of the BIA levy to their jurisdictional assessment to the overall total assessment of all BIAs.

At a meeting with the BIAs in April of 2020, staff were directed to investigate the possibility of moving unused funds allocated to the Contribution to Operating Budget Grant Program into a reserve account in the case that they could not be utilized in the year 2020. Concerns were expressed that because of COVID-19, shifting priorities and change in projects that not all BIAs would be able to spend these funds on eligible purchases in the calendar year and they did not want the funds to be forfeited. The request was made of staff to find a solution on how these funds could be carried over into 2021 due to the extraordinary circumstances imposed due to COVID-19.

Following this direction, staff prepared a motion which was presented at the August 10, 2020 General Issues Committee meeting which stated:

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

WHEREAS, the City of Hamilton provides an annual Contribution to Operating Budget Grant to the Business Improvement Areas (BIAs);

WHEREAS, this Contribution to Operating Budget Grant is funded through Planning and Economic Development's Operating Budget to each BIA and is calculated based on the ratio of the BIA levy to their jurisdictional assessment to the overall BIA assessment;

WHEREAS, the funds allocated from the Contribution to Operating Budget Grant must be spent during the year that they were allocated for;

WHEREAS, due to COVID-19, many planned expenditures for 2020 have been cancelled;

**SUBJECT: Business Improvement Area (BIA) Contribution to Operating Budget Grant Program Update (PED20161) (Wards 1, 2, 3, 4, 5, 7, 12, 13 and 15) - Page 5 of 7**

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THEREFORE, BE IT RESOLVED:

- (a) That the funds allocated to the BIAs for the 2020 Contribution to Operating Budget Grant that are unused, be carried over and used in accordance with the Contribution to Operating Budget Grant terms prior to December 31, 2021;
- (b) That staff be authorized and directed to establish an appropriate reserve for the unused Contribution to Operating Budget Grant 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.

Following the GIC meeting on August 10, 2020, staff were directed to consult with the BIAs regarding this request to determine whether each of these organizations agreed with these funds being transferred into a BIA reserve to be used by the end of 2021. Staff engaged with the BIAs regarding this request and support for the recommendation to have unused funds from the Contribution to Operating Budget Grant Program 2020 placed in a reserve account for use prior to the end of 2021. There was majority support from the BIAs to move forward with this request appropriately, that if funds allocated within the Contribution to Operating Budget Grant Program could not be spent in 2020, that they be placed within a reserve account to be accessible in the 2021 calendar year.

There were some questions at GIC on August 10, 2020 regarding whether the separate levies set by each BIA for individual property owners were being considered for rebates of these levies. Staff have confirmed that this was not the intent of the motion and not a request being made from the BIAs. Should Council direct staff to pursue this option there would be a number of challenges with rebating levies, as this has not been practiced in the past and not a request of any BIA Board of Management at this time. In addition, the rebate of these levies would benefit property owners and not necessarily the BIA business members, it would also further restrict the BIA budgets.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Not Applicable

## **RELEVANT CONSULTATION**

- Ancaster Village Business Improvement Area
- Barton Village Business Improvement Area

**SUBJECT: Business Improvement Area (BIA) Contribution to Operating Budget Grant Program Update (PED20161) (Wards 1, 2, 3, 4, 5, 7, 12, 13 and 15) - Page 6 of 7**

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- Concession Street Business Improvement Area
- Downtown Dundas Business Improvement Area
- Downtown Hamilton Business Improvement Area
- International Village Business Improvement Area
- King West Business Improvement Area
- Locke Street Business Improvement Area
- Main West Esplanade Business Improvement Area
- Ottawa Street Business Improvement Area
- Stoney Creek Business Improvement Area
- Waterdown Business Improvement Area
- Westdale Village Business Improvement Area
- Legal Services Division, Finance and Corporate Services Department
- Financial Planning, Administration and Policy Division, Finance and Corporate Services Department

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

With the uncertainty and pressures of COVID-19, many planned expenditures and projects within the 13 BIAs have been changed and cancelled for 2020. BIAs are reviewing their budgets and funding sources to ensure availability as they pivot and shift plans due to the pandemic.

Staff have been directed by the BIA Boards of Management to investigate placing unused funds from the Contribution to Operating Budget Grant Program, to a maximum of \$89,100, into a reserve account so that those funds can be accessed beyond 2020, to the end of 2021.

### **ALTERNATIVES FOR CONSIDERATION**

If Council does not support the Recommendations included in Report PED20161 then the Contribution to Operating Budget Grant Program will remain unchanged for 2020. Staff should be directed to communicate with the 13 BIAs in Hamilton that the funding cannot be placed in a reserve and must be spent in 2020. If a BIA does not request or spend their funds in the current calendar year, their allocation under this program will be forfeited for 2020.

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

#### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**SUBJECT: Business Improvement Area (BIA) Contribution to Operating Budget  
Grant Program Update (PED20161) (Wards 1, 2, 3, 4, 5, 7, 12, 13 and  
15) - Page 7 of 7**

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**Economic Prosperity and Growth**

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

**APPENDICES AND SCHEDULES ATTACHED**

Not Applicable

JD:dt



# INFORMATION REPORT

<b>TO:</b>	General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	Development Applications in the Pleasant View Neighbourhood (PED20154) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Jorge M. Caetano (905) 546-2424 Ext. 3931
<b>SUBMITTED BY:</b>	Ed VanderWindt Chief Building Official Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

At its meeting of August 12, 2019 the General Issues Committee approved Report LS19035/PED19179 which, among other matters, included the following directions:

- (c) That staff be directed to forward all future planning, development, zoning verification and building applications regarding properties within the Pleasant View Survey Lands to the Niagara Escarpment Commission for comment
- (d) That staff be directed to work with Niagara Escarpment Commission staff to petition the Minister of Natural Resources and Forestry to put the Pleasant View Survey Lands under Development Control as soon as possible
- (e) That staff be directed to work with the Ward Councillor to review how to assist landowners and prospective purchasers to better understand the special zoning and land use restrictions on the Pleasant View Survey lands through City resources and report back to General Issues Committee

This Information Report responds to the above directions as well as providing Committee with an update on recent process and procedural changes within the

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**SUBJECT: Development Applications in the Pleasant View Neighbourhood (PED20154) (Ward 13) - Page 2 of 3**

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Building Division related to the review of development applications in the Pleasant View neighbourhood in Dundas (Ward 13).

**INFORMATION**

A number of process and procedural changes have been implemented within the Building Division in response to the Council direction on Report LS19035/PED19179 as well as a review of issues related to a property in the Pleasant View neighbourhood in which Building Permits were issued for the construction of a single detached home in April 2019, and then revoked in July 2019 after the Building Division received information indicating that the building permits may have been issued in contravention of the Dundas Zoning By-law as amended by an Ontario Municipal Board (OMB) decision.

The Building Division has implemented the following measures:

- To ensure that staff are always utilizing the most recent zoning by-laws when reviewing all development applications, staff are now required to verify current zoning bylaw requirements against the up-to-date on-line Zoning By-laws found on the City of Hamilton website instead of relying on paper records of zoning amendments.
- A notice has been placed on each property record in the Pleasant View neighbourhood affected by the OMB decision in the AMANDA database that the Building and Planning Divisions utilize for the processing of all development applications. Specifically, any property or zoning verification request within the Pleasant View area identifies the RU/S-58 Exception Zone requirements and clearly advises requesters of the non-permitted dwelling and building restrictions. (responds to Council direction (e) on Report LS19035/PED19179.
- A new position was created in 2019 within the Building Division, funded by the Building Enterprise Fund, that is a Residential Zoning expert who will aid staff in all residential Zoning By-law interpretations.
- A new procedure has been established to require staff to advise the Niagara Escarpment Commission (NEC) on any building permit and zoning verification applications received by the Building Division within the Pleasant View area. Additionally, the Planning Division is forwarding all Planning Applications within the Pleasant View area to the NEC for comment as part of the usual circulation cycle.. (responds to Council direction (c) on Report LS19035/PED19179).
- A new Building Division Policy ZON-030 has been created that provides staff guidance on how to apply and interpret RU/S-58 Exception Zone requirements.

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**SUBJECT: Development Applications in the Pleasant View Neighbourhood  
(PED20154) (Ward 13) - Page 3 of 3**

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- Through the City's legal division, staff have requested that the NEC and the Minister take the necessary steps under Section 15 of the *Niagara Escarpment Planning and Development Act* to resolve any perceived conflicts between the City's zoning and the Niagara Escarpment Plan by either (responds to Council direction (d) on Report LS19035/PED19179):
  - a) bringing the lands within the NEC's Area of Development Control; or
  - b) initiating the process for resolving the alleged conflict with the City's zoning by-laws under s. 15 of the Act, or any other applicable statutory authority.

The NEC did invite the parties in March 2020 to begin a discussion on this matter, however, this has been delayed due to the COVID-19 emergency. While a new meeting has not been scheduled, there have been some preliminary ongoing discussions between the City and a representative for the NEC.

**APPENDICES AND SCHEDULES ATTACHED**

Not applicable



**CANADIAN HEMP FARMERS ALLIANCE**  
**Federal, Provincial & Municipal**  
**SUSTAINABLE DEVELOPMENT PLAN**

## **Our Mission**

**The Canadian Hemp Farmers Alliance Mission is to tackle the United Nations Sustainable Development Goals by developing Sustainable, Functional hemp based products That help reduce the Need for Fracking for fossil fuels Mining, As well Deforestation**

The Canadian Hemp Farmers Alliance is looking to Raise \$3Million fo conduct R&D for processing + formulating on hemp Flower, seeds, grain, Grain oil, Protein, Stalk fibres to make functional hemp based Products :

1. Bio Plastics
2. Pulp and Paper
3. Liquid fuels
4. Solid Energy Pellets
5. Batteries
6. Auto Mobile Parts
7. Building Materials
8. Textile fabrics
9. Soil Remediation Materials

Raise \$3M

### R&D

- Plastic
- Pulp & paper
- Liquid Fuels
- Energy Pellets
- Batteries
- Auto Mobile Parts
- Building
- Textile fabrics
- Soil remediation mulch

Sell Hemp Recipes to Commercialized Processors and Formulators

Expand Globally

**1** NO POVERTY



**2** ZERO HUNGER



**3** GOOD HEALTH AND WELL-BEING



**4** QUALITY EDUCATION



**5** GENDER EQUALITY



**6** CLEAN WATER AND SANITATION



**7** AFFORDABLE AND CLEAN ENERGY



**8** DECENT WORK AND ECONOMIC GROWTH



**9** INDUSTRY, INNOVATION AND INFRASTRUCTURE



**10** REDUCED INEQUALITIES



**11** SUSTAINABLE CITIES AND COMMUNITIES



**THE GLOBAL GOALS**  
For Sustainable Development

**12** RESPONSIBLE CONSUMPTION AND PRODUCTION



**13** CLIMATE ACTION



**14** LIFE BELOW WATER



**15** LIFE ON LAND



**16** PEACE AND JUSTICE STRONG INSTITUTIONS



**17** PARTNERSHIPS FOR THE GOALS



# Examples on Adopting Hemp into the Canadian Federal, Provincial & Municipal Sustainable Development Strategies

The Canadian Federal, Provincial & Municipal governments can open procurement opportunities for their own various government departments who will be the purchasers of the sustainable, functional hemp based products from the formulation facility who will be the sellers.

Ways that the Government Departments can encourage hemp agriculture growth is by purchasing hemp products like:

- 1) Hemp Toilet Paper, Photo copying paper, tissue, paper towels
- 2) Hemp Bio Plastic Cutlery, Plates, Bowls, Straws, Table Cloths,
- 3) Hemp Fibre Uniforms
- 4) Hemp Fibre for insulation for new building development projects
- 5) Hemp Super Capacitor Batteries for all Government + Public auto mobiles that are Electrically powered

By having the Canadian Federal, Provincial & Municipal Governments adopting functional hemp based materials into their Sustainable Development Plans this will help to reduce the global market need for things like fracking for fossil fuels, mining for coal as well deforestation.

This will Encourage other Corporations to adopt functional hemp based products into their Sustainable Development strategies, as well this will encourage agricultural growth and give the (Formulators + Processors + Farmers) the ability to work out a healthy profit sharing contract which allows for farmer + processing + formulation expansion at the same rate which will create over a Million Jobs in the process to tackle the United Nations 2030 Sustainable Development Goals.

# **Jobs Created by having government departments purchasing hemp products through procurement**

New Jobs opportunities that would be created by your municipality would be jobs for: Government, Research & Developers, processors, formulators, agriculture, marketing & business owners within different demographics such as Woman, Youth & Indigenous.

# **Total CO2 Emissions in Canada for year 2018 & How many acres of hemp is needed to sequester 100% CO2 Emissions**

**Canadas CO2 Emissions 2018  
= 1.5 Trillion lbs**

**Hemp Acres Needed to  
sequester 100% Emissions  
= 77.5 Million acres**

- **One Acre of Hemp Sequesters 20,000lbs of CO2 emissions**
- **Canada has 232 Million acres of Agriculture Farm land available for Cultivation as well crop rotations with hemp.**
- **If Canada was to grow one third (1/3rd) of Canadas Total farm land for year 1 this would sequester 100% of all Canadas CO2 Emissions which is 1.5 Trillion Pounds.**
- **If Canada grew 30 Million acres of hemp from years 2020 - 2025 this would sequester 1.5 Trillion pounds of CO2.**
- **If Canada grew 14 Million acres of hemp from years 2020 - 2030 this would sequester 100% of CO2.**
- **If Canada grew 5 Million acres per year from years 2020 - 2050 that would sequester 1.5 Trillion pounds of CO2.**
- **Canada is Currently growing 150,000 acres which contributes to 3 Billion pounds of CO2 sequestration.**

# Adopt HEMP into your Sustainable Development Plan!!

## CONTACT

[dannycarter\\_15@hotmail.com](mailto:dannycarter_15@hotmail.com)

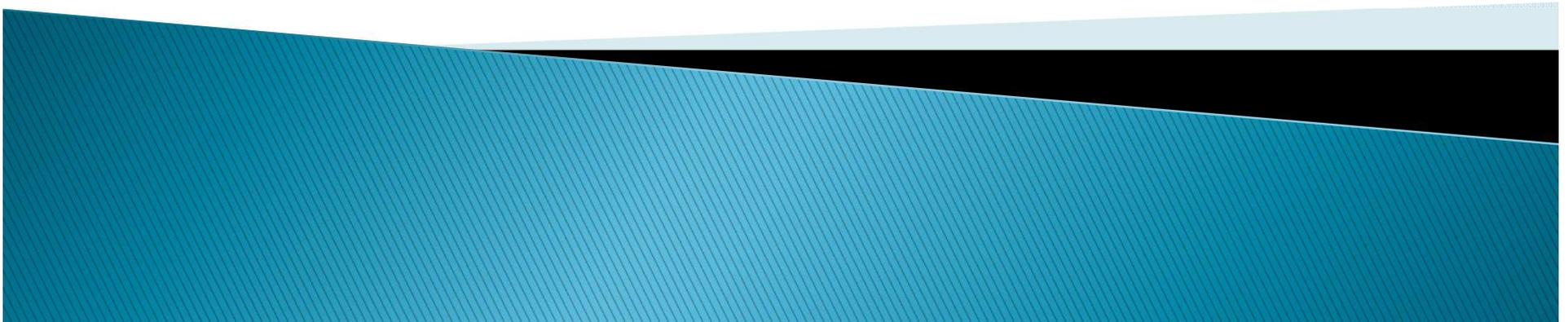
[www.canadianhempfarmersalliance.com](http://www.canadianhempfarmersalliance.com)

<https://www.linkedin.com/in/dan-carter-24801476/>

 [CanadianHempFarmersAlliance](#)



# Hamilton Police Service



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# Crisis Response Unit

*The right response with the right people at the right time*



Non criminal

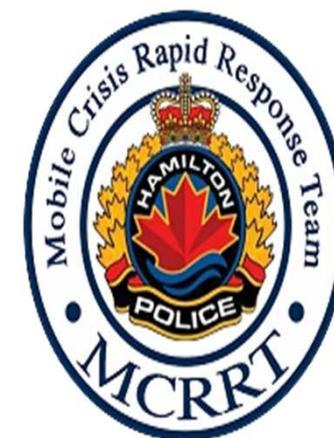
- Vulnerable persons,
  - homeless,
  - addictions,
  - poverty
- mental health
- Paramedic / officer / co-ordinator

## COAST

Crisis Outreach And Support Team

Non-Urgent

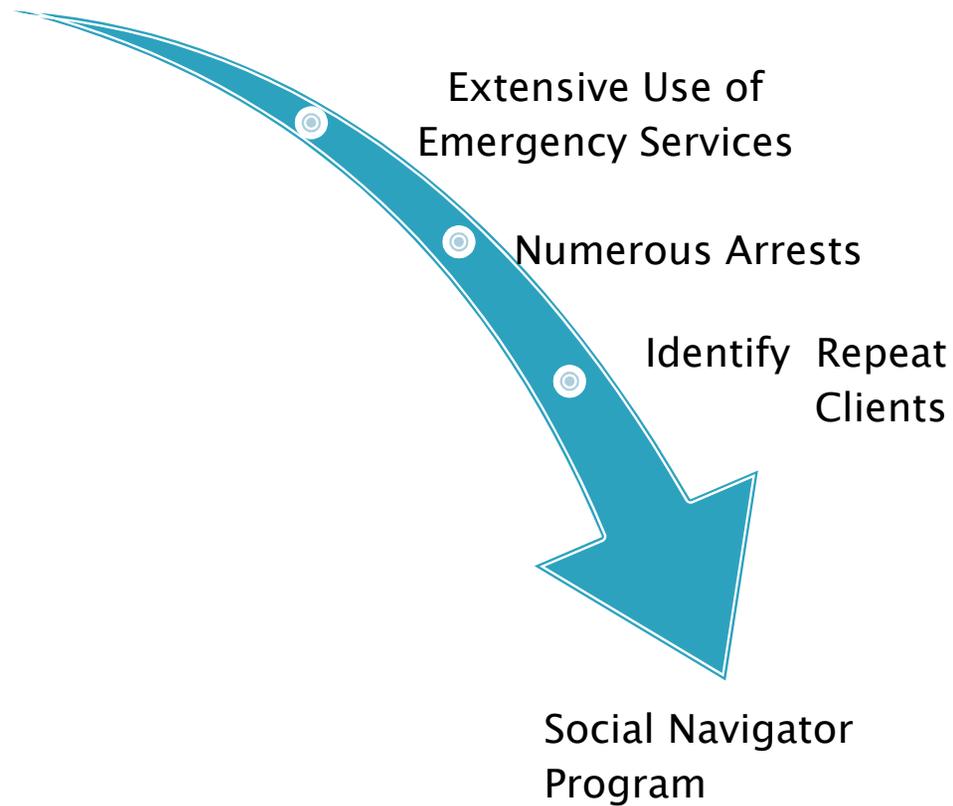
- Follow-up by plainclothes officer and nurse / social worker



Immediate response to life-threatening mental health call by uniform police officer and mental health care worker.



# Social Navigator Program





# Social Navigator Program



- ▶ Created in July 2011
- ▶ HPS partnered with:
  - City of Hamilton Neighborhood Renewal
  - City of Hamilton Economic Development
  - Hamilton Emergency Medical Services



# SNP: Objectives

- ▶ To improve the quality of life of clients by addressing root causes of crime (social determinants of health)
- ▶ Connect and support individuals through a referral process, by engaging all social and healthcare agencies in the City of Hamilton
- ▶ Reduce reliance on the judicial and healthcare system by navigating our clients towards the appropriate agency while improving the health, safety, and quality of life for all citizens





# SNP: Team Roles



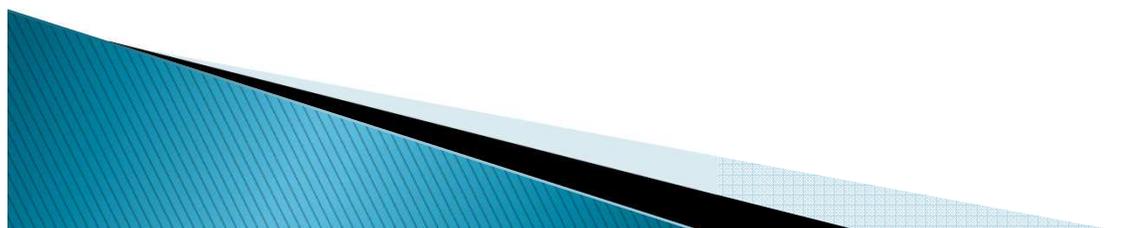
- ▶ **Paramedic (*Health Care*)**
  - Mobile and visible in the community
  - Medical knowledge
  - Positive public perception



- ▶ **SNP Officer (*Justice System*)**
  - Knowledge of the criminal justice system
  - Focus on public safety especially when dealing with court mandated clients
  - Goes with the team for individuals with a history of violence



- ▶ **Program Coordinator (*Community Social Services*)**
  - Coordination, organization, client follow-up and administration (0800 – 1600 hrs)



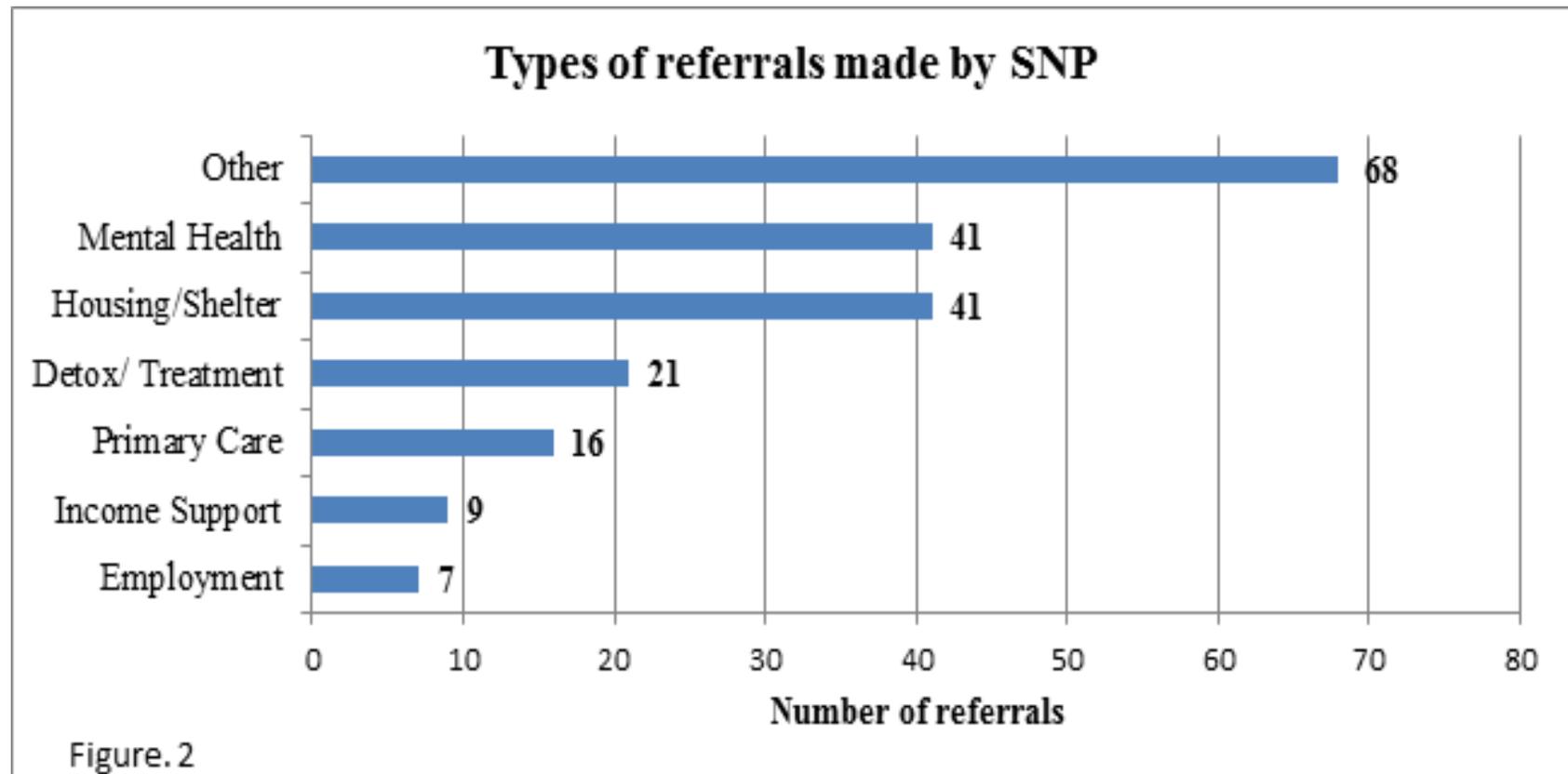


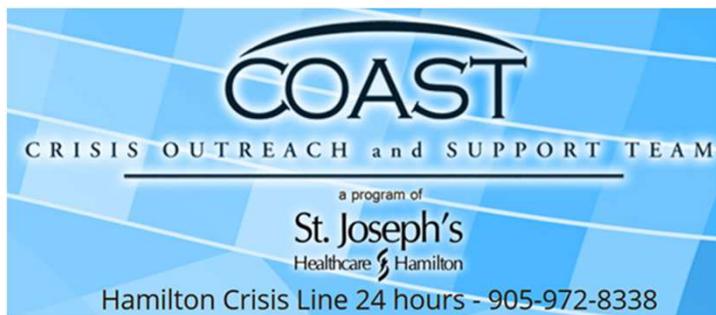
# SNP: Metrics

	2011-2012	2013	2014	2015	2016	2017	2018	2019
<b>Referrals</b>	N/A	91	108	148	208	244	264	283
<b>Active Clients</b>	74	46	52	81	93	97	112	105
<b>New Court Mandated Clients</b>	3	8	8	13	17	12	12	11
<b>Court Mandated Clients</b>	3	10	13	15	27	25	22	14
<b>Repeat Clients</b>	N/A	N/A	25% (13)	11% (9)	14% (13)	9.4% (9)	7% (8)	1% (1)
<b>Referrals by SNP</b>	N/A	142	111	156	231	203	208	241
<b>Additional Contacts</b>	N/A	N/A	N/A	N/A	N/A	161	200	301



# SNP: Metrics





# Born out of Tragedy



Zachary Antidormi

- murdered by a woman with schizophrenia

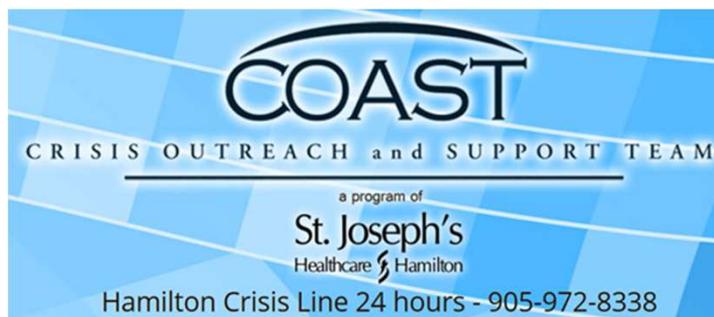
Mary Popovich

- homeless woman who suffered from mental illness

1997 - Coroners Inquest Recommendation

- provide alternate service to persons in mental health crisis
- no longer going to ER or a 911 response

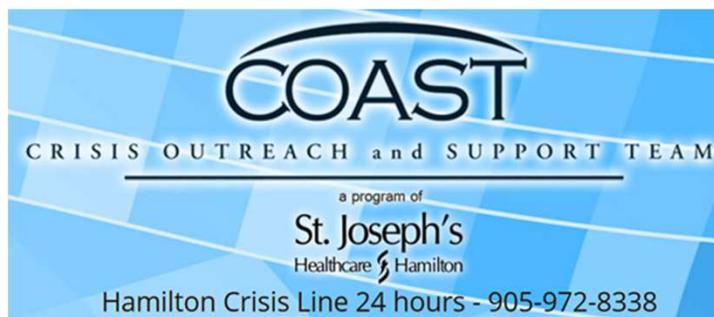




# How it Works

- ▶ 1 Mobile team – 0800 to 2000 hrs every day
- ▶ 24/7 Crisis Line
- ▶ Teams respond to crisis calls in a priority manner
- ▶ Multidisciplinary team consisting of nurses, social workers, occupational therapists, crisis triage workers and 4 seconded plainclothes police officers
- ▶ Serves persons of **ALL AGES**
- ▶ Goes to the client





# How it Works

- ▶ Risk assessment and a mental health exam
- ▶ Defuse the crisis while the client remains in the community
- ▶ Make referrals to additional community agencies/supports
- ▶ If the situation cannot be safely managed within the community, COAST will assist the client to hospital for further assessment and treatment



1  
2

# COAST

The Crisis Outreach and Support Team (COAST) is a partnership between Mental Health Workers at St. Joseph's Healthcare (SJHH) and specially-trained officers of the Hamilton Police Service. The program serves the residents of the City of Hamilton who have serious mental health issues and are in crisis.



- October 2019: COAST Teams reduced from two to one team.
- Increase number of daily MCRRT teams to three



- SJHH piloting co-response model.
- Utilizes 2 trained mental health workers
- Attend clients where police response not required (low-risk)



- Approximately 1,779 mobile visits
- 42 persons in crisis apprehended
- Approximately 34,176 phone calls in 2019

# Crisis Intervention Training – since 2006



430+ CIT trained members

## Training:

- 40-hour mental health training program for Police Officers and Communications Staff.
- 3 sessions per calendar year

## Focus:

- De-escalation
- Community Resources
- Course provided by mental health professionals, family members and those with lived experience

## Advantages:

- CIT acts as relief for COAST and MCRRT



# Crisis Response Unit – The Challenge and Evolution

- ▶ Reduce:
  - Apprehension rates  
(historical 75% average)
  - Rates of psychiatric emergency services assessments
  - Police wait times in the ER  
(historical 80 minutes X 2 officers)
- ▶ Improve:
  - Health care, client experience, and be more cost efficient
  - De-escalation of potentially volatile calls for service





# Crisis Response Unit – The Challenge and Evolution

Reduced hospital wait time  
by an average of 60  
minutes

Hamilton Police Service		POLICE OBSERVATION FORM Transfer of Care	
<p>The purpose of this form is to guide officers and hospital staff in determining the risk when the officer prepares to leave the hospital. This form is to be completed by the officer 30 MINUTES after the PIC is brought to St. Joseph's Emergency Department and is based on observations written in the EFR. The completed form is to be discussed with nursing staff to determine whether the officers will be able to leave.</p> <p><b>NOTE: PIC FORM IS ALSO TO BE COMPLETED</b></p>			
INCIDENT NUMBER	DATE Y Y M M D D	TIME OBSERVATION STARTED	
PIC NAME (SURNAME GIVEN/ GIVEN2)		DOB Y Y M M D D	
DURING THE OBSERVATION PERIOD, WAS THE PIC UNCOOPERATIVE? <input type="checkbox"/> YES <input type="checkbox"/> NO			
PHYSICAL BEHAVIOURS	<input type="checkbox"/> Rapid/Abrupt Movements	<input type="checkbox"/> Pacing	<input type="checkbox"/> Assaultive
	<input type="checkbox"/> Increased Muscle Tension	<input type="checkbox"/> Threatening Gestures	<input type="checkbox"/> Intimidating Postures
	<input type="checkbox"/> Intense Eye Contact	<input type="checkbox"/> Damaging Property	OBSERVED <input type="checkbox"/> YES <input type="checkbox"/> NO
VERBAL EXPRESSION	<input type="checkbox"/> Swearing	<input type="checkbox"/> Talking Loudly	<input type="checkbox"/> Belligerent
	<input type="checkbox"/> Paranoid	<input type="checkbox"/> Refuses to Communicate	<input type="checkbox"/> Angry
	<input type="checkbox"/> Talking Excessively	<input type="checkbox"/> Other _____	OBSERVED <input type="checkbox"/> YES <input type="checkbox"/> NO
<p><input type="checkbox"/> Threatening - IF YES: <input type="checkbox"/> Direct <input type="checkbox"/> Conditional <input type="checkbox"/> Vague</p>			
HISTORY			
Does the officer have knowledge of any history (past/present) of any violent, threatening, or impulsive behaviour (CPIC/RMS)?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
Describe:			
Does the officer have knowledge of any history of the PIC walking away from the hospital or mental health facilities, e.g. Form 9?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
Describe:			
Does the officer have knowledge of the PIC recently using drugs or alcohol?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
Describe:			
DISPOSITION			
<b>HIGH RISK</b> <input type="checkbox"/>	Many verbal and physical indicators are demonstrated in the 30 minute observation period. PIC is not cooperative. Has a history of violence or of absconding from institutions. Recent substance abuse.		
<b>MODERATE RISK</b> <input type="checkbox"/>	Some verbal and physical indicators are demonstrated in the 30 minute observation period. PIC is cooperative some of the time. May have a history of violence or absconding from institutions. May have had recent substance abuse.		
<b>LOW RISK</b> <input type="checkbox"/>	No indicators are checked off - PIC is docile and cooperative during the 30 minute observation period. No history of violence or absconding. No recent substance abuse.		
<small>Descriptors are GUIDELINES ONLY</small>			
OFFICER LEFT PIC AT FACILITY:		<input type="checkbox"/> YES - Time Officer left: <input type="checkbox"/> NO - Officer remained with PIC for the following reasons:	
ADDITIONAL COMMENTS OR OBSERVATIONS			
The below signatures indicate agreement with the behaviours observed and the disposition checked:			
Hospital Staff: _____		Time: _____	
Police Officer: _____		Badge Number: _____ Time: _____	
Police Returned to Facility: Time: _____			
Reason: _____			
<small>13/08 MAY/13</small>		<small>WHITE - OFFICER (RMS) YELLOW COPY - HOSPITAL</small>	



# Mobile Crisis Rapid Response Team

- ▶ Life threatening mental health call – to the client or a member of the public
- ▶ First Responder: pairs mental health professional with uniformed officer for a 911 response
- ▶ Funding: HNHB LHIN and Hamilton Police Service
- ▶ Pilot: November 2013, Division 1 – only
- ▶ One team Monday to Friday – 1000hrs – 2200hrs
- ▶ Initial 2013 Outcomes: 228 calls in 16 weeks

St. Joseph's  
Healthcare  Hamilton





# Mobile Crisis Rapid Response Team

- ▶ Full-Time Unit Began April 2015
- ▶ 3 teams city wide X 7 days a week – 1000 hrs – 0100 hrs
- ▶ 6 – Uniform CIT trained officers
- ▶ 6 – seconded mental health professionals
- ▶ 1 Police Supervisor
- ▶ Hamilton MCRRT Program has become the Standard Model across the LHIN

St. Joseph's  
Healthcare  Hamilton



# What's new for the Crisis Response Unit?



- ▶ MCRRT:
  - ▶ continues to expand through to other police services across Ontario
  - ▶ highlighted in CBC documentary “Keeping Canada Safe”
  - ▶ Highlighted in 2015 RCMP Gazette & 2017 IACP Police Chief Magazine
  - ▶ Hamilton MCRRT Program remains the Standard Model across Ontario
- ▶ New combination “PIC/OBS Form” introduced for bringing persons in crisis to hospital. Electronic format to follow in 2018.
- ▶ COAST implements new mobile day-shift unit: **C91**
- ▶ The Crisis Response Unit presents at the C.I.T International Conference in Ft. Lauderdale Florida.
- ▶ CRU enters into a partnership with the Barrett Centre. CRU crisis beds created with funds successfully awarded through the “Proceeds of Crime Grant”.



# Mobile Crisis Rapid Response

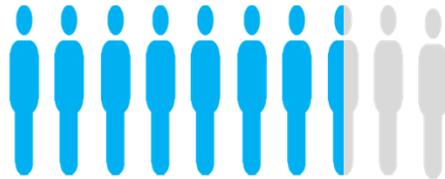
## HOSPITAL APPREHENSION RATE



Mental  
Health and  
Addictions

Historical Uniform  
Apprehension Rate

75.4%



5 year avg. MCRRT  
Apprehension Rate

17.2%



- 5 year average respond to **2,691** "Person(s) in Crisis" per year
- Average of **5,079** hours of police officer time saved per year based on past 5 years (equates to 2 full time officer positions)



# Crisis Response Unit

Persons In Crisis Unit – SNP, COAST & MCRRT

Full response along a continuum of client needs –



Non-criminal – Vulnerable persons, homeless, addictions, poverty, mental health – Paramedic / Officer / Co-ordinator

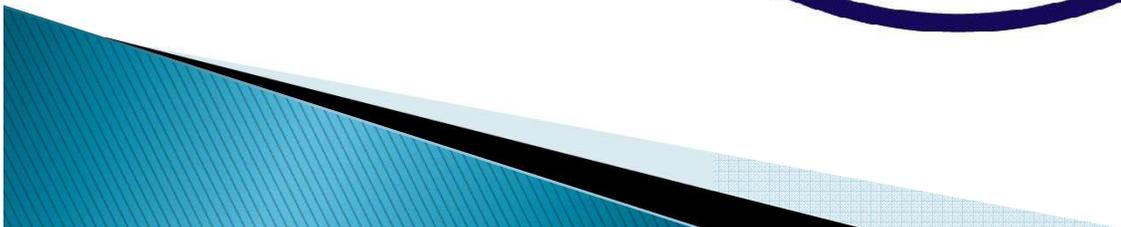


Non-urgent – follow up by plainclothes Officer and nurse / social worker



Immediate response to life-threatening mental health call by uniform police officer and mental health worker

# Questions and Discussion



HAMILTON POLICE SERVICE

# DEFUND REPORT



Together. Stronger. Safer

# POLICING OUR COMMUNITY



## Authorized Strength

- 856 Sworn
- 250 Civilian Positions
- 24 Cadets
- 51 Special Constables



Population **536,917**



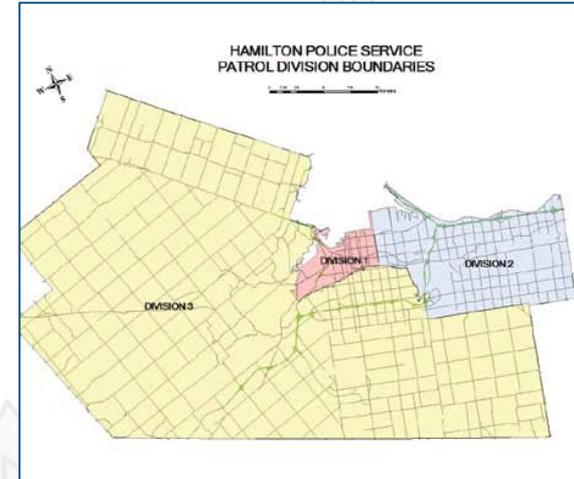
Youth Population **105,755**



Households **211,595**



Area **112,710** hectares **1,113** km<sup>2</sup>



Strategic directions were developed in consultation with internal and external stakeholders.



OVER  
**2700**  
RESPONSES  
to a community survey

## Top Five Priorities for Policing

-  1 Property Crime
-  2 Violent Crime
-  3 Drug Control/Enforcement
-  4 Guns & Gangs
-  5 Traffic Safety/ Enforcement

# 2020 STRATEGIC DIRECTIONS



COMMUNITY SAFETY



ENGAGEMENT & PARTNERSHIPS



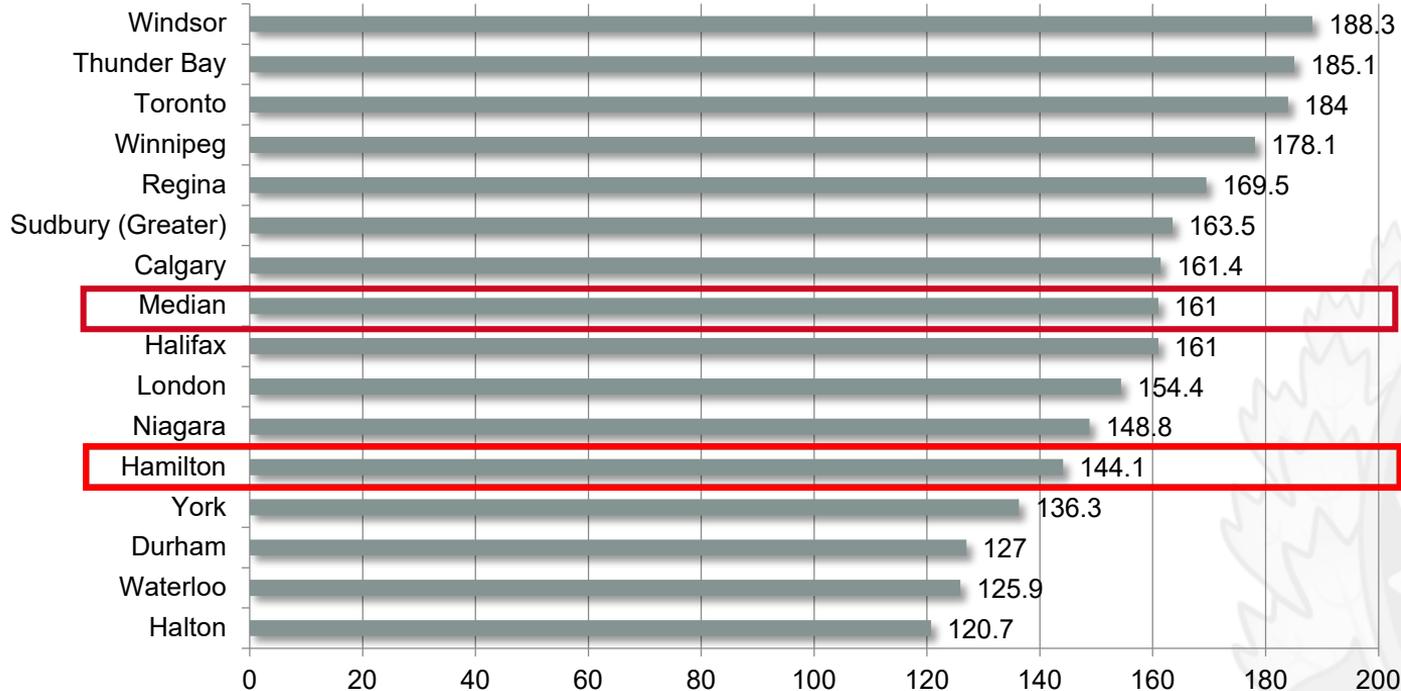
PEOPLE & PERFORMANCE



TECHNOLOGY & ASSET MANAGEMENT

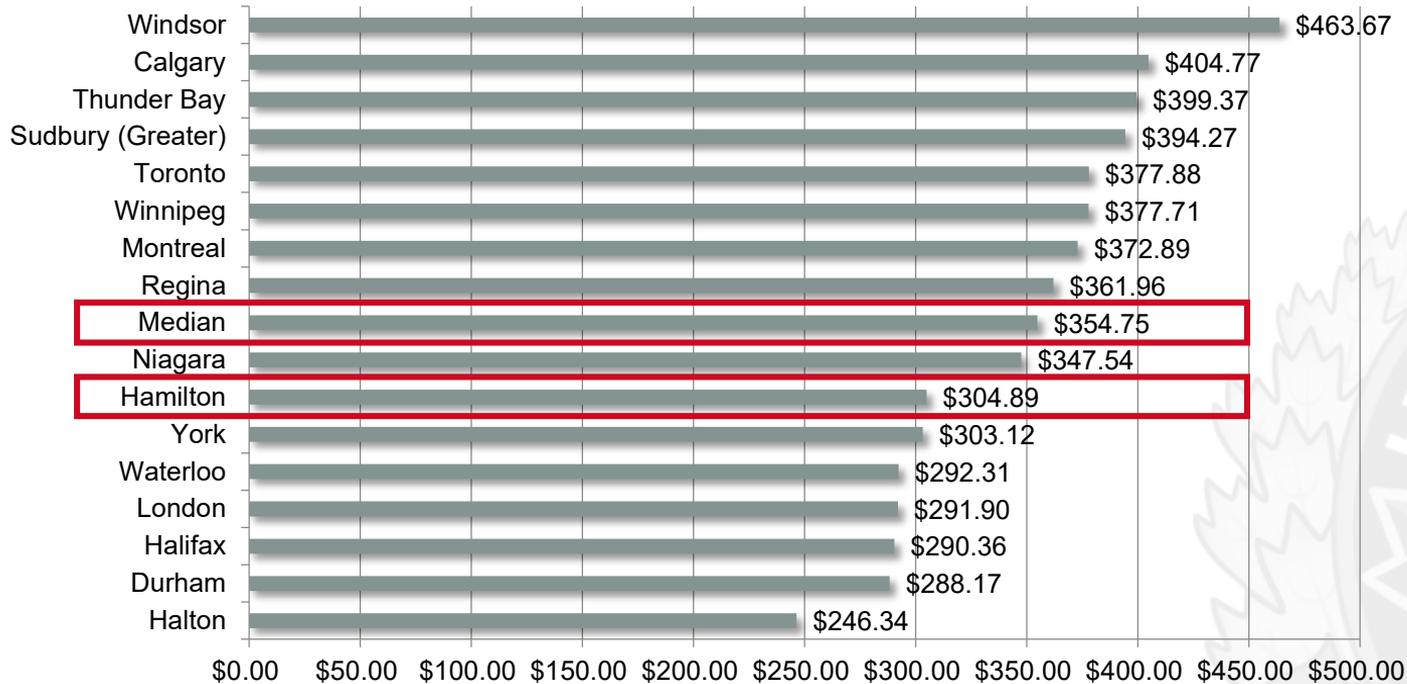


## Officers per 100,000 Population



Source: MBNC (Municipal Benchmarking Network Canada) Table PLCE220

## Cost of Police Service per Capita

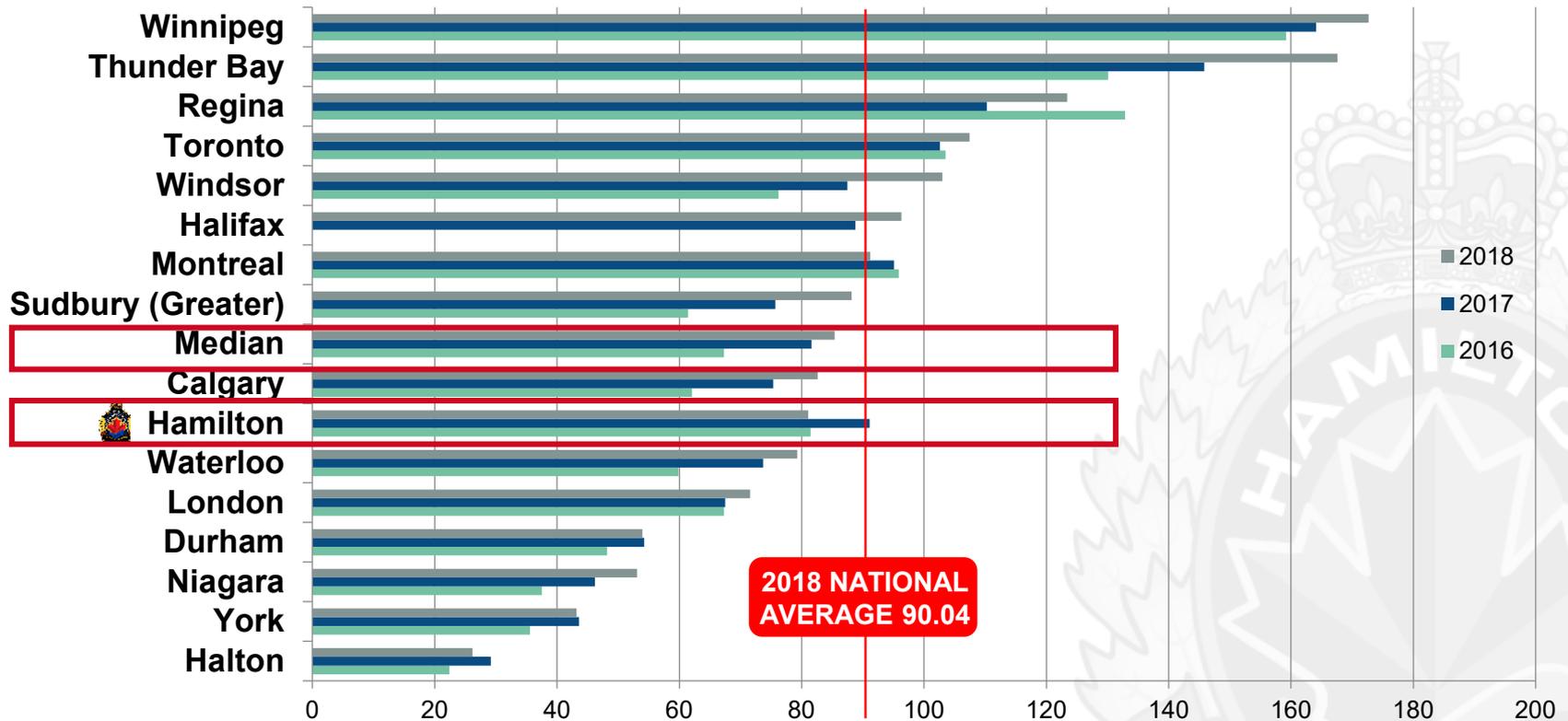


Source: MBNC (Municipal Benchmarking Network Canada) Table PLCE227

**\$305**  
per capita cost

**14%**  
**BELOW**  
National Median

# VIOLENT CRIME SEVERITY INDEX 2018





Total Calls for Service <sup>(2019)</sup>  
**388,238**



 **204,949**  
911 Calls Received



 **183,289**  
Non Emergency Calls Received





## Priority 0

### HIGHEST PRIORITY

- Immediate Response Required



00:00:48

## Priority 1

### IN PROGRESS EVENTS

- Domestic
- Suicide / Person in Crisis
- Disturbance on Premise

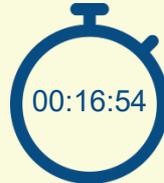


00:03:18

## Priority 2

### JUST OCCURED EVENTS

- Suspicious Activity
- Driving Complaints
- Disturbance on Premise



00:16:54

## Priority 3

### REPORT EVENTS

- Trespassing
- Residence / Compassion
- Disorderly



02:17:18

## Priority 4

### REPORT EVENTS

- Noise Complaints
- Break and Enter Report
- Neighbour Trouble



03:17:42

# MOST FREQUENT CALL TYPES



Domestic



Motor Vehicle  
Collisions



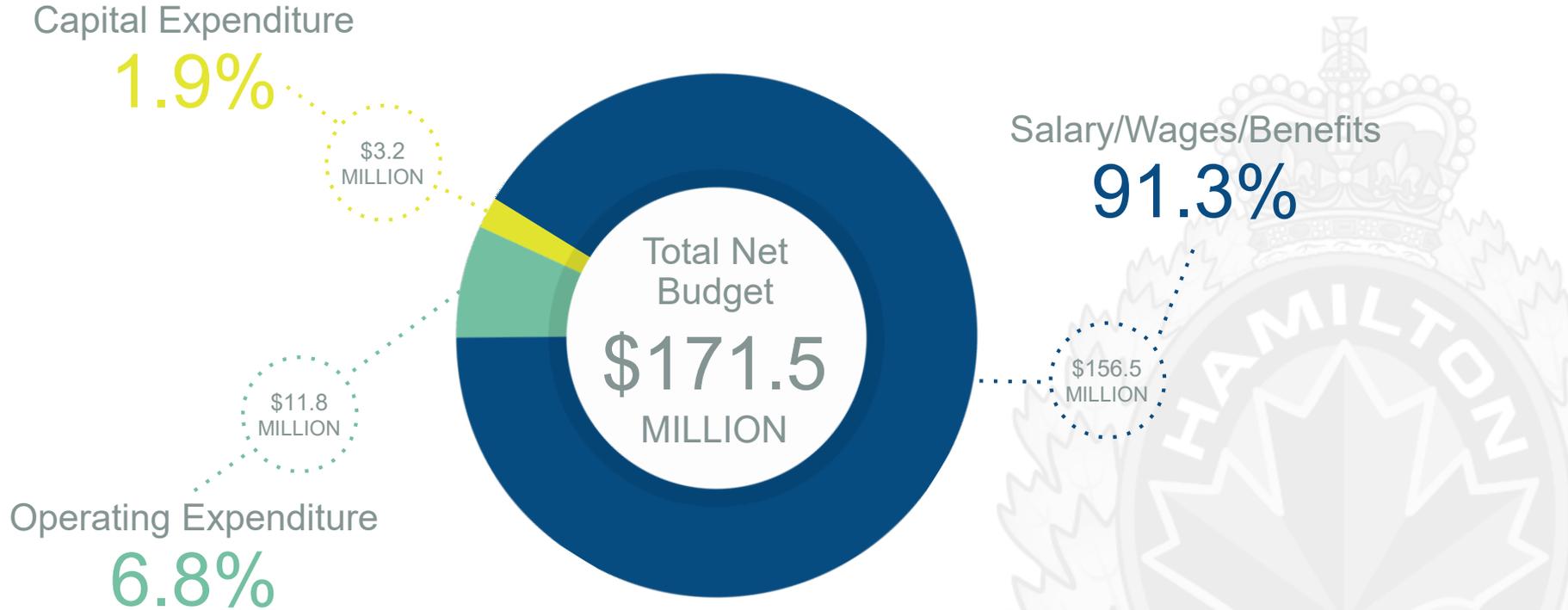
Suspicious Activity

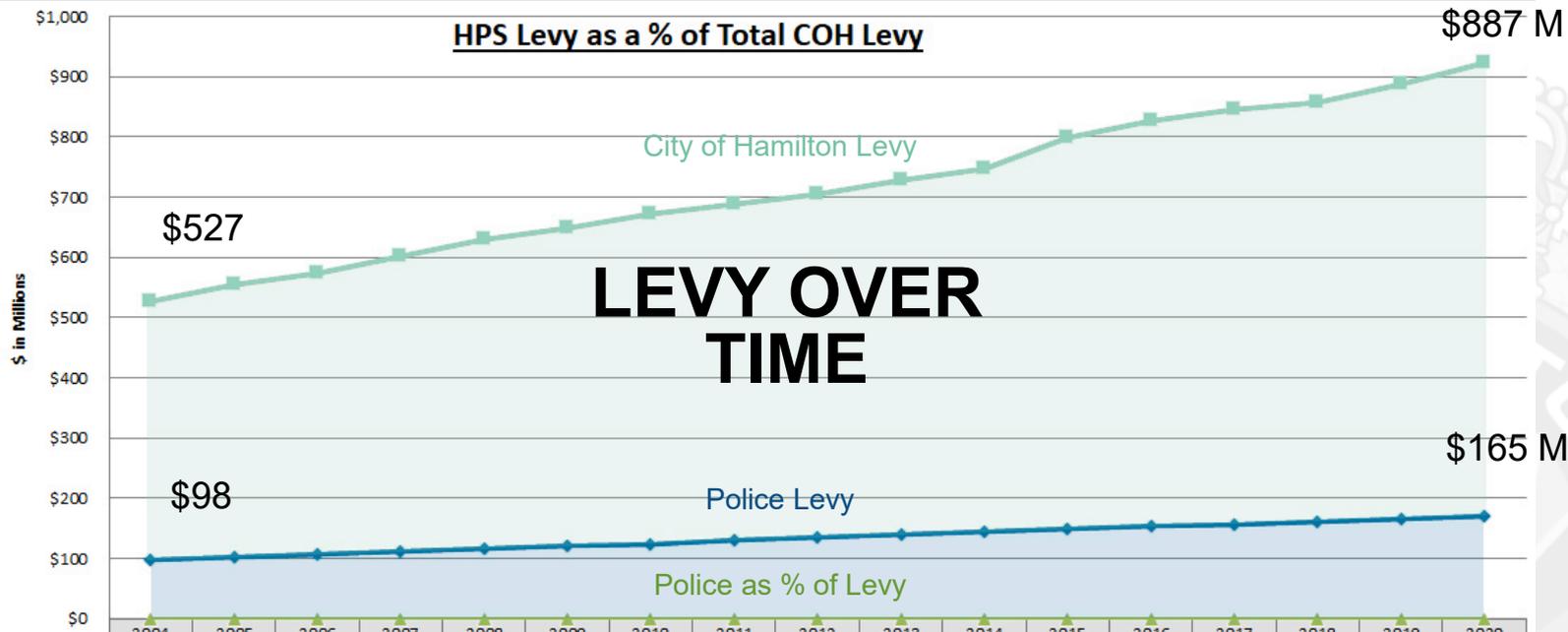


Ambulance  
Assist



Trespassing





	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Police Levy	\$98	\$102	\$107	\$111	\$116	\$120	\$125	\$131	\$136	\$140	\$145	\$149	\$153	\$157	\$161	\$165	\$171
City of Hamilton Levy	\$527	\$555	\$574	\$602	\$630	\$649	\$673	\$689	\$705	\$727	\$748	\$798	\$828	\$845	\$858	\$887	\$924
Police as a % of City	18.62%	18.45%	18.65%	18.46%	18.43%	18.50%	18.51%	19.04%	19.24%	19.31%	19.32%	18.69%	18.52%	18.61%	18.79%	18.62%	18.55%

# MANDATED SERVICES UNDER PSA



Crime Prevention



Victim Assistance



Law Enforcement

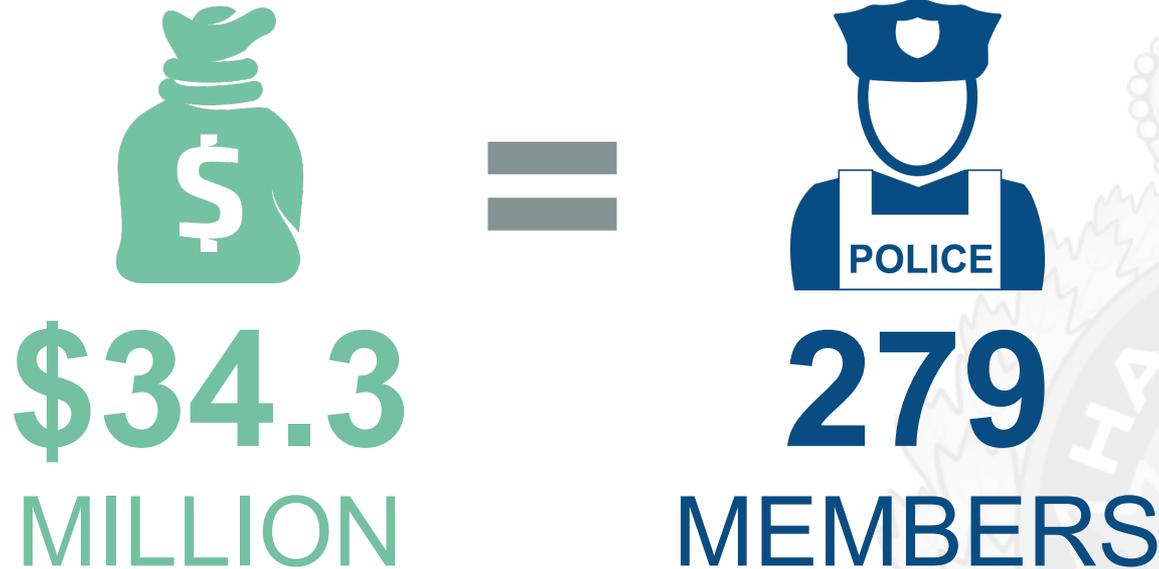


Public Order  
Maintenance



Emergency  
Response  
Services

# IMPACT OF 20% REDUCTION



**-51**

## Division 1

- Frontline patrol (35)
- Traffic safety
- Senior and vulnerable person support
- Youth and adult offender management
- Property crime
- Crime analysis

**-51**

## Division 2

- Frontline patrol (35)
- Traffic safety
- Senior and vulnerable person support
- Youth and adult offender management
- Property crime
- Crime analysis

**-53**

## Division 3

- Frontline patrol (37)
- Traffic safety
- Senior and vulnerable person support
- Youth and adult offender management
- Property crime
- Crime analysis

**-279**  
MEMBERS

**-29**

## Support

- Traffic safety and management
- Case preparation
- Community special event support
- Crown liaison
  - victim safety
  - offender management

**-60**

## Community Mobilization

- Street outreach
- Mental health response and support
- Community engagement
- Bike, foot and mounted patrol
- Community relations
- Victim services
- Bail compliance

**-35**

## Investigative Services

Reduction in specialized investigators:

- Major crime
- Forensics
- Technology crime
- Child exploitation
- Sex assault
- Major fraud
- Intelligence
- Drug enforcement
- Robberies
- Human trafficking

Any staffing reductions would have a **significant impact on public safety** as increased workload and responsibilities would be shifted to a reduced frontline patrol.

This would also result in:



Increased  
Response  
Time



Decreased  
Visibility in the  
Community



Decrease  
in Self-Initiated  
Policing



Decrease  
in Service  
Delivery

**HAMILTON POLICE SERVICES BOARD**  
**- INFORMATION -**

**DATE:** July 23, 2020

**REPORT TO:** Chairman and Members  
Hamilton Police Services Board

**FROM:** Eric Girt  
Chief of Police

**SUBJECT:** *Hamilton Police Service Budget Process*  
*PSB #20-061*

**BACKGROUND:**

The Hamilton Police Service is committed to an informative and transparent budget process. Section 39 of the Police Services Act sets out the annual budget process for Police Services. In accordance with these requirements, each year the Chief of Police presents recommendations for the next fiscal year to the Hamilton Police Service Board after meetings with the PSB Budget Sub-committee for approval and subsequent referral to City Council. The Chief attends Council to deliver the budget presentation, address any questions from Council, and obtain final approval of the overall capital and operating budget. Presentations to the Board and Council are accompanied by detailed reports which highlight increases and reductions to the budget over the prior year, drivers of any increases, as well as forecasts for future years.

While setting the budget is a one-time annual process, there are a number of other regular reports/activities that the Service undertakes to ensure the HPSB and public remain informed as to the status of our budget. All of these reports and discussions occur at the monthly meetings of the HPSB in public session, and are available on the HPS website.

- Quarterly budget variance reports are provided to the HPSB. These reports compare budget to actuals for the relative period and serve to identify if we are meeting the stated budget targets throughout the year
- An annual year-end budget variance report is produced after the completion of our external financial audits to inform the HPSB of the prior year's actual-to-budget and actual-to-actual analysis of revenues and expenditures. This report would identify any surpluses or deficits from the prior year ending December 31<sup>st</sup>
- An annual surplus allocation plan is submitted to the HPSB with recommendations on how to utilize any surpluses resulting from the prior year

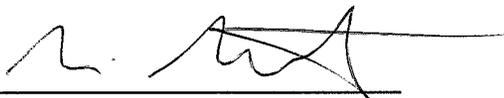
- Quarterly Capital project status updates are provided to the HPSB to allow a simple and transparent mechanism for monitoring budgets associated with short and long term capital projects
- An annual ten year Projected Capital Expenditures report is produced for the HPSB and forwarded to Council to ensure awareness, long term planning and appropriate financing of key capital projects

In an effort to continuously improve our processes, we recently made further changes to our budget reporting to assist in aligning our budget format to the City of Hamilton's reporting standards:

- For the 2020 budget submission and for all future submissions, the Service separated its operating and capital budgets
- For the 2020 budget submission and for all future submissions, the Service included year end projections as part of its reporting and presentation to the HPSB

The Service's current and past operating and capital budgets can be accessed anytime on our website at the link below. These documents provide a **line by line** description of all accounts of the Service and highlight any increases/decreases to the budget lines over the prior year.

<https://hamiltonpolice.on.ca/about/hps-budget>



Eric Girt  
Chief of Police

EG/A.Filice

cc: John Randazzo, Director of Finance/CFO

**HAMILTON POLICE SERVICES BOARD****- INFORMATION -**

**DATE:** July 23, 2020

**REPORT TO:** Chair and Members  
Hamilton Police Services Board

**FROM:** Eric Girt  
Chief of Police

**SUBJECT:** *Hamilton Police Service response re Use of Force inquiries ("8 Can't Wait")*  
*PSB 20-062*

**BACKGROUND:**

During the June 11, 2020 Hamilton Police Services Board meeting, several inquiries were made of the Board pertaining to Hamilton Police Service training and policy in Use of Force. While the inquiries in this regard varied slightly, the general context of the inquiries are in line with a movement originating from the United States called "8 Can't Wait". The following provides some context to the inquiries.

*#1) The inclusion of clear language outlining allowable use of force, including an explicit ban on chokeholds and strangleholds in restraint techniques.*

The Hamilton Police Service has a policy which states that we believe in using only the minimum force required in carrying out our duties. The level of force used by our members in any situation must be the minimum level of force necessary to affect the lawful purpose required; authorized in law; and it must be continually assessed. Chokeholds / Strangleholds are not taught nor are they endorsed by the Hamilton Police Service.

*#2) That Hamilton Police Officers be required to de-escalate situations where possible by maintaining distance, communicating with subjects, and thereby eliminating the need for use of force.*

The Hamilton Police Service consistently instructs our members on de-escalation techniques as part of our annual Use of Force strategies and has done so for the last several years. Additionally, for the last three years as part of our Academic training, we have included lectures on Communication. Both of these strategies have been implemented to better equip our members during our interactions with the community and to reduce the need for a use of force.

***#3) That Hamilton Police give a verbal warning before shooting a civilian.***

When a recruit is sent to Ontario Police College, part of their training includes the provincial standard police issue challenge "Police Don't Move" when applicable, when a firearm is drawn on a subject. This training is then reinforced as part of the annual recertification training in Use of Force when members are trained in Hamilton.

***#4) That Hamilton Police are required to exhaust all other reasonable means before resorting to deadly use of force.***

Members are responsible to only use that force which is reasonably necessary to bring an incident under control effectively and safely.

***#5) That Hamilton Police officers have a duty to intervene when witnessing the use of excessive force by a fellow officer and report incidents immediately to supervisors.***

All Police Services in Ontario are regulated by the Ontario Police Services Act. Within this legislation, there are applicable Code of Conduct provisions which would be investigated if an officer failed their duty to intervene as outlined above and further, failed to notify their supervisor. Further, there could be criminal implications for any lack of action taken under these circumstances.

***#6) That officers are restricted from shooting at moving vehicles, a tactic that has proven dangerous and ineffective.***

This is addressed in policy. This practice is prohibited unless there exists an immediate threat of death or grievous bodily harm to the Officer(s) and/or members of the public by a means other than the vehicle.

***#7) That there is an established force Continuum which limits the types of force and/or weapons that can be used to specific types of resistance.***

All Ontario Police Services follow the Ontario Use of Force Model, which was introduced and utilized as of 1993/1994. This continuum was last updated in 2004 and is the Model we utilize. The Model is an aid to promote continuous critical assessment and evaluation of every situation. Officers must consider a number of factors including the situation, the subject's behaviour, and the officer's perception / tactical considerations.

***#8) That Hamilton Police are required to report each time they use force or threaten to use force against civilians.***

There are regulatory requirements under the Ontario Police Services Act (PSA) which requires officers to complete a Use of Force Report (Regulation 926). The requirement to complete a Use of Force Report has been in effect since 1992.

The PSA states,

“14.5 (1) A member of a police force shall submit a report whenever the member,

- (a) draws a handgun in the presence of a member of the public, excluding a member of the police force who is on duty, points a firearm at a person or discharges a firearm;
- (b) uses a weapon other than a firearm on another person; or
- (c) uses physical force on another person that results in an injury requiring medical attention. “



---

Eric Girt  
Chief of Police

cc: Ryan Diodati, Deputy Chief – Support  
Nancy Goodes-Ritchie, Superintendent – Professional Development Division

**HAMILTON POLICE SERVICES BOARD**  
**- INFORMATION -**

**DATE:** July 23, 2020  
**REPORT TO:** Chair and Members  
Hamilton Police Services Board  
**FROM:** Eric Girt  
Chief of Police  
**SUBJECT:** *Year End Report: Use of Force 2019*  
*PSB 20-043*

**BACKGROUND:**

Attached you will find the annual Use of Force Report for 2019. This report is completed to capture information forwarded to the Service Armourer/Use of Force Training Sergeant by members who have completed a Use of Force Report.

As per the *Police Services Act* Regulation 926 Sec. 14.5(1) Reports on Use of Force: A member shall submit a report to the Chief of Police or Commissioner whenever the member,

- (a) draws a handgun in the presence of a member of the public, excluding a member of the police force while on duty, or points a firearm, or discharges a firearm;
- (b) uses a weapon other than a firearm on another person; or
- (c) uses physical force on another person that results in an injury requiring medical attention.

P&P 1.02 *Use of Force* addresses the member requirements for submitting Use of Force Reports at the Hamilton Police Service.



Eric Girt  
Chief of Police

EG/N. Goodes-Ritchie  
Attachment: *2019 Use of Force Statistical Report*

cc: Ryan Diodati, Deputy Chief, Support



# 2019 UOF Statistical Report

Prepared by Sergeants Andrew  
Poustie and Gino Ciarmoli

A statistical summary of reported Use of Force Incidents by the  
Hamilton Police Service

Hamilton Police Service  
Training Branch  
Use of Force Section

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## 2019 Use of Force Statistical Report

### Introduction

This report will provide a statistical summary of reports of Use of Force incidents that occurred in 2019; where a particular Use of Force option was utilized by a member of the Hamilton Police Service. The report will also compare the number of 2019 Use of Force incidents with the number of incidents from the years 2010 to 2019. The report will also compare the total number of force options used in 2019 to the total force options used in the years 2010-2019. In addition, this report will focus on Use of Force incidents by Service Branch (i.e. Patrol, Support or other) and by officer's years of service as well breaking down 2019 incidents into the following categories: incidents per month, incidents per day of the week and incidents per time of day. The source material for the data is Use of Force reports and/or Hamilton Police Service Conducted Energy Weapon (CEW) reports submitted by the involved officer(s). All data prior to 2005 was provided by the Professional Standards Branch.

As per the Ontario Police Services Act Regulation 926 Sec. 14.5(1) Reports on Use of Force and Hamilton Police Service Policy and Procedure 1.02, Use of Force Reporting, Hamilton Police Service members shall complete and submit Hamilton Police Service Use of Force Reports to the Chief of Police, through their Command Officer, prior to the completion of their shift, as follows:

Parts A and B of the Use of Force Report are required whenever the Member:

- a. Draws a handgun in the presence of a member of the public, excluding a Member of the Police Service while on duty, points a firearm at a person, or discharges a firearm other than on a Police Range; in the course of a training exercise, target practice or ordinary firearm maintenance, in accordance with Service Policies and Procedures;
- b. Uses a weapon other than a firearm on another person, with the exception of a weapon other than a firearm used on another Member of a Police Service in the course of a training exercise in accordance with Service Policies and Procedures;
- c. Uses physical force on another person that results in an injury requiring medical attention, with the exception of physical force used on another Member of a Police Service in the course of a training exercise in accordance with Service Policies and Procedures; or
- d. Handles a Police Service Dog where the dog bites a suspect or any member of the public as the result of the involvement of the Canine Branch.
- e. While operational as a Mounted Unit Officer, uses the equine to apply force to a member of the public that results in an injury requiring medical attention.



Parts A, B of the Use of Force Report and parts C, D of the CEW report are required whenever the Member deploys a Conducted Energy Weapon (CEW) in the cartridge deployment mode.

Parts C and D were required whenever the Member draws, points or displays a Conducted Energy Weapon in the presence of a member of the public, excluding a Member of the Police Service while on duty, other than on a Police Range; in the course of a training exercise or ordinary CEW maintenance in accordance with Service Policies and Procedures. On January 1<sup>st</sup>, 2020, the Solicitor General's Office introduced a new UOF Ministry report, which will now collect race related data.

This report only summarizes those incidents in which a Use of Force Report was submitted and does not totally reflect all instances in which a Use of Force option was used upon a member of the public. For example, handcuffing a person is considered a Use of Force application; however, if no injury is incurred a Use of Force report is not required.

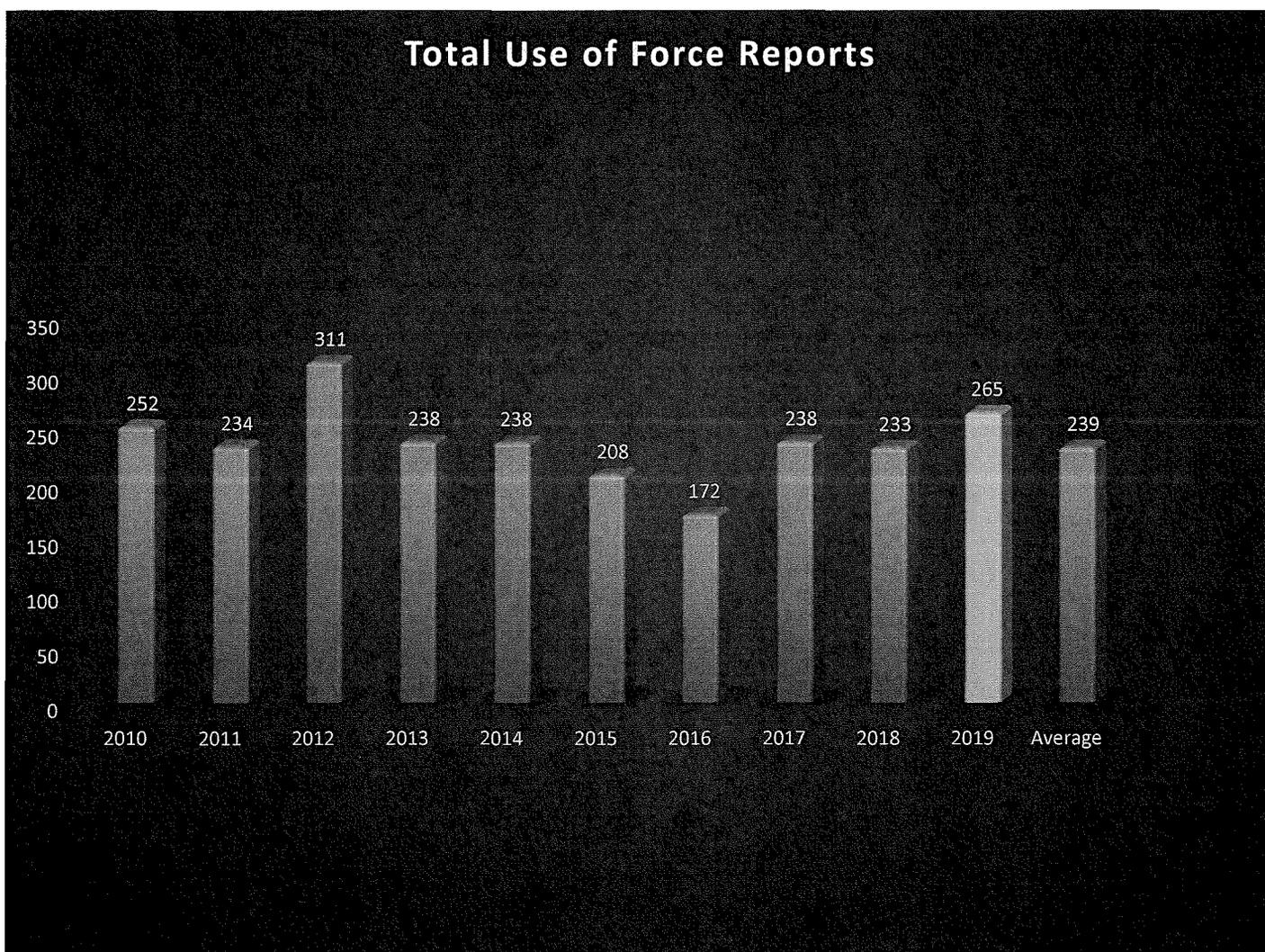
The Use of Force options that are tracked by Use of Force reports are:

- Firearm Discharged
- Firearm Pointed
- Handgun Drawn
- Aerosol Weapon (Oleo capsicum (OC) spray or foam)
- Impact Weapon Hard (ASP Baton)
- Impact Weapon Soft (ASP Baton)
- Empty Hands Hard
- Empty Hands Soft
- Other (K9 bites, Mounted Patrol Unit, weapons of opportunity)
- Conducted Energy Weapon (CEW) in the cartridge deployed mode.



## Statistical Summary of Use of Force Incidents

During the ten year period from 2010– 2019 the average number of incidents reported was 239 incidents per year, with a low of 172 incidents in 2016 and a high of 311 incidents in 2012. The total number of Use of Force incidents in 2019 (265), is higher than the 10 year average of 239 incidents per year.



In 2019 our officers reported 265 Use of Force incidents. There were 59 incidents where more than one Use of Force option was used. This number decreased from 83 incidents in 2018. For example, an officer(s) may use more than one option to resolve an encounter, such as initially attempting empty hands soft and then deploying an aerosol weapon. Of note, there were an additional 105 CEW display mode reports. These reports do not factor into the statistics captured on the standardized Use of Force report submitted to the Ministry of the Solicitor General for statistical purposes.



### Total Use of Force Options

	Firearm Discharge	Firearm Pointed	Handgun Drawn	Aerosol Weapon	Impact Hard	Impact Soft	Empty Hands Hard	Empty Hands Soft	K9 Bite / Misc	CEW	Total Incidents
2010	42	112	17	28	5	2	22	26	3	45	252
2011	43	110	13	21	6	1	19	31	4	22	234
2012	46	145	52	22	7	2	35	39	5	49	311
2013	62	99	22	13	7	4	32	21	0	41	238
2014	47	100	23	14	3	1	15	18	2	64	238
2015	30	145	59	9	4	0	13	12	0	47	208
2016	18	98	40	7	1	1	26	25	4	38	172
2017	24	125	19	3	3	0	22	44	1	58	238
2018	28	125	39	2	3	1	23	36	2	57	233
2019	<b>28</b>	<b>128</b>	<b>29</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>16</b>	<b>23</b>	<b>1</b>	<b>61</b>	<b>265</b>
Avg	37	119	31	12	4	1	22	27	2.2	48	239

**\*\*NOTE\*\*** Adding the cells from any given year will not result in the sum calculated in the "Total Incidents" cell. This is due to the fact that some incidents involve multiple options therefore producing a number of a lower value when totalled.

### 2018 vs 2019 Options Used / Total Incidents

	2018	2019	Percentage increase or decrease
Firearm Discharge	28	28	0
Firearm Pointed	125	128	2
Handgun Drawn	39	29	-26
Aerosol Weapon	2	2	0
Impact Hard	3	4	33
Impact Soft	1	1	0
Empty Hand Hard	23	16	-30
Empty Hand Soft	36	23	-36
K9 Bite/Other	2	1	-50
Conducted Energy Weapon (both modes)	164	166	1
Total Options	423	398	-6



## Firearm Discharged

The discharging of a service pistol, shotgun, or one of the tactical firearms is a very serious but not uncommon occurrence. Officers are taught as per the Ontario Use of Force Model and Police Services Act Regulation 926, Sections 9 and 10: “that they shall not draw a handgun, point a firearm or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm,” or “to call for assistance in a critical situation, if there is no reasonable alternative; or to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.”

There were 28 incidents in 2019 where Hamilton officers discharged a firearm. This is a 0% increase compared to the 28 incidents in 2018. The ten year average for discharge firearms is 37 incidents per year. The most common use of service firearms is to euthanize injured animals. In 2019, 27 firearm discharge incidents were for this purpose and there was one accidental discharge of a carbine. For tracking purposes each firearm was counted as a statistic. Pistols were used 2 times, shotguns were used 15 times and carbines were used 10 times for euthanizing injured animals in 2019.

## Firearm Pointed

Again, officers are taught as per the Ontario Use of Force Model and Police Services Act Regulation 926, Section 9; “that they shall not draw a handgun, point a firearm or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm.” The types of incidents where a service pistol is removed from its holster (or rifle, shotgun, etc.) and pointed at a member of the public, range from officers making high risk arrests where weapons are believed to be involved, to the Emergency Response Unit (ERU) making dynamic entries; i.e.: barricaded individuals, warrant execution involving weapons, etc.

The ten year average for Firearm Pointed is 119 incidents per year. In 2019 there were 128 firearm pointed incidents. In 2018 there were 125 incidents showing a 2% increase.

## Handgun Drawn

The drawing of a member’s handgun from its holster is different than the pointing of a firearm, in that as per Regulation 926 s. 14.5(1)(a) a Use of Force Report is only submitted when a handgun is drawn in the presence of a member of the public. Again, officers are taught they can only draw their handgun if “he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm.” The numbers reflected in this category are much lower than the pointing of a firearm. This can be attributed to the fact that an Officer will respond to a serious call that warrants the pistol being drawn, but at the time of deployment is not directly pointed at a member of the public; i.e.: pistols are drawn prior to a dynamic entry or building search and this is witnessed by members of the public; therefore, a Use of Force report is required to be submitted. There were 29 incidents in 2019 where an officer drew their handgun in front of a member of the public. This is below the ten year average of 31 incidents per year and a 26% decrease from 2018’s 39 incidents.



### **Aerosol Weapon (Oleo Capsicum – (O/C)**

O/C is classified as an “intermediate weapon” and a subject/threat must exhibit at minimum, “actively resistant”<sup>1</sup> behaviour before its use can be considered. There were 2 O/C incidents in 2019 which is below the ten year average of 12 incidents per year and a 0% change from 2018’s 2 incidents.

The use of O/C significantly decreased with the introduction of the CEW in 2005. In 2004, O/C was deployed 68 times but its’ use plummeted to 39 incidents in 2005 when CEWs were introduced. It was anticipated that O/C use would continue to decline or plateau as CEW use became more widespread; and overall, O/C use has generally declined since 2005.

### **Empty Hands Hard**

The use of empty hands “hard” refers to the striking of a generally assaultive person. This would include punches, kicks, elbow strikes, knee strikes and grounding techniques. As per Reg. 926 s.14(c) an officer is only required to submit a report for Empty Hands Hard if they “use physical force on another person that results in an injury requiring medical attention.” However, an officer is also required to submit a report if they use another force option that requires a report in conjunction with Empty Hands Hard even though medical attention was not required; i.e.: Empty Hands Hard in conjunction with O/C.

There were 16 reported incidents in 2019 of Empty Hands Hard. This is below the ten year average of 22 incidents per year and a decrease of 30% when compared to 2018’s 23 incidents.

### **Empty Hands Soft**

The use of empty hands “soft” refers to the application of joint locks, some grounding techniques and/or pressure points to a person. Again, as per Reg. 926 s.14(c) an officer is only required to submit a report for Empty Hands Soft if they “use physical force on another person that results in an injury requiring medical attention.”; or if they use this option in conjunction with another option that requires mandatory reporting i.e.: Empty Hands Soft in conjunction with OC or CEW. In 2019 there were 23 reported incidents of Empty Hands Soft. This is below the ten year average of 27 incidents per year and a decrease of 36% compared to 2018’s 36 incidents.

### **Impact Weapon Soft**

Impact weapons “soft” refers to using the ASP Baton as a point of leverage while depressing a pressure point on a subject. This option would generally be applied to suspects displaying passive resistant to active resistant behaviour and historically this option is very rarely utilized. There was 1 reported incident of Impact Weapon Soft in 2019, a 0% increase from 2018’s 1 incident and on par with the ten year average of 1 incident per year.

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<sup>1</sup> The subject uses non-assaultive physical action to resist, or while resisting an officer’s lawful direction.



### **Impact Weapon Hard**

Impact weapons “hard” refers to using the ASP Baton to strike an “assaultive” subject. The ASP Baton was used 4 times in 2019 to strike a subject displaying assaultive behaviour, which is equal with the ten year average of 4 incidents per year and a 33% increase from the 3 incidents in 2018.

### **Conducted Energy Weapon (CEW)**

Conducted Energy Weapons, also known as TASERs, were authorized for limited police use in Ontario in late 2004. Their use was originally limited to Tactical Teams, Containment Teams and Front Line Patrol Supervisors and designates when acting in a supervisory capacity. The definition of Front Line Supervisor was expanded in 2007 to 2009 to include Crime Managers, Vice and Drug Officers, Gangs and Weapons Enforcement Officers, Break, Enter, Auto Theft and Robbery Unit (B.E.A.R.) Officers, Fugitive Apprehension Unit Officers, Mounted Patrol Unit and Addressing Crime Trends in Our Neighbourhoods (A.C.T.I.O.N) Supervisors.

In August 2013 the then Ministry of Community Safety and Correctional Services (now Solicitor General) announced that they would be moving forward to eliminate restrictions on which police officers would be authorized to carry a CEW. The Hamilton Police Service implemented a training plan in September 2013 in which all active officers would be trained in the use of a CEW. In November 2013 the Ministry announced that each Police Chief in partnership with their Police Service’s Board could designate which classes of officers within their organization would be authorized to carry a CEW effective August 11, 2014, and any Hamilton officer trained to carry a CEW would be authorized to do so. The Hamilton Police Service currently has over 700 qualified CEW officers.

In 2005 a Hamilton Police Service TASER Report was implemented to track CEW use and deployment mode(s) that were not being captured by the Ministry’s Use of Force report. Officers are only required to submit a Ministry Use of Force report with respect to CEW use when a cartridge is fired at a subject or when directly applied in the contact mode. However, the TASER report captures the following deployment modes: a) CEW used in the “cartridge deployed” mode where a cartridge is fired at a subject; b) CEW used in the “contact” mode where the CEW is applied directly to a subject otherwise referred to as “touch tase, drive stun or push stun” and c) Force Presence/Display mode; in any instance in which the CEW is removed/drawn from its holster in front of a member of the public; or where the CEW’s laser sight is applied to a subject; or when the CEW is “spark tested” in front of a subject in the effort to gain subject cooperation without having to actually apply the CEW. The use of the HPS TASER Report was discontinued in early 2006; but was re-designed and re-implemented in November, 2007. The report was further re-designed and is now Parts C and D of the H.P.S. Use of Force Report. The new Ministry Use of Force form implemented in January 2020 now captures all CEW information whether it was a probe deployment or display mode usage. This now makes parts C & D obsolete.

As per the Ontario Use of Force Model, the CEW is an “intermediate weapon” which police can consider to use when a subject exhibits “actively resistant” behaviour. However, in June 2009 the Hamilton Police Service changed its CEW policy to; a subject must exhibit at minimum “assaultive and/or serious bodily harm or death

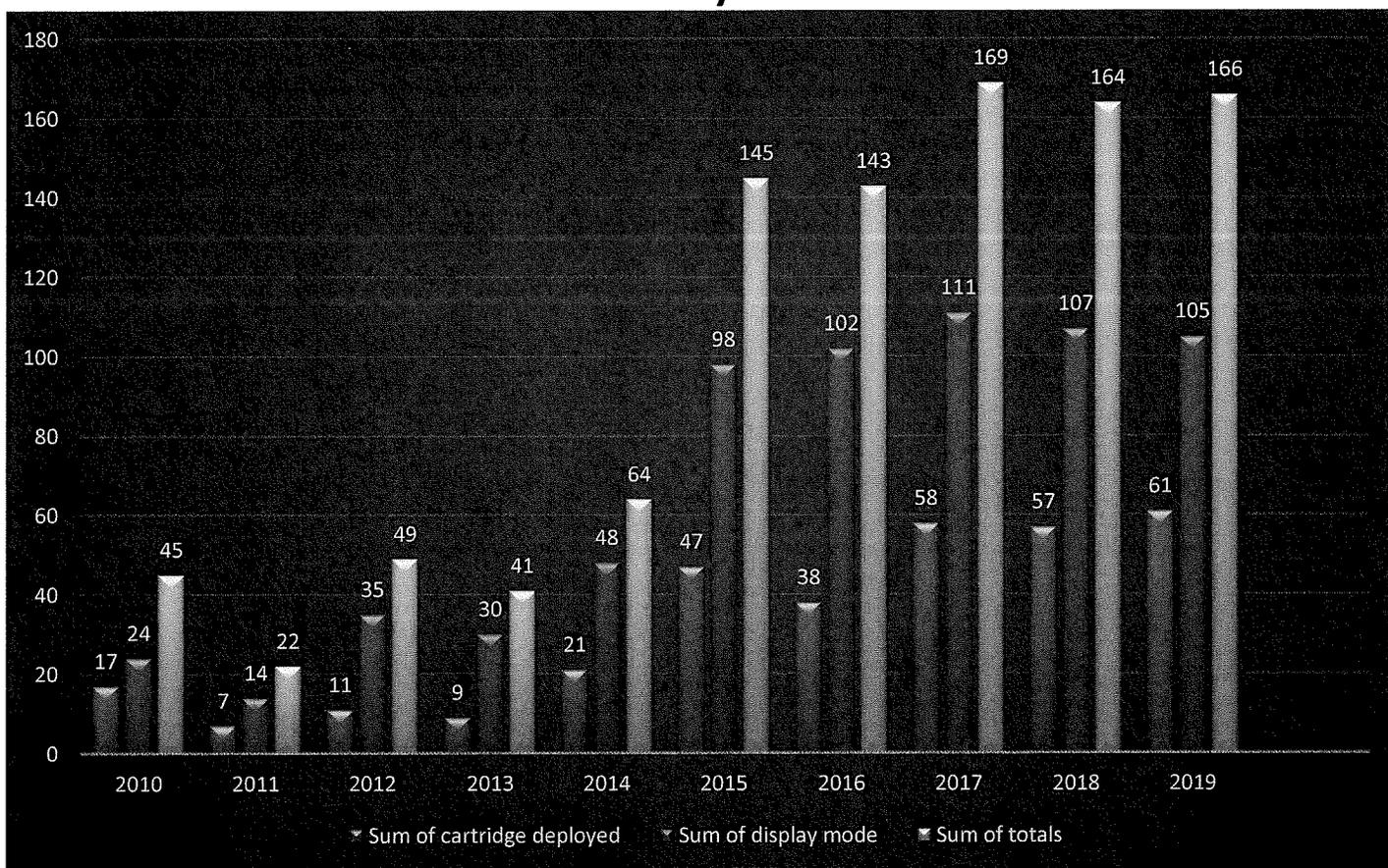


behaviours to themselves or another person” and/or imminent need to take control of a person before CEW use can be considered. This is a reflection of current national and provincial best practices.

### CEW Use

The CEW was used 166 times in 2019; an increase of 1% from the 164 incidents in 2018. There were a total of 265 Use of Force incidents reported in 2019. In 61 incidents the CEW was used in deployment mode meaning probes were fired from the cartridge. In 105 incidents the CEW was used in display mode meaning it was a show of force / de-escalation tool and no probes were fired from the cartridge. As per the below chart, since 2010, the majority of CEW use is in the display mode.

### CEW by Use



NOTE \* 2015 represents the first year that Drive Stun has been discouraged in training as it cannot achieve neuromuscular incapacitation. As a result, the Drive Stun statistics from the previous years were not included as to give a proper comparison. When adding the totals (Deployment + Display) a lower number is explained by those missing Drive Stun incidents. A higher number is explained by multiple modes used in a single incident.



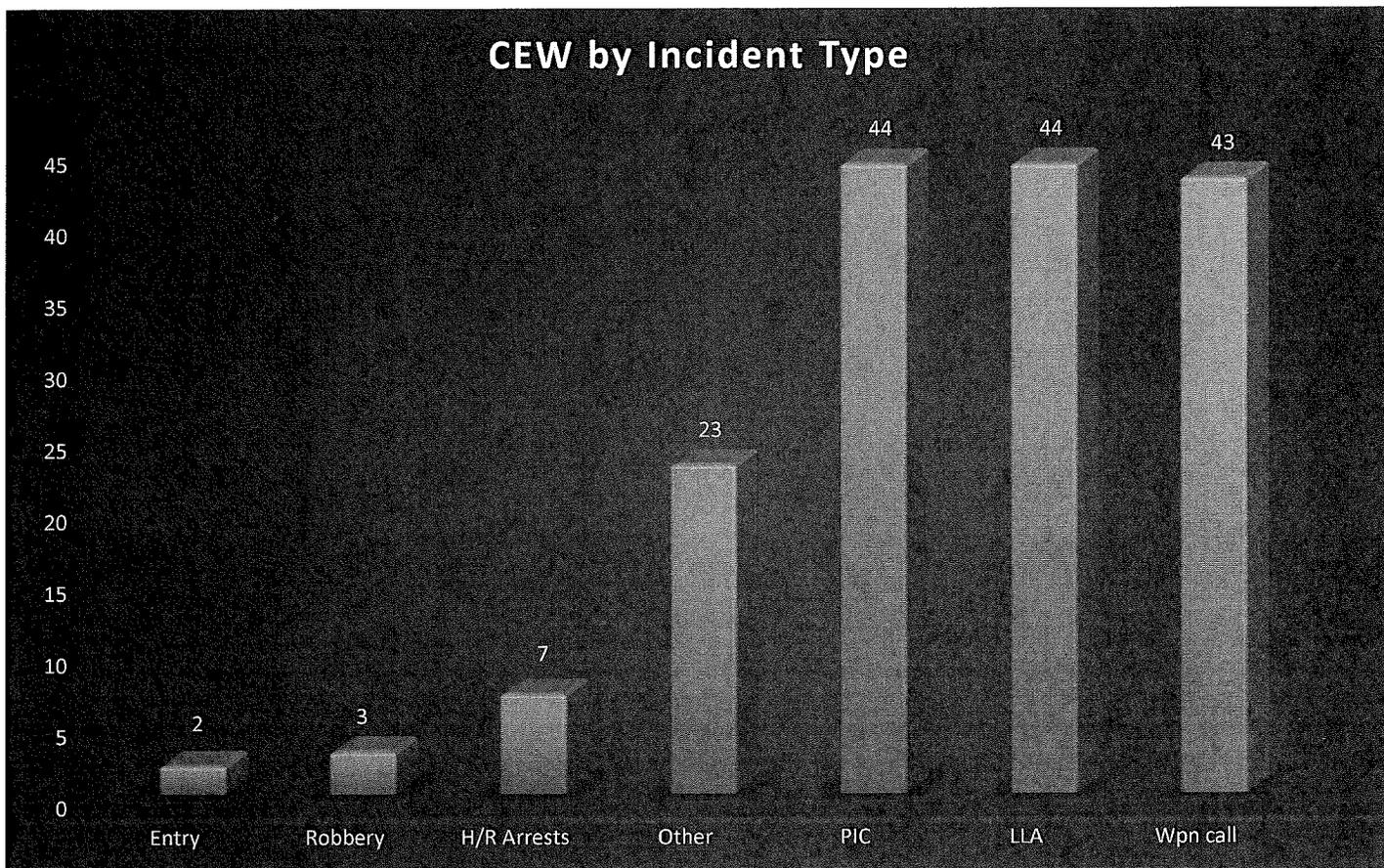
### CEW by Incident Type

The CEW was deployed to apprehend/control persons in crisis (44 incidents) down 12% from 50 incidents in 2018. High Risk Arrests where an individual was armed or thought to be armed with a weapon (7 incidents) a 45% decrease from the 13 incidents in 2018. Disturbances usually involving Liquor License Act violations, Other Incidents which are general arrests involving assaultive suspects and Dynamic Entry.

In 58 of the 2019 CEW incidents the subjects were displaying or had immediate access to a weapon. 41 involved a knife of some type, 3 involved a firearm or replica and 14 involved an 'other' implement; namely,

- Hatchet
- Sword
- Hammer
- 2 x 4
- Boulder
- Baseball bat
- CEW
- Pool cue
- Vehicles



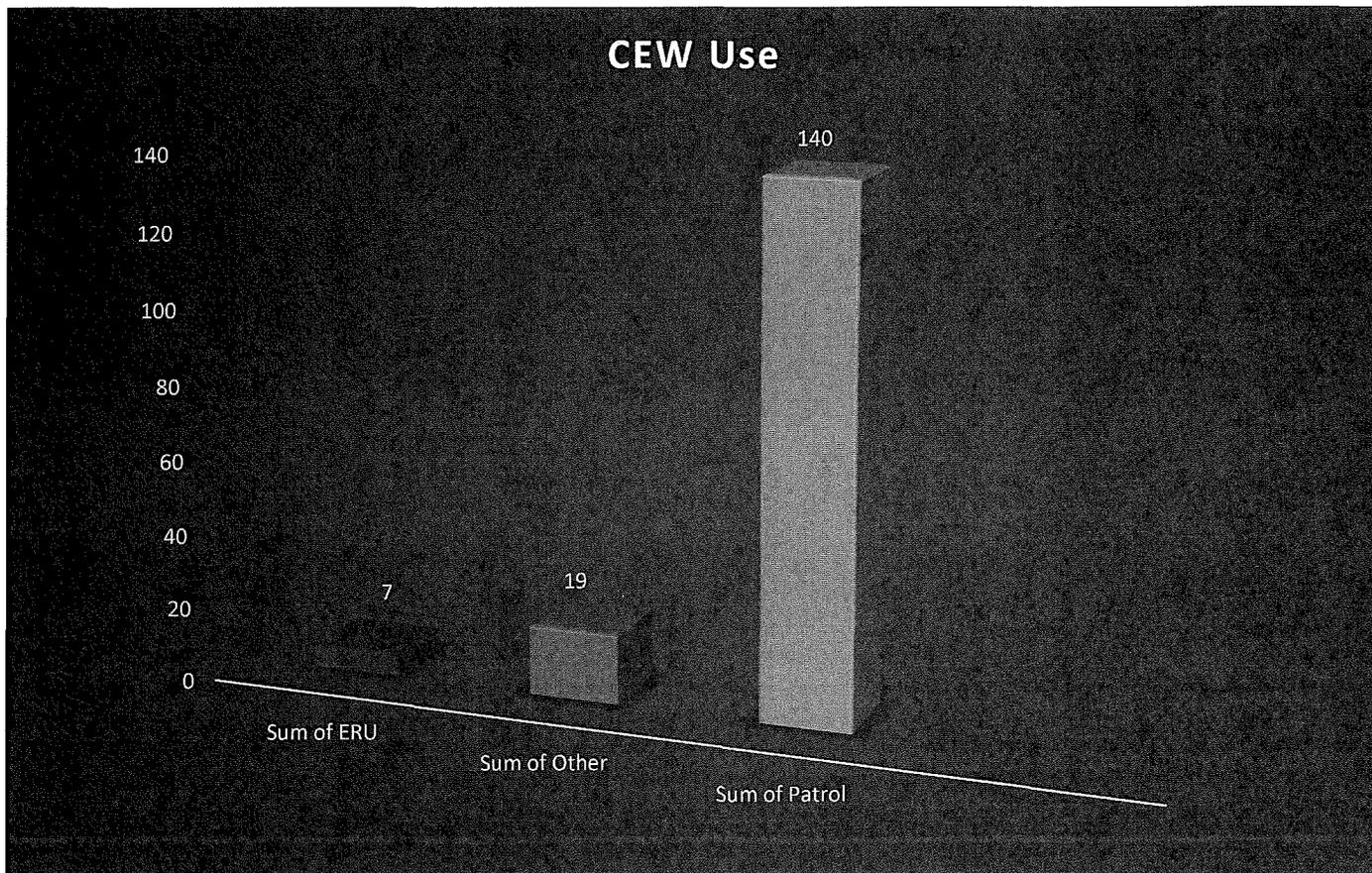


### CEW Use by Service Branch

With respect to Use of Force by Branch, the Service is divided for statistical purposes into five groups or Branches; **1.** Uniform Patrol **2.** Emergency Response Unit (ERU) **3.** Other (Vice and Drugs, Intelligence, BEAR, HEAT, A.C.T.I.O.N., etc.) **4.** Courts/Custody **5.** Paid Duties. CEW use in 2019 by Branch is as follows; Emergency Response Unit - 7 incidents, Other - 19 incidents and all other incidents were identified as General Patrol - 140 incidents. In 3 incidents the CEW was used in both display and deployment modes.

CEW use remained consistent in 2019 when compared to 2018 and was predominantly deployed in the Force Presence/Display Mode. The increase of the CEW in the Force Presence/Display in recent years would suggest that the presence of a CEW at an incident appears to act as a general deterrent and de-escalation tool.

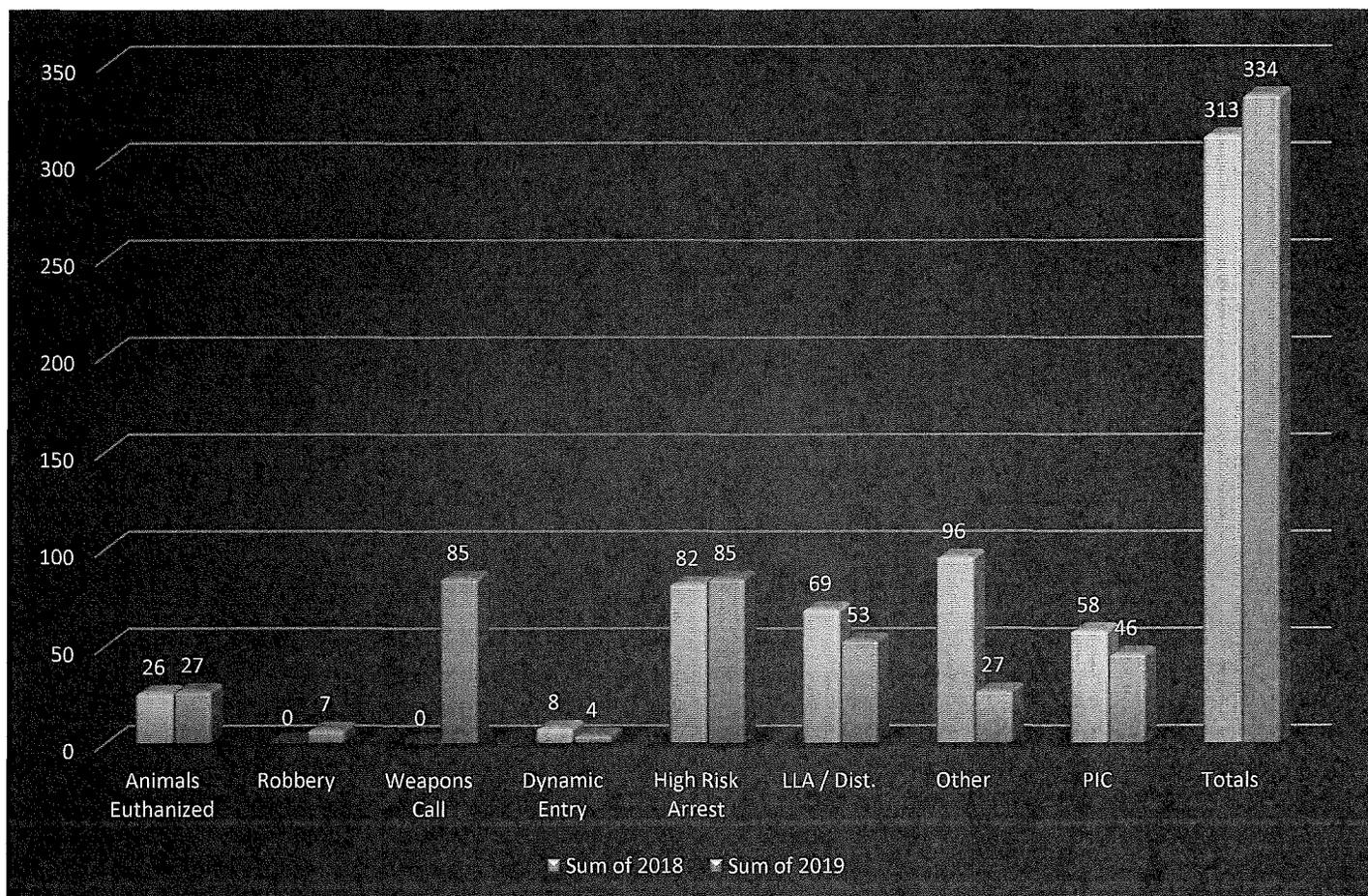




### Use of Force by Incident Type

Use of Force incidents were grouped into the following categories: 1. High Risk Arrests where a subject was/believed to be armed with a weapon, 2. Persons In Crisis (PIC), 3. Liquor Licence Act/Disturbances, 4. Dynamic Entry Warrant Execution generally upon a premise, 5. Other; which includes subjects who were assaultive, as well as Court and Custody incidents and 6. Animals euthanized. Prior to CEW frontline deployment, the 5 year period from 2010-2014 showed police use of force rates at specific incident types remained fairly consistent.



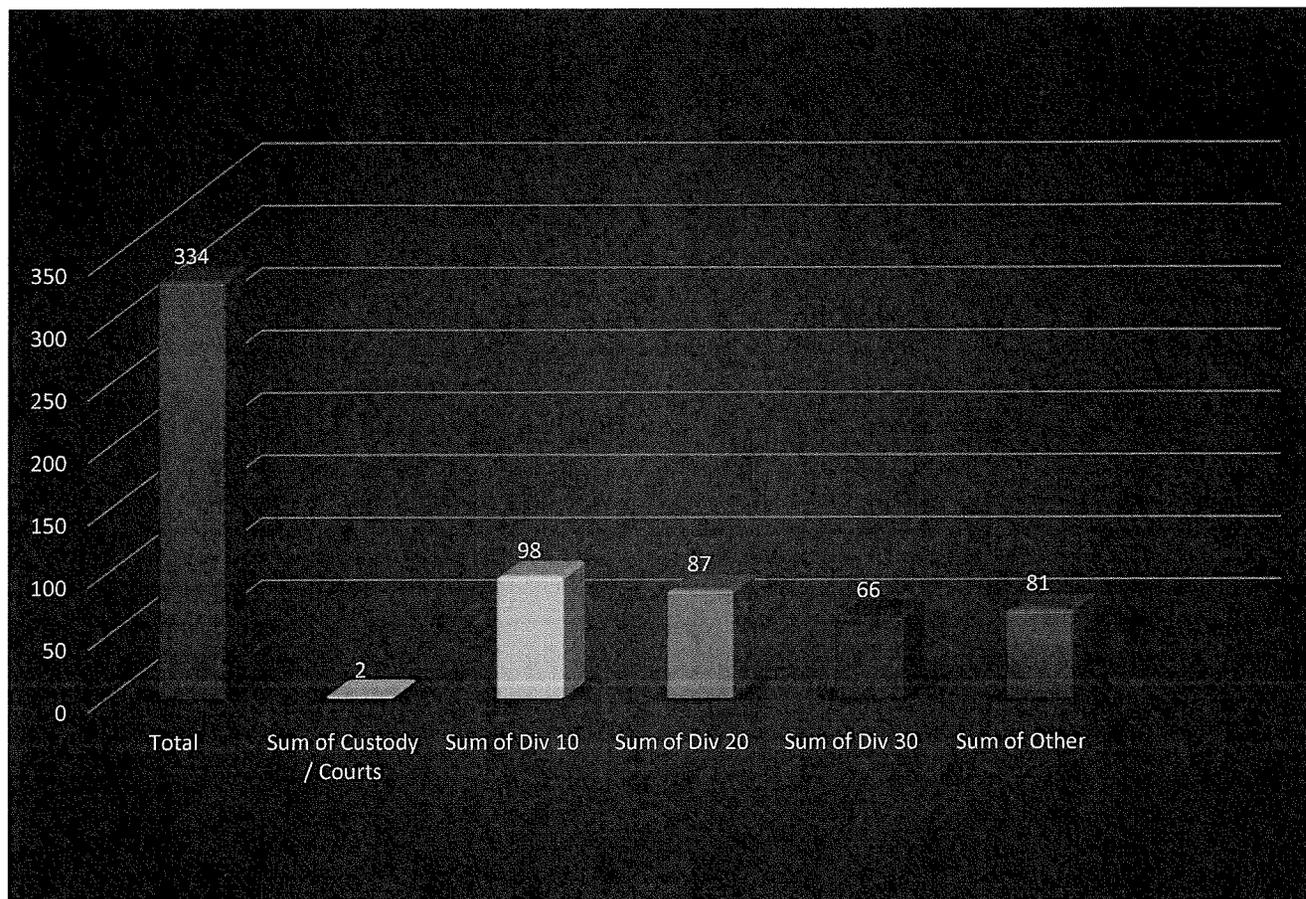


NOTE \* this chart distinguishes between **incidents** and **Use of Force incidents**. 334 represents the total number of incidents reported by Hamilton Police. 265 represents the total from that 334 that are Ministry identified Use of Force incidents. Therefore, 105 incidents were CEW display mode, of which 35 of those transitioned to a Use of Force incident which would require a Use of Force report. This means of the 105 CEW incidents, 70 were strictly Display mode only and are not required to be reported to the Ministry and therefore are not included in the 265 reported Use of Force reports.

### Use of Force by Branch

As previously mentioned the Service is divided for statistical purposes into five groups or Branches; **1.** Uniform Patrol, **2.** Emergency Response Unit (ERU), **3.** Other (Vice and Drugs, Intelligence, BEAR, HEAT, etc.), **4.** Courts/Custody, **5.** Paid Duties. Although there were 265 reported Use of Force incidents in 2019, in some incidents more than one Branch responded and used force; i.e.: Patrol plus B.E.A.R., Patrol plus E.R.U., etc. Note, CEW reported data as well as Use of Force reported data has been included in the following chart. Uniform Patrol Officers accounted for 251 (75%) of reported incidents. ERU / specialized "Other" Units accounted for 83 (25%). ERU incidents are primarily dynamic entries, including 2 incidents reported by Custody/Courts and no incidents reported by Paid Duty.





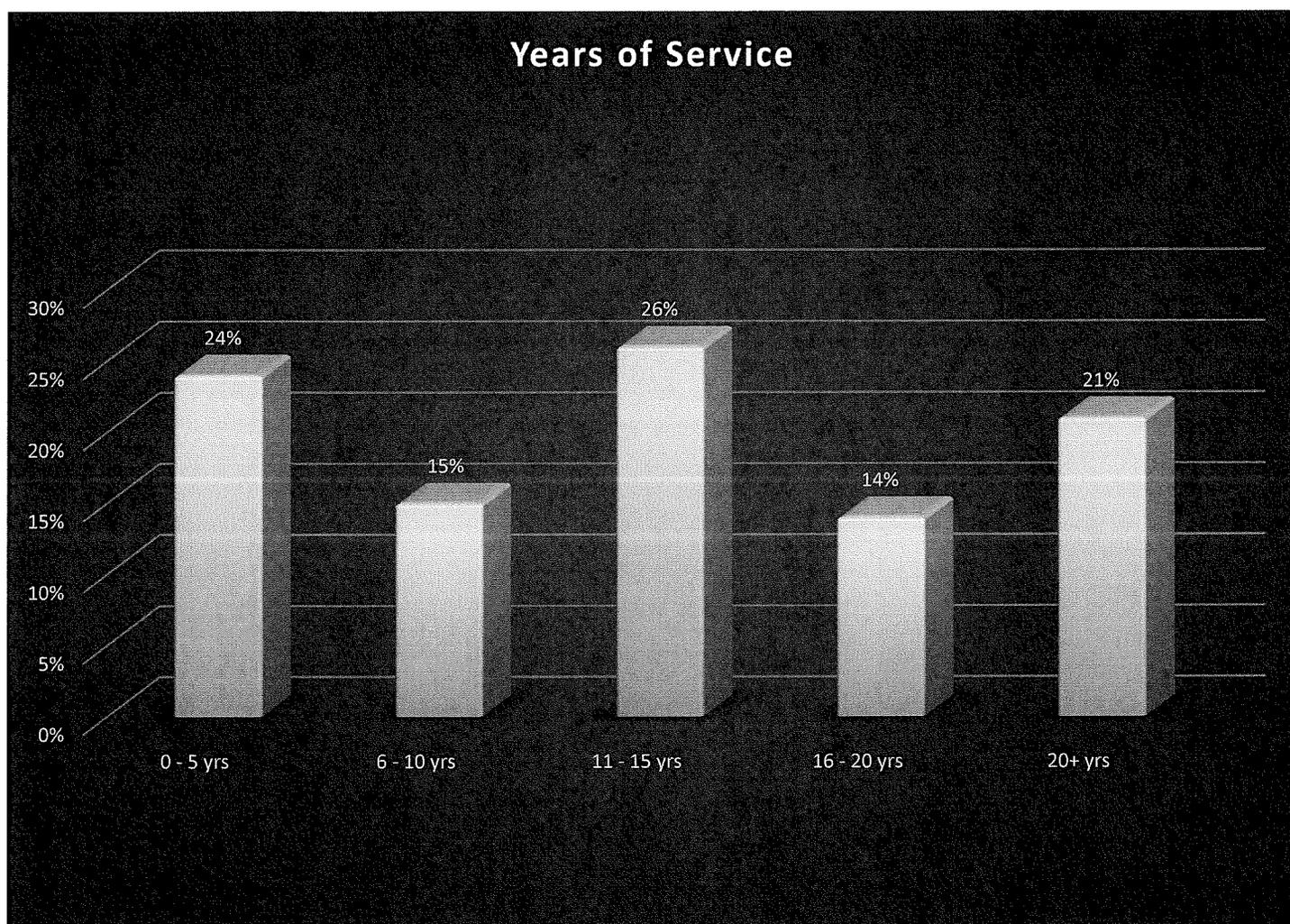
### Use of Force by Years of Service

The Use of Force report has a Length of Service section to be completed by the submitting officer. In certain circumstances this section is not completed. The most common reason for this area not being completed is when the Emergency Response Unit files a "team" report and the Years of Service area is not completed and/or a CEW is used in the display mode only. Currently as per HPS Policy and Procedure 1.02, only parts C and D of the Use of Force Report must be completed if the CEW is used in the display mode only and these sections don't have a Years of Service area.



A risk reduction strategy has been developed in relation to the Use of Force Reporting Policy (1.02) revised in 2012. If a Use of Force report is required as a result of the actions of several officers in a common incident, each officer shall submit their own Use of Force report. The ERU shall be the only unit permitted to submit a 'team' report.

For statistical purposes officers were grouped into the following Years of Service categories: 0-5 years, 6-10 years, 11-15 years, 16-20 years, >20 years.



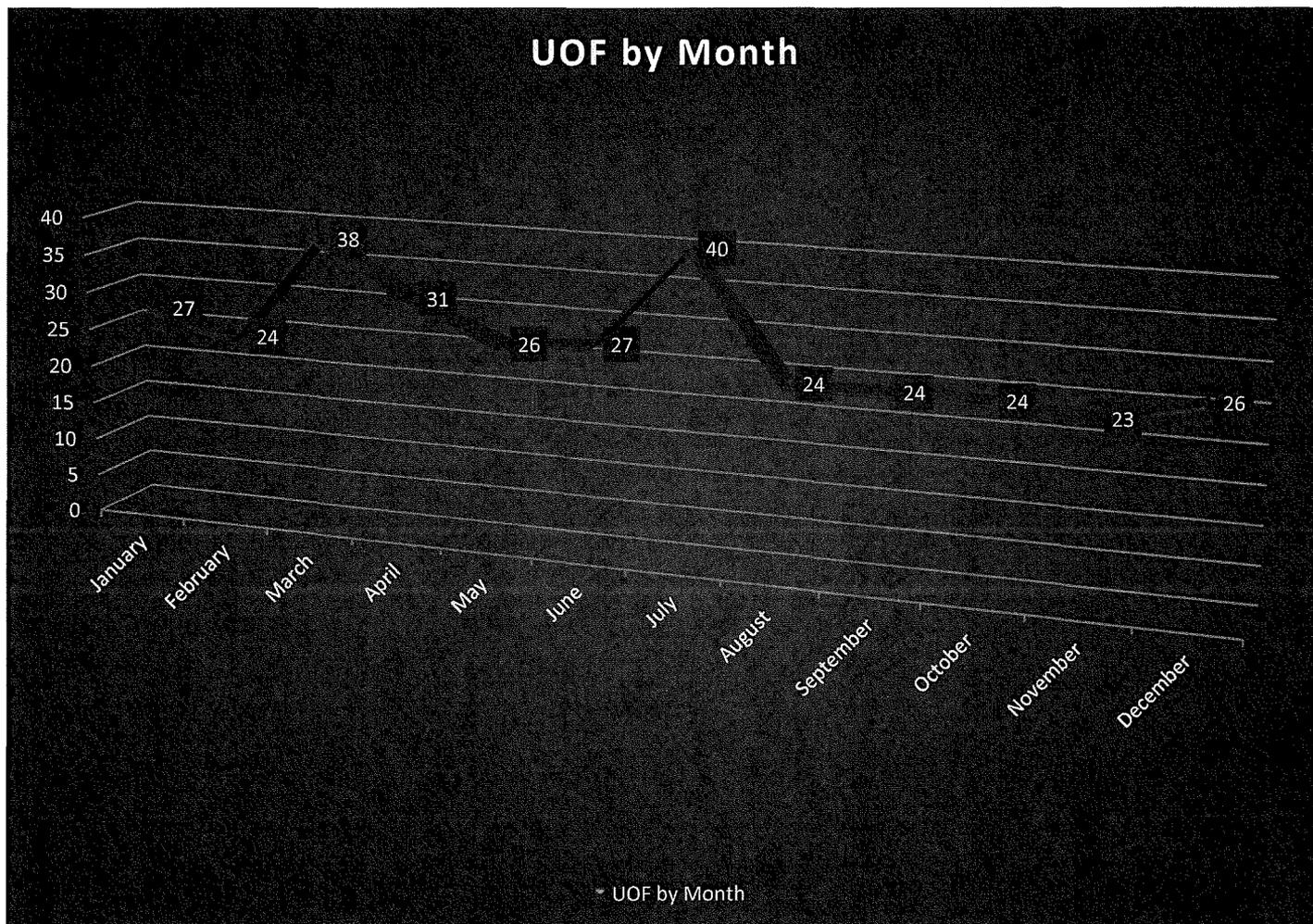
As per the Incidents by Branch and Incidents by Years of Service charts, Uniform Patrol is involved in the majority of 2018's Use of Force Incidents as would be expected. The 0-10 Years of Service group accounts for approximately 39% of the officers who completed the years of service section. This is easily explained as approximately 37%\* of officers assigned to Uniform Patrol have less than 10 years of service so their involvement in Use of Force incidents is proportional to their numbers.

\*Uniform Patrol and Years of Service data supplied by Human Resources.

#### Use of Force by Incidents per Month



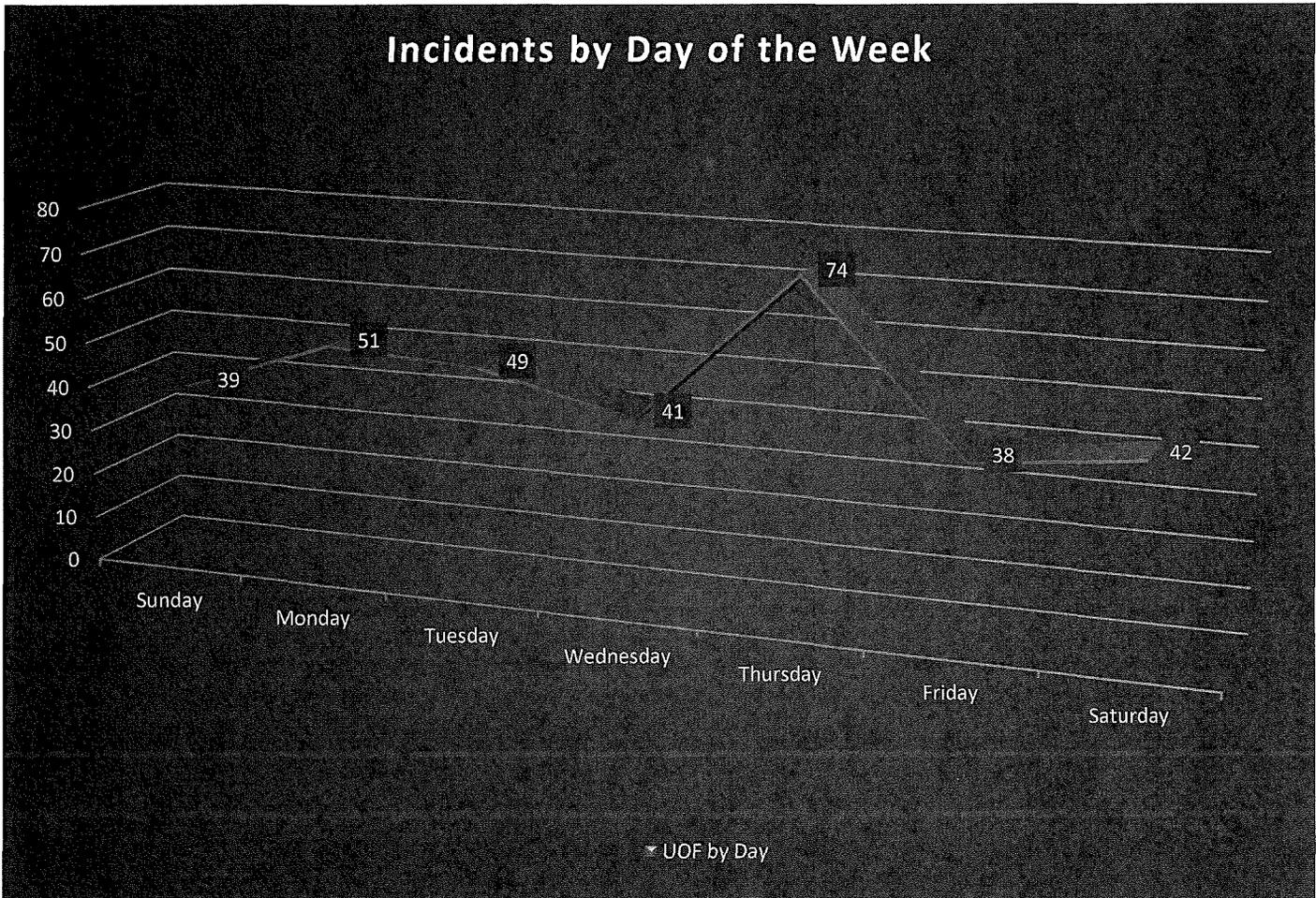
There were 334 reported incidents in 2019 for an average 27.8 incidents per month; with a high of 40 incidents in July and a low of 23 in November. The number of Use of Force incidents appears to rise slightly during the first part of the year, with a steady decline before reaching its highest point in July followed by a plateauing for the remainder of the year including the lowest point in November.



### Use of Force Incidents per Day of the Week

This is the eleventh year that Use of Force incidents have been tracked by number of incidents per day of the week. In 2019, the day with the highest number of Use of Force incidents was Thursday with 74 incidents and the lowest was Friday with 38 incidents. When 2019 data is compared to the recent average (2008-2018) it is clear that the incident rate goes slightly down on Mondays, begins to rise and peaks during the mid-week, and then lowers once again over the weekend. There is no obvious explanation for this pattern.





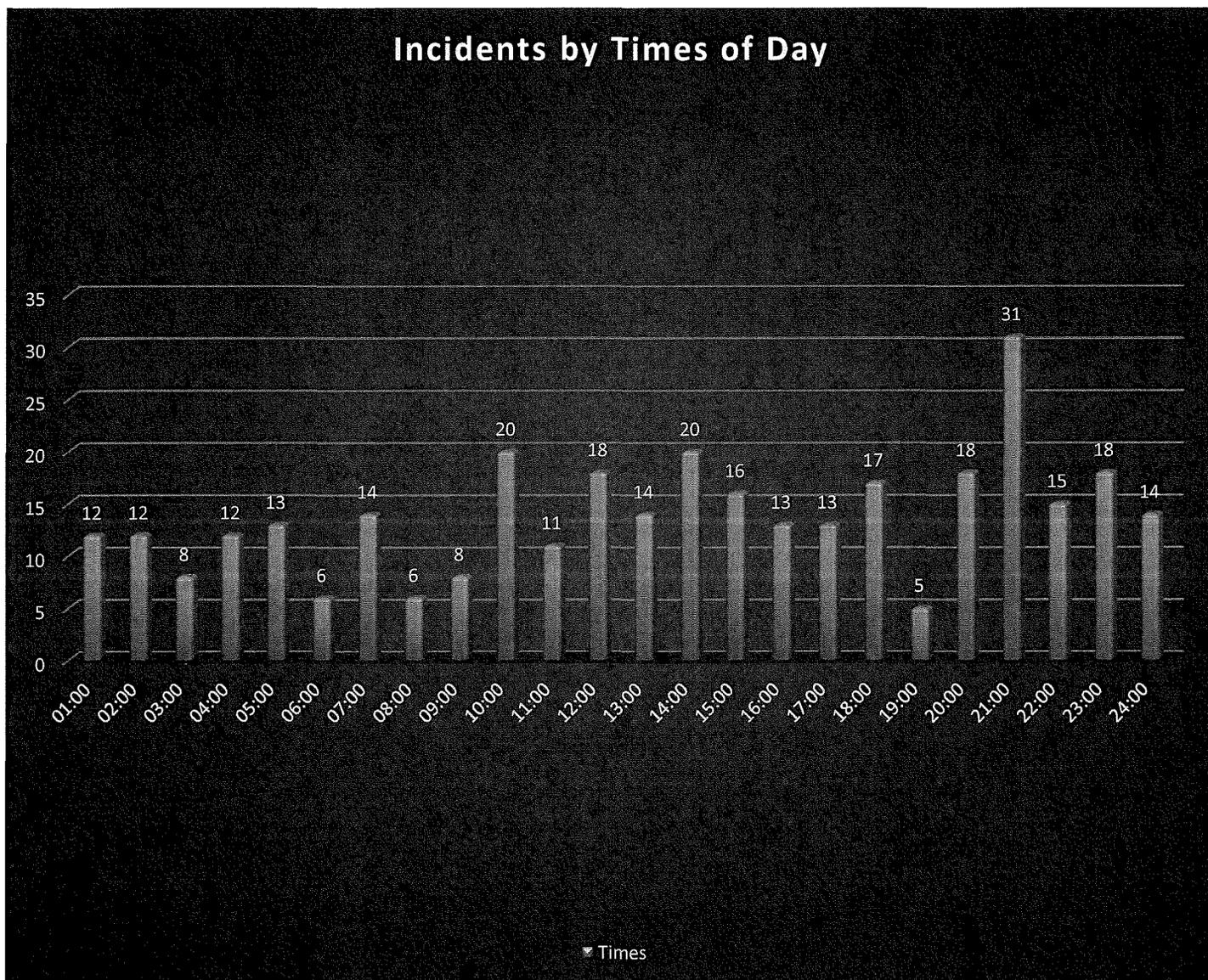
#### Use of Force Incidents by Time of Day

This is the eleventh year that Use of Force incidents have been tracked by the time in which they occur. Historically the time was separated into 6 time periods: 0801–1200, 1201-1600, 1601-2000, 2001-2400, 0001-0400 and 0401-0800. In 2015 each hour was tracked.

A review of the 10 year average data (2010 -2019) indicates that the bulk of Use of Force incidents occur in the twelve hour period between 1600 to 0400 hours. The least number of incidents occur in the eight hour period between 0401 to 1200 hrs. The number of incidents begins to rise steadily beginning at noon hour and peaks



between 2001 and 0400 hrs. The below data from 2019 indicates the majority of incidents occurred between the hours of 1500 to 0100hrs. There was a steady decline between 0300 and 0800 hours. The hours between 0800 hours and 1500 hours remain relatively consistent.



### Suspects/Police Officers Injured/Require Medical Attention

In 2019, there were 72 incidents in which a subject, a Police Officer, or both, were reportedly injured. 72 subjects injured required medical treatment of a varying nature. In the majority of incidents, the injuries to subjects were reportedly minor in nature.

The reasons/causes for either a subject or officers receiving an injury or requiring medical attention are as follows: Grounding (22), Mental Health Assessment (51), Self-Inflicted/Occurred prior to Police Arrival (8), CEW Probe Removal (35) and Other (1). The suspect can receive medical attention for several reasons; i.e.: MHA assessment, plus probe removal (20 incidents in 2019).

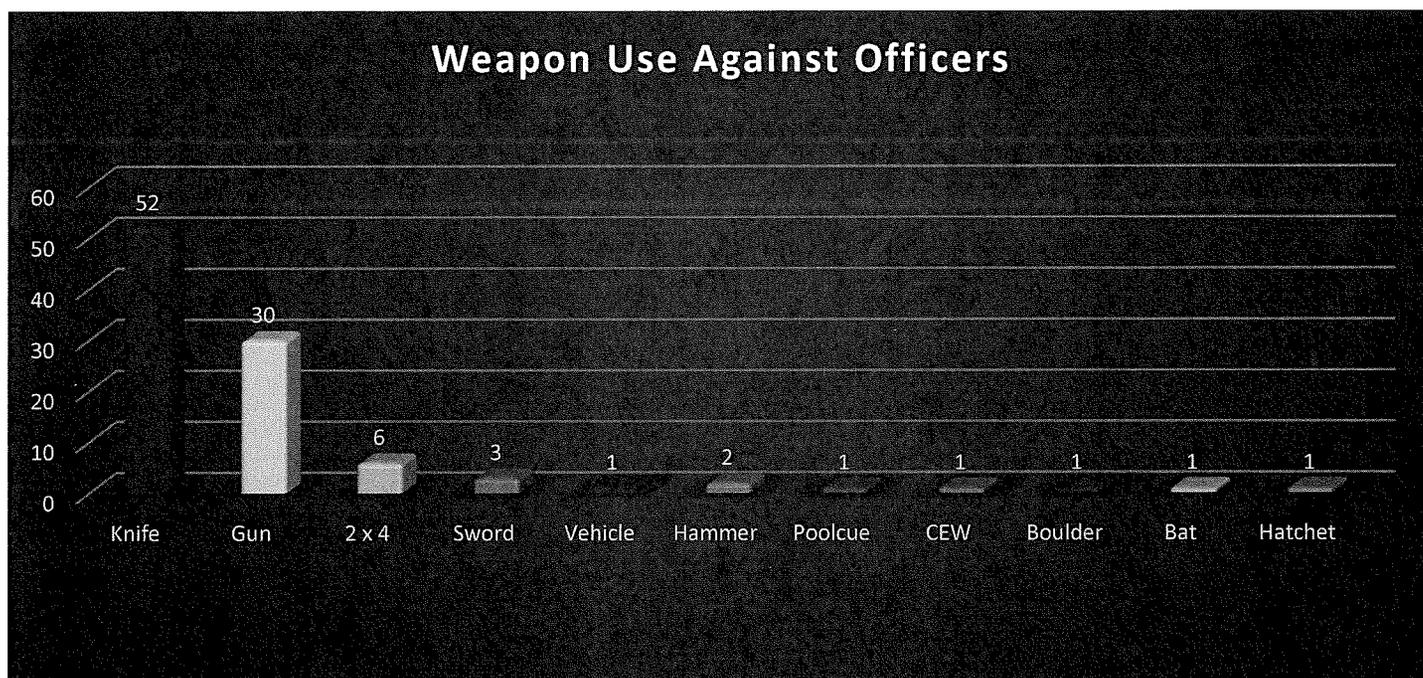


With respect to injuries by incident type, the majority of subjects were injured/required medical attention as the result of a Person in Crisis incident/call for service. In 51 of the PIC incidents the subject was taken to the hospital for a mandatory mental health assessment. These apprehensions account for 15% of all Use of Force encounters.

### Use of Force Incidents and Suspect's Weapons

In 2019, there were 99 incidents reported where the suspect was actually carrying or had access to a weapon close-by. An edged weapon of some type was the most frequently reported involving 52 knife incidents. There were 30 incidents where a firearm/replica/toy gun was used (an 88% increase from 2018) and in 3 incidents a sword was identified as the weapon, along with other edged weapons. A hatchet, hammer and 2x4 timber were also identified weapons.

In 2018, there were a total of 106 incidents involving weapons. Knives were the dominant weapon (60) carried by subjects followed by firearm/replica/toy gun (16).



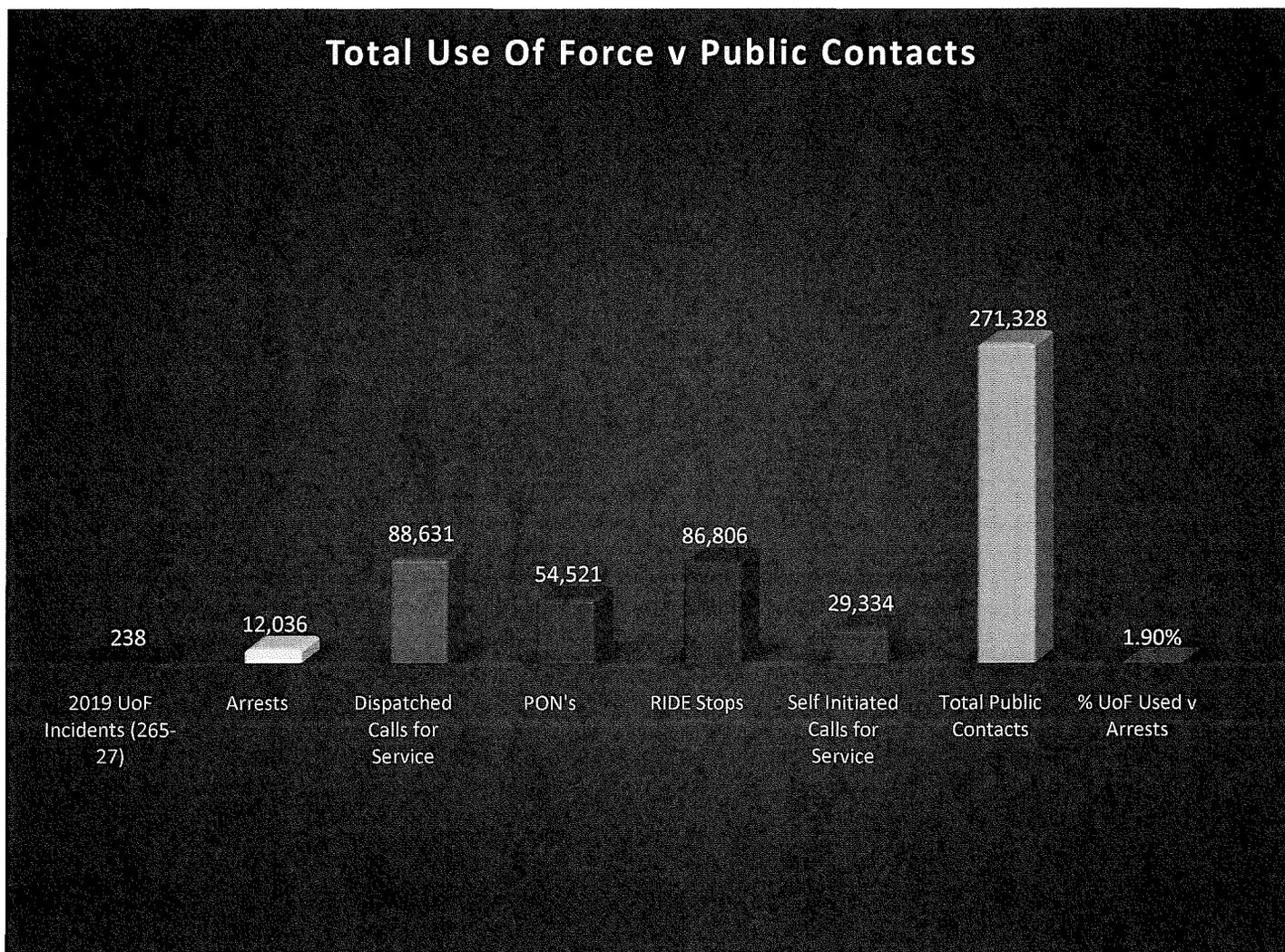
### Use of Force in Relation to Public Contacts

In 2019, members of the Hamilton Police Service were involved in 265 incidents where a Use of Force report was submitted. Included in that number are 27 animal euthanizations. This ultimately means that there were 238 incidents where a Use of Force report was submitted. Compared to the total number of contacts\* the police had with the public, only 0.08% of contacts resulted in a Use of Force incident.

In comparison, Use of Force incidents vs. public contacts rose slightly in 2019 (**0.087%**) compared to 2018 (**0.07%**) and 2017 (**0.059%**).

\*Public Contact data supplied by the Crime Information Analysis Unit and the Traffic Unit.





### Conclusions / Trends

During the 10 year period from 2010-2019, the average number of reported Use of Force incidents is 239 per year. A low of 172 incidents were reported in 2016 and a high of 311 incidents in 2012. 2019 showed an increase in Use of Force Reports over the previous year above the 10 year average.

The number of times an Officer discharged a firearm in 2019 was 28 incidents, equal with 28 incidents in 2018. The average since 2010 is 37 discharges per year. The 2019 statistics are greatly attributed to the number of times in which Officers are being called upon to euthanize injured animals. Hamilton officers euthanized 27 animals in 2019.



There was a significant decrease in the use of Empty Hands-Hard 16 (-30%) and a decrease in Empty Hands-Soft 23 (-36%) in 2019 compared to 2018. The use of these options in 2019 is lower than the 10 year average of 22 for Empty Hands-Hard and for Empty Hands-Soft which has a 10 year average of 27.

The use of Aerosol Weapons reached a plateau in the last several years with an average of 12 incidents per year since 2010. 2019 had only 2 incidents, well below the average of 12 per year.

The introduction of the CEW in late 2004, early 2005 had an immediate impact on how Police Officers use force. In 2014/2015 the Hamilton Police Service began a gradual roll out of CEWs to frontline personnel. In 2014 there were 64 CEW incidents which rose to 145 incidents in 2015 and remained consistent at 143 incidents in 2016 and increased to 169 incidents in 2017 with a slight drop to 164 in 2018. Those incidents that are statistically captured in the Ministry Use of Force report (CEW Deployed) totaled 21 in 2014, 47 in 2015, 38 in 2016, 58 in 2017, 57 in 2018 with a slight increase to 61 in 2019. The ten year average is 48 incidents per year. It was anticipated that CEW use would increase with full frontline deployment; however, the CEW is utilized most often in the display mode.

Uniform Patrol is the Branch of the Service most likely to encounter incidents requiring an application of Force and therefore submits the most Use of Force reports.

This is the 11th year that Use of Force incidents have been tracked by number of incidents per month. There does not appear to be a significant relationship between number of Use of Force incidents and the month of the year other than they appear to rise in March, June and July for an unknown reason and fall in August for an unknown reason and remain relatively consistent for the remaining months. Data from future years could solidify/confirm any trends.

This is the 11th year that Use of Force incidents have been tracked by number of incidents per day of the week. Comparative data shows it is clear that the incident rate goes down on Fridays for an unknown reason. 2019 statistics illustrate a spike on Thursdays with other weekdays remaining consistent. There is no obvious explanation for this pattern. Again, data from future years could solidify/confirm any trends.

This is the 11th year that Use of Force incidents have been tracked by the time in which they occurred. A review of historical data indicates that the bulk of Use of Force incidents occur in the twelve hour period between 1600 to 0400 hours. The least number of incidents occur in the eight hour period between 0400 to 12 noon. The number of incidents begins to rise steadily beginning at noon hour and peaks between 2001 and 0500 hours.

This is the 9th year where a Suspects' Weapon(s) has been tracked. It is clear that an edged weapon of some type is the weapon of choice. In 2019, 52 incidents involved a knife or some type of edged weapon, 30 incidents involved a gun or replica (which is an 88% increase from 2018) and 17 incidents involved an 'other' item. Weapon Use Against Officers in Hamilton has risen since 2014 and increased from 93 incidents in 2016, 94 in 2017 and 102 in 2018. There was a slight decrease in 2019 to 99 incidents, although the increase in the use of firearms is of note.

This is the 9th year in which Officer and Subject injuries have been tracked. The injury rate for both Officers and Subjects is relatively low (72 Subjects). The majority of the injuries that were reported in 2019 were minor in nature. The most common causes for injuries to officers and subjects are the use of grounding techniques



and/or a general struggle between the officer and subject while trying to affect an arrest, followed by CEW probe removal. Use of Force should continue to train officers in proper grounding and self-defence techniques.

The Use of Force incident rate for 2019 is extremely low when put into the context of total public contacts (271,328) compared to Use of Force incidents (238 incidents; 265 incidents minus 27 animal euthanizations). 2019 Use of Force reporting incident rate of .087% slightly increasing from 0.07% in 2018.

Persons in Crisis or "PIC" incidents account for approximately one sixth of all Use of Force encounters by Hamilton Police in 2019.





## 2019 Statistical Report Use Of Force



Training Branch  
Sgt. Andrew Poustie  
Sgt. Gino Ciarmoli



## Hamilton Use Of Force (UOF) report

### Two Parts:

FORM 1- Part A and B

- Ministry Form, tracked by Ministry
  - All UOF material related to this report

HAMILTON CEW REPORT- Part C and D

- Hamilton specific form, tracked by HPS
  - Info not tracked by Ministry

On January 1<sup>st</sup>, 2020, the Solicitor General's Office introduced a new UoF Ministry report which will now collect race related data.

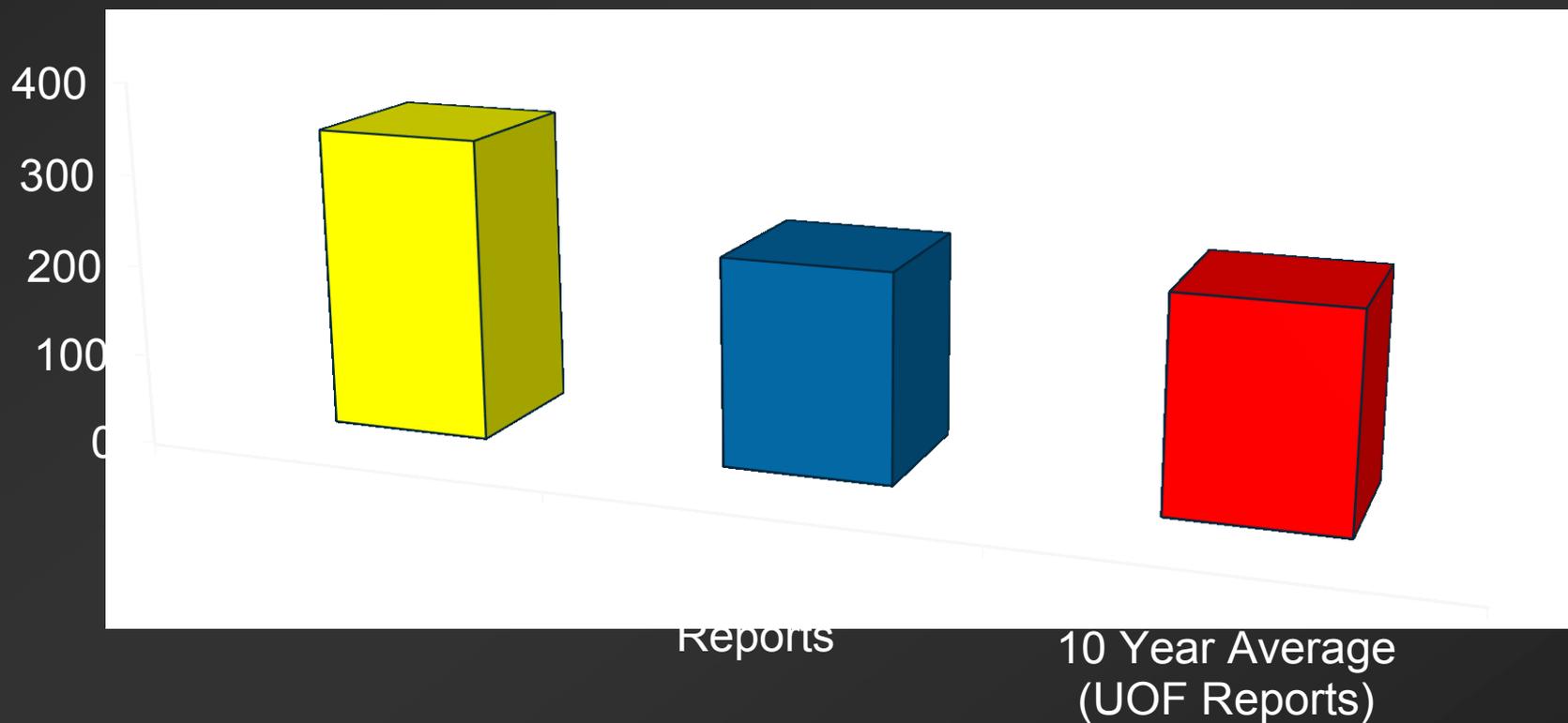


## Terms Defined

- CEW – Conducted Energy Weapon
- PIC – Person in Crisis
- LLA – Liquor Licence Act



## Total Use of Force Reports





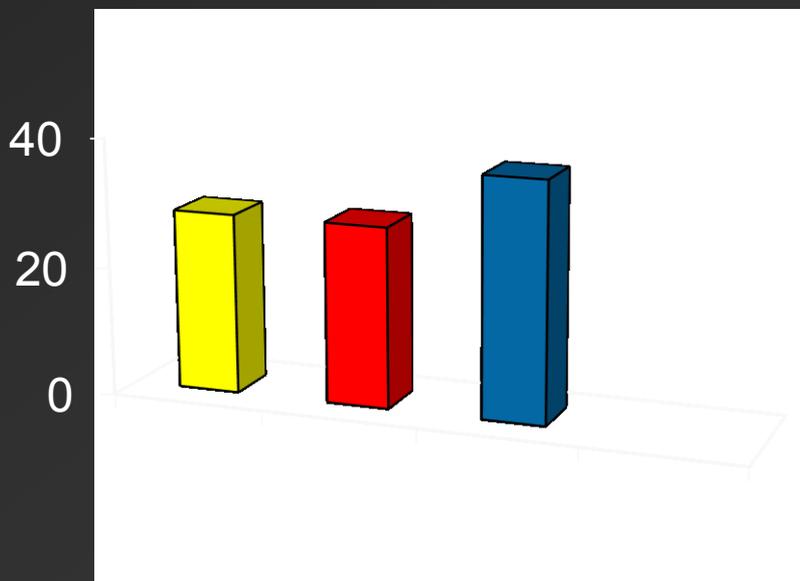
- 334 Total reports includes UOF & CEW displays.
- 69 of the 334 were CEW display only (not reportable to Ministry).
- $334 - 69 = 265$  or Total number of UOF reports.



- 27 of the 265 UOF incidents were euthanizing animals.
- 238 is a more accurate number of UOF incidents involving the public as 27 of the reported 265 UOF reports involved animals being euthanized.

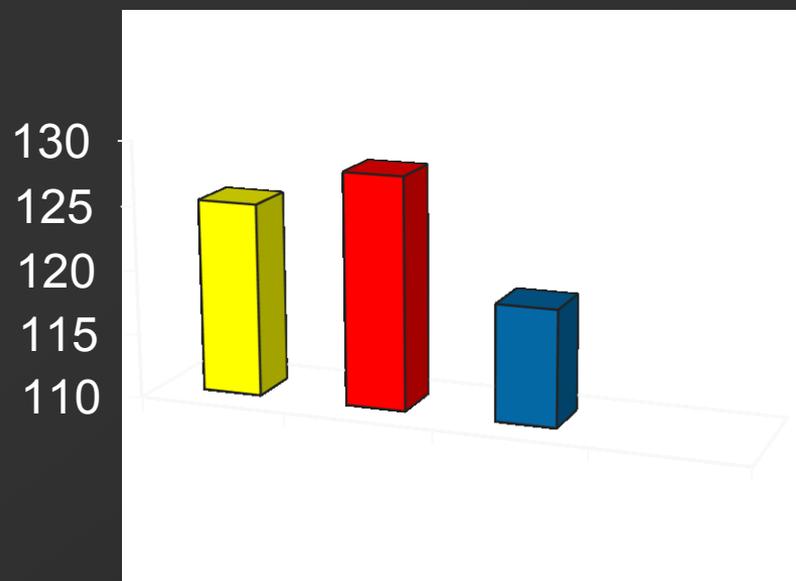


## Firearm Discharge



Avg.

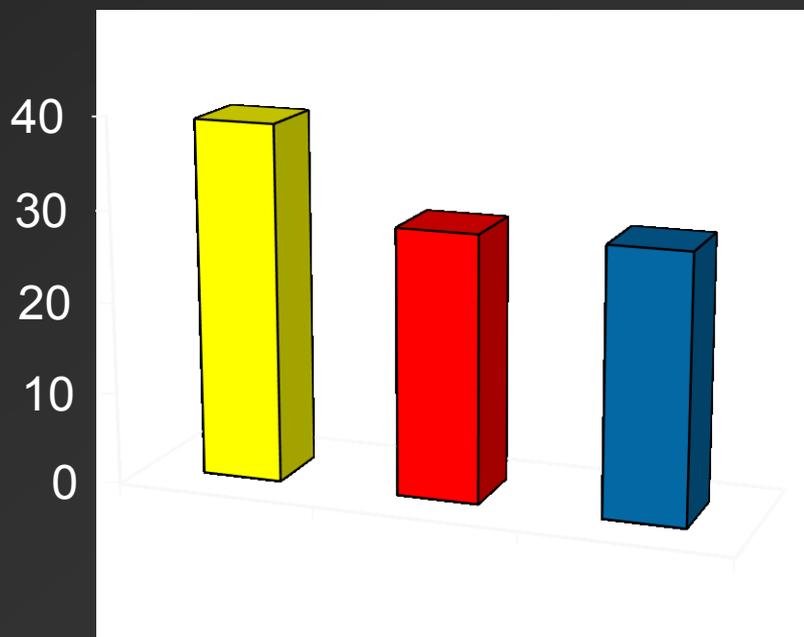
## Firearm Pointed



Avg.

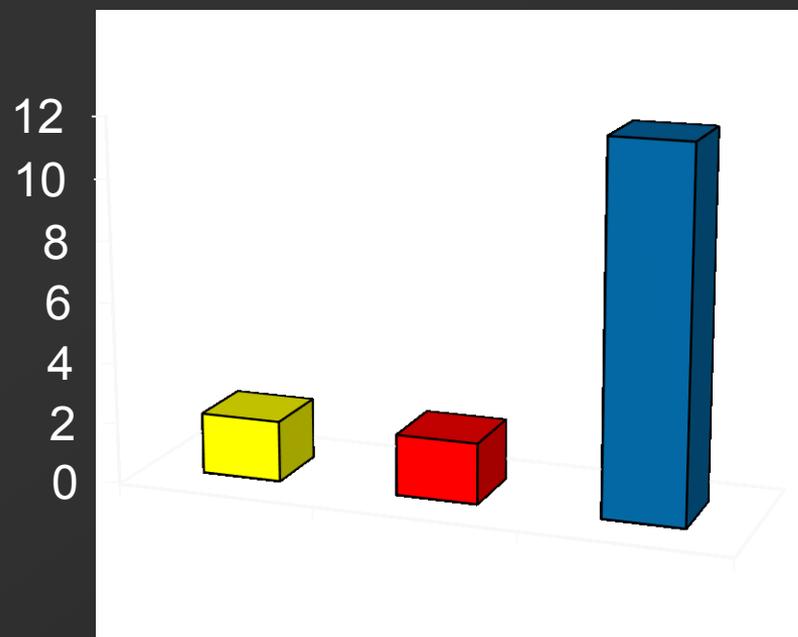


## Handgun Drawn



Avg.

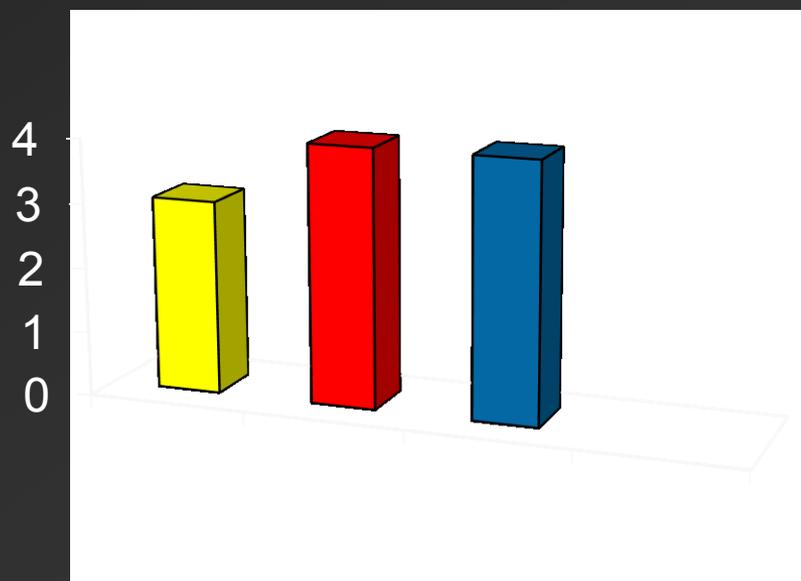
## Aerosol Weapon



Avg.

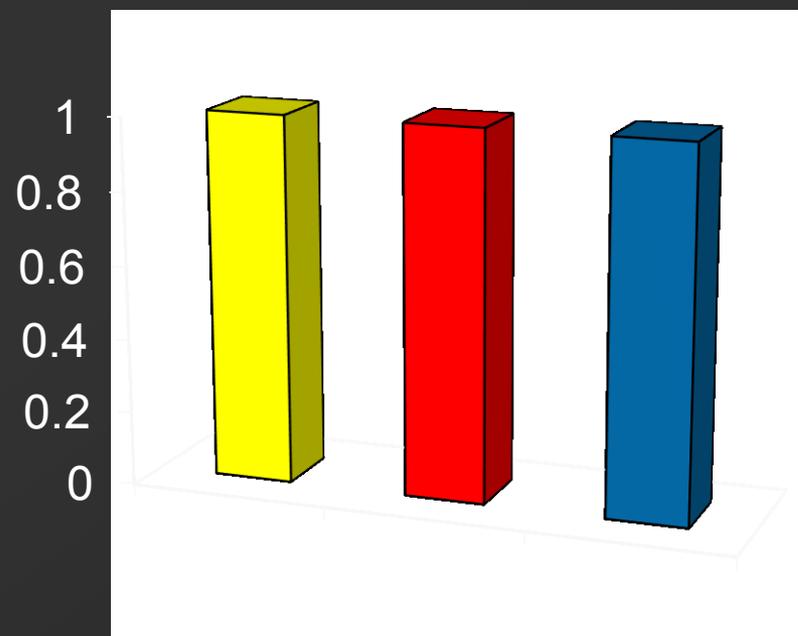


## Impact Hard



Avg.

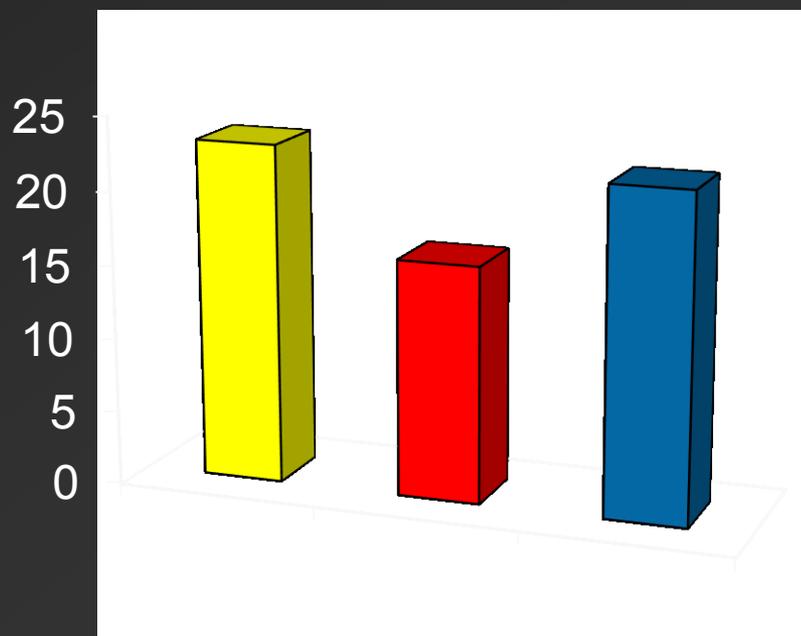
## Impact Soft



Avg.

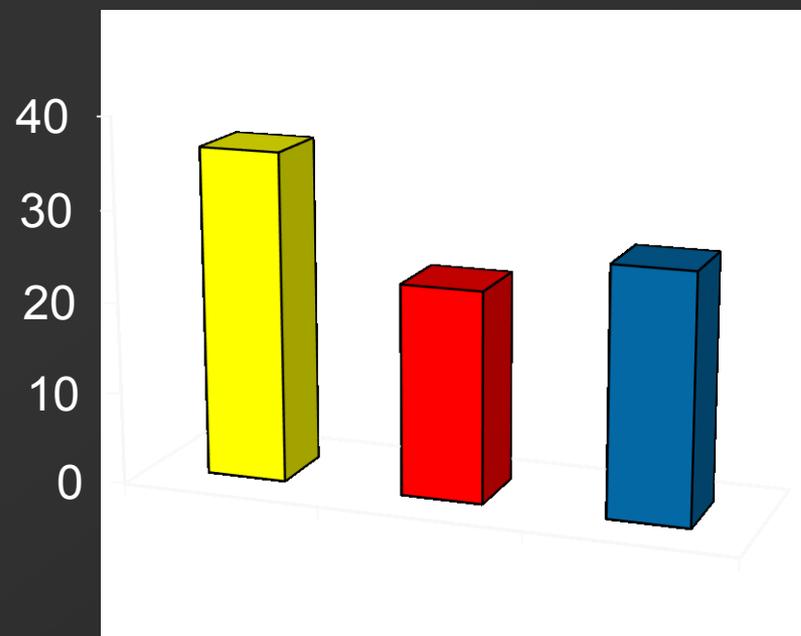


## Empty Hand Hard



Avg.

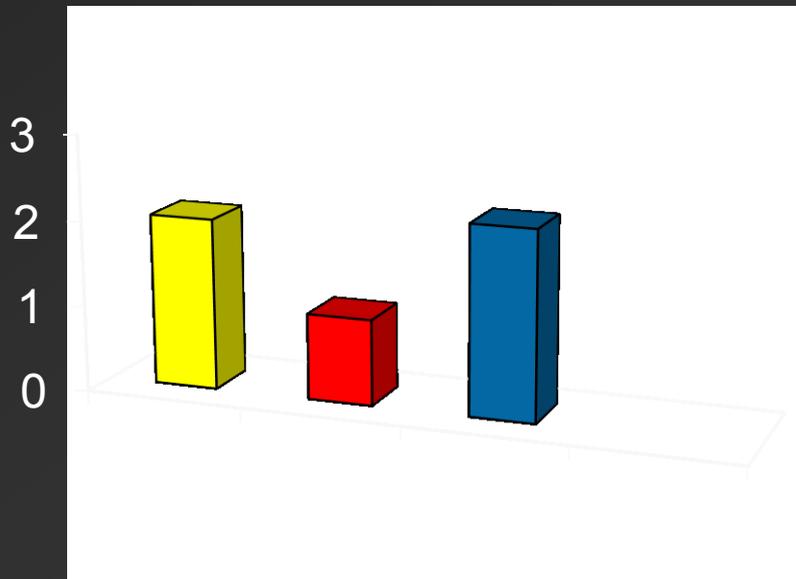
## Empty Hand Soft



Avg.

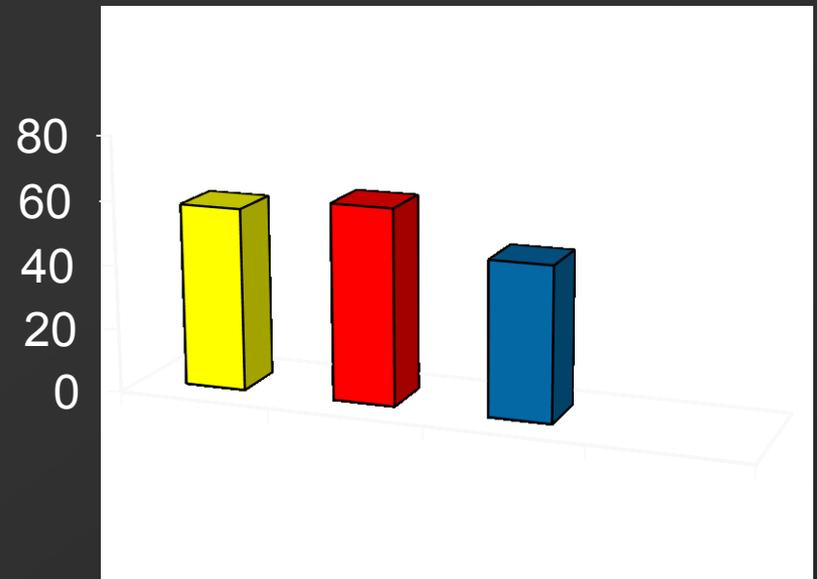


## K9 Bite/Misc



Avg.

## CEW (Deployments)



Avg.



## CEW use by mode

### Deployment Mode

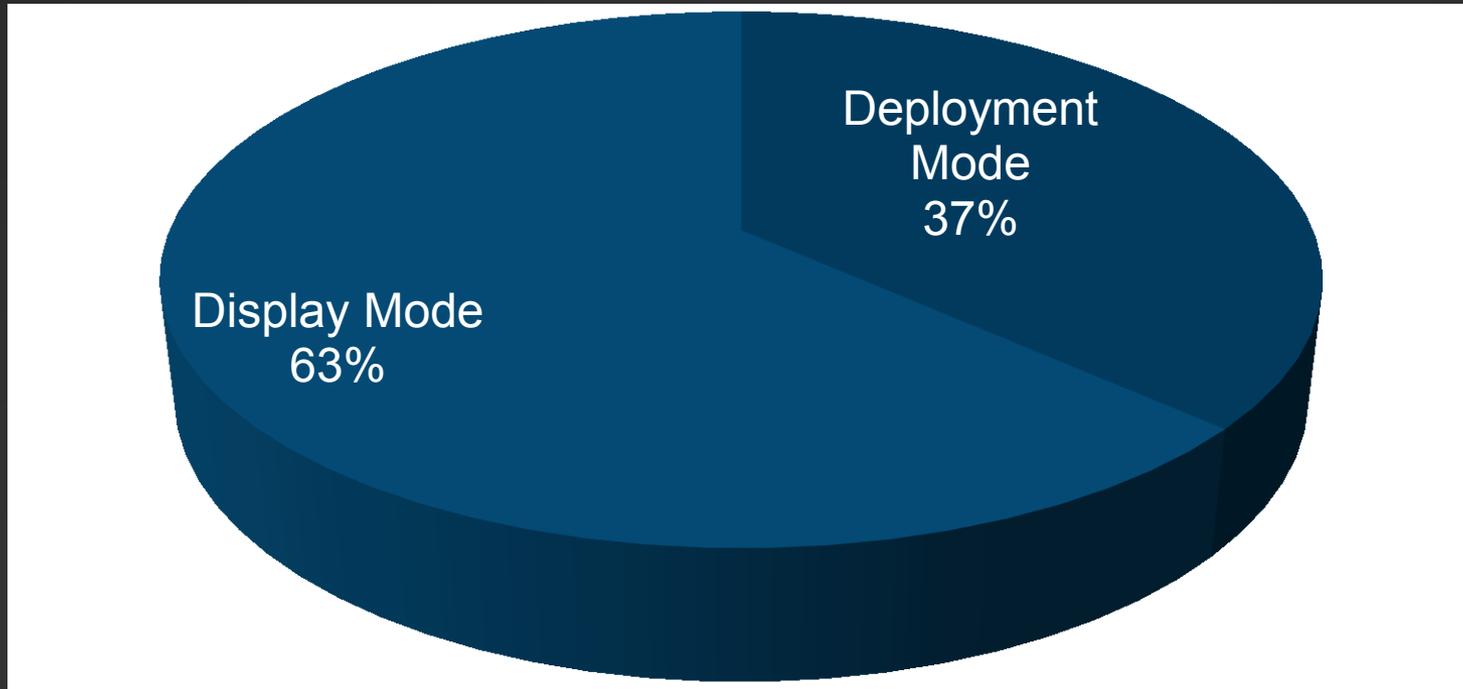
- Probes are discharged from CEW.
- CEW is used in contact with subject.

### Display Mode

- CEW is shown to subject and can include pointing laser or using the ARC display.

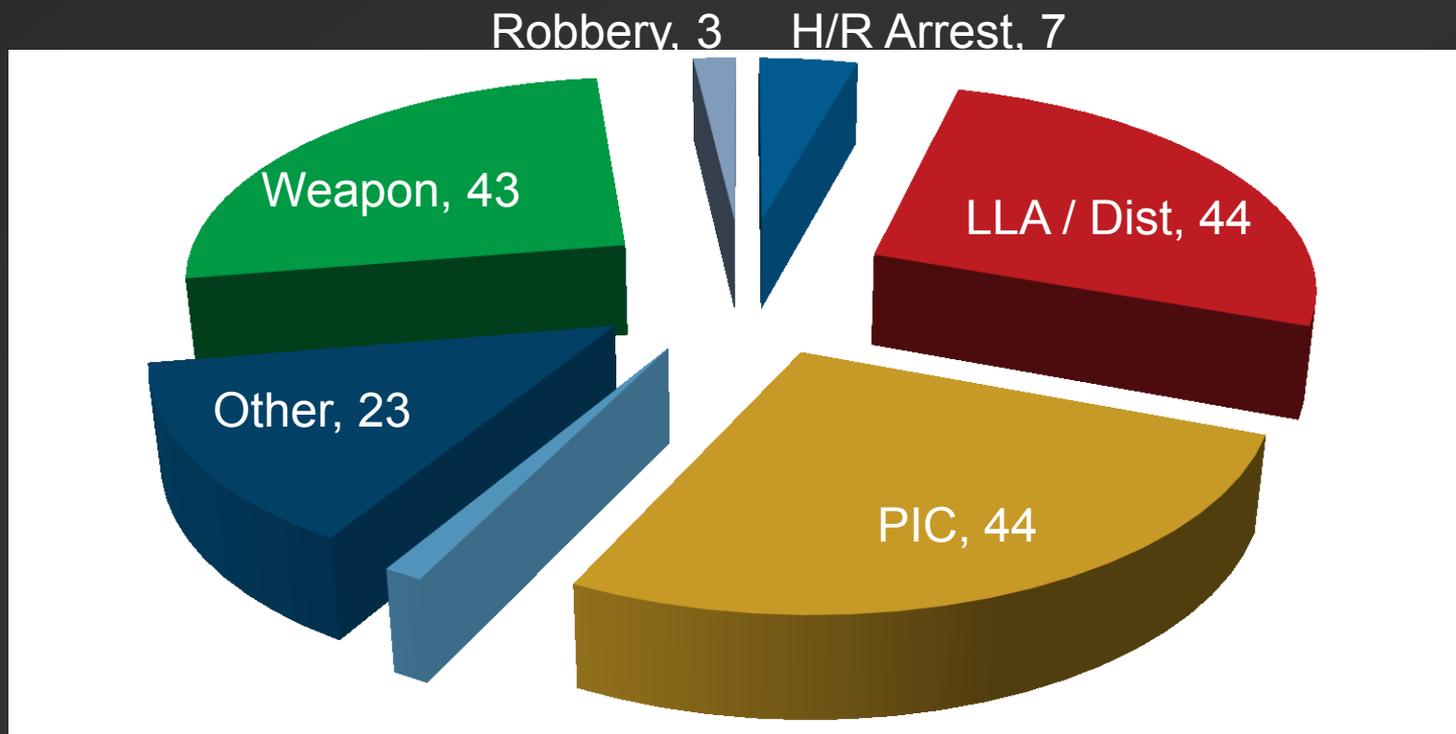


## CEW Use





## CEW Used by Incident Type

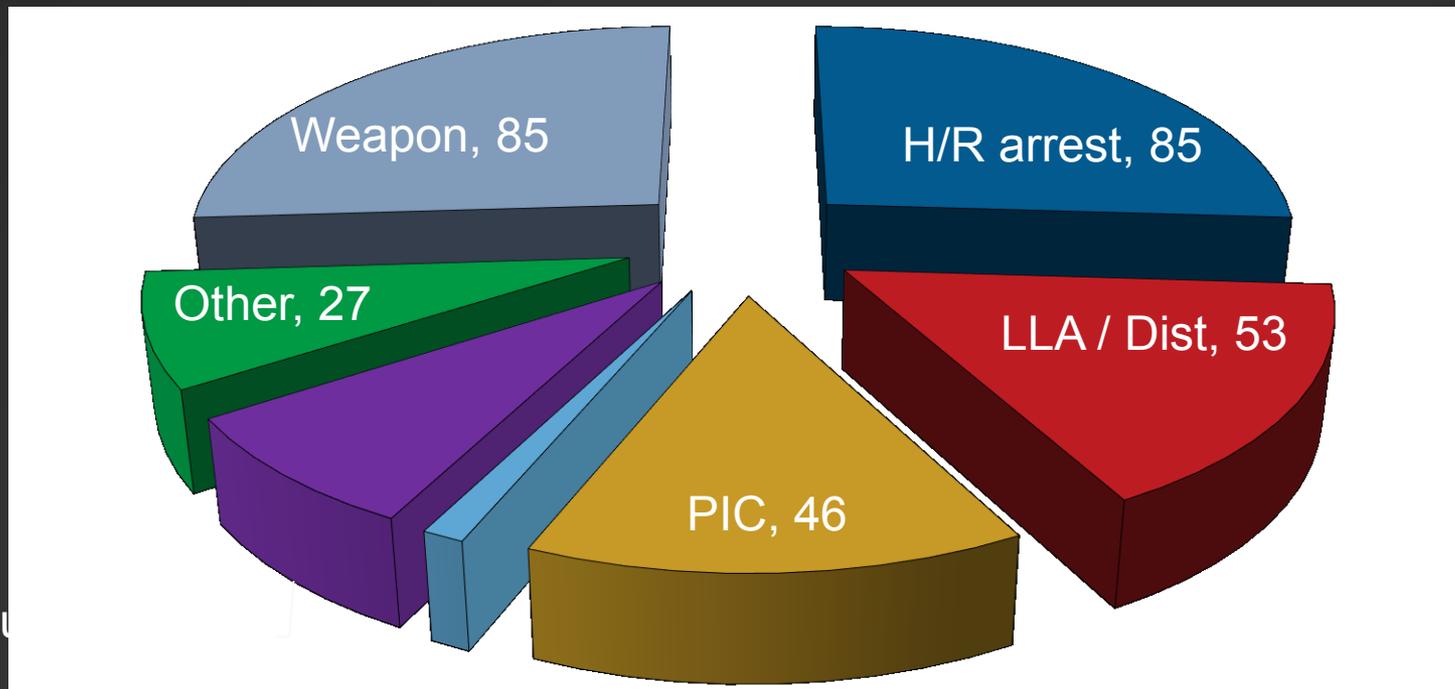




- Nearly all of the CEW use is with frontline Officers.
- This stands to reason as the majority of CEWs are carried by frontline Officers and they are the immediate response to PICs.



## UOF Incident Type



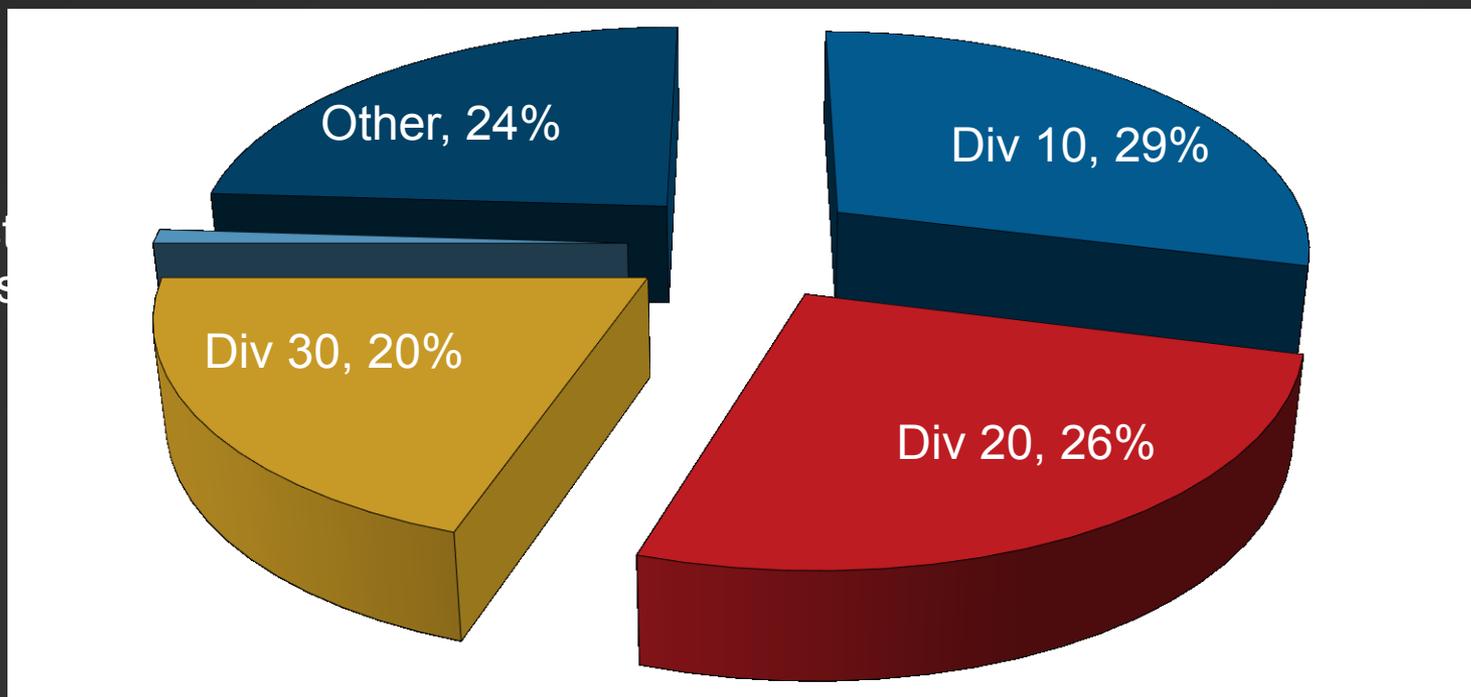
Et

Dynamic Entry,  
4



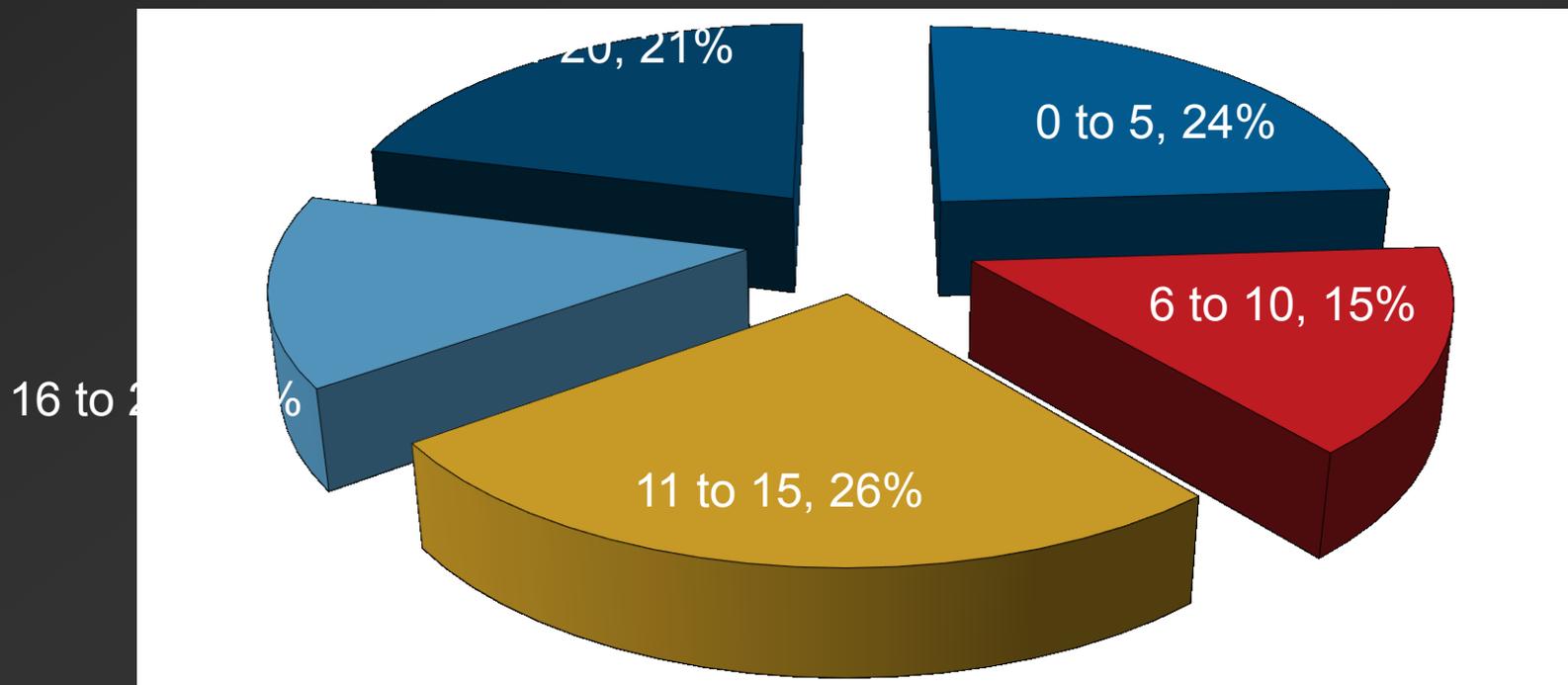
## UOF By Branch

Cust  
Courts



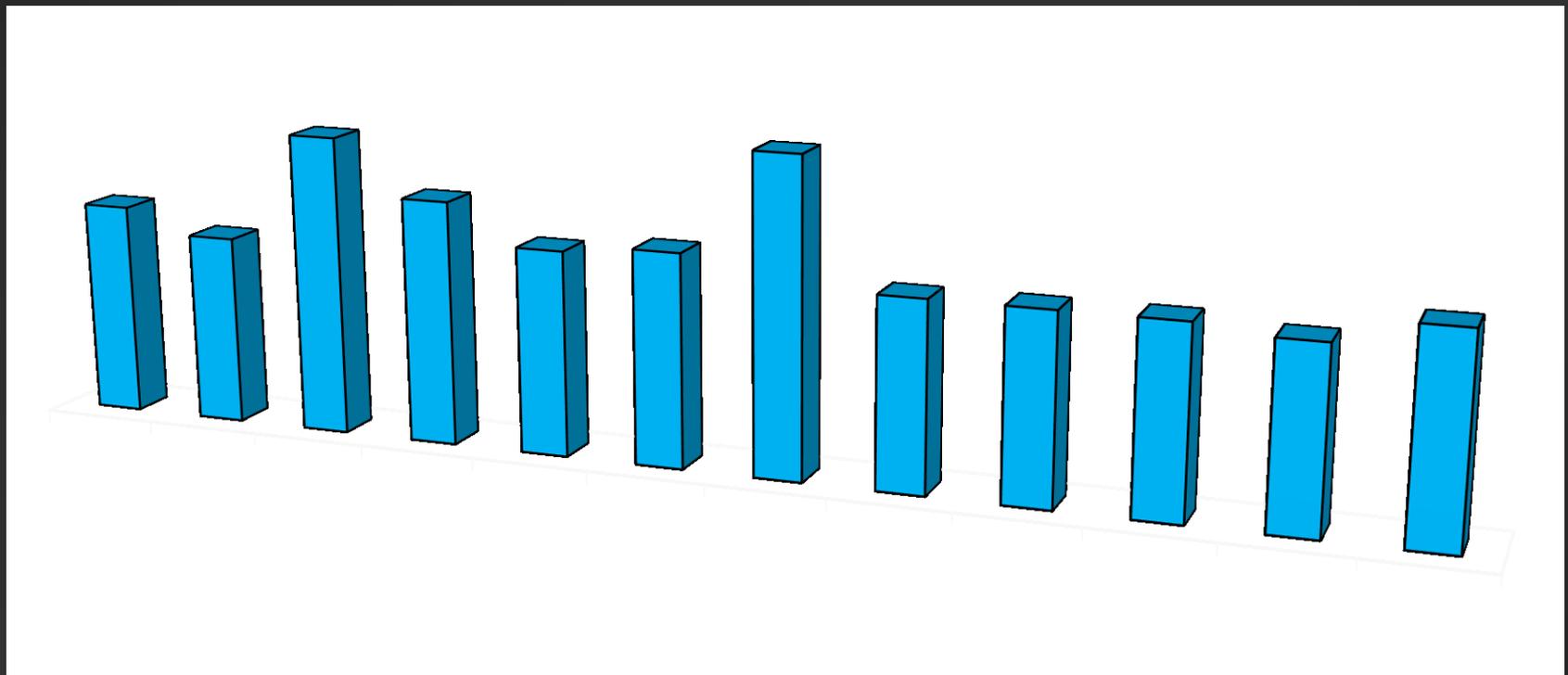


## Officer Years of Service



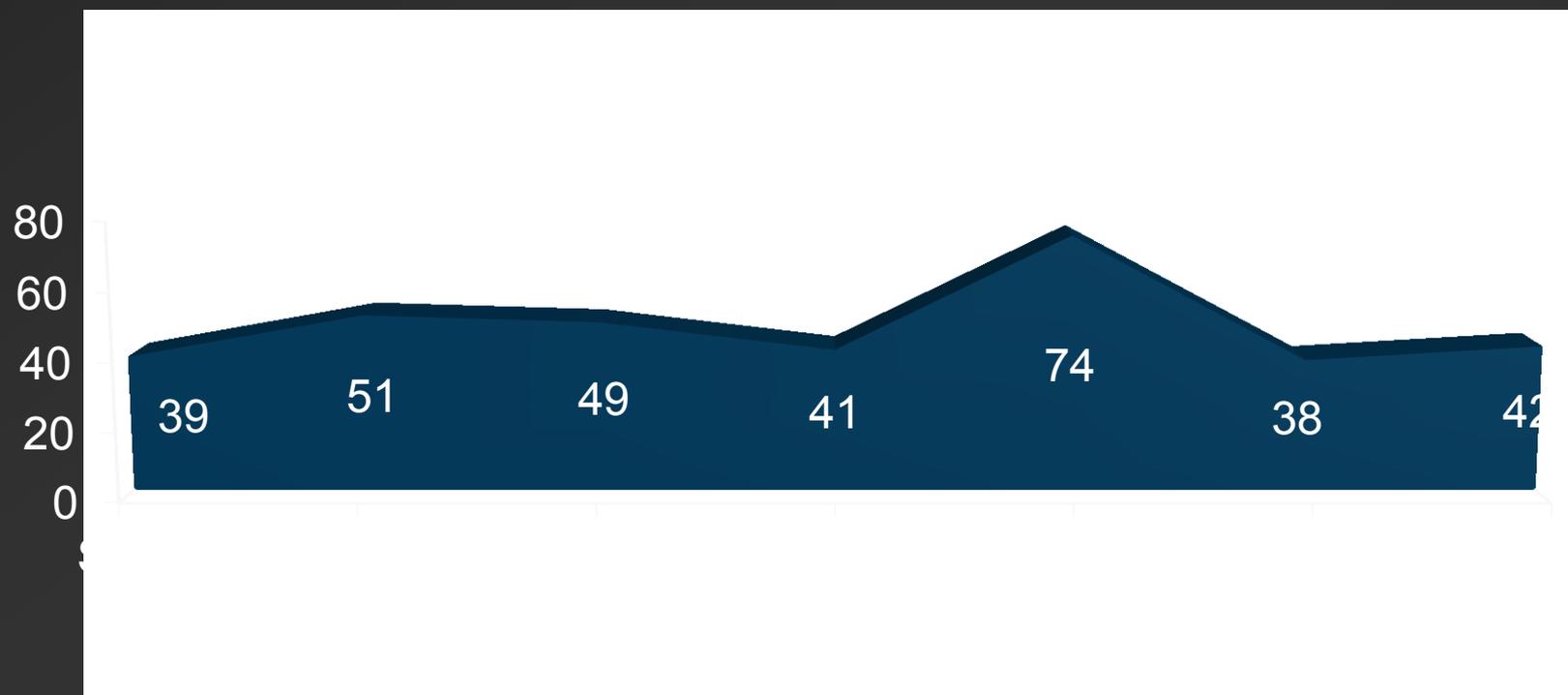


## UOF Incidents per Month



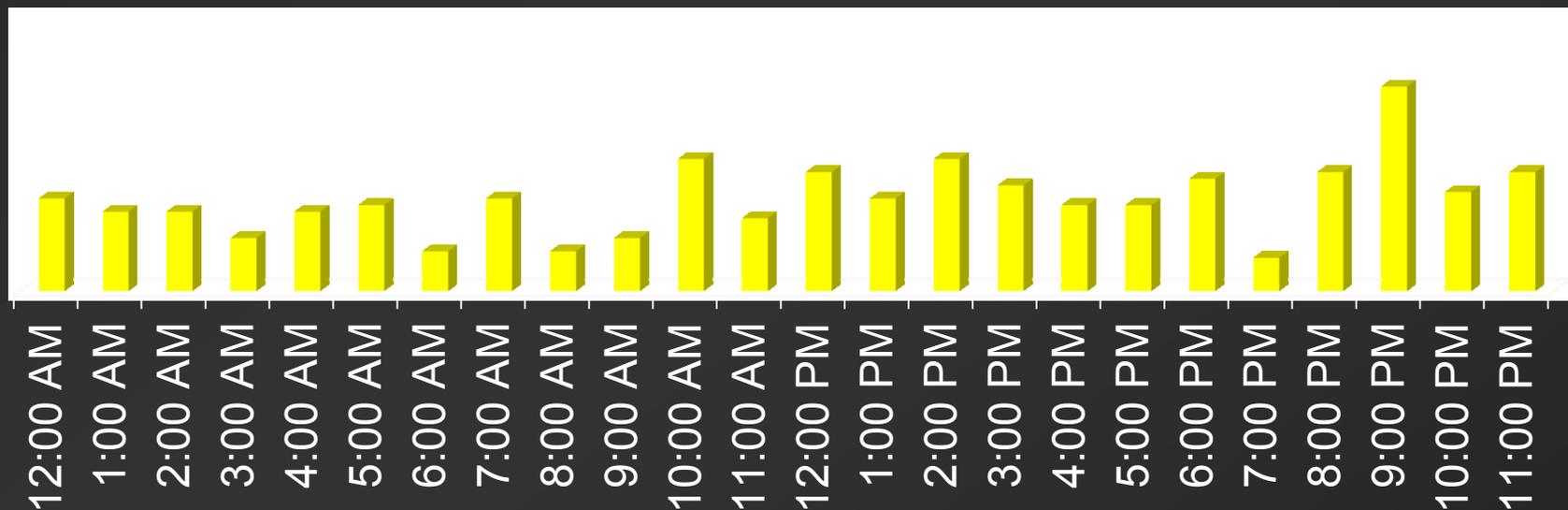


## Incidents by Day of the Week





## Incidents by Time of Day





## INJURIES

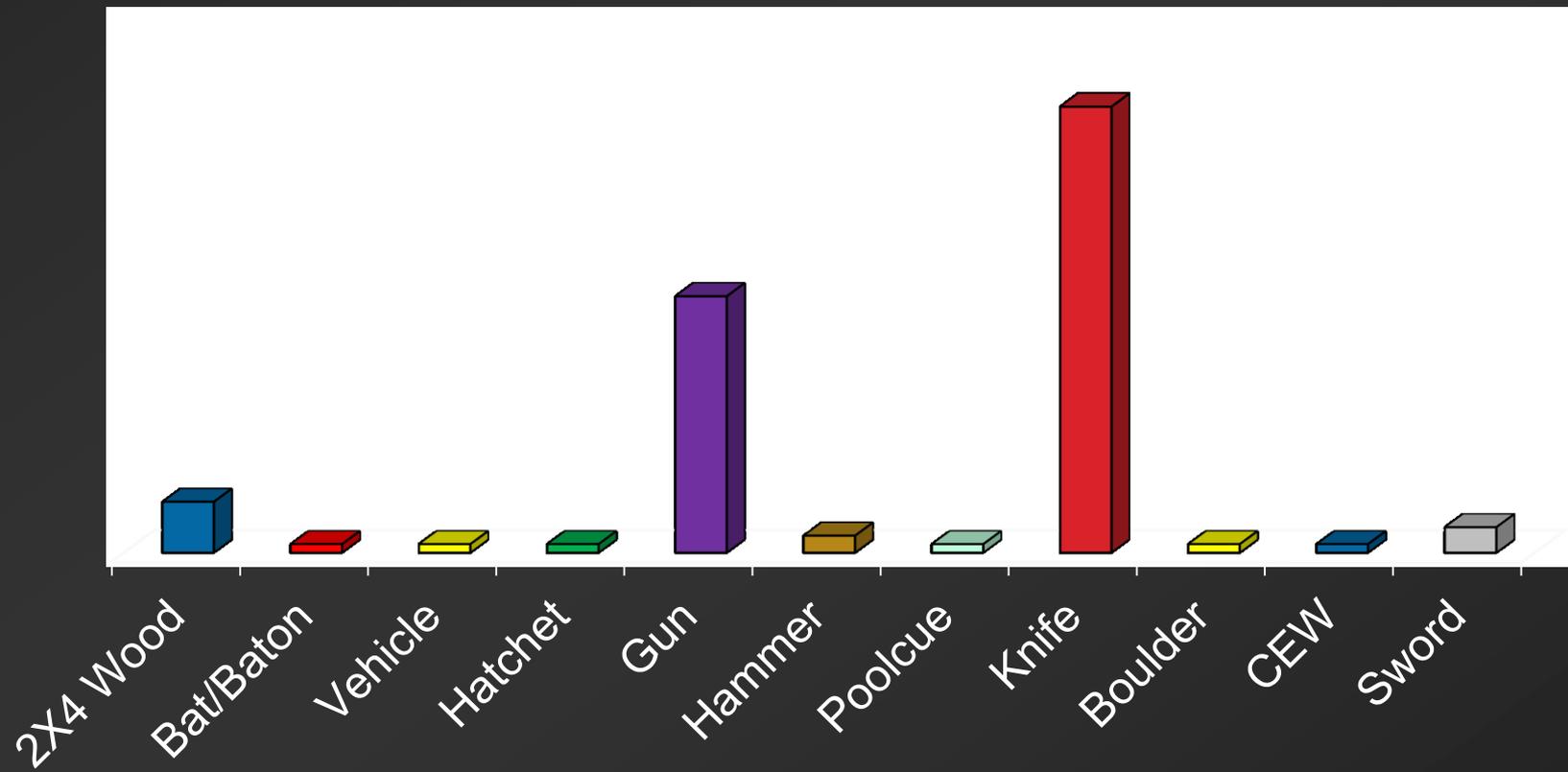
- 2019 – 72 incidents in which a subject or Police Officer were injured.
- 72 subjects required medical attention, which includes CEW probe removal and MHA apprehensions (both require seeking mandatory medical assistance under HPS guidelines).



## Weapon Use Against Officers

- 2019 – 99 incidents where subject was carrying or had access to a weapon.
- Edged weapons are most prevalent followed by guns. The number of guns located went from 16 in 2018 to 30 in 2019, an increase of 88%.
- This means 43% of UOF incidents involve weapons.

## Weapons Used Against Officers





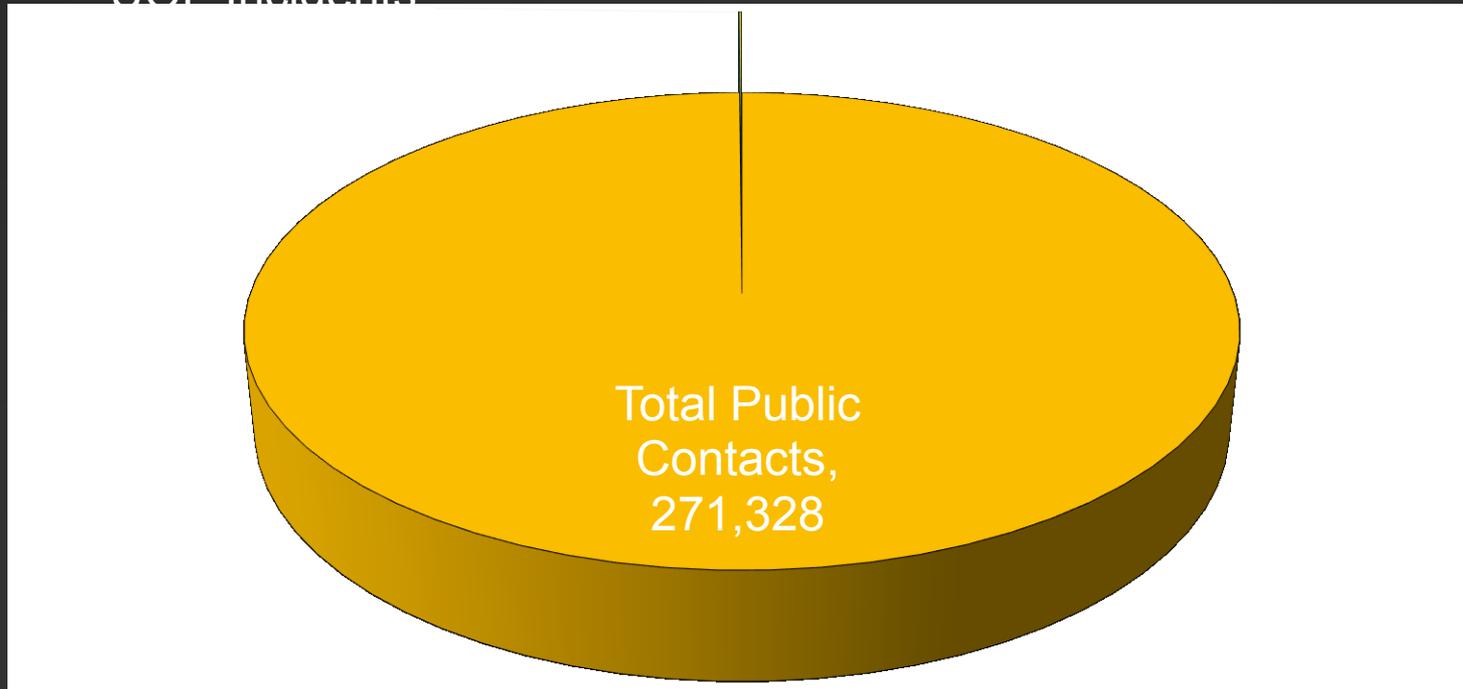
## Public Contact vs UOF Incidents

- In 2019 Hamilton Police interacted with the public 271,328 times.
- These interactions include PON's (tickets), calls for service, RIDE, arrests.



## Public Contacts vs UOF

UOF Incidents





This results in UOF being used

0.080%

of the time



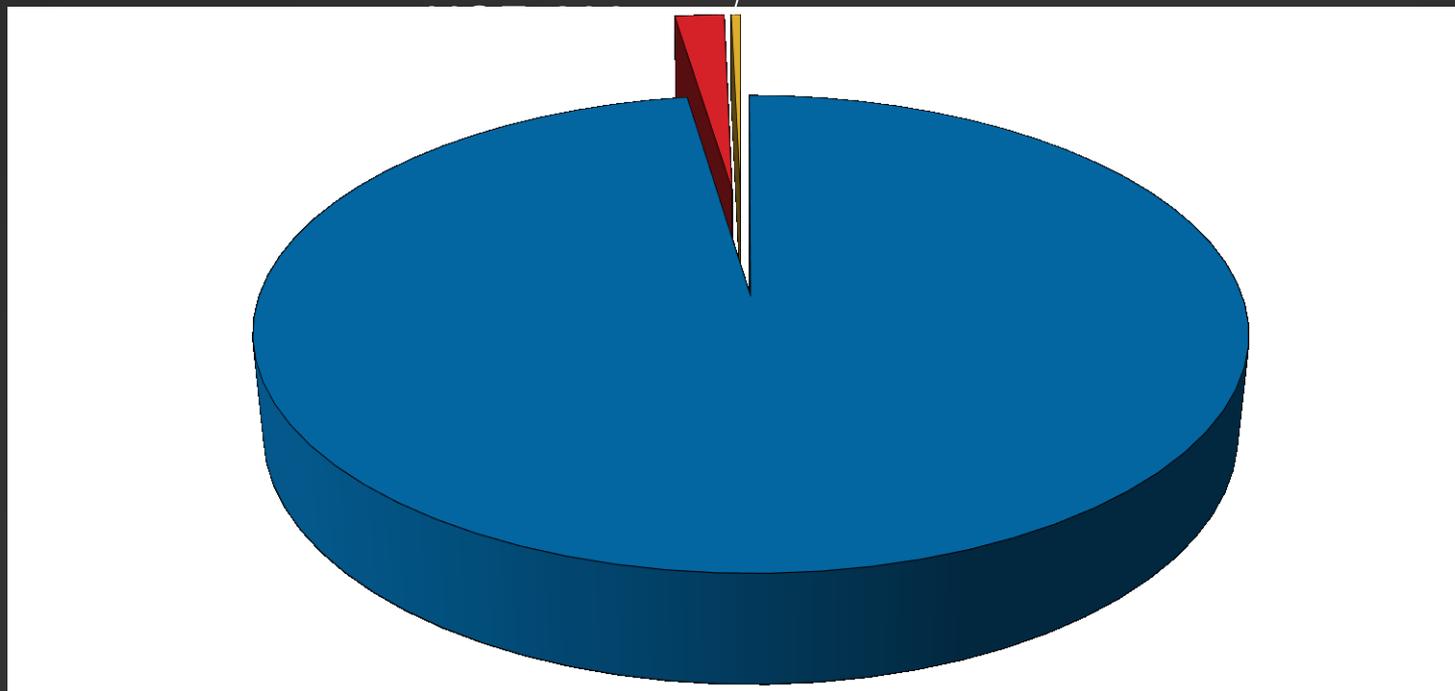
## Arrests vs UOF

- In 2019 Hamilton Police made 12,036 arrests



## Arrests vs UOF

Sec. 17 MHA ,



Arrests, 11,754



In 2019, Hamilton Police used force in approximately

1.9%

of criminal arrests.



Thank you for your time

Questions?

**HAMILTON POLICE SERVICES BOARD****- INFORMATION -**

**DATE:** July 23, 2020

**REPORT TO:** Chairman and Members  
Hamilton Police Services Board

**FROM:** Eric Girt  
Chief of Police

**SUBJECT:** *Hamilton Police Service Equity, Diversity & Inclusion Plan*  
*PSB #20-060*

**BACKGROUND:**

The Hamilton Police Service is committed to making meaningful progress in achieving Equity, Diversity and Inclusion (ED&I) within the Service. On June 11, 2020, the Hamilton Police Services Board approved that the Service enter into a partnership with the Canadian Centre for Diversity Inclusion (CCDI), and approved funding to conduct a workplace census to identify the diversity of our Service and to identify any gaps and barriers to achieving an inclusive workplace. The census will provide an understanding of the make-up of our workforce which will in turn inform a strategic roadmap for programs and policies that affect levels of diversity and inclusion within the Service.

CCDI is a leading organization in this space and has partnered with many public and private organizations (over 250) to collect and analyze data, build a strategic plan to respond to the data and also provide training. There are currently eleven (11) Canadian police forces partnered with CCDI. This partnership allows for analysis of HPS survey results compared with responses from the same industry. The survey information will provide benchmark data that will be used to build a multi-year equity, diversity and inclusion strategy for the Hamilton Police Service.

The intention of the Service is to build a multi-faceted plan which contains focused activities and defined deliverables. The objective is to produce a robust plan which is inclusive of a variety of activities including but not limited to policy review, integration of ED&I principles in all programs and communications, internal training & development, and activities focused on driving cultural change and engagement. Our intended outcomes are to prevent, identify and eliminate individual or systemic acts of racism and discrimination within our workplace and ultimately in our service to the community. We believe that looking introspectively to understand our current workforce is a critical first step in achieving these objectives.

Since the June HPSB meeting, staff developed a desired timeline with key deliverables to guide the delivery of these objectives. Our timelines are contingent on the availability of CCDI. They are experiencing a high volume of requests at this time and we are actively working with them to finalize our plan.

Action	Target Completion
Enter into formal partnership with CCDI	August 2020
Issue Census/Survey for staff completion	October 2020
CCDI to present findings/reports to Senior Command	February 2021
HPS to present findings to all members	March 2021
HPS to present findings & next steps to HPSB	March/April 2021
Development of formal ED&I Strategic Plan/Roadmap	February 2021 – June 2021
Obtain approval of ED&I Plan from Chief and HPSB	July 2021
Communication & Implementation of Plan	July 2021 Onward

While a fulsome plan will not be formally completed until July 2021, the Service is committed to the development of all future policies, programs and communications through an Equity, Diversity & Inclusion lens.



Eric Girt  
Chief of Police

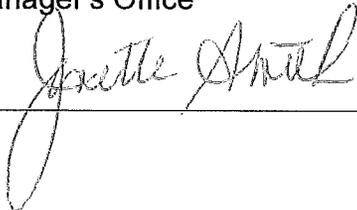
EG/A.Filice

cc: Leanne Sneddon – Director, Human Resources



Hamilton

**CITY OF HAMILTON**  
**CITY MANAGER'S OFFICE**  
 Digital, Innovation & Strategic Partnerships

<b>TO:</b>	Chair and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	Hate Prevention and Mitigation Initiative Update (LS19031/PW19068(c)/CM19006(c)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	John Ariyo (905) 546-2424 Ext. 1564 Pauline Kajiura (905) 546-2424 Ext. 2567
<b>SUBMITTED BY:</b>	Janette Smith City Manager City Manager's Office
<b>SIGNATURE:</b>	

**RECOMMENDATIONS**

- (a) That City staff 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)) (City Wide));
- (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;
- (c) 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;
- (d) 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.

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**SUBJECT: Hate Prevention and Mitigation Initiative Update  
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## **EXECUTIVE SUMMARY**

### Preamble

Our Future Hamilton, approved by Council in 2017, engaged with nearly 55,000 stakeholders and outlined a 25-year community aspiration for Hamilton as a city that is more welcoming and inclusive. It's a vision that Hamiltonians have been building for many generations through hardwork, community conversations, looking out for neighbours, coming together to support good causes and displaying community pride.

The City of Hamilton has been advancing various equity-based initiatives, both internally and externally, to support diversity, inclusion and equity. Some of these initiatives include the Urban Indigenous Strategy, EDI Framework, Hamilton Anti-Racism Resource Centre, Housing & Homelessness Action Plan, just to mention a few. Many of these initiatives are part of the four-year Term of Council priorities.

However, like many communities across the country and around the world, Hamilton is also increasingly tested and challenged by incidents of hate, racism and discrimination. While these acts are perpetrated by a very few, their actions nevertheless affect all Hamiltonians by impugning the city's reputation and diminishing community sense of belonging for many equity-seeking populations.

### Project Consultant and Public Engagement

As directed by Council, in November 2019 staff retained a consultant through a procurement process, Sage Solutions, to assist the City in reviewing its existing draft hate-related policies, suggest other relevant policies, conduct community engagement and develop key recommendations. Between December 2019 and July 2020, the consultant completed the following project activities:

- Best practices research from over 20 municipalities in Canada, United States, Australia and the United Kingdom.
- Community conversations with over 300 residents and equity-seeking groups, including Black, Indigenous, 2SLGBTQI+, racialized and faith-based communities. The engagement also included a citywide community survey.
- A review of the City's existing draft hate prevention and mitigation policies, procedures, bylaws and related strategies.

### Summary of Key Findings

Through research, public engagement and other best practices review conducted for this project to date, the following are some of the key findings:

- Frustration felt by many equity-seeking groups:  
Many Black, Indigenous, 2SLGBTQI+, racialized and faith-based communities in Hamilton who participated in community engagement expressed their frustration and decried the perceived lack of leadership to acknowledge systemic racism,

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conduct significant police reforms and improve social determinants of health. Participants also called for more listening to the community, creating safe spaces, better public education, better enforcement and improved community outreaches.

Hamilton is not alone in this increasing community call for action. In Canada, several municipal governments from coast to coast, including Vancouver, Calgary, Winnipeg, Mississauga, Toronto, Kingston, Ottawa, Montreal and Halifax have acknowledged systemic racism, hate and discrimination in different shape or form.

- Need for better recognition and support for community efforts and advocates:  
There are many local community advocates, groups and residents working together on various grassroots initiatives to stand up against hate, racism and discrimination in Hamilton. One of these initiatives is “*No Hate in the Hammer*”, organized by the Hamilton Community Legal Clinic, the Hamilton Roundtable for Poverty Reduction, and the John Howard Society of Hamilton, Burlington & Area. Another one in the past was the “*Hamilton For All*” campaign, organized by the Hamilton Centre for Civic Inclusion and the Hamilton Immigration Partnership Council. Many grassroots efforts are still ongoing and are so important to foster a better community inclusion. However, feedback received indicated that there is not enough recognition and resource support for these local efforts to ensure sustainability.
- Community Action against Hate and Discrimination:  
Public feedback and research showed there are many inclusion conversations and equity initiatives that have been happening in Hamilton for years. Many are led by the City, and others are led by various community organizations, groups and stakeholders. However, there is no central accountability or mandate in place to bring these strategies and actions together for better tracking and reporting. This kind of central, enabler and facilitator’s role is usually played by the local government to ensure there is proper community engagement, resource support and capacity building as required.
- Charter of Rights & Freedom as a cover for Hateful expressions:  
Flags, symbols and emblems viewed as racist, hateful and discriminatory by many equity-seeking groups and community advocates continue to be displayed in Hamilton and various communities in Ontario, such as the Confederate flag. While there is the belief that the Charter of Rights and Freedom protects these expressions, many municipalities are now exploring ways to ban and reinforce their own beliefs and values of community equity, diversity and inclusion. Broader municipal associations such as the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) can play key roles in these conversations.

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- Inconsistent interpretation of Criminal Code by Police departments:  
Canada's Criminal Code is relatively clear in its definition of "hate crime". However, research shows there is a big disparity in how the definition is interpreted and applied by police departments across the country. This inconsistency puts some police departments that meticulously track hate crimes at a disadvantage of comparative statistics and public reputation of their municipalities.
- Hate prevention and mitigation policies:  
Except for the City of Toronto, the City of Hamilton's related policies on hate prevention and mitigation far exceed other municipalities reviewed. Some of these include the City's draft Hate Related Incident Prevention Policy, draft Hate Related Incident Prevention Procedure, Corporate Security Procedure, Notification of Assembly and Trespass Bylaw. However, research shows that the solution is not about creating more policies generally seen as "enforcement" or "punitive", but rather doing more "affirmative" actions to reinforce municipal values such as community engagement, strategic partnerships, community capacity building and placemaking initiatives.

The detailed findings from public engagement and comparative research are attached as Appendices A and B to report ((LS19031/PW19068(c)/CM19006(c)) (City Wide)).

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

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** There are no financial implications related to the recommendations of Report LS19031/PW19068(c)/CM19006(c)) (City Wide). However, implementing a community action plan on hate, racism and discrimination could potentially have financial implications. Staff will bring forward any potential financial implications at a later date for Council consideration.

**Staffing:** There are no staffing implications related to the recommendations of Report LS19031/PW19068(c)/CM19006(c)) (City Wide). However, implementing a community action plan on hate, racism and discrimination could potentially have staffing implications. Staff will bring forward any potential staffing implications at a later date for Council consideration.

**Legal:** Having a City bylaw that potentially aims to ban the public display of flags, symbols and emblems considered by many to be racist, hateful and offensive could run afoul of the Canadian Charter of Rights and Expressions and other related laws. Staff will advise Council of any legal implications as part of developing a report.

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## **HISTORICAL BACKGROUND**

On December 11, 2013, Council passed a motion reinforcing the use of the City Hall Forecourt as a space for public demonstrations and protests, and that there should be no cost to do so. Council also directed that the Special Events Advisory Team (SEAT) coordinate with protest organizers, where advanced notice of a protest is given.

On March 28, 2018, Council passed a motion directing staff to investigate and report on ways to mitigate the use of City park and public spaces by "hate groups" in consultation with various groups.

On July 12, 2019, Council approved staff recommendations on the draft Hate Incident Prevention Policy and Procedures, draft Procedure for Notification of Assembly or Demonstration and Corporate Security Office report (LS19031/PW19068). Council also directed staff to retain an external consultant and conduct public engagement on these policies, procedures and other related issues.

On August 12, 2019, staff provided an information update on the staff composition and a process to retain a public engagement consultant (CM19006).

On October 16, 2019, Council received various project updates relating to the consultant procurement process and Corporate Security. Notably, Council approved a Trespass bylaw as submitted by Legal Services (LS19031/PW19068(a)/CM19006(a)).

In December 2020, staff issued two notices under the new Trespass bylaw.

On February 20, 2020, Council received an information update on the retention of a public engagement consultant (Sage Solutions) and their proposed public engagement plan (LS19031/PW19068(b)/CM19006(b)) (City Wide).

On September 23, 2020, through this current report, staff are providing Council with some recommendations along with the two reports submitted by project consultant on research and public engagement. The reports are attached as Appendices A and B to report ((LS19031/PW19068(c)/CM19006(c)) (City Wide)). The final consultant's final recommendations report is expected in December 2020.

Another related project update is the Council direction to staff on matters of corporate security such as enhanced video technology, signage and safety enhancements on the forecourt of City Hall (Report LS19031/PW19068). Corporate Security staff will update Council through a report to the Public Works Committee in October 2020.

Similarly, the City's Equity, Diversity and Inclusion (EDI) Framework from the Human Resources Division is expected to be brought forward to Council by December 2020.

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Policy implications and legislation relating to this initiative from the beginning include Canadian Charter of Rights and Freedom, Criminal Code, Ontario Human Rights Code, and others such as privacy, policing and public safety requirements. Staff will regularly review and advise Council on continued alignments with applicable policies and legislation.

However, there is also a growing recognition by local governments across the country that legal requirements should not be used as an excuse to tolerate or be seen as tolerating any act of racism, hate and discrimination in their communities. In view of this, municipalities are now increasingly looking for other ways to reinforce their values and commitments to community inclusion, even if it means challenging existing laws and legislations.

## **RELEVANT CONSULTATION**

### **Internal consultations**

#### Legal Services Division:

Regarding staff recommendation on developing a report for Council on flags, symbols and emblems considered by many equity-seeking residents to be racist, offensive and discriminatory, which are been displayed in Hamilton and other communities.

#### Council members:

Between December 2019 and January 2020, project consultant and staff reached out to all Council members to obtain their thoughts on the hate prevention and mitigation issues in Hamilton. Seven Council members accepted the one-on-one meeting invitations and provided their individual feedback.

### **External consultations**

A number of public and stakeholder engagement activities have been conducted for this project to date. These include:

- Community Conversations on Hate Prevention and Mitigation:  
Between June 29 and July 9, 2020, five virtual community conversations were held involving the general public and equity-seeking groups such as racialized, Indigenous, 2SLGBTQI+ and faith-based community leaders. In total, 154 residents, stakeholders and equity-seeking groups participated.
- Anti-Black Racism and Hate Conversation:  
On Wednesday, August 19, 2020, an anti-Black racism and hate discussion was held virtually, in partnership with the Afro Canadian Caribbean Association. Over 40 participants attended the event.

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- Community Survey:  
Between June 16 and July 15, 2020, an online community survey was launched, with 91 participants across Hamilton. The detailed survey asked various questions relating to hate experiences, perceived root causes and recommended solutions.
- Telephone and Email Exchanges:  
Ten specific telephone conversations and email exchanges took place involving the lead consultant and residents who preferred to participate through these engagement methods.
- Mayor's Advisory Table on Diversity and Inclusion:  
Project consultant held two conversation sessions with the members of the Mayor's Advisory Table on Diversity and Inclusion.

Details of project public engagement and findings are attached as Appendix A to Report (LS19031/PW19068(c)/CM19006(c)) (City Wide).

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Hamilton's vision is "To be the best place to raise a child and age successfully". However, as the city grows in population and becomes more diverse, so are the challenges posed by equity issues such as racism, hate and discrimination. These social problems are not unique to Hamilton but rather are a localization of global occurrences.

Based on research, public engagement and best practices reviews, staff documented three commonalities to better understand and address racism, hate and discrimination:

1. Intentional engagement is required with equity-seeking groups who are at the receiving end of these racist and hateful behaviours. These equity-seeking populations include groups such as Black, Indigenous and People of Colour (BIPOC), 2SLGBTQI+, Muslims, Sikhs, Jewish and other faith-based and racialized communities. The lived-experiences of these communities are key to understanding local issues and developing effective solutions.
2. Thorough understanding of community data relating to racism, hate and discrimination is also very important. In Hamilton, police collect and track hate-related data reported to the service – although it's a known fact that these incidents are grossly under-reported. Federal agencies such as Statistics Canada collects relevant data. There are also other local community organizations such as the Social Planning Research Council, Hamilton Centre for Civic Inclusion and researchers from local post-secondary institutions that collect data. Data is key for decision makers such as municipalities to gain broader understanding of equity-based issues and make informed decisions.

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3. Lastly, exploring best practices from other jurisdictions is also very essential. Many cities have been engaging and investing in community equity issues for years., including the City of Hamilton. Despite the efforts, there is no municipality or community that has solved all their equity problems. Solutions continue to require municipalities learning from one another, pulling necessary leverages and discussing collaborative solutions.

In view of the above background considerations, the following analyses are specific to each recommendation:

- Developing community actions with public engagement:

This project has engaged with residents and equity seeking populations to understand experiences of hate, racism and discrimination. Over the years, several projects of this kind had also been completed. Some of these include City-led projects such as the Strengthening Hamilton Community Initiative in 2002, to more recently Our Future Hamilton, Urban Indigenous Strategy and work on the Hamilton Anti-Racism Resource Centre. There are also other related inclusion conversations led by various community groups, such as the Hamilton Centre for Civic Inclusion and Gandhi Peace Project.

However, a big concern noted by the community is the amount of engagements and strategies done over the years in Hamilton, but with no specific convergent community action plan that could be tracked, measured and consistently reported on for progress. The community expects their local government to play this kind of coordinating role, so that community inclusion outcomes can have better accountability and reporting.

For this reason, staff are recommending further engagement work is needed with the community to research, consolidate and create a community action plan for Hamilton relating to racism, hate and discrimination. This action plan will be informed by past initiatives, with short to long-term priority setting informed by the community. Key consideration of such action plan will include what's within municipal authority, budgets, support considerations for local groups, advocacy needed with senior levels of government and other potential community partnerships.

- Public display of symbols considered as racist and discriminatory:

Symbols and emblems such as Confederate flag and swastikas are still been publically displayed in Hamilton and other cities in Ontario. These symbols are considered as racist, hateful and discriminatory by many racialized and equity-seeking groups. Research shows there is lack of public education and understanding of the hurt these emblems can cause, even among the people displaying them.

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The public understanding in general is that Canada's Charter of Rights and Freedom is believed to protect these expressions, and that police are responsible to interpret what constitutes a hateful expression. However, research, media reports and community feedback also indicate growing frustration among many residents that certain individuals shouldn't be hiding behind perceived legal protections to exhibit hateful behaviours.

There is now increasing expectation and scrutiny on local governments to do more and denounce behaviours that don't align with their values. In Ontario, residents from several communities have been petitioning their local governments to ban emblems like Confederate flag, with support from many local politicians. Some of these cities include Toronto, Collingwood, Belleville, Norfolk County, Chatham-Kent, Sutton and Georgetown. In Hamilton, there is a need to further explore this issue, conduct research, engage with stakeholders and bring an information report to Council to inform what actions could be further taken by the City of Hamilton.

Furthermore, municipal associations such as the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) can play influential roles. Established in 1901, FCM has been the national voice of municipal governments across the country, with over 2,000 municipalities as members. Similarly, AMO has been serving Ontario municipalities since 1899, with about 444 current municipal members. Community equity issues are common across these municipalities such as racism, hate and discrimination.

- Consistency in the definition and application of hate crimes by the Police:

In 2019, Hamilton Police Service data indicated 84 police-reported hate incidents. Of the incidents reported, 42 were based on religion and mostly targeted the Jewish community. There were 38 racial incidents, with 34 of them targeting Black Hamiltonians. Also, in four cases, gender identity was the targeting factor, while eight people were targeted because of their sexual orientation.

In Canada's Criminal Code, three sections somewhat capture hate crimes. Section 318 speaks to "advocating genocide" and targeting of an "identifiable group" for destruction or killing. Section 319 talks about "public incitement of hatred". Lastly, section 430 (4.1) addresses mischief (e.g. graffiti) to cultural or religious property.

However, according to Canada's Department of Justice, "One of the difficulties surrounding the collection of hate crimes concerns the definition of what constitutes a hate-motivated incident. There is considerable variability in the definitions in use by police services across Canada. Some police forces (such as the Metropolitan Toronto Police Service) use what might be termed an exclusive definition. That is, a crime is only classified as a hate crime when, in the opinion of the investigating officer, the act was "based solely upon the victim's race, religion, nationality, ethnic origin, sexual orientation gender or disability.

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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: Hate Prevention and Mitigation Initiative Update  
(LS19031/PW19068(c)/CM19006(c)) (City Wide) - Page 10 of 10**

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Other police agencies such as the Ottawa Police Service use a lower threshold. According to this broader definition, a hate-motivated crime is one that was motivated "in whole or in part, by a bias". The matter of definition is critical; if the exclusive definition is used, then a much smaller number of incidents are likely to be classified as hate crimes. This observation is borne out by statistics both in Canada and elsewhere: jurisdictions adhering to an exclusive definition report significantly lower rates of hate crimes".

The Hamilton Police Service use a lower threshold / broader definition of an incident motivated "in whole or in part, by a bias" to classify hate crimes. For this reason, the hate crimes recorded in Hamilton are comparatively higher than other police services that use exclusive definition.

Cities that use exclusive definition of hate crimes are often mistaken as having lower crimes compared to cities that use a lower threshold. Any city that is known for having a higher number of hate crimes often have their reputation impacted compared to others, even though police departments have an inconsistent definition across the country.

**ALTERNATIVES FOR CONSIDERATION – Not applicable**

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

**Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Healthy and Safe Communities**

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

**Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix A to Report (LS19031/PW19068(c)/CM19006(c)) (City Wide): Public Engagement Report prepared by Sage Solutions

Appendix B to Report (LS19031/PW19068(c)/CM19006(c)) (City Wide): Comparative Research Report prepared by Sage Solutions

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Hamilton

# Hate Prevention & Mitigation Initiative

## Stakeholder Engagement Summary Report

August 12, 2020

Prepared by Rebecca Sutherns PhD CPF  
Sage Solutions

**sage**  
SOLUTIONS

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## Key Messages

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This report summarizes the community engagement process and findings from December 2019 to July 2020 within Hamilton's Hate Prevention and Mitigation Initiative. It will be followed by a series of recommendations to Council, after an additional round of community engagement to interpret these findings in the fall of 2020.

It is worth noting that the themes and suggestions were remarkably consistent across all input channels. Findings have been divided into themes that describe the extent and roots of the problem and those that recommend how to address it. Summarized themes have been illustrated with verbatim quotations from participants throughout.

There is a notable disconnect reflected in these findings between some leaders who see hate as a minor problem in Hamilton that has been blown out of proportion by a vocal minority and those who see it as a significant and widespread problem that is being minimized or ignored by those in power. The former group are therefore seeking to keep their response to hate muted in order not to give it undue attention, whereas the latter sees this lack of response as fuelling hate and allowing it to flourish.

The reasons cited for hate in Hamilton reflect this polarized understanding of the issue. While some would see it as a problem concentrated among a relatively small number of individuals, many others provide systemic explanations rooted in colonialism and white supremacy and/or in a generational and economic legacy in Hamilton itself. They also point to fear, ignorance and a dislike of difference as underlying what they describe as a critical issue for the City.

The priority responses to hate suggested by community members also illustrate this divide. Noticeably low priority was given to regulation and enforcement, despite that being the City's initial focus for this project. Instead, residents are looking for proactive, visible and principled municipal leadership. They want to see follow-up on reports previously submitted rather than additional engagement at this time. They are asking for resources to be shifted away from enforcement and towards social services and community programming. They want the City to invest in safe spaces for support and dialogue.

These conversations cannot be separated from the time and context in which they occurred. Engagement activities were adjusted in their format and breadth due to COVID-19 restrictions. They took place concurrently with Black Lives Matter protests around the globe and the release of an independent report highly critical of Hamilton Police Services' behaviour at Pride 2019. As a result, many participants reported feeling angry, tense, exhausted and grief-stricken. Their trust in City staff and processes is low, and in the police even lower. This project provides an opportunity to rebuild trust, but it also risks further undermining it if recommendations do not receive timely, decisive follow-up.

## Background

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The impact of hatred and hate incidents in a community results in a disproportionate level of harm that affects not only the individual but the community at large. Whether directed against individuals or communal institutions, acts of hatred leave entire communities feeling impacted, with undeniable ripple effects. According to Statistics Canada, over the last five years, there has been an increase in the number of police-reported hate incidents and crimes reported.<sup>1</sup> Even in contexts where overall rates are stable, the intensity or seriousness of crimes may be showing an increase over time.<sup>2</sup>

Policies, bylaws and procedures govern how people are meant to interact with one another. Municipalities have the potential to act as a catalyst for dismantling hatred through the creation and enforcement of such regulations, complemented by visible leadership, decisions about the design of physical spaces, as well as supports provided to particular kinds of associations and events, which can help or hinder positive collective social relationships occurring in their communities through policy and collaboration with social service organizations, police services, and community organizations.

The City of Hamilton is exploring ways the municipality can contribute to ensuring the community lives up to the positive aspirations it holds for itself of being an inclusive and welcoming city that is the best place to raise a child and age successfully. It is doing so by learning from other communities' experiences, creating a supportive policy context, building on previous community recommendations and listening further to the community through an engagement process that has unfolded during the summer of 2020. This project is known as "Hate Prevention and Mitigation in Hamilton."

This report summarizes what was heard during the community engagement phase. It uses people's own words (shown in *italics* throughout) to supplement a summary of the themes raised in order to provide an accurate overall sense of what participants had to say.

## Methodology

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### Guiding Principles for Engagement

The design and implementation of this engagement process was guided by the City's Core Principles of Public Engagement<sup>3</sup>:

<sup>1</sup> Statistics Canada. [Table 35-10-0191-01 Police-reported hate crime, number of incidents and rate per 100,000 population, Census Metropolitan Areas](#)

<sup>2</sup> Iner, Dryer, ed. *"Islamophobia in Australia Report II."* Sydney: Charles Sturt University and ISRA, 2019. Nathan, Julie. *"Report on Antisemitism in Australia."* New South Wales: Executive Council of Australian Jewry, 2019.

<sup>3</sup> *Public Engagement Charter*, Hamilton's Engagement Committee, City of Hamilton.

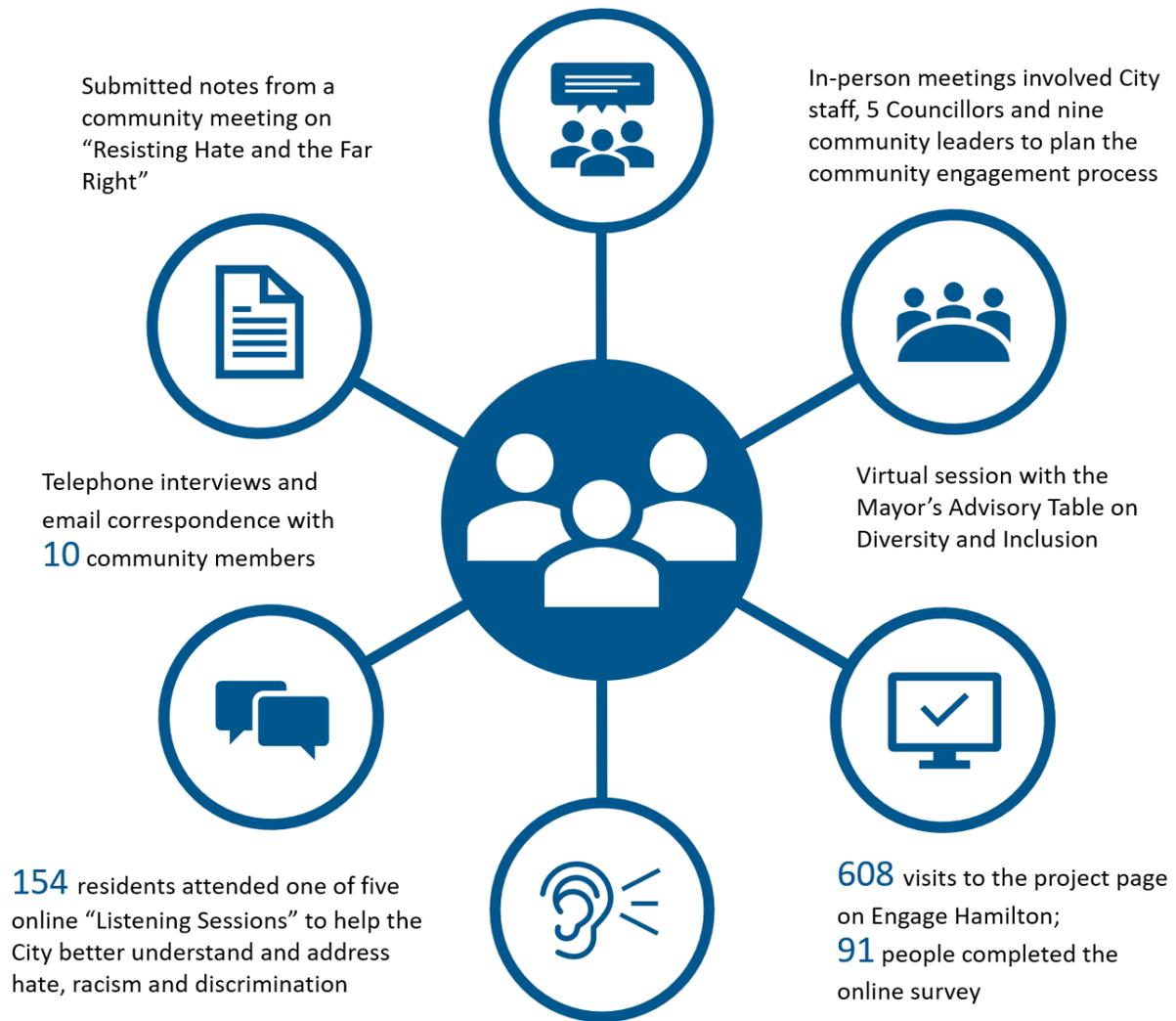
1. Transparency and Trust
2. Accountability and Action
3. Inclusion and Diversity
4. Create Opportunities for Active Participation
5. Collaboration, Cooperation and Shared Purpose
6. Ongoing Engagement and Open Communication
7. Learning, Reflection and Evaluation
8. Capacity for Engagement

Specifically, this commitment has led to the following decisions:

- Inviting a cross section of community leaders to inform the initial engagement design
- Provision of a variety of accessible engagement platforms and opportunities, where possible given pandemic restrictions
- Priority given to hearing from those most directly and frequently affected by hate in Hamilton
- Inclusion of verbatim quotations throughout this report, to allow residents' words to communicate the key messages (included in blue italics throughout)
- Building on relevant recommendations already communicated to the City through other consultations and community events, as well as lessons learned from comparable communities tackling hate in other parts of Canada and the world
- Ensuring that the questions asked are meaningful and have the potential to be impactful within the City and across the wider community

## Community Engagement Process

The community engagement activities originally planned within the Hate Prevention and Mitigation Initiative were adapted in terms of their timing, breadth and formats due to COVID-19 restrictions. The following diagram outlines the various activities used to gather feedback thus far. A detailed methodology can be found in Appendix A.



Facilitation was led by Dr. Rebecca Sutherns and her team from Sage Solutions, the Guelph-based consulting firm hired to support the City with this project, in conjunction with two community engagement staff at the City (John Ariyo and Pauline Kajiura) and local community leaders.

The findings that follow summarize the feedback obtained from the activities listed above. A summary of results from the online survey can be found in Appendix B. Poll data from the five Listening Sessions can be found in Appendix C.

## Reflections on Methodology

Reflecting on the engagement process itself, the following observations by the consulting team are worth noting:

- This report summarizes the input received, but that input cannot be deemed to be representative in a broader sense of the Hamilton population, since it involved such a small sample size. Although selected quotes have been included verbatim, their substantive accuracy has not been verified and they should not be understood as representing the opinions of the consulting team as a result of their inclusion.
- A variety of notable events such as Black Lives Matter, the release of the independent report on Hamilton police behaviour at Pride 2019, and a general sense of stress and disconnection during COVID-19 have certainly affected this project, not only in terms of the engagement activities that occurred, but also a heightened sensitivity or level of tension around some of the issues being discussed, including systemic racism and defunding police. At the same time, other issues such as the yellow vest protests have lessened in prominence over the same time period.
- These various events have resulted in potentially distinct but related issues such as racism, trans/homophobia, discrimination, extremism etc. getting blended and confused—in media reports and in people’s minds. A project about “hate” could capture all of it but could also be considered either too broad or too narrow in some contexts.
- Conducting engagement fully online using a platform new to the City during COVID-19 introduced additional benefits and challenges. It allowed for a lot of information to be collected in a short time, courtesy of the survey and the chat feature on Zoom. It also offered additional anonymity less possible in in-person sessions. Yet the chat feature also allowed for multiple concurrent conversations which proved both to enrich and distract the conversations. The most common primary benefit of digital engagement—reach to a large number of people—likely proved truer for the Listening Sessions, at which attendance was quite robust, compared to the survey, which received relatively few responses. It is unusual to have more people participate synchronously than asynchronously in community engagement activities.
- The questions asked and process followed at each Listening Session were identical, and yet the tone of each meeting was noticeably different, ranging from quiet to participatory and moderate, to a higher degree of assertiveness and friction. In two of the sessions, participants asked other participants to leave, including in one case a community liaison civilian representative of the Hamilton Police Services and in another a participant who expressed opinions deemed to be offensive by some others. In both cases, there were participants unhappy with how those departures were handled by the facilitation team. There was an evident tension at times between maintaining the inclusivity required at a public meeting, holding space for the co-existence of opposing views and creating safe, positive and equitable spaces. One participant expressed it this way: *“Inclusion denies that some groups within our communities and those outside our communities have differential power in our society that is structural and historical. It’s not everyone needs to listen to everyone or both sides. There are people who using their power to mute other voices.”*
- It is a challenge to create trust in a virtual room for a 90-minute session comprising a mix of participants who may or may not have been known to one another previously.

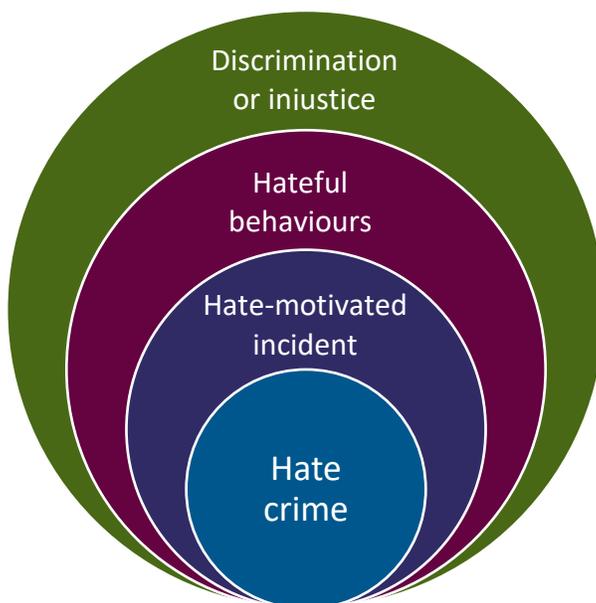
The consulting team is not local to Hamilton, which could be perceived as an asset in terms of objectivity or a liability in terms of not understanding local nuance. The City staff involved appeared to be known by many of the participants and were addressed positively in most cases, but the overall trust level in the City by participants, even around the Mayor’s Advisory Table, was low.

- There was a considerable degree of congruence in the opinions expressed. We have noted outlying perspectives where appropriate, as well those that were expressed notably more frequently than others, but overall the perspectives were similar even across diverse participants.

## Terminology

Concerns were raised about the terminology used within this project. As one participant said, *“Hate” is too general – name racism, transphobia, violence etc. for what they are— hate has lost meaning and is implied to be negative in every context—it creates more distance—also individualizes it to talk about ‘behaviours’ or ‘incidents’.* Another expressed concern this way: *“City officials have used that word ‘hate’ to describe justifiable hurt and anger directed towards institutions (such as hate for police) and equated them as the same thing as white supremacist violence.”*

A more detailed treatment of definitions of terms will be included in the final report for this project. For now, it is worth acknowledging that the project is known as “hate prevention and mitigation” and the term “hateful behaviours” has been used to refer to a broader category than hate crimes or hate-motivated incidents, as shown below. We recognize the limitations of this language, as “behaviours” may only be the visible tip of a much larger iceberg of attitudes that could be called hateful or perhaps also unwelcoming or non-inclusive or discriminatory or biased. More accurate descriptions are used whenever possible.



## Findings

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This section describes the dominant themes and actionable recommendations that were heard repeatedly across input channels.

The initial section describes people's direct experience of hate and a lack of a sense of safety, as well as their understanding of the extent of and reasons for the problem in Hamilton.

Recommendations for action made by participants were then organized in seven (7) categories, which emerged from the initial comparative research within this project as the most common approaches to prevent and mitigate hateful behaviour. These categories are summarized in Appendix D. The use of and relative emphasis within these approaches varies across communities. It is used as an organizing framework here in part to help the City of Hamilton decide on its own preferred mix of approaches.

### Understanding the Problem

It is worth noting from the outset that the findings were remarkably consistent across the various input channels. The themes noted should therefore be understood in that way, with exceptions noted where relevant. All quotations were initially grouped by theme and then representative ones were selected for inclusion in the body of the report and others for Appendix E, to give readers a more direct sense of what was heard and an ability to link the key messages back to the words of participants.

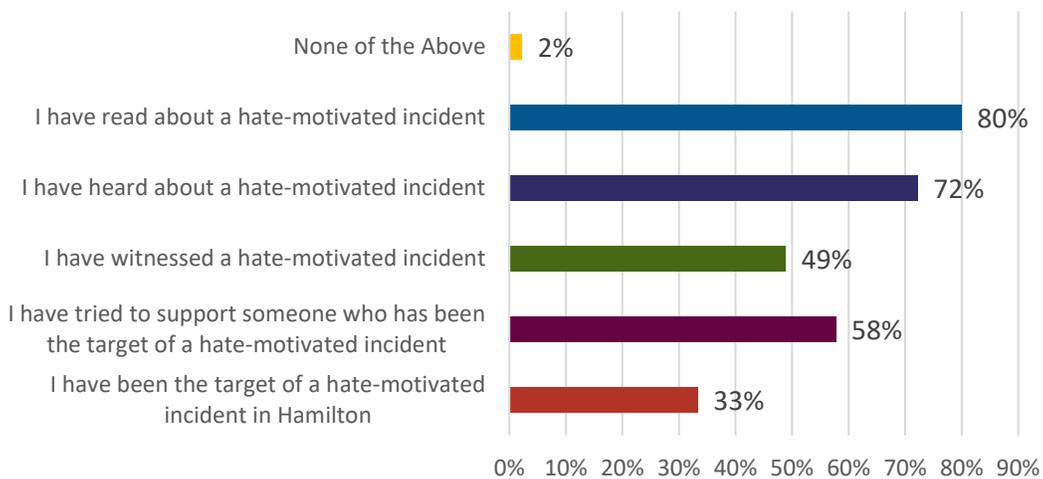
#### *Extent of the problem of hate in Hamilton*

Although *"everyone in the community is affected by [racist] incidents,"* many people understand that because of inequity and intersectionality, hate does not affect people equally. There is a sense that there are players on all sides contributing to a lack of safety (e.g. yellow vests or Antifa) or to building it (e.g. community-building organizations).

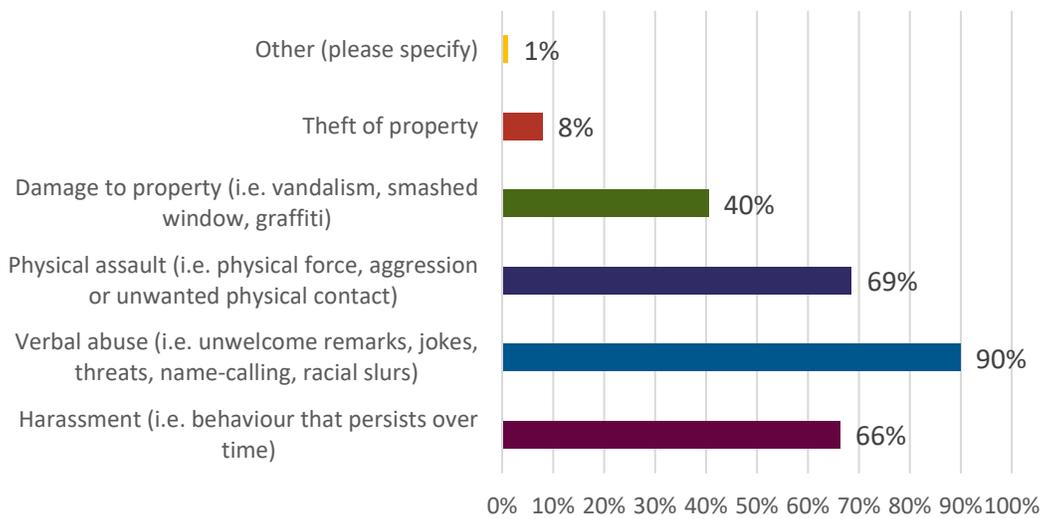
There is a notable disconnect between some leaders who see hate as a minor problem in Hamilton that has been blown out of proportion by a vocal minority and are therefore seeking to keep their response to it muted in order not to give it undue attention, and those who see it as a significant, widespread and deeply-rooted problem that is being minimized or ignored by those in power and thereby fuelled by them and allowed to flourish.

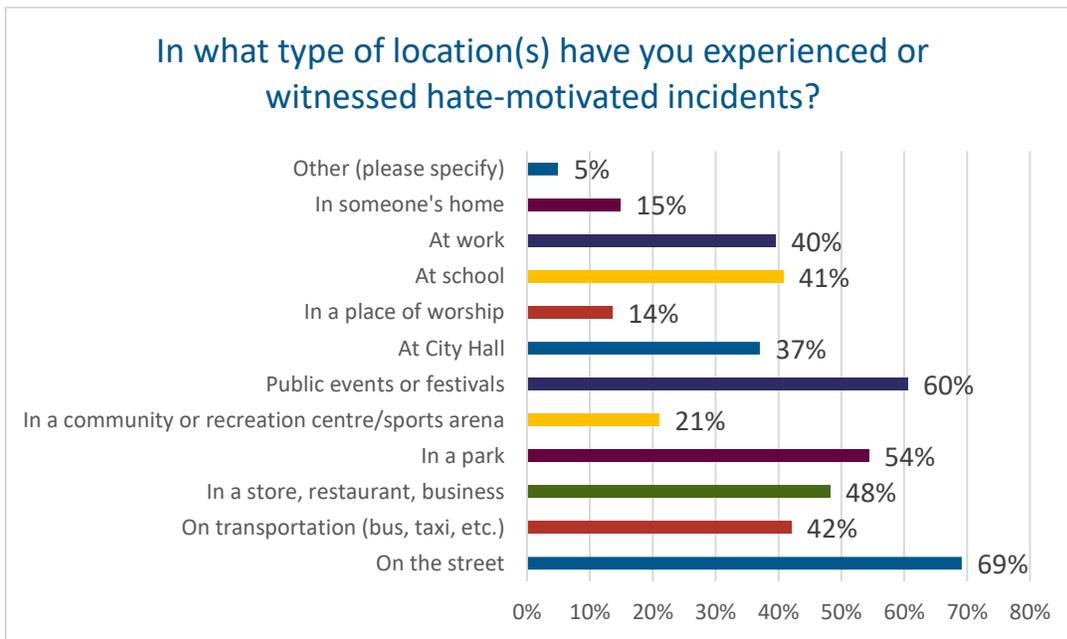
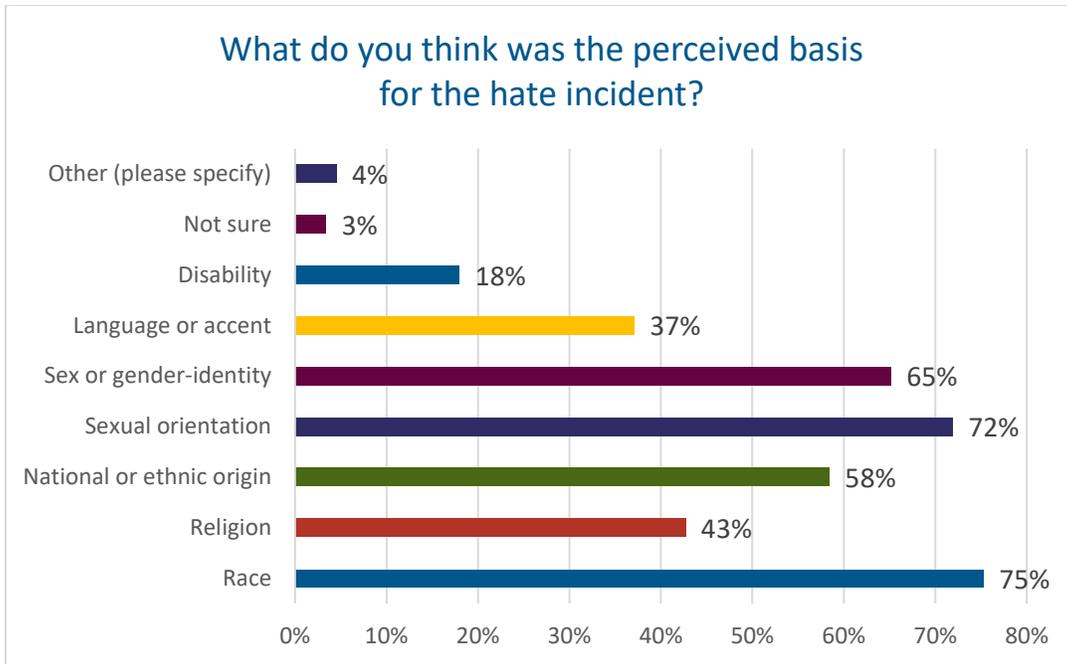
55% of survey participants were aware of hateful incidents and 68% believe they have recently become worse in Hamilton. 77% of participants in the listening sessions for groups most affected by hate deem it one of the top three priorities facing the City right now. (See Appendix B and C for further details.)

### What is your personal experience with hate-motivated incidents in Hamilton?



### What kind of hate-motivated incident was it?





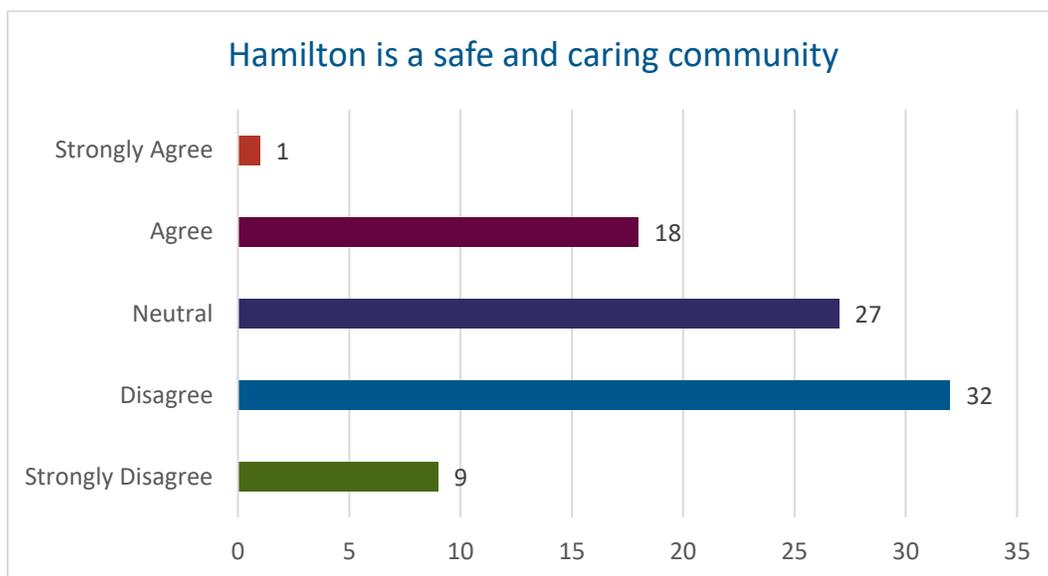
### Systemic factors

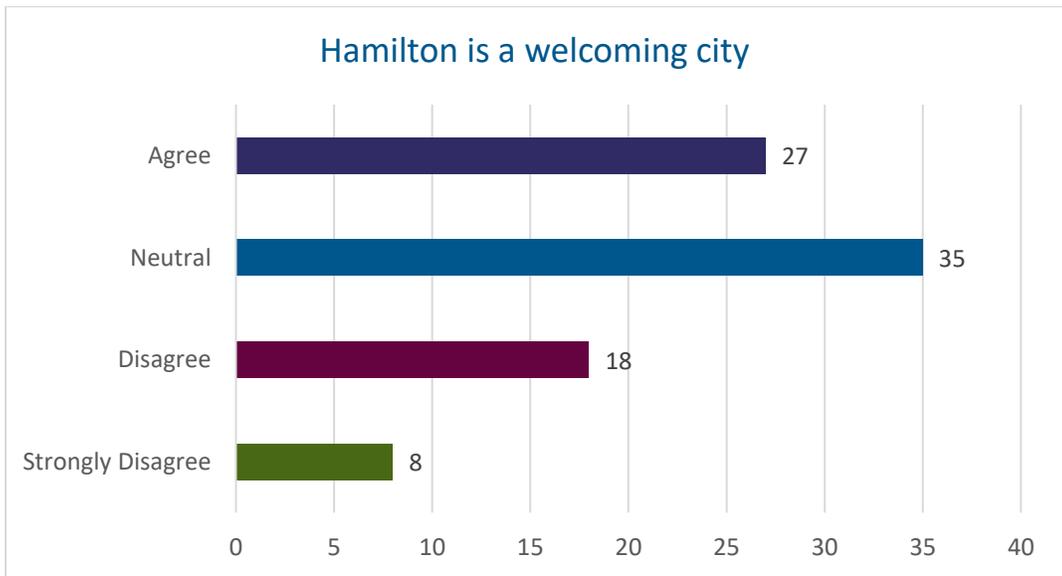
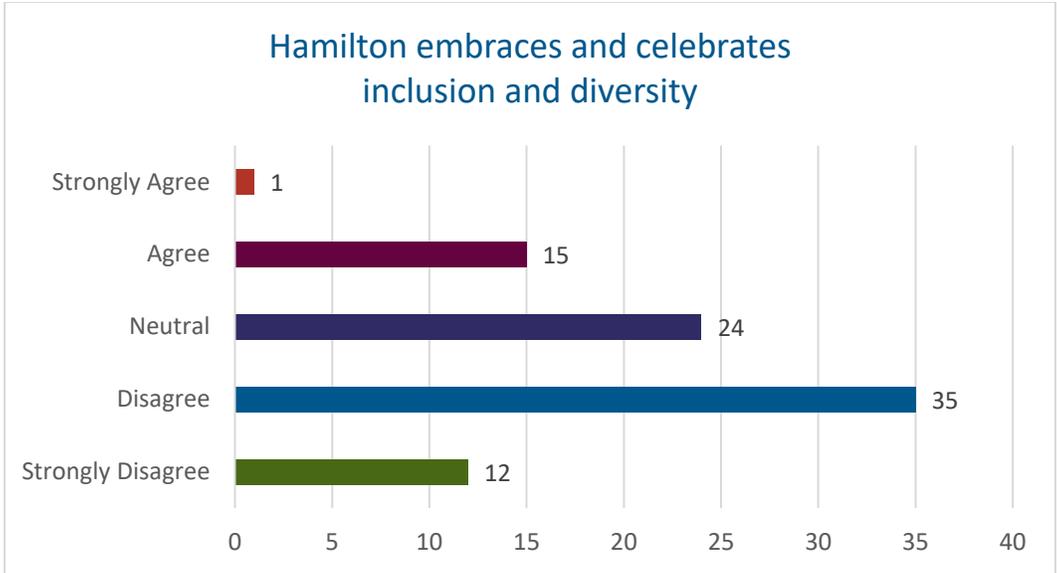
Many participants pointed to systemic historical inequities such as white supremacy and colonialism and/or economic factors such as capitalism and gentrification and/or political trends such as rises in extremism (on all sides) and populism as underpinning hate. They also highlighted a rise in fear, anxiety and overall social upheaval and divisiveness. There is a sense that the media is making things worse not better.

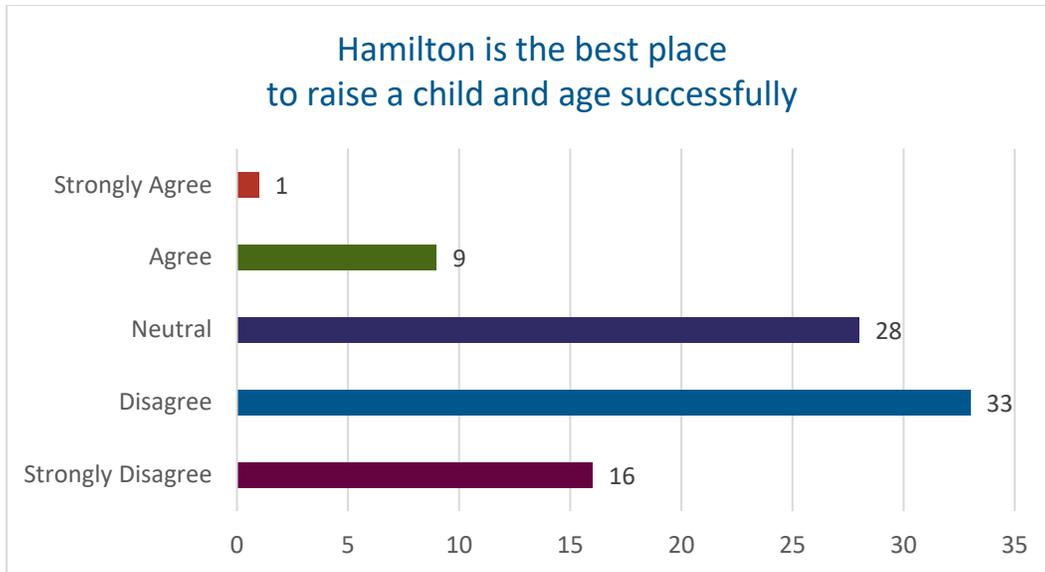
- *“In part, I think I think it’s caused by ideological movements that are organizing and being emboldened online that promote intolerance, xenophobia, and hate. I think these movements are partly gaining support because of poverty, lack of good economic opportunity, and a resulting sense of resentment, victimhood, and social alienation.”*
- *“It is stylish and vogue to consider friction between groups as a symbol of hatred or abuse. Special interest groups (Antifa, BLM) with noble names and professed ideals are provocateurs sowing discontent. People largely get along well and are outraged when justice does not prevail. Some events are thus overwhelmingly pushed and with divisive narratives often before even rudimentary investigation has taken place.”*
- *“I think that the stresses that will come out of COVID will exacerbate the fear that drives hate and individuals looking for a scapegoat to blame for the situation one is in.”*
- *“Why aren’t we showcasing when people are coming together?”*
- *“People are not actually listening to each other.”*

### Living up to the city’s ideals

As shown from the graphs below, taken from the survey results, Hamilton is seen as struggling to live up to its own ideals.



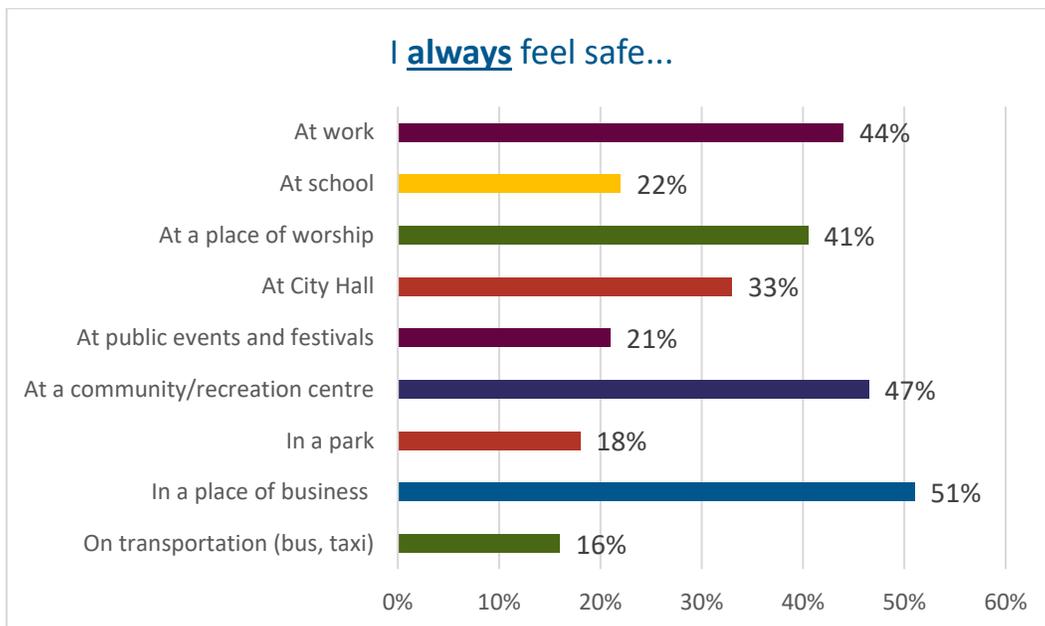


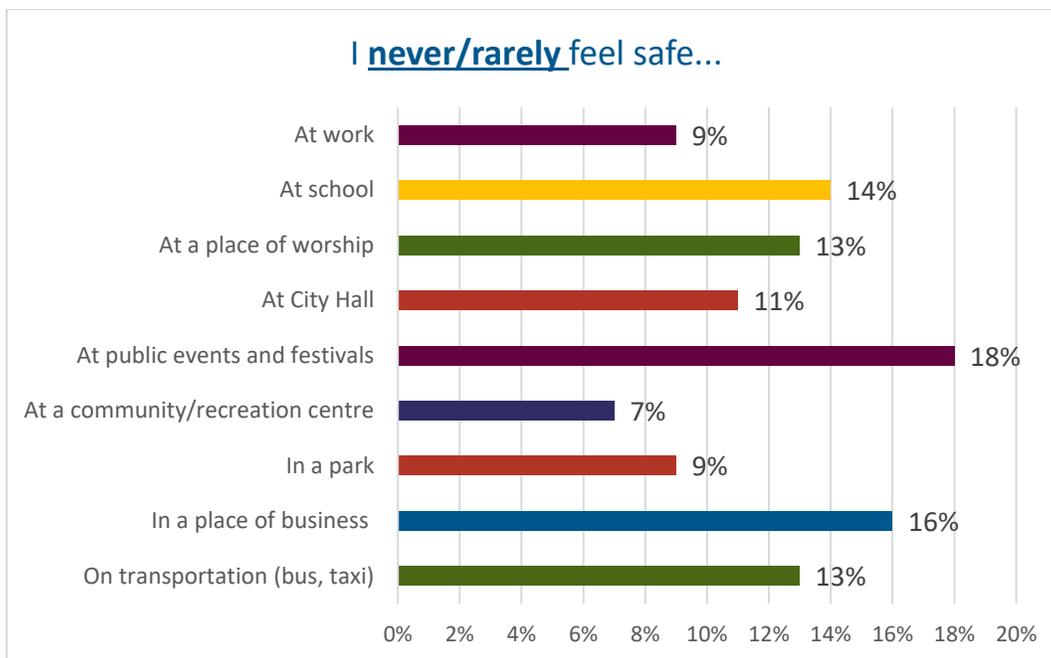


### Sense of Safety

The issue of safety was probed in more detail in the survey than in the Listening Sessions. Based on these findings, it is an issue of obvious concern.

51% indicated they have avoided activities or events because they feel unsafe while there or on their way there. 42 people commented, providing examples of feeling unsafe at events—mostly protests and events. Several people said they feel unsafe in parks, anywhere after dark, City hall forecourt, or anywhere with police presence.





- *“All members of our community should feel safe to be out in the community all of the time.”*
- *“I don't let my daughter participate in any pride activities, festivals, or marches. She is 15 and a lesbian and I am very proud of her for being true to herself, but I will not let her risk her safety by celebrating in public and it saddens us as a family.”*
- *“I am a white woman. I do not feel unsafe in that I will be the target of a hate crime, but I do often worry about my safety. I have avoided protests to support causes I care about because I am afraid of tear gas and of things getting out of hand and being un/under prepared.”*

## Why Hateful Behaviours Happen

One of the objectives of this project is to better understand why hateful behaviours happen because, as one respondent said, *“diagnosis shapes treatment.”* Responses here have been clustered to reflect people’s perspectives on reasons for hate anywhere and reasons for hate specifically in Hamilton. There was considerable agreement across responses, with a strong emphasis on racism, although some concerns were raised that there is not a shared understanding of the actual hate-related problem(s) needing to be addressed. Reasons are listed here in rough descending order of frequency of mention.

## Anywhere

- Ignorance
  - *“When I think about why hate occurs, the main elements that come up are ignorance, prejudice, and the development of a rigid identity or fearful identity based on a variety of factors that may be social and economic based. It’s important to recognize why these hate beliefs develop, so we know how to address them. If ignorance is the culprit then education becomes one of the main elements to fight hateful behaviour. Some of the required behaviours that I think would help are justice, developing a sense of justice, and developing a sense of unity. And these two can be found, of course, in the larger society, but faith plays an important role in developing these two virtues. What does unity mean in today’s world?”*
- Dislike of difference, exacerbated by a sense of disempowerment
  - *“When you feel like you have been dealt a bad hand in life or you are not considered equal to others, you develop this rigid identity. Fear identity comes from the fact that when we are not in a good place mentally and spiritually, we tend to retreat. And when we retreat, we develop symptoms of fear towards unknown, what’s different.”*
  - *“Historically, fear of the other is a driving motivation for most of the wars, most of the hate that exists. When you get this isolation, when you leave people wondering if they have anything to come back to, it forces you back inside yourself and when you don’t have a broad scope to work from it tends to drive you inside and protect what you know and what is familiar rather than opening up and taking in what life has to offer you through other people and through other ideas. Fear drives a lot of that lashing out and deprivation and not understanding what tomorrow will bring.”*
- Generationally taught and blind following of misconceptions of the past
  - *“I agree ignorance and fear motivate hate. But we also have to realize that hate is taught. Whether it is taught from the pulpit, taught from the soap box or taught in the home. Children aren’t born hating; they learn to hate. We need to recognize that and educate, not only against ignorance, but also against learnt hatred, absorbed hatred.”*
- White supremacy
  - *“Sometimes we try and skirt the issue. We live in a settler, colonial country. That is one of the main roots. This country is also built on white supremacy that is why you have these issues of hate perpetrated across this country. So, when you are having these conversations about hate, we need to also situate this discussion around white supremacy, around settler colonialization. Fear and education and all of those things are band aid solutions and divert from the actual discussion around white supremacy and settler colonialization. Those need to be at the centre of this conversation.”*

- Media (including Hollywood) perpetuating misinformation and providing an *“oppressors’ version of history and the news,”* with social media providing a platform for hate and enabling negative behaviour
- Fear and a desire for control and to gain and keep power;
- Racism and racial profiling, accompanied by a lack of investment in ending it was noted by several participants, but there were a few dissenting voices, including one who referred to, *“An agenda to label Canada as racist even when it’s not.”*

### *In Hamilton*

- Authority figures tolerate it. Not only is it not immediately condemned, it is barely acknowledged. Hate-based groups are given a platform. Lack of strong leadership.
  - *“The political context, globally, is fraught. Trump makes everything worse. But right now in Hamilton, members of the queer, immigrant and racialized communities have been subjected to visible demonstrations of hate in the forecourt of City Hall—(at least pre-COVID) and the leadership has been abysmal in responding and denouncing these activities. While the right to freedom of expression must be respected, the Mayor and many City Councillors, and other formal leaders, can still make strong statements of denunciation. They haven't. The lack of leadership in denouncing these activities has sent a strong message of 'lack of support' for marginalized communities and has emboldened the 'hate agitators'.”*
  - *“When hateful actions aren't immediately condemned, it emboldens the hateful people.”*
  - *“We have a local government that does not actively condemn the actions of white supremacist organizations (e.g. Yellow Vesters at Pride) or hold the Hamilton Police Services accountable for facilitating, contributing to, and/or failing to act during instances of hate-motivated incidents.”*
  - *“The Council downplays it and the police ignore it”*
  - *“Racism is normalized in this city.”*
  - *“Hate breeds hate.”*
- Significant underreporting due to mistrust of police
  - *“The police services don’t contribute to the safety of 2SLGBTQ community in Hamilton. Community sees them as perpetrating homophobia, transphobia and racism through the dismissal of complaints/reported crimes, victim shaming, committing secondary victimization and violence.”*
- Previous reports not taken seriously
  - *“So my worry...is we’re going to have more of the same. You’ll do this brilliant consultation with us. You will submit a report to our leadership. And our leadership will say, thanks for that report, Rebecca! And nothing will happen, because that is what has happened in this city over and over again.”*

- *"Your report shouldn't be a suggestion, it needs to be a demand."*
- Targeted as favourable terrain with a history and legacy of white supremacy here
  - *"It has to do with the size of the city, it has to do with mainly the past history of the city that has remained subterranean. From credible sources we have been told that Hamilton and London are targeted. That's on top of all the innate conditions in Hamilton. There is an extra disadvantage of this activity that is happening."*
  - *"There has been a long history of overt racist organizing in Hamilton, going back to the Tri City Skins in the 80s and 90s. These were obvious Nazis who openly wore swastikas and engaged in racist violence. As a working-class town, Hamilton has been perceived as an important site of contestation for white supremacists. The Yellow Vesters are just the latest iteration—slightly less radical but linked to the more radical white supremacist elements."*
  - *"A blue collar city"*
  - *"Being a blue collar city should not be an excuse."*
- Economic and social deprivation, including housing instability; criminalization of the homeless; lack of mental health supports
  - *"White supremacy breeds in high poverty situations."*
- "Dislike for the unlike"
  - *"I think some oppressed feeling people blame minorities especially if they see their positions of power relative to them"*
- Lack of representation
  - *"Entitlement and upbringing"*
  - *"Lack of diversity in positions of power"*
- Lack of enforcement
  - *"Not enough penalties"*
  - *"Reliance on policing rather than prevention"*
  - *"Punishments aren't an effective deterrent"*
- Cultural timidity
  - *"I know as an Indigenous person, my safe place is somewhere hiding in a park. You don't see a lot of our Indigenous people out in the gatherings unless it's really something that we are passionate about. And we want to be there and we want to fight about it, and have our voices heard. Other than that, we're comfortable hiding and I think that stems from residential schools. From the traumas we faced. We'd rather hide and keep safe, and keep our families safe, than be out there."*

## Responding to the Problem

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Based on the survey, responding to hateful incidents is **seen as the responsibility of schools, the City, community organizations, individuals and police** – in that order, with responses falling quite close together.

### Suggestions for Taking Action

This section summarizes participants' recommendations about what should be done to address hate in Hamilton. It should be read alongside the prioritization results from the poll questions outlined in Appendix C in which people asserted their preference for proactive measures rather than those related to regulations and enforcement.

Addressing hate will require a **multi-faceted response** involving multiple levels of government and many community actors working together in concert toward shared goals. There was an emphasis on trusting community members to respond in ways that match their contexts. Integrated, whole-system responses are required, but so too are specific recommendations related to each targeted group. There is an appetite for specific strategies with names and timelines—people are looking for practical accountability, not another lofty vision. At the same time, they recognize big change takes time.

- *“To move the needle on this topic we need to work at a wholistic and systemic manner. We need to be sure that we have an overall strategy that engages and works with all different stakeholders. There are three main groupings: the individual, the community and the institutions. Each play a role, and each may need to take different lines of actions but they all need to be under a unified vision that can lead to unified action towards actualizing the vision for the city.”*
- *“Regulations and enforcement address the hate crime aspect of it, where public education and programming are addressing the hate part of it. And I think both of them are important, but both require a different response and it's nuanced, but in a list of options like that, we need to be more focused on if we are talking about hate or occurrences of hate crimes. People can walk around their whole lives hating and not necessarily express it or do anything about it. But with hate crimes, we're there, we've got addressed, you want to send some hate mail, you want to graffiti our front walkway, you want to start a fire, you know where to find us. And that is really an enforcement issue.”*
- *Take a long view. “This is lifetime work.”*

People experience hate differently based on their intersectional identities. Community members stated that the city was not safe for transgender people, especially transwomen.

Therefore, responses to hateful behaviour in the city, need to be **informed by an intersectional lens** – how hateful behaviours impact different people.

- *“Particularly unsafe for black trans women”*
- *“Also problematic for people with disabilities; youth; poor; sex workers, drug users”*

The community is appealing to the City for **reliable, local empirical evidence and willingness to learn from other places** who have dealt with hate in their own cities effectively.

More specific recommendations are grouped below based on the seven categories of approaches identified through the comparative research. Additional categories of approaches suggested by participants follow after that.

### *Need for Proactive Leadership*

#### Disconnected City Council

Participants reported a significant lack of connection “between the City and the city.” They describe Council using terms such as *“tone deaf”* and *“insincere”* and *“ignorant.”* The City is seen to have failed to follow up on previous consultation recommendations. As a result, there is deep skepticism about the likelihood that this project will lead to any significant change, across all input channels. The process was described as *“disingenuous”* and *“draining.”* People were disappointed that Councillors and the Mayor did not attend any of the consultations. In terms of hate, the City is described as having *“abdicated its responsibility of enforcement.”* Many people expressed the opinion that silence or complacency on the part of Council has emboldened hatred in the city and given it a greater spotlight.

- *“When a community feels supported than things start to change. Right now, as many people are echoing that there is not enough connection between those in leadership and those in our Hamilton community. That’s just not right. It doesn’t allow us to progress as a city. There are so many great things that are changing amongst the community and it’s most important for those in leadership to support those changing features and I think that’s when we’ll start to notice a difference, when the community feels heard and supported.”*
- *“Our leaders need to understand that being silent and ignoring the issues because they are difficult or controversial can be seen as supporting the very things we do not want to support, so visible and proactive leadership is really important.”*

## Hiding behind “free speech”

There is frustration that the City has been using a justification of protecting “free speech” to allow hate speech to take root in Hamilton. Freedom of expression is not an unlimited right and misses the point when it comes to curtailing hate and violence. One person described it as a *“mask that the City is hiding behind.”*

- *“This whole concept of ‘othering’ is a huge concept that we have to work against and I do think that in Canada we have amazing rules that help us do that. One of the things we really need in Canadian culture, we’re very much not wanting to create a problem. So sometimes we go to the other extreme in allowing things to happen that are totally against everyone’s value in society, but we do it in the name of freedom of speech. But with freedom there has to be some responsibility. As a City there has to be a sense of accountability. What is permissible and what is not permissible?”*
- *“When you are silent, you allow those voices to be amplified, in the name of freedom.”*
- *“Freedom of speech is not freedom from consequences.”*

The community is appealing for **courageous [formal and informal] leadership** that takes a stand against hate, from the City and across the city.

- *“Make decisions beyond three years, even if not supported by full voter base if systemic changes are needed”*
- *“We need leadership that is visible, bold and proactive”*
- *“Actively distance yourself and hold people accountable for their discriminatory behaviour”*
- *“The City’s role is in no way shape or form to be complicit in hateful behavior—and at this time, they’ve allowed a hate group—the yellow vests, to campaign on their property.”*
- *“First, it would require ALL City Councillors to admit white supremacy existed. There are too many for whom their fragility overrides their ability to make decisions while acknowledging this. As long as the decision makers deny white supremacy, having City Council as our decision makers is a scary prospect.”*
- *“Don’t be afraid to speak about difficult issues (Council—world religions, racism, Indigenous reconciliation etc.).”*
- *“Address harassment before escalates into hate.”*
- *“Need champions on Council.”*
- *“Make this part of Future Hamilton public forum.”*

There is a strong appetite for proactive leadership from the City that is not performative or symbolic but rather collaborative and responsive to the needs and asks of different communities.

- *“Rainbow crosswalks are expensive and suggest the city is safe when it’s not—performative actions need to be backed up by community investment and supports, otherwise can actually be dangerous (backlash).”*
- *“Invite us to the decision-making tables—don’t decide for us or make us subjects—nation to nation decisions with Indigenous people.”*
- *“We don’t even feel like we belong because we are not included in any of the media pieces or artwork, or anything. We have to be included, right off the start. And that will help with some of the hate because if we are being included and if you are purposefully excluded (cause that’s what it seems like) than everyone else can stomp on you, if you are left out. Everyone needs to be included.”*
- *“Respond seriously to the Pride report.”*
- *“Start with basic customer service such as answering people’s emails.”*

The City is encouraged to use the levers and resources at its disposal.

- *“At the intersection of bylaw and policing, the City could have easily used bylaw to disrupt the racists who were regularly rallying at City Hall. The racists were posting anti-immigrant placards on City property. This was against bylaw, but was not enforced. The lack of bylaw enforcement emboldened the racists. Enforcement would have been an easy way to disrupt their activity.”*
- *“We enjoy a great measure of free speech but at the same time, there are certain things that you can’t get away with saying and I don’t think enough is being done to enforce that. And from the City’s perspective, they can enact policies, who they allow in gather in their forecourt at City Hall. Things that can and can’t be accepted. There needs to be a stronger hand and taking the resources that we already have available us and putting them into effect and making them very strong statement about what and will not be tolerated in this community.”*
- *“So our City Council already proved an example of them being able to identify hate speech that is not worth listening to. There was a leader of a hate group in town that wanted to address City Council through the usual mechanisms where citizens can put in a request to speak to Council and the request was denied. They did not give that person a platform and they said, anything you have to say is not worth hearing. You are not welcome here. Thanks, but no thanks. So they already showed that they can make a discrimination and make a judgment call about who is worth listening to and who is not worth listening to. This goes to prove that not all speech is equal. And not every single person needs a platform. So when our City, is not taking a stance against hate, they are*

*part of perpetuating that hate. So they already proved that they can make that judgement call, did it once, so they can do it again."*

- *"Any City Counsellor can put a motion forward to enact a bylaw."*

### *Listening to the Community*

Based on experiences with previous city consultations, participants in the listening sessions shared that they were tired of not being listened to. There was a deep apathy for and frustration about engagement sessions that result in no action. The City should utilize the knowledge that communities hold, and the lived experiences of individuals, and value it as an essential element of hate prevention initiatives. This means meaningful bridging between what is happening to communities in the city and the City's responses to it.

Several people who attended the listening sessions also mentioned that public engagement processes are exhausting and can feel unsafe or retraumatizing.

- *"You need to listen before you can lead."*
- *"Nothing for us, without us."*
- *"Pay attention to whose knowledge is valued and listened to."*

### *Public Education*

Despite education falling primarily under provincial jurisdiction, it is seen as a necessary response to hate. The City could support community organizations to develop curriculum and/or to provide guest speakers in schools. Education is also needed more broadly, including amongst police, on issues such as the limits of free speech, a deeper understanding of what is actually happening in Hamilton, racism, and justice/unity. It was notable, however, that people spoke about this primarily in terms of education of young people in schools rather than public education campaigns. "sensitivity training" was hardly mentioned and seen as largely ineffective.

- *"We need to start young, because adults are really stubborn"*
- *"Part of the issue we can deal with here locally is having the City back and provide people who are willing to speak about these things. Teachers do have written right within their curriculum, "professional judgement." And to meet the expectation, they have quite a bit of latitude in how they choose to meet the expectations. So at any point, I can invite in a speaker, to speak to my class, who is going to give a perspective that I may not be able to give as a white male with a whole lot of privilege. But having that resource bank locally, don't get me wrong the school board is going to say that they have a resource bank too... but having community people versus people at the school board... let me just say, it would be nice, if there were well known community leaders who were available, known to teaching staff, and able and willing to come in."*

- *“Because of a lack of knowledge and training for everyone. Because people believe that being trained once or a couple of times is enough. Because that training is inadequate—we need to have baseline understanding of power and oppression, we need to be able to identify small things—micro-aggressions, both as an act and as an impact. We need to learn and practice how to challenge the person performing those acts and support the person(s) affected by them. It needs to start with council. It needs to be openly and EXAGGERATEDLY practiced everyday—like we are teaching toddlers to be polite.”*

### *Creating Safe and Inclusive Spaces*

There is a strong appetite for **safe spaces**, where people can access trauma-informed healing and other supports, where they can report hateful experiences, and connect with others. These community-based reporting sites then need to share their data while maintaining confidentiality.

- *“We need something like 519 in Toronto or Quest, that is properly resourced to be successful”*
- *“We could use an interfaith resource centre.”*
- *“Alternative reporting mechanisms—resourced, independent—per group.”*

The City is invited to **create opportunities for safe and productive dialogue**, including across factions. Convene groups and help them feel heard.

- *“Our bishops, and rabbis are not meeting regularly and not addressing social problems in the city the way they used to. I wonder why? I feel like they’ve all gone to their corners, but I think that I think a lot of people take their cues from faith leaders and I think they have a role to play with the City. And with the City, we can come up with a way to invite those leaders to help us mobilize our communities in positive ways to address this.”*
- *“The solutions have to come from the religious groups because we contain both the victims and the perpetrators of religious hate. someone said we leave a vacuum for the haters to take the podium. we need alternative religious visions.”*
- *“The City has the power to bring multi-stakeholders together from the private, from the public, from the not-for-profit sector, to even have an understanding of not only what the issues are but what are the solutions. A good example of this is in the City of Chicago. The City lost many people to a very hot summer. So the City brought many people together and the City Council said, we are not interested in hearing whether you believe in climate change or not, we just want you to give us solutions as to what do to. Of course, it is very difficult to have those conversations. People don’t understand each other’s language even. But after half a day of fussing around, they came up with incredible solutions.”*
- *“Interfaith opportunities—support a resource centre.”*

- *“Find ways to reach the whole community, not just those who already agree.”*

Across the city, work needs to be done to highlight commonalities without being afraid to pinpoint differences and talk about them.

- *“It’s a lovely thing to get together and share our experiences, traditions and appreciate how much we have in common and what we share—that’s a lovely, lovely thing. The much more difficult conversation to have is about our differences. Our different faiths, traditions, and beliefs. We have differences. Theologically, ideologically, communally, and we need to get to a point where we can talk about those differences and come to appreciate what they are and how in a general community, we can live together peacefully with tolerance and dare I say, with respect and appreciation, despite those differences. That’s the tough conversation to have. Also, even more difficult conversation with those who just want to see us as ‘us versus them’...”*
- *“Move away from a discourse of identity and toward characteristics.”*

### **Community Programming**

There is strong support for proactive and preventative measures rather than reactionary enforcement. The community is appealing for reallocation of funding to community programming that can better support the unique needs of different communities. These include improving material conditions such as food and housing and understanding the underlying issues such as mental health challenges. There was a strong cry for increased funding to social services in the community. In the racialized and 2SLGBTQ+ groups, this appeal came alongside calls to defund the police and, in some cases, to decouple social services from faith-based organizations.

- *“The City persists in diagnosing the problem as individual bad actors—and the ‘solutions’ flow from this analysis. The City needs to ... begin to make transformative change—and it could start from shifting funds from the police to those social service agencies that can truly work to prevent hate and care for the community.”*
- *“The defunding of social services in Hamilton—despite us having a strong need for it is violence against those most marginalized in our communities who require these services the most. It’s an enormous failure of our municipal leadership.”*

### **Regulations**

Regulations were not chosen as a high priority measure across the various listening sessions. Very little was said about policies or regulations, other than in response to a survey question that prompted the topic. There was a desire for the City to utilize existing levers at their

disposal to act against hate incidents that are happening, especially in front of City Hall. It was also mentioned multiple times that current regulations are not effective or remain underutilized by the City.

- 68% said they were aware of City policies or procedures that address hate speech and/or hate-motivated incidents in Hamilton.
- 26 people mentioned awareness of City policies related to hate, ranging from HARRC to Zero Tolerance to signage to equity and inclusion policy. Policies are seen as mostly vague, inadequate, poorly understood, not impactful.
- More than 50 people provided comments of dissatisfaction with any City actions/responses to date, mostly in reference to the police handling of Pride 2019. Respondents used strong language such as “disgusted” and “appalled” to describe police response, which was seen as not timely or sufficient.
- Only seven (7) people commented that they were satisfied with any actions or responses to hate-motivated incidents, mostly in terms of positive grassroots responses.

## Enforcement

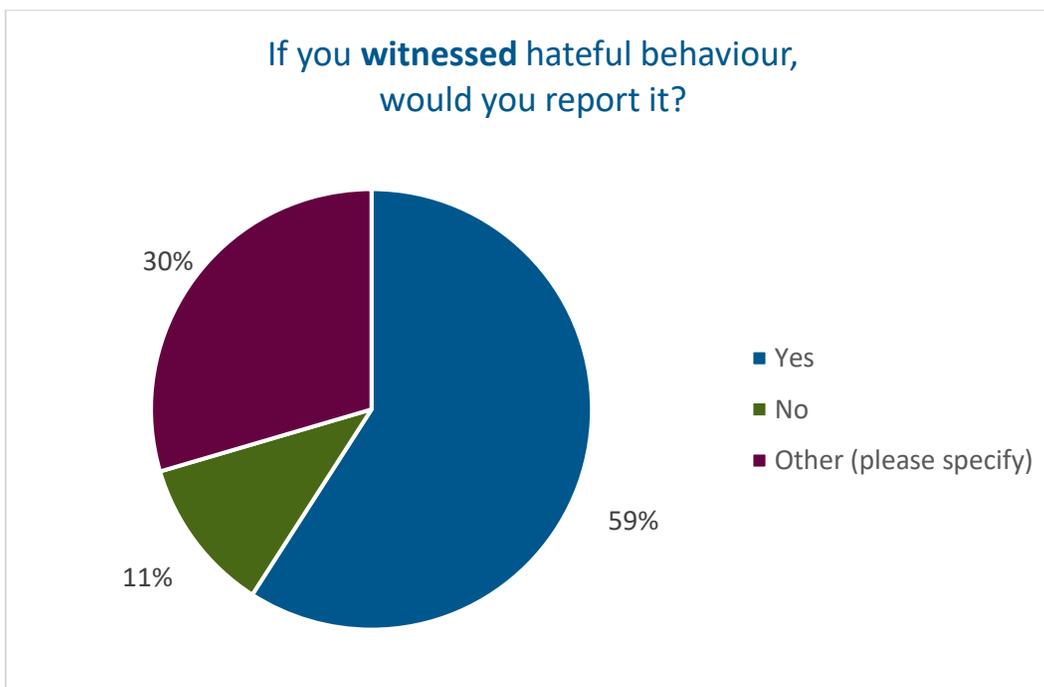
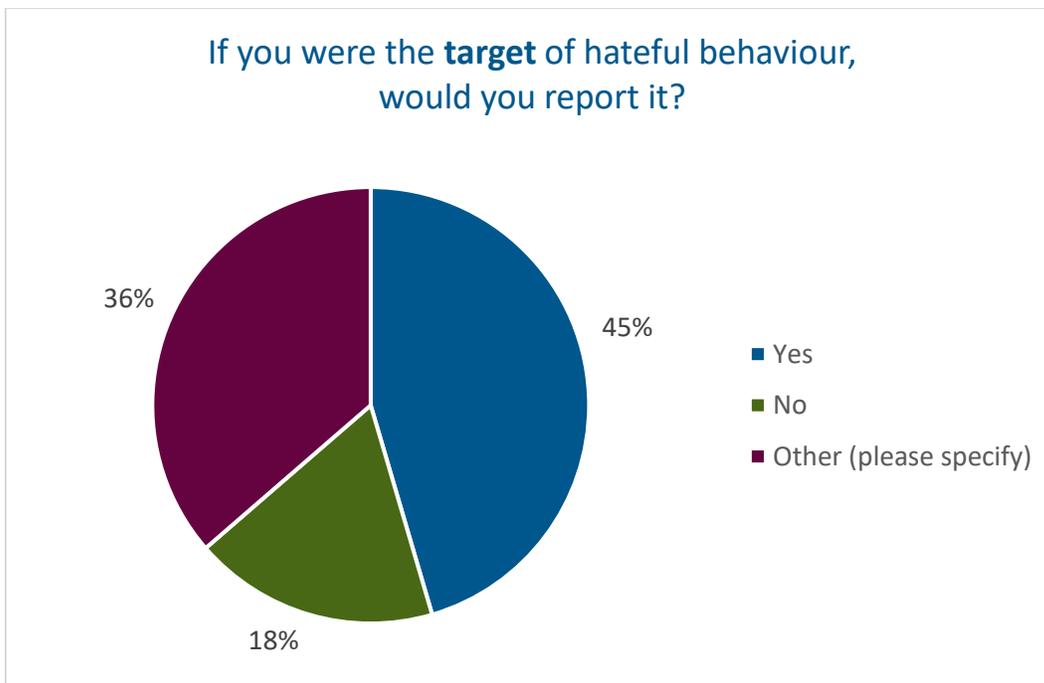
### Mistrust of police

This theme of a lack of trust in police, and in Hamilton Police Services more specifically, has a number of dimensions to it. One is significant underreporting of hate-based incidents due to a fear of being dismissed, revictimized or otherwise harmed, to the point that using police-reported statistics was described as “irresponsible” and “irrelevant.” Another reason those statistics were seen as unreliable has to do with them excluding hateful incidents perpetrated by police. There was a sense that police perpetuate hate in the city by allowing it to flourish.

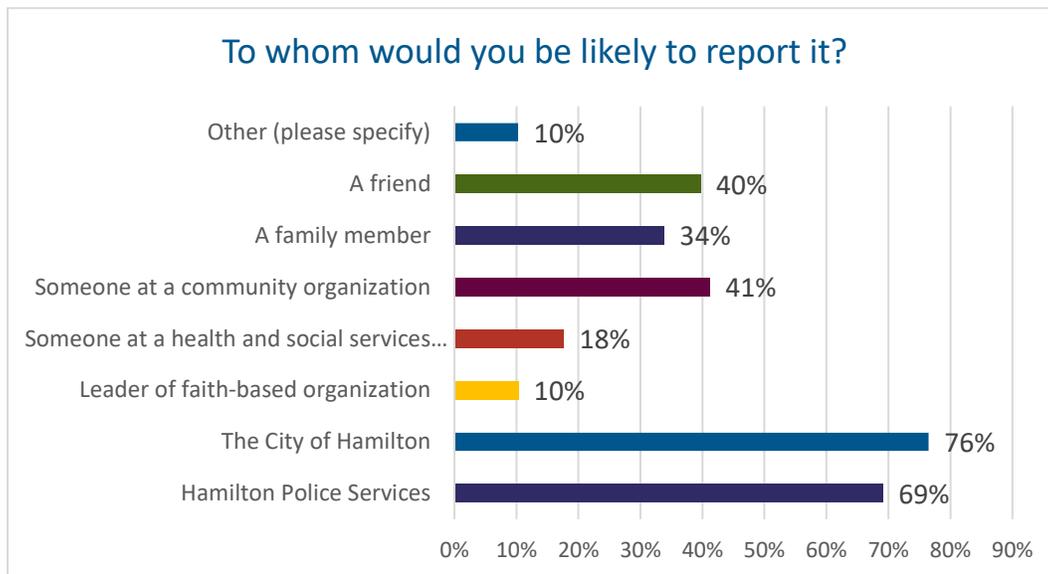
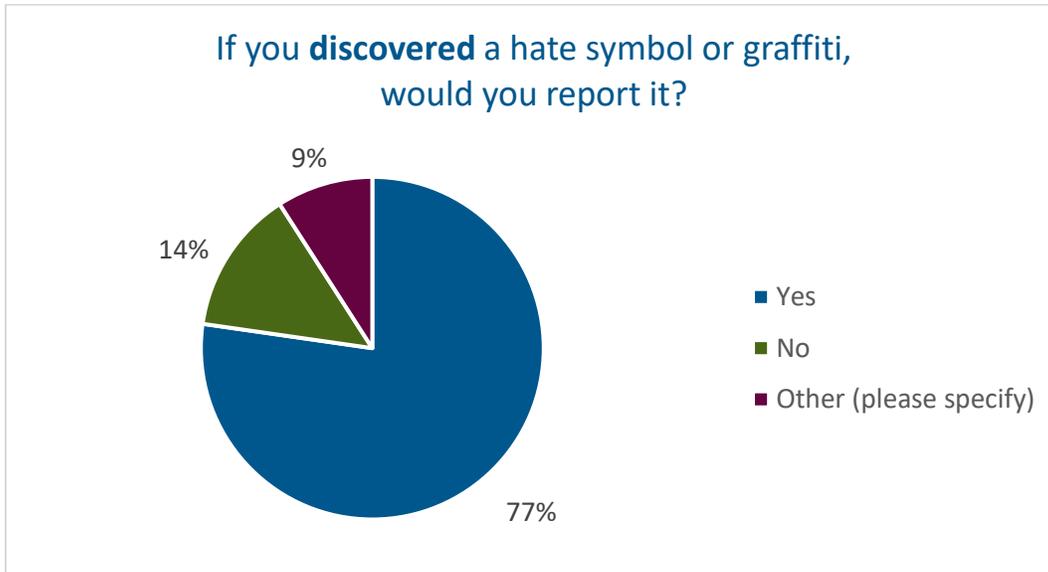
- *“I strongly believe that hate crime being underreported is because you have to report them to the police. Most people feel unsafe reporting to the police because the police perpetuate A LOT of the hate crimes. I also know too many people who have reported hate crimes to the police only to be laughed at and further humiliated and subjected to more hatred.”*
- *“There really isn't any point in reporting incidents of hate given the Hamilton police defining themselves as the victims of hate incidents in past hate crime reports. This action demonstrates that the police do not actually respect accepted definitions of hate incidents and therefore cannot be expected to respond to them appropriately. Additionally, despite recent incidents, the police persist in seeing themselves as a minority group that are discriminated against because people are naming their abuses of power.”*
- *“How do we prevent regular hate when we do not even have mechanisms to prevent City Council and police from doing that?”*

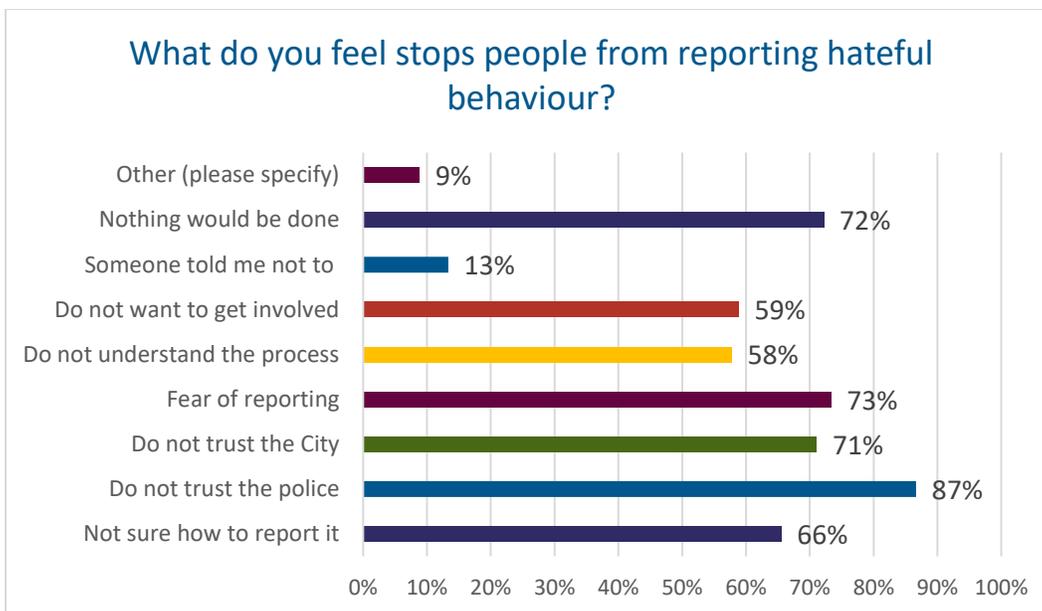
## Reporting

Reporting hate-motivated incidents was probed in more detail in the survey than in the Listening Sessions.



- Many commented that they were “unsure” or “it depends” on whether they would report if they were the victim (36%) or they witnessed (30%) hateful behaviour. Several people cited mistrust in police and the lack of follow-up.





- Other reasons for not reporting hateful behaviour included fear of being doxed and it not being worth the effort.
  - *“We internalize it. I know a bunch of people who have had something happen to them but it’s gone nowhere because they don’t want to report it or they need somebody to be right there with them. Somebody they trust, somebody they can confide in because once they report it, they still need that support afterwards.”*
  - *“Why report if nothing is done?”*
  - *“Even when we do report it, sometimes it’s turned into, it’s your fault. The blame gets shifted to the person who is reported it.”*
  - *“I am a member of society that is told cannot be a victim of a hate crime or racial profiling. Thus I would not report it as it would not fit your reporting forms. Thus you will never get baseline data.”*

The City is encouraged to **create or revamp response processes** if they do not already exist.

- *“A clear process for when/how to respond to a critical incident (i.e. for the Mayor).”*
- *“Need stronger accountability—e.g. evaluation, reporting mechanisms, a report card—transparency, communicate to community.”*

The following categories do not fit easily in the seven (7) categories listed above but were brought up in both survey and listening sessions as playing an integral part in a response to hate prevention in the city.

Participants highlighted a **need for more diverse representation at decision making tables**, rather than symbolic or tokenized representation, or none at all.

The community encourages the **media** to cover stories with more balance and to be cognitive of the impact those stories may have on the communities they are portraying.

- *"We really need to get a hold of that media, because they perpetuate a lot of harm."*
- *"Probably what we read about this is 10% true."*

There is a need for more deliberate and intentional opportunities for different communities to interact, build relationships and get to know each other, *"Positive experiences help eradicate hate."* The City could play an integral role in **creating social opportunities and events that are accessible to everyone**.

- *"People need to know each other—stronger relational bridges"*
- *"Make City events accessible to everyone—cover bussing, admission, etc. This might help newcomers, existing residents, those in lower socioeconomics come together. This must be deliberate and will require action on the part of the City."*
- *"Integration not isolation/segregation or assimilation."*

The City is also encouraged to create more **progressive and representative hiring practices**.

- *"Is there an effort to have more racialized staff at the City of Hamilton and on the police force? ...There has not been any mandate compelling the city to have to actually act on the data it has demonstrating a lack of diversity within if staff."*
- *"Just because they hired a woc [woman of colour] to save face doesn't make them less racist, police have been known to hire token poc [person of colour] to use the 'we're not racist, we hired so and so.' I do not care to see more diversified police force who are still mandated to uphold white supremacy."*

## Next Steps

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The role of government is to balance competing priorities and to act in the best interests of the community. Resident input is an important source of intelligence and reconnaissance to help inform Council decisions. That input rarely communicates a consistent message to leaders, however. In this project thus far, there is a notable congruence of views despite wildly different political stances inside this group of respondents. People across the political spectrum are calling, for example, for full and accurate reporting of hateful incidents and increased trust in police and City Hall built through a sense of being heard. Opposing viewpoints are certainly

present, including for example about the role of faith communities in providing social services and support, but overall, the input is remarkably consistent.

The polling results about priority responses are particularly telling. They encourage the City to listen without being silent, to shift resources toward social services and programs, to invest in safe spaces and dialogue. Noticeably low priority was given to regulation and enforcement, which were the focus of the City's initial description of this project.

The next step of this project is to transform this input into concrete recommendations for Council later this year. To get there, additional opportunities for community input will occur throughout the fall.

## Appendix A: Detailed Methodology

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The community engagement activities originally planned within the Hate Prevention and Mitigation project were adapted in terms of their timing, breadth and formats due to COVID-19 restrictions.

The Stakeholder Engagement Summary Report summarizes the findings from all of the following engagement opportunities, unless otherwise noted:

- Meetings with relevant City staff, the Mayor and five Councillors, and nine diverse community leaders to gather input and advice on the community engagement plan (December 2019 and January 2020).
- A facilitated 90-minute session with the Mayor's Advisory Table on Diversity and Inclusion on June 26, 2020 via Zoom. (Unfortunately, the Mayor was absent for health reasons).
- An online survey to inaugurate the use of EngagementHQ software on EngageHamilton, open for one month from mid-June to mid-July 2020. The online survey was promoted through the City's Twitter and Instagram accounts; on the City's website via a hero banner on the landing page; on a separate web page specific to the project; through the newly launched Engage Hamilton website; in a quarter-page print ad that ran in the Spectator on two consecutive Saturdays; and through email distribution lists.
- Five 90-minute facilitated community "Listening Sessions" held between June 29 and July 9, 2020, conducted via Zoom. Input taken from audio recording and chat transcript. The Listening Sessions were promoted using the same methods as the online survey.
- Telephone interviews with three individuals and email messages from seven others, all of whom reached out proactively to make their voices heard.
- Submitted notes from a February 2020 community meeting on "Resisting Hate and the Far Right"

Facilitation was led by Dr. Rebecca Sutherns and her team from Sage Solutions, the Guelph-based consulting firm hired to support the City with this project, in conjunction with two community engagement staff at the City (John Ariyo and Pauline Kajiura) and local community leaders.

The survey was answered by 91 people. 608 people visited the page on the Engage Hamilton site and 102 of those registered to respond. Having to provide a name and email address proved to be a deterrent to participation, despite that information not being directly linked to

survey responses in the analysis.<sup>4</sup> The demographic profile of respondents roughly matches the overall profile of Hamilton’s population as per 2016 data as follows:

<b>Survey Respondents</b>	<b>Hamilton Population (StatsCan)</b>
60% women, 22% men, 8% non-binary, 2% transgender	51% female, 49% male
61% heterosexual, 8% queer, 8 other answers of 7% or less	
24% self-identify as having a disability; 20/21 describe it as non-visible	
3.4% self-identify as Indigenous	2.3% Aboriginal
79% white, 7% black, 7% other, 6% south Asian, 6% prefer not to say, 8 other racial identities with 1-2% each	
76% non-racialized	79.7% non-racialized
41% no religious affiliation, 26% Christian, 9% other, 6% Roman Catholic, 8 other options with 4% or less	
77% born in Canada	76% born in Canada
Of those not born in Canada, 26% have lived here 4-10 years, 26% have lived here 11-24 years, 26% have lived here 25-49 years, and 21% have lived in Canada for 50+ years	
40% have lived in Hamilton for more than 25 years, 33% have lived in Hamilton for 11-24 years, 18% for 4-10 years and 8% for 1-3 years	

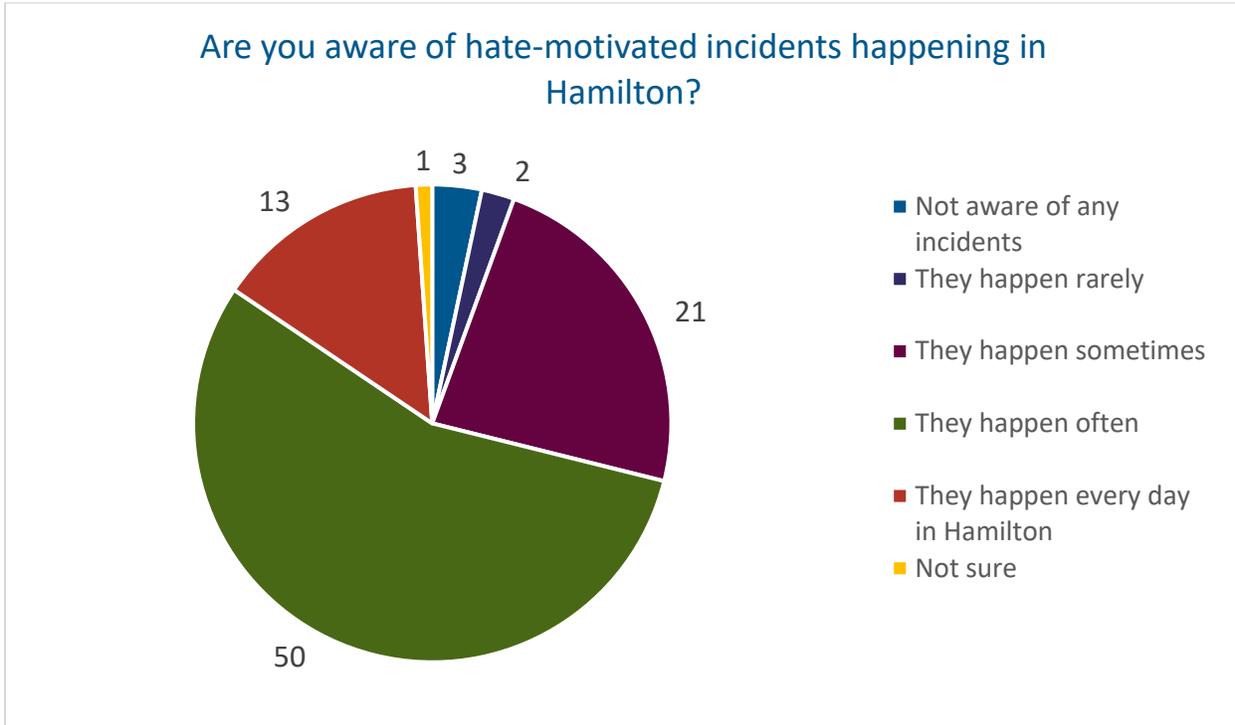
The Listening Sessions were attended by 154 residents as follows: General Public (62 participants), Racialized (29), Indigenous (15), Faith Leaders (15) and 2SLGBTQ+ (33). The subgroups were selected to reflect the communities reported to be most frequently targeted in hate-related incidents in Hamilton over the past few years. A handful of participants (roughly five) attended more than one session.

The telephone interviews, held upon request, included one prominent member of the 2SLGBTQ+ community and two yellow vest protesters.

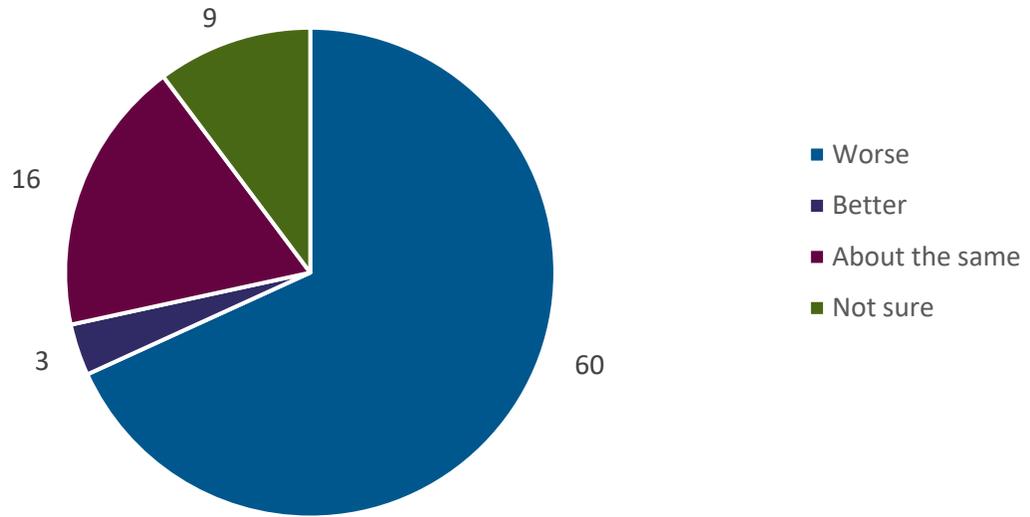
<sup>4</sup> This concern was confirmed orally by several participants at the Listening Sessions. Registration is required on Engage Hamilton as a City decision, in part to build an ongoing database of participating residents, to streamline future engagement opportunities.

## Appendix B: Online Survey Results Summary

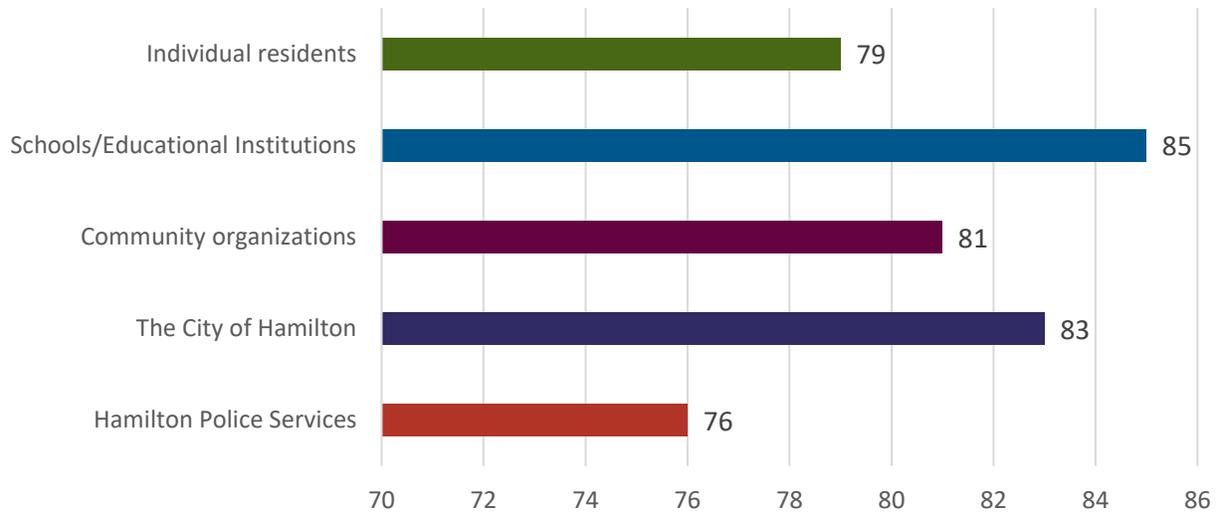
91 people completed the online survey for the City of Hamilton’s Hate Prevention & Mitigation Initiative between June 15 and July 15, 2020. The graphs that follow summarize the results from the multiple-choice questions. Qualitative responses were incorporated into the body of this report.



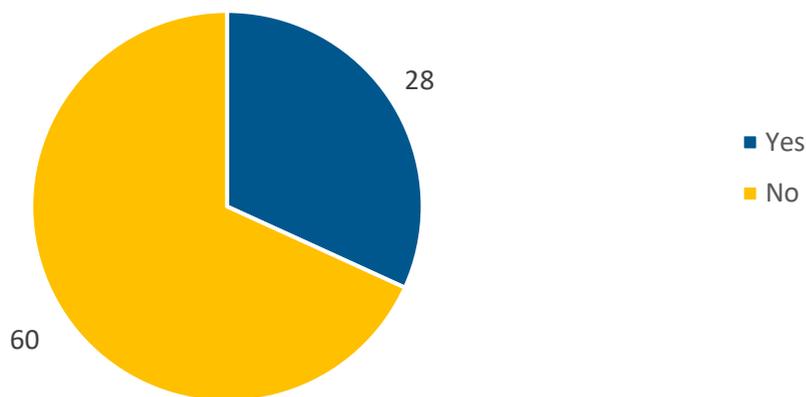
### How do you think hate-motivated incidents in Hamilton have changed over the past three years?



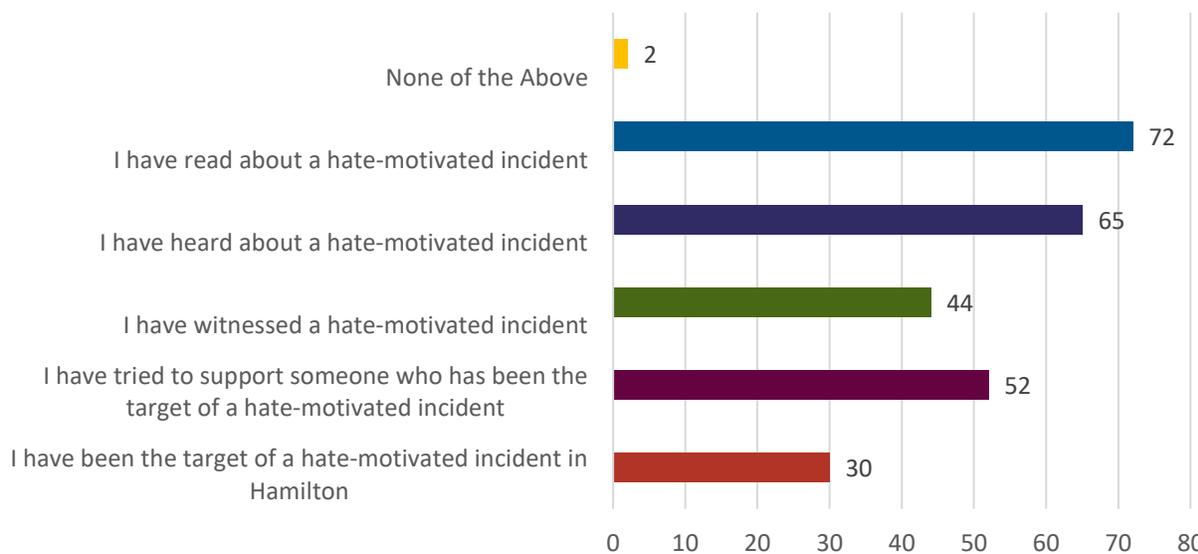
### Whose responsibility is it to address hate-motivated incidents?



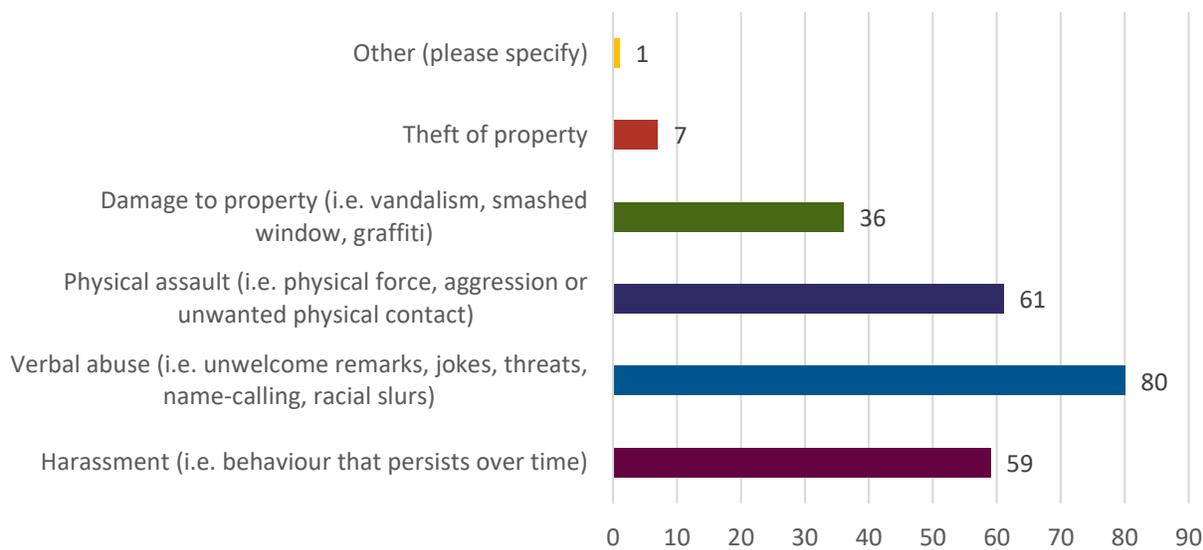
### Are you aware of any City of Hamilton policies or procedures that address hate speech and/or hate-motivated incidents in Hamilton?



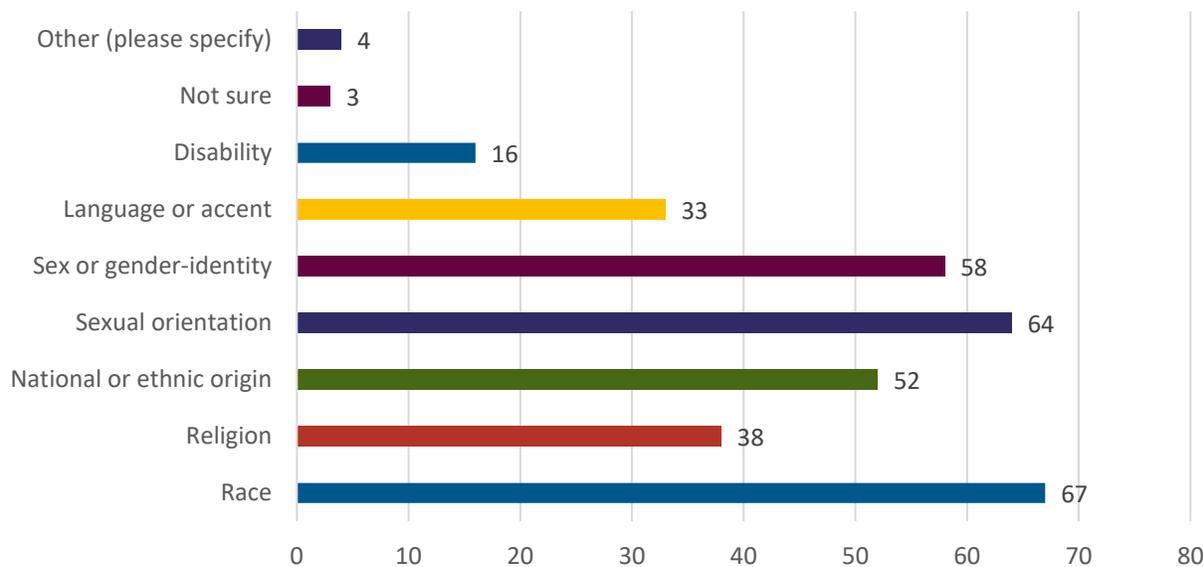
### What is your personal experience with hate-motivated incidents in Hamilton?



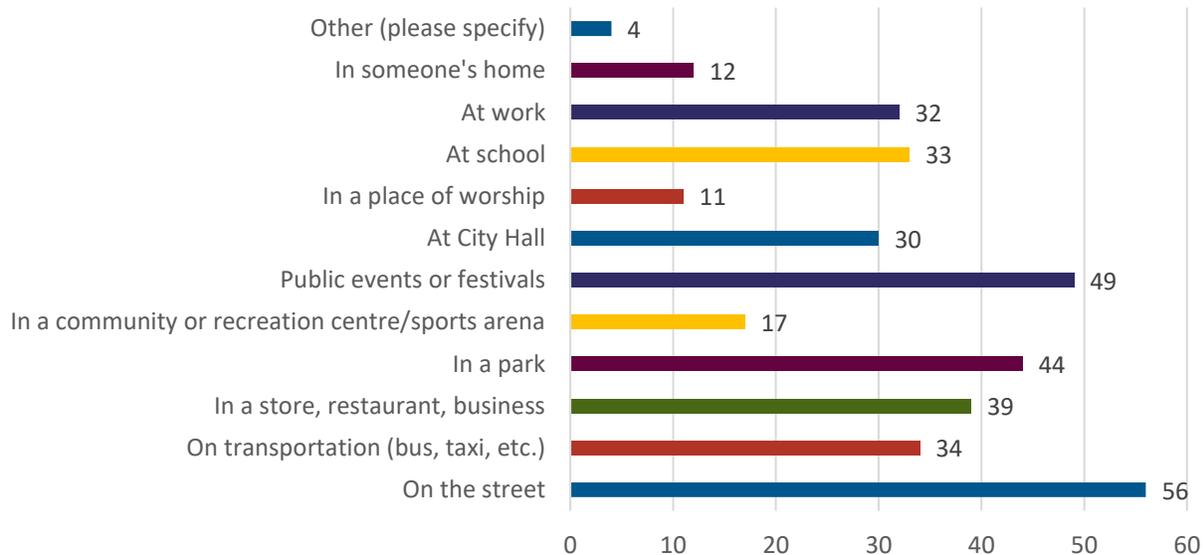
### What kind of hate-motivated incident was it?



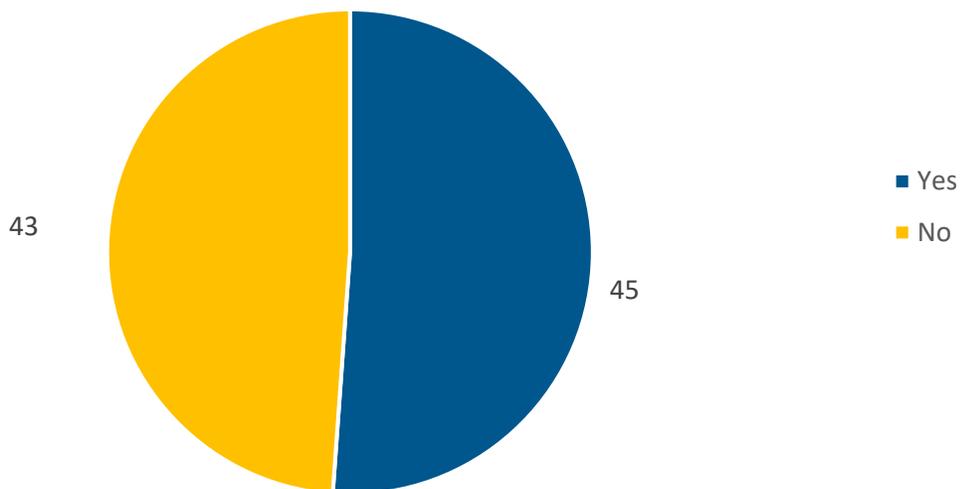
### What do you think was the perceived basis for the hate incident?



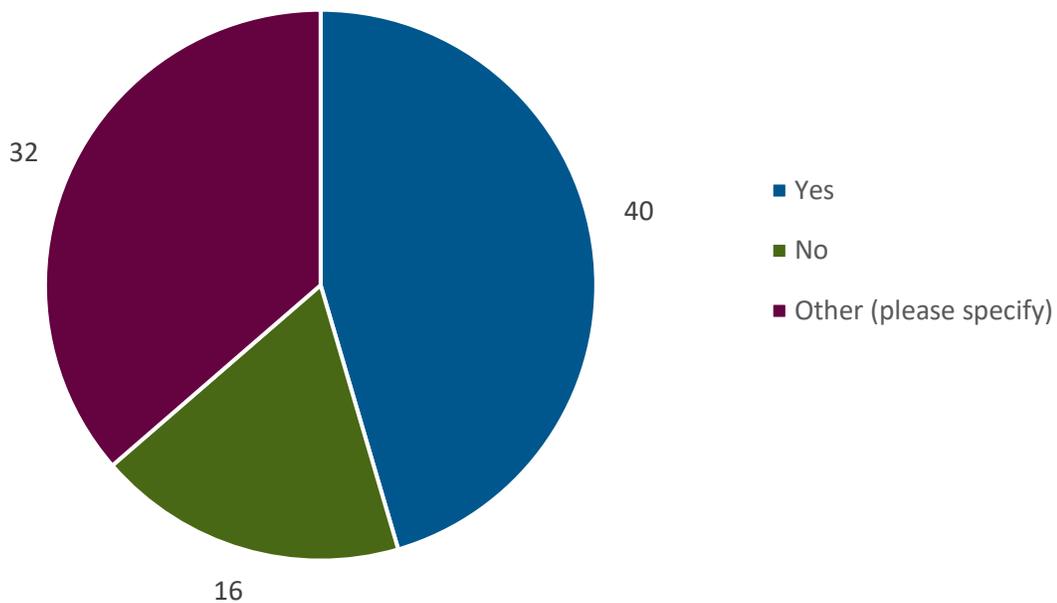
### In what type of location(s) have you experienced or witnessed hate-motivated incidents?



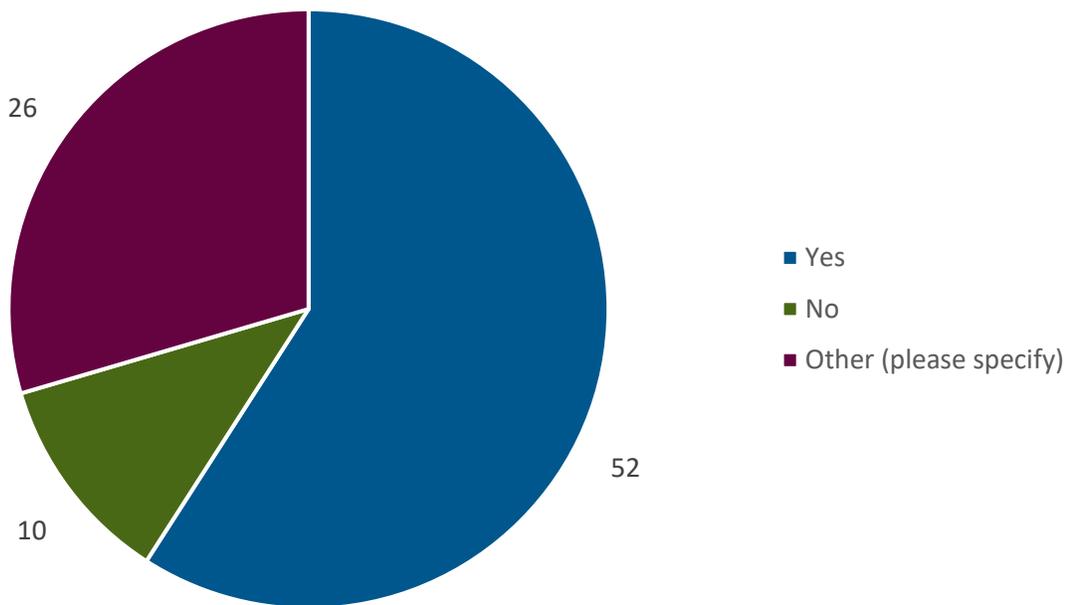
### Do you ever avoid activities/events because you do not feel safe there or on the way there?



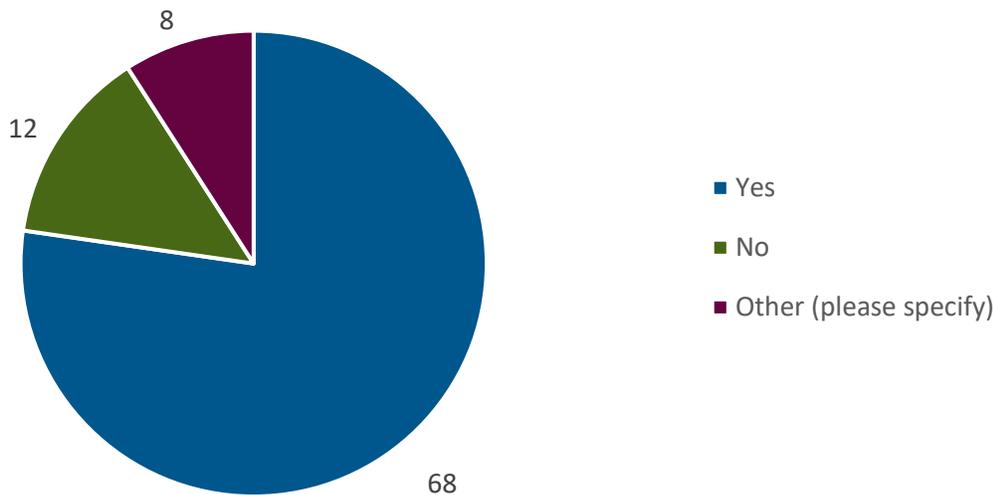
If you were the **target** of hateful behaviour, would you report it?



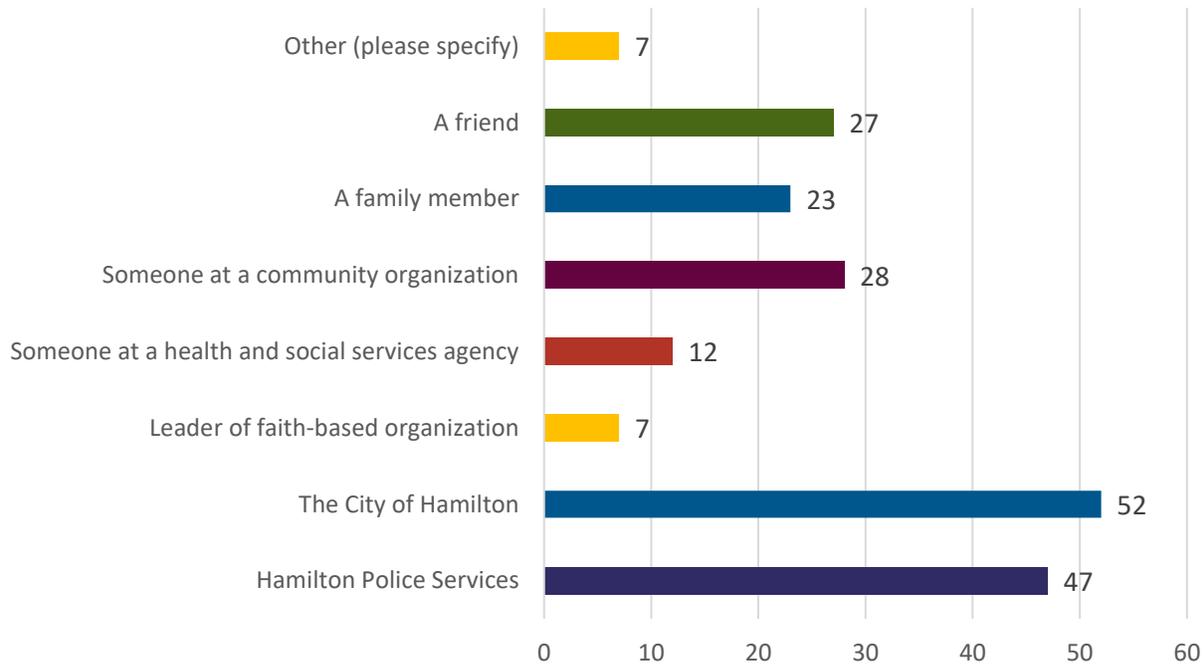
If you **witnessed** hateful behaviour, would you report it?



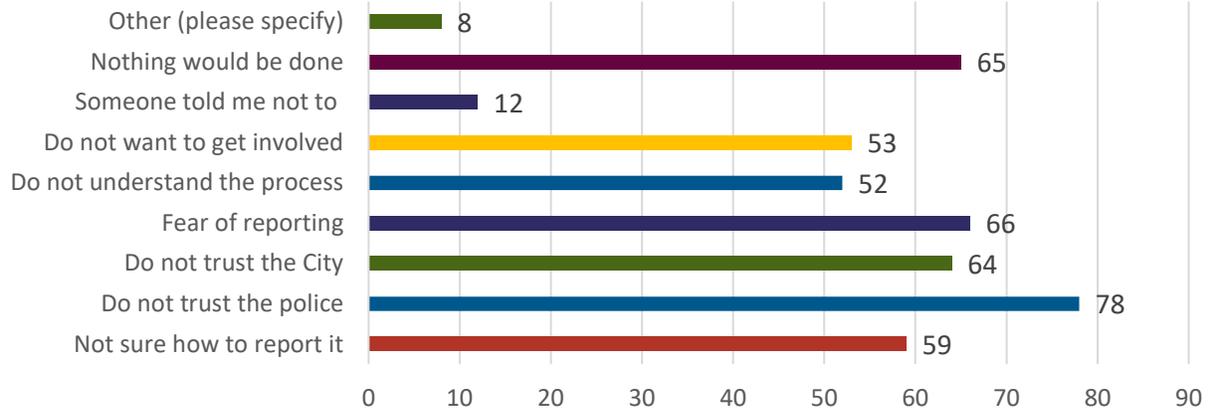
### If you **discovered** a hate symbol or graffiti, would you report it?



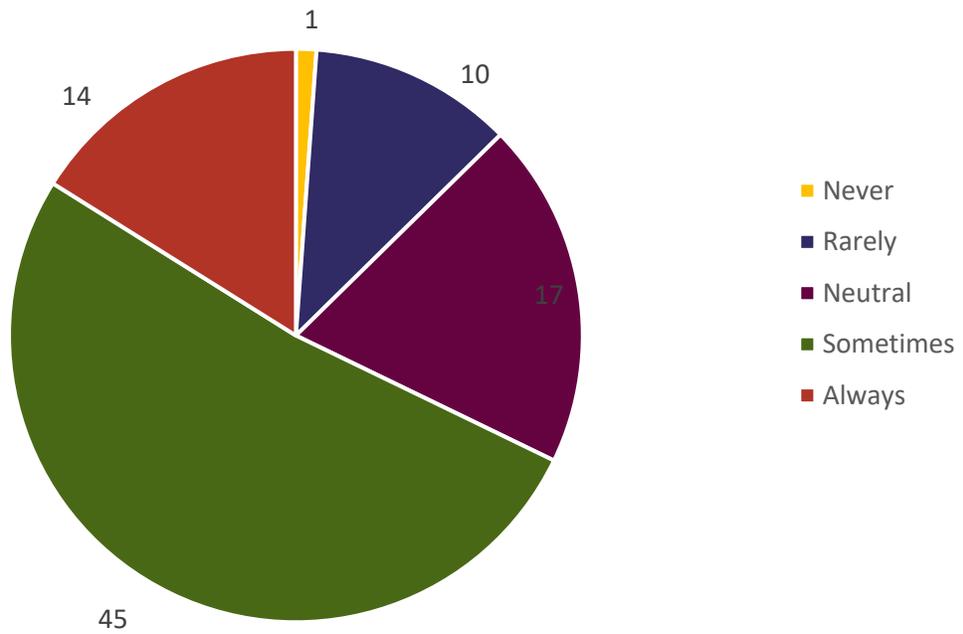
### To whom would you be likely to report it?

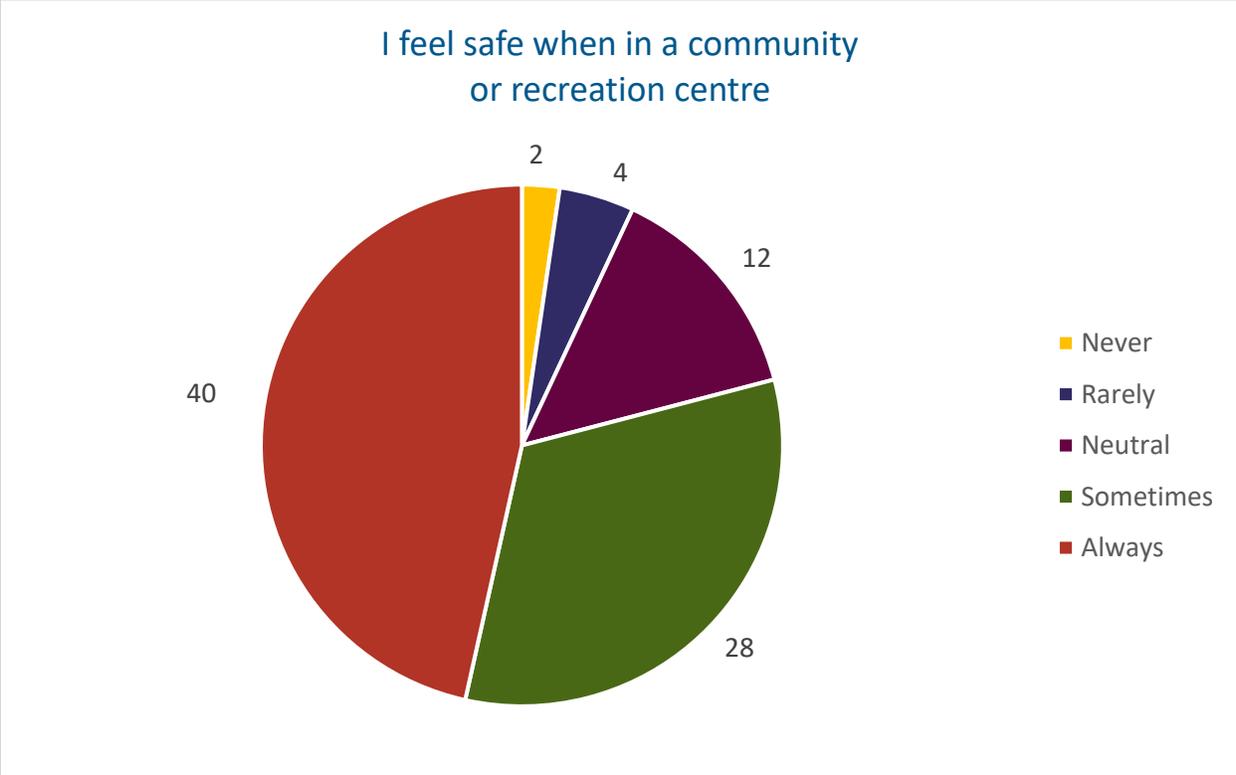
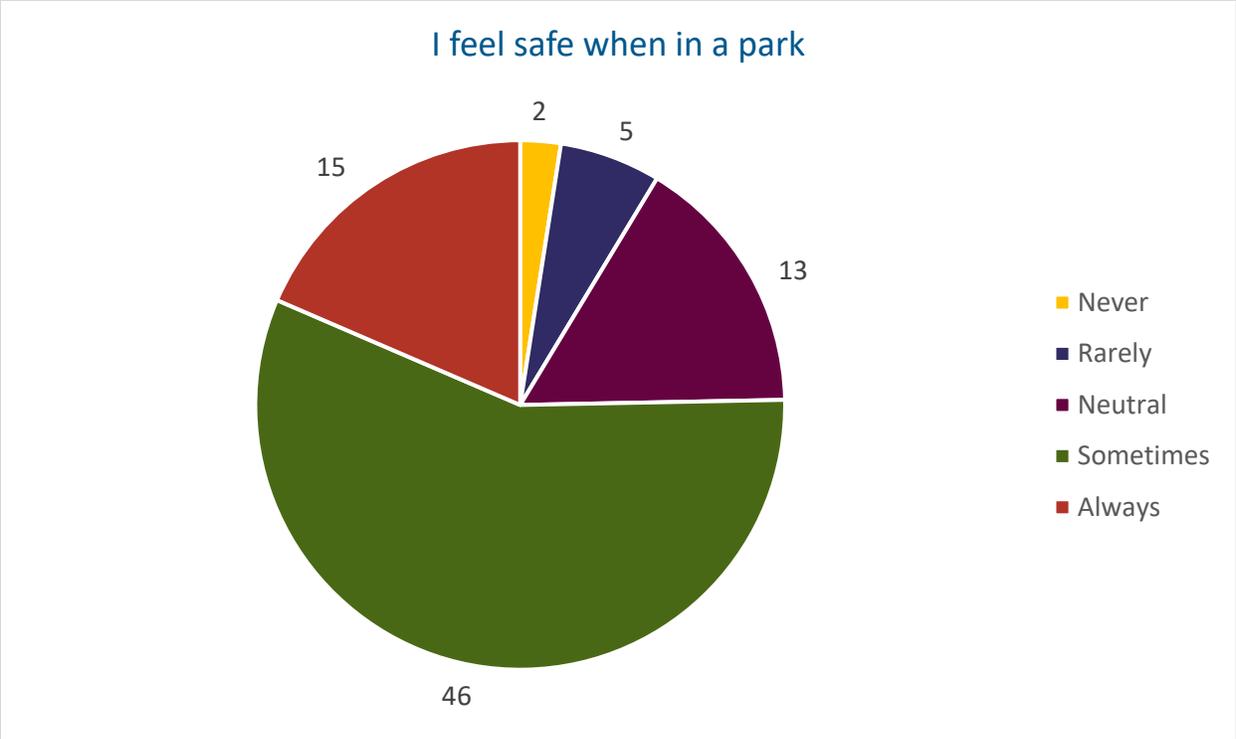


### What do you feel stops people from reporting hateful behaviour?

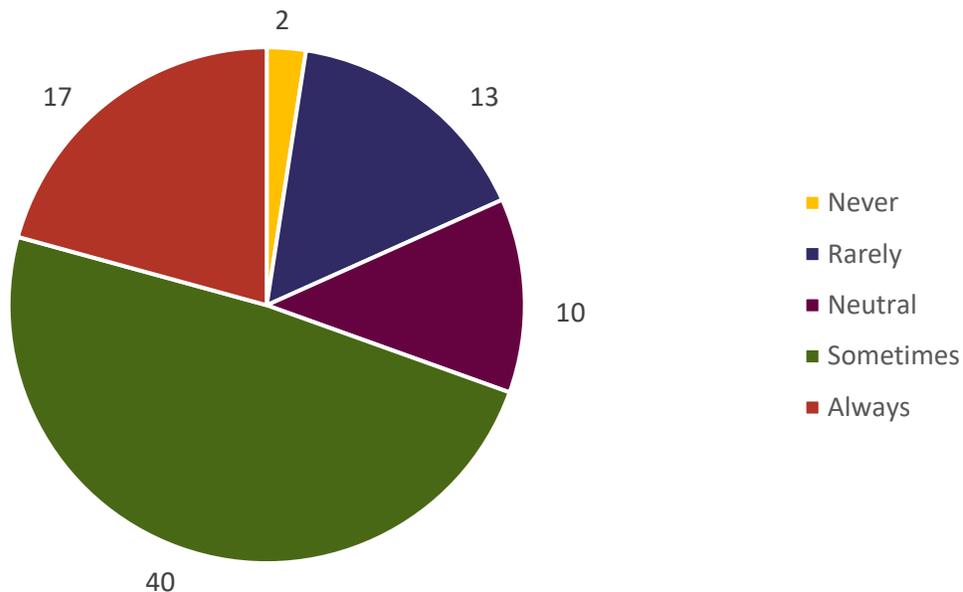


### I feel safe when I'm on transportation (bus, taxi, etc.)

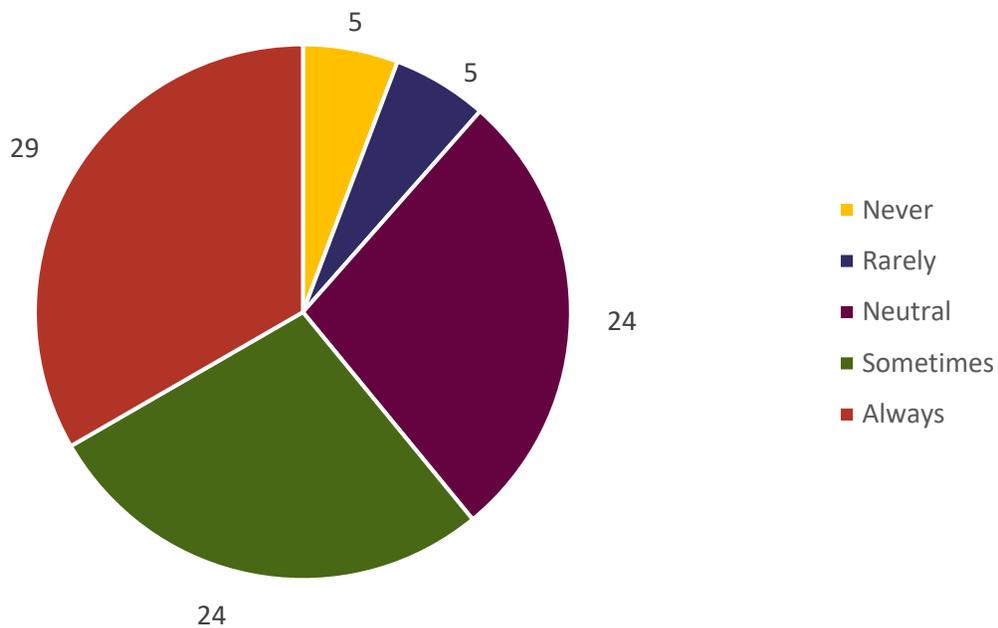


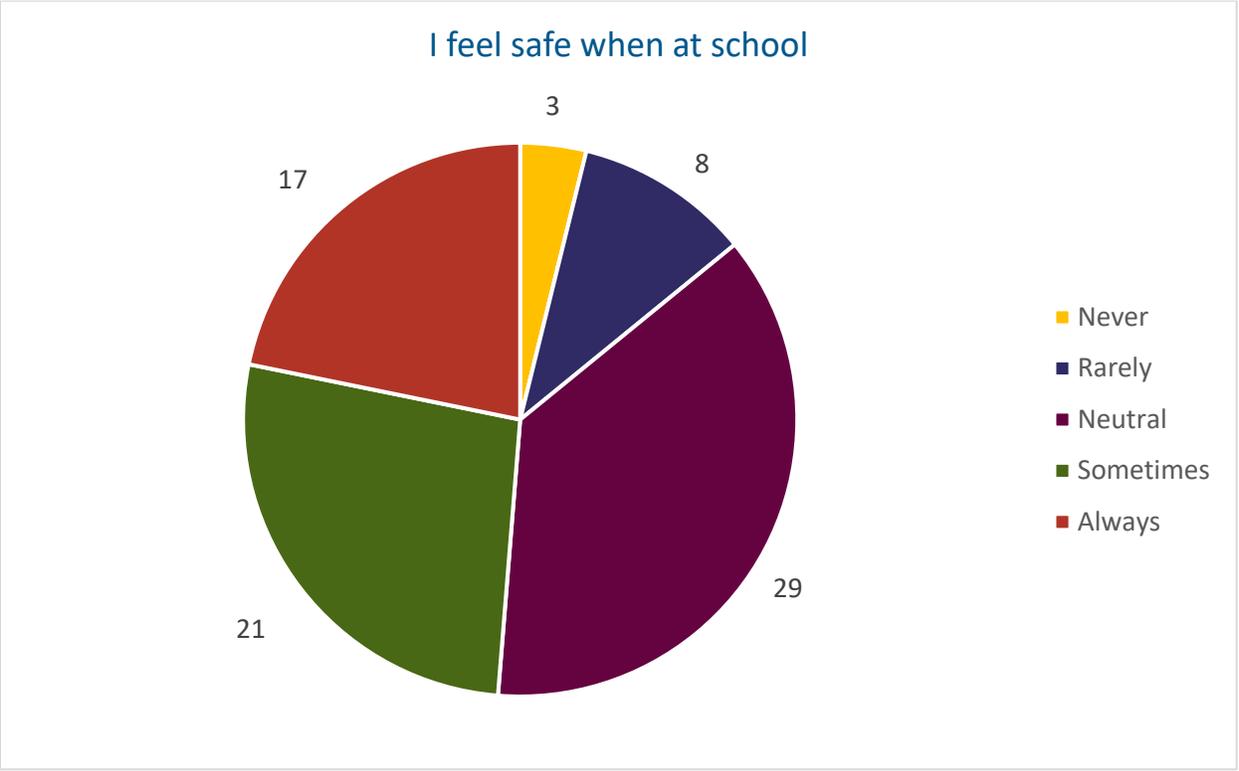
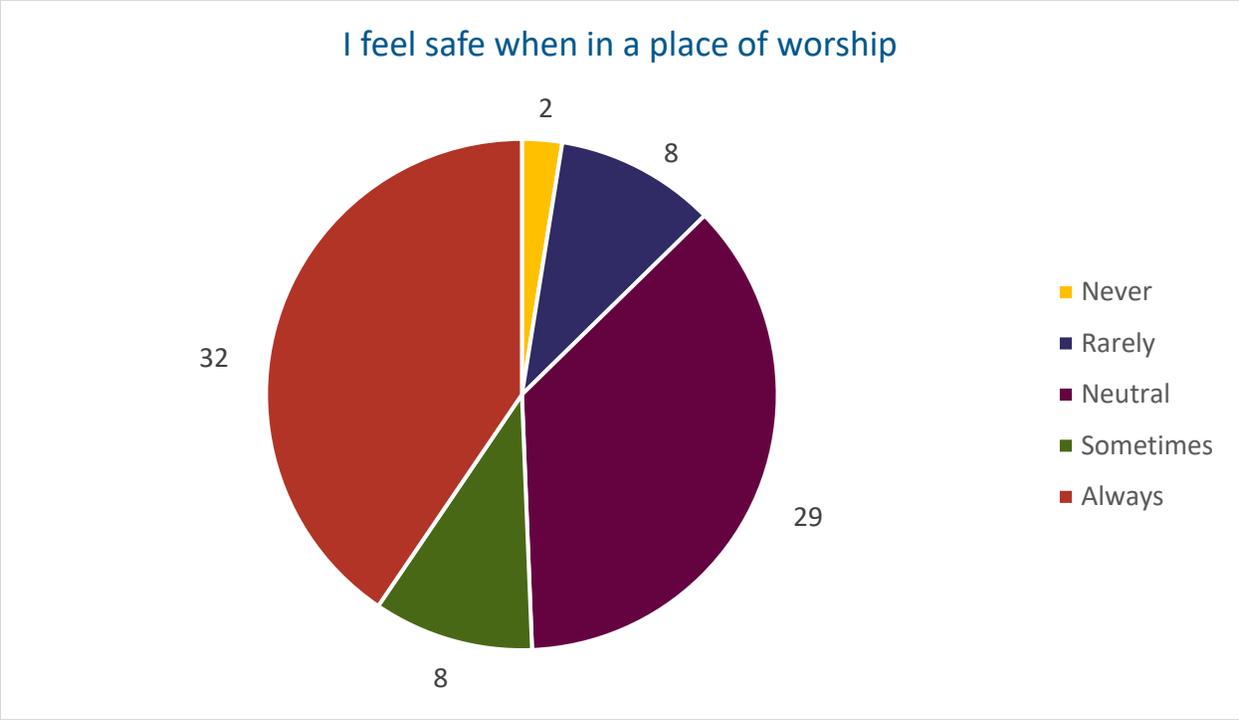


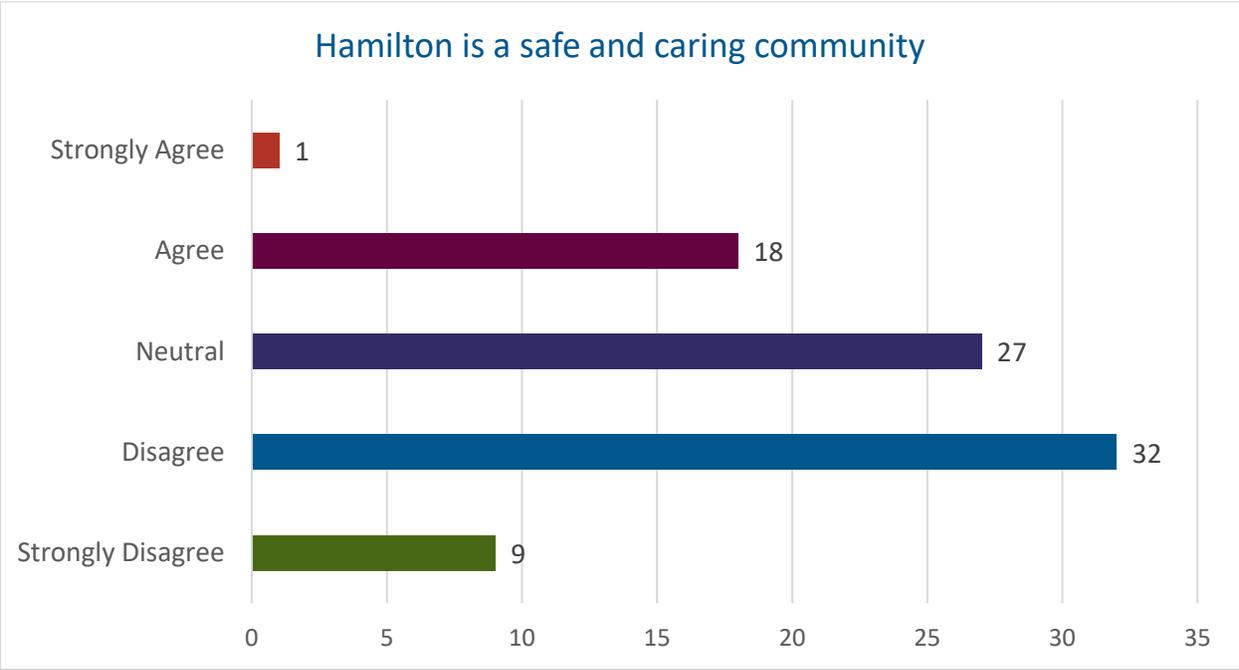
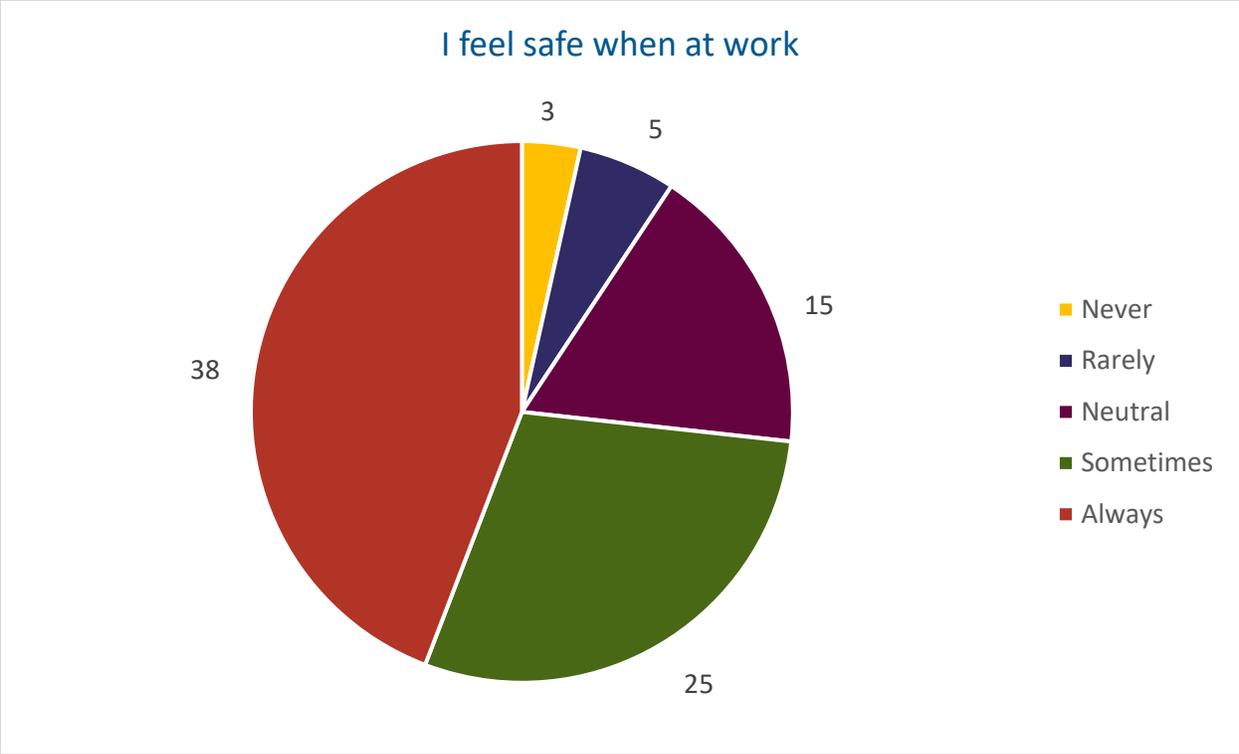
### I feel safe when at public events or festivals

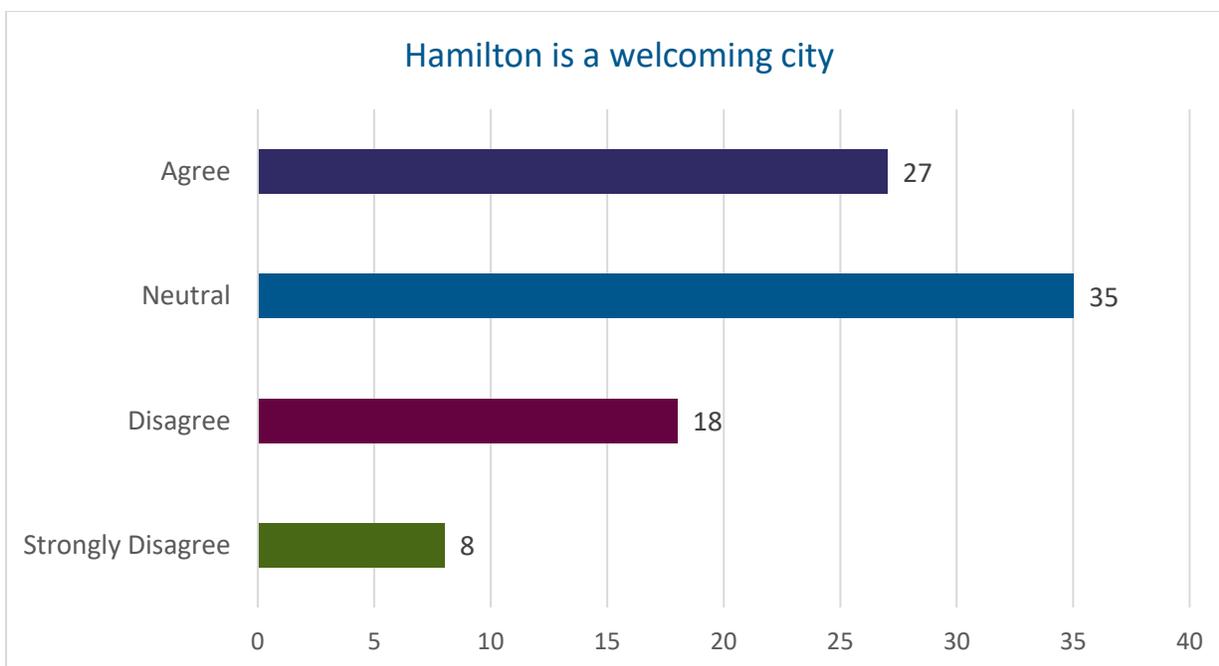
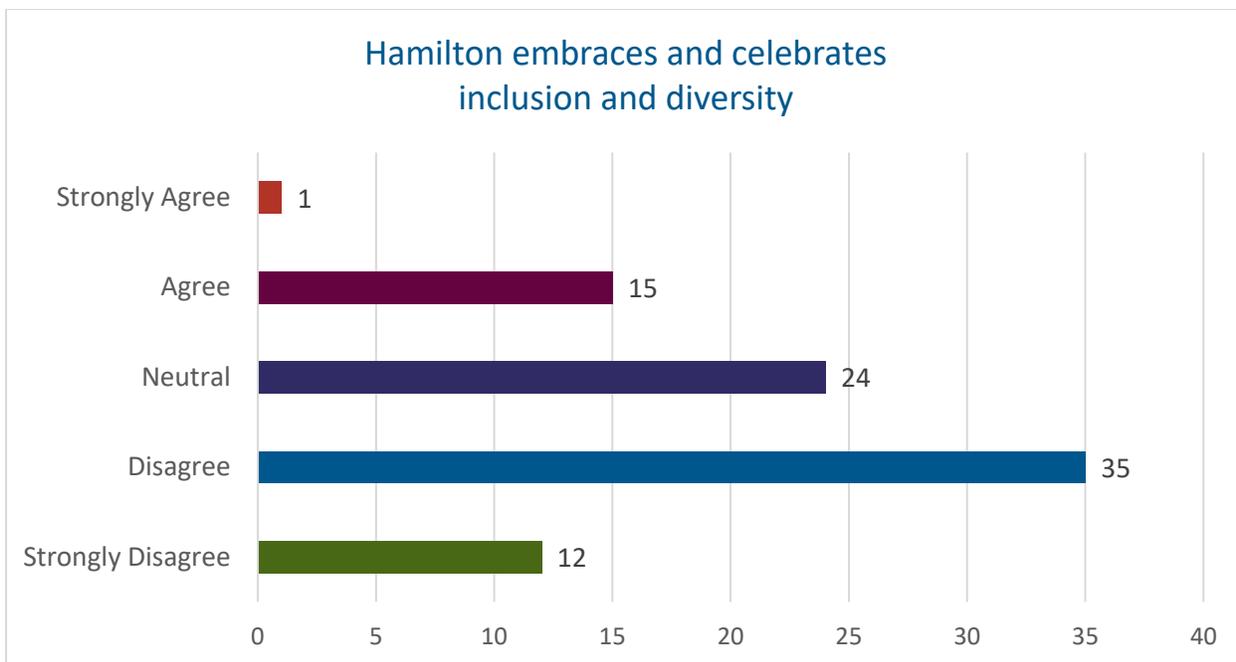


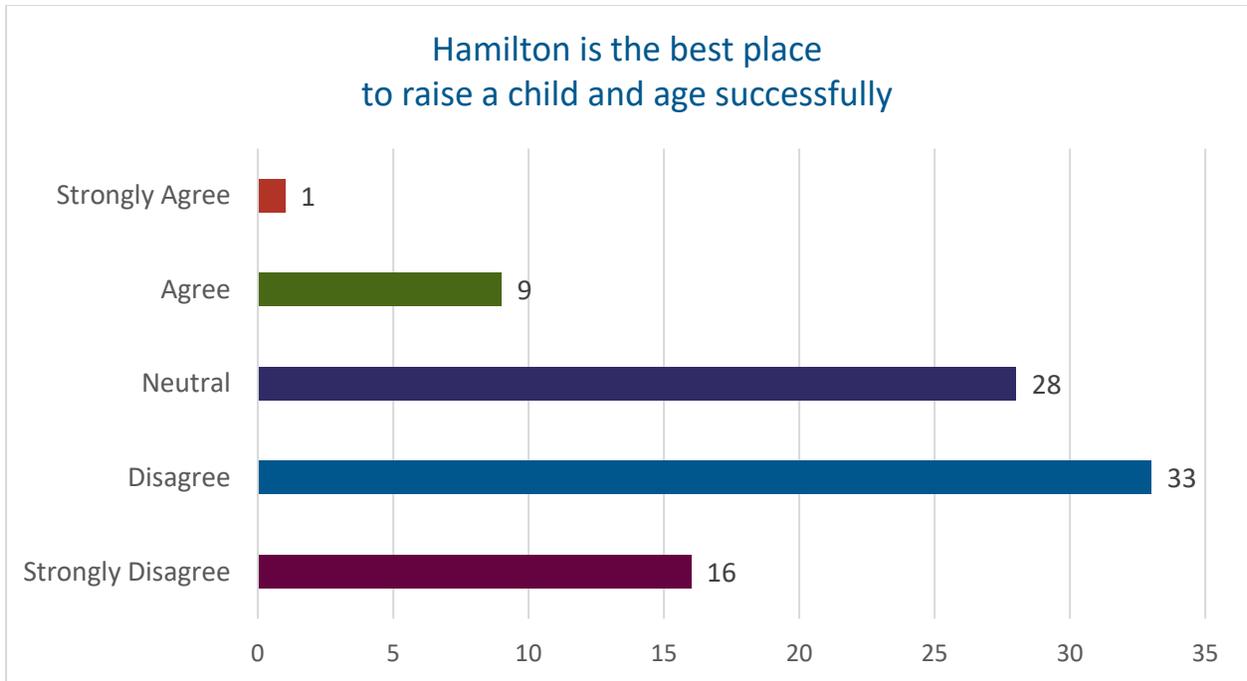
### I feel safe when at City Hall











## Appendix C: Listening Session Poll Results

Four poll questions were asked in each of the Listening Sessions. The responses are shown here. Not everyone answered every question. The total number of responses to each question are shown in brackets below each group heading.

### 1. How prevalent is hateful behaviour in your life?

	2SLGBTQ (33)		Faith-based (13)		Indigenous (14)		Racialized (20)		TOTAL # (Groups 1-4)		General Public (52)		TOTAL # (Groups 1-5)	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Part of my daily lived experience	8	24%	2	15%	3	21%	6	30%	19	24%	13	25%	32	24%
It's important to me and occasionally affects me directly	20	61%	5	28%	9	64%	8	40%	42	53%	23	44%	65	49%
I'm aware of it but it rarely affects me	3	9%	3	23%	2	14%	5	25%	13	16%	10	19%	23	17%
It doesn't affect me directly very often	2	6%	3	23%	0	0%	1	5%	6	8%	6	12%	12	9%

### 2. How much of a priority should hate mitigation and prevention be for Hamilton right now?

	2SLGBTQ (30)		Faith-based (13)		Indigenous (13)		Racialized (23)		TOTAL # (Groups 1-4)		General Public (53)		TOTAL # (Groups 1-5)	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
It's one of the top three issues facing our city	24	80%	8	62%	11	85%	18	78%	61	77%	36	68%	97	73%
It's a fairly big deal, like it is in many places	6	20%	5	38%	2	15%	4	17%	17	22%	16	30%	33	25%
There are many other priorities more than this one	0	0%	0	0%	0	0%	1	4%	1	1%	1	2%	2	2%

3. Which of these approaches requires immediate attention by the City?

(Numbers are # of responses—people could select up to two options each. Categories drawn from previous comparative research presented in the sessions)

	2SLGBTQ (25)		Faith-based (12)		Indigenous (10)		Racialized (19)		TOTAL # (Groups 1-4)		General Public (53)		TOTAL # (Groups 1-5)	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Proactive leadership	8	32%	6	50%	5	50%	7	37%	26	39%	27	51%	53	45%
Listening to the community	12	48%	2	17%	5	50%	11	58%	30	45%	27	51%	57	48%
Public education	4	16%	5	42%	3	30%	9	47%	21	32%	15	28%	36	30%
Creating safe and inclusive spaces	16	64%	5	42%	4	40%	2	11%	27	41%	9	17%	36	30%
Community programming	13	52%	4	33%	4	40%	5	26%	26	39%	19	36%	45	38%
Regulations	0	0%	0	0%	1	10%	1	5%	2	3%	4	8%	6	5%
Enforcement	0	0%	2	17%	0	0%	4	21%	6	9%	7	13%	13	11%

4. Which of these approaches will lead to the biggest long-term impact for the city?

(Numbers are # of responses—people could select up to two options each. Categories drawn from previous comparative research presented in the sessions)

	2SLGBTQ (24)		Faith-based (12)		Indigenous (12)		Racialized (19)		TOTAL # (Groups 1-4)		General Public (52)		TOTAL # (Groups 1-5)	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Proactive leadership	5	21%	9	75%	7	58%	7	37%	28	42%	24	46%	52	44%
Listening to the community	11	46%	1	8%	7	58%	13	68%	32	48%	24	46%	56	47%
Public education	1	4%	6	50%	4	33%	9	47%	20	30%	16	31%	36	30%
Creating safe and inclusive spaces	20	83%	6	25%	5	42%	3	16%	31	46%	12	23%	43	36%
Community programming	10	42%	3	25%	2	17%	2	11%	17	25%	22	42%	39	33%
Regulations	1	4%	0	0%	1	18%	3	16%	5	7%	4	8%	9	8%
Enforcement	0	0%	0	0%	1	8%	1	5%	2	3%	4	8%	6	5%

## Analysis of Poll Results

What follows here are analytical comments by the consulting team in response to the poll results above.

- The response options were taken from categories of responses to hate in communities included in the comparative research that preceded these consultations. There was general support for the categories, with acknowledgement that the details within each will matter more than the headings. One additional category was mentioned: representation of marginalized groups around decision-making tables.
- Not surprisingly, hate-related issues are of considerable concern to those who attended. Hate is a high priority issue that intersects strongly with their lived experience as a self-selected group of participants.
- The input from the general public meeting paralleled feedback from the individual subgroups quite consistently.
- There was some concern expressed that who answers the questions has significance yet is not tracked. As one respondent inquired, *“Can a white person comment on the seriousness of racism?”*
- There was general agreement on prioritization of response approaches across the groups, with no dramatic differences between immediate and longer-term priorities. Participants placed a heavy emphasis on listening to the community, providing proactive City leadership and investing in community programming. Regulations and enforcement were seen as considerably less important. This is notable in part because the initial scope of work for this Hate Prevention and Mitigation focused heavily on those two approaches.
  1. Government at all levels is used to a model of passing regulations and enforcing them. In this day and age, we need officials to learn new ways of leading communities in the democratic process—more engagement and new ways
  2. Laws and regulations provide the framework but at the core, it is in the individual that the capacity to nurture unity resides, which is why laws are limited in their capacity
- The creation of safe spaces figured somewhat more prominently for 2SLGBTQ+ respondents. For example:
  - *“Being a member of the Two Spirit & LGBTQIA+ community I can say that the lack of community spaces for us to meet in has hurt us. Spaces that we used to have are no more. It is far easier to build community and make connections if you have a physical space that is central to your community. Our digital world has changed a lot about how our communities interact with each other, but it is that human connection*

*that builds those bonds. It is important that the City see these kinds of spaces and not just an investment in one particular community, but an investment in the city as a whole. When we create safe and welcoming spaces and prove they are a priority we are making a statement about what kind of city we want to be."*

## Appendix D: Possible Approaches to Prevent and Mitigate Hateful Behaviour

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(This slide was shown at Listening Sessions and reflects a summary of the approaches uncovered during the comparative research)



## Appendix E: Select Additional Quotations from Community Engagement Activities

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### Why hateful behaviours happen

- *"Hate is taught."*
- *"Community feels unsupported by the City and punished for speaking out"*
- *"Failure to admit mistakes when they happen"*
- *"We need to recognize that it cannot be something that is tolerated, and not just not tolerated in its heinous forms, but in its subtlety, which is really where hate dwells so much more. A lot of people would be reluctant to make manifest hateful statements across the community, yet there are always these little comments. Hate against religious groups or faith groups or ethnicities that is couched in ideological or political statements about other countries or grouping people together in this "us versus them" sense."*
- *"People from inside and outside of Hamilton have been allowed to get away with hateful language (e.g. Yellow-Vesters, homophobic and religious extremists) without any consequences. In fact, police have arrested protesters more frequently than hate groups. Eurocentrism and white supremacy are pervasive in all institutions, and Hamilton institutions (police and council in particular) refuse to take accountability for their complicity. Inequity and wealth disparities are pervasive, and along with that comes the intersectional layers of indigeneity, race, immigration, gender identity, etc."*
- *"Hate-based groups, that sometimes camouflage themselves by stating their ideologies are based around economic concerns, are allowed a platform in front of City Hall. That provides legitimacy whether we want it to or not. Lack of understanding of the harm that such groups inflict upon vulnerable populations in our city, especially by people in power. It's easy to dismiss these events or these groups as inconveniences and things to be ignored when you are in the privileged majority that doesn't have to worry or feel threatened."*
- *"[Leaders] are listening with deaf ears."*
- *"If they are not listening to what the constituents are demanding, then one of the options on that poll is creating a space safe. You cannot create a safe and inclusive space if you do not listen to the people most marginalized in your community and address the concerns, they are sharing with you, that they are experiencing. So those two of course will be at the top of the list, but if you are not listening to your constituents, if you are not hearing their demands, if you are not hearing the things that they need to have a safe and inclusive space, than all the other things on that list are irrelevant."*
- *"That investigation that we spent half a million dollars on told us nothing that we didn't already know. The community had already said all of these things. There was nothing*

*new to be told there. And that half a million dollars could have been used for all those things we were talking about."*

- *"We have a history of stifling strong responses to hate"*
- *"Deeply embedded systemic racism"*
- *"The presence of new Canadians seems to threaten those who are under-employed"*
- *"Lack of exposure to other cultures and races"*

## Safety

- *"Things that require me to be alone at night. There have been yellow vest activists living directly across the road from my house for over a year. I avoid a lot because there has been hate based graffiti on my house. I am afraid that they recognize me from public events, that they will recognize me at my public facing job, or that they will recognize me in the street and target me."*

## Local Responses

- *"I have reason to believe that many individual residents attempt to interrupt or resist hate motivated incidents in a number of ways; interpersonal interactions, reporting incidents to a number of agencies, speaking out about what happened via social media, presence at City Hall forecourt, placards, singing, letters to the editor, attending rallies, political activism (for instance, sit-in to end the Special Resources Officer in Schools program) etc. Community organizations such as HCCI, and Disability Justice Network of Ontario, HWDSB Kids Need Help, Pride Hamilton, SACHA, etc. have demonstrated exemplary leadership on behalf of the community - they have provided educational opportunities, raised issues via the local Bill Kelly radio show, written letters to the editor, spoken to local media (CBC, Hamilton Spectator), organized political rallies, etc."*
- *"For me, my biggest fear is that as a white person, breaking silence is 'breaking rank' of white solidarity and that I will be seen as not fun, not a team player, etc. that is something I am working through, but still scary and uncomfortable."*

## Suggestions for Taking Action

- *"People need to see faith community leaders being open, learning, accepting."*
- *"Grassroots mobilization."*
- *"Engage more than the police in stopping hate—e.g. large employers."*
- *"There's a lot of things that [need] to be done in conjunction. It's so hard to try and bring it right down to something so narrow. We do need the education, we need to build that sense of community, everybody needs to be included into the community."*
- *"Learn from elsewhere."*

- *"Use reliable, local empirical evidence."*
- *"How are we going to make sure that the consultants actually have enough power to influence Council and not have their recommendations dismissed?"*
- *"Please prove our doubts wrong by making real changes happen."*
- *"I understand that all of this will be reported back, but there is something valuable in hearing people speak to this firsthand. And they're not having that opportunity! They're not having the opportunity to listen to these stories. Sure, the reports written about this will be exemplary, and I'm sure the staff will take it back and say, "Here are the recommendations we need to do." It is really scary when you took a look at proactive leadership and listening as the top two [priorities] that we had on that list and we don't have a leader here."*
- *"We need bathrooms for folks downtown, safe injection sites, places for folks to shower and clean up, flexible housing options."*
- *"Stopping the breakup of camps where homeless folks are living."*
- *"People are embedded in hate. It's hard to change the perception of people, especially adults. More advocacy towards our younger generation, we unfortunately have a lot of barriers facing us with COVID over the next little while and there are many people struggling with their mental health. With their mental health comes people being mean to each other. When you are suffering within your home, within yourself, within your community, you're going to project that hatred on other people."*
- *"Wellness checks not by police, or with Indigenous people alongside police"*
- *"Invest in community transformative justice and crisis intervention"*
- *"Create programming opportunities."*



Hamilton

# **Hate Prevention & Mitigation Initiative**

## **Comparative Research Report**

May 14, 2020

Prepared by Rebecca Sutherns PhD CPF  
Sage Solutions

**sage**  
SOLUTIONS

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## Background

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According to Statistics Canada, over the last five years, there has been an increase in the number of police-reported hate incidents and crimes reported.<sup>1</sup> Even in contexts where overall rates are stable, the intensity or seriousness of crimes may be showing an increase over time.<sup>2</sup> The impact of hatred and hate incidents in a community results in a disproportionate level of harm that affects not only the individual but the community at large. Whether directed against individuals or communal institutions, acts of hatred leave entire communities feeling impacted, with undeniable ripple effects. Policies, bylaws and procedures govern how people are meant to interact with one another. At a municipal level, creation and enforcement of such regulations are complemented by decisions about the design of physical spaces as well as supports provided to particular kinds of associations and events, which can help or hinder positive collective social relationships. Municipalities therefore have the potential to act as a catalyst for dismantling hatred occurring in their communities through policy and collaboration with social service organizations, police services, and community organizations.

Given the presence of yellow vest protestors congregating on city property on weekends in 2019, the City of Hamilton is exploring ways the municipality can contribute to ensuring the community lives up to the positive aspirations it holds for itself. It is doing so by learning from other communities' experiences, creating a supportive policy context, building on previous community recommendations and listening further to the community through an engagement process that will unfold during the spring and summer of 2020.

This report is an environmental scan of municipal policies and bylaws pertaining to hate crimes or hate-motivated incidents and behaviour on city property and public property. The objective is to understand how other municipalities across Canada, and selected examples from Australia, England and the United States, are approaching mitigating hate and discrimination in their cities, through specific policies and bylaws and other non-legislative measures, in order to inform Hamilton's approach.

## Methodology

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Building on the initial report, *Hate Mitigation Policies, Procedures and By-laws of Comparison Municipalities*, created by the City of Hamilton,<sup>3</sup> this report reviews twenty Canadian municipalities that had reported hate crimes over the last five years, selected based on comparability to Hamilton, Ontario. It also reviews state and local Australian examples from communities also considered comparable to Hamilton, such as Newcastle and Wollongong. The Canadian examples are largely policies, while the Australian examples are municipal strategies along with research reports on various "bias crimes."

Information was located by internet search, utilizing key terms such as "municipal behaviour bylaw," "code of conduct municipal property," "public behaviour on city property," "respectful

behaviour," "respectful behaviour in recreational centres," "public nuisance bylaws," "trespassing bylaws" and "municipal policies hate mitigation." It also included searching and reading through applicable bylaws, council agenda minutes, available on municipal websites.

Policy information has been challenging to find; many policies are internal and difficult for the public to access. There is also a lot of variability in language, such as in the names of policies and procedures, which can make locating relevant, comparable information difficult. It is highly likely that the search process outlined above did not uncover the full range of protocols, strategies and informal, undocumented initiatives. It does, however, indicate that published materials are limited.

Beyond municipal policies, other research reviewed direct community responses to hate activity, and community-based research on combating intolerance, anti-Black racism, homophobia, and initiatives for creating safer public spaces.

Research also covered Police Service websites and the information available on how to report hate crimes and hate-motivated incidents.

Some preliminary scholarly research was also conducted. Hate crimes are complex and research on them is limited, particularly in Canada. There is a tendency to focus on victims rather than perpetrators, not just in understanding the behaviours but even in designing mitigation strategies. A fulsome review of the literature is beyond the scope of this project.

## Police-Reported Hate Crimes

Table 1 shows the number of police-reported hate incidents and rates per 100,000 population in 2018 within those twenty municipalities, as documented by Statistics Canada. Statistics were not available for Oshawa or Quebec City. The census metropolitan area of Toronto encompasses, among others, Brampton and Mississauga. The census metropolitan area of Vancouver encompasses Richmond and Surrey.

In 2018, police reported 1,798 criminal incidents in Canada that were motivated by hate. Hate crimes accounted for less than 0.1% of the over 2.0 million police-reported crimes in 2018 (excluding traffic offences).<sup>4</sup> The number of police-reported hate crimes decreased by 13%, or 275 fewer incidents, compared to 2017. With the exception of 2017, the number of hate crimes in 2018 was higher than any other year in the past 10 years.<sup>5</sup> Police data on hate-motivated crimes include only those incidents that come to the attention of police services and also depend on police services' level of expertise in identifying crimes motivated by hate. As a result, an increase in numbers may be related to more reporting by the public to police services (for example, as a result of outreach by police to communities or heightened sensitivity after high profile events), and/or a true increase in the extent of hate crimes being committed.<sup>6</sup>

According to a recent report in the *Hamilton Spectator* based on unpublished police statistics, the number of reported hate-bias incidents in Hamilton decreased by 26.4 per cent over the previous year. Police chief Eric Girt stated "Hamilton has been misrepresented as the leading hotbed for hate because police here are more vigilant in collecting hate-bias incidents than many other communities." Girt believes that the majority of hate incidents that are reported to Hamilton police services predominately involve mischief-related graffiti and lower level assaults, while many other jurisdictions do not collect and report those as hate statistics.<sup>7</sup> Even

Table 1. 2018 Police-reported hate crime, number of incidents and rates per 100,000 population		
	Number of hate crime incidents	Rate per 100,000 population
<b>Total police-reported hate crime</b>	1,798	4.9
Brampton (considered part of Toronto census metropolitan area)		
Calgary	80	5.3
Edmonton	69	4.8
Guelph	11	7.8
Halifax	17	3.9
Hamilton	97	17.1
London	34	6.4
Mississauga (considered part of Toronto census metropolitan area)		
Montreal	276	6.5
Oshawa		
Ottawa	105	9.8
Quebec City		
Richmond (considered part of Vancouver census metropolitan area)		
Sudbury (Greater Sudbury)	3	1.8
Surrey (considered part of Vancouver census metropolitan area)		
Toronto (Includes all Toronto census metropolitan areas including Brampton and Mississauga)	364	6.4
Vancouver (Includes all Vancouver census metropolitan areas including Richmond and Surrey)	187	7.1
Victoria	24	6.1
Waterloo (Kitchener, Cambridge, Waterloo)	39	6.7
Windsor	6	1.7
Winnipeg	28	3.4

with that decrease, Hamilton’s numbers lie in a high range relative to the other cities listed above.

There is considerable variability in the definition of what constitutes a hate-motivated incident across police services in Canada.<sup>8</sup> Some police services use the exclusive definition, which states that a crime is only classified as a hate crime when, in the opinion of the investigating officer, the act was "based solely upon the victim's race, religion, nationality, ethnic origin, sexual orientation gender or disability," while other police services define a hate-motivated crime as one that was motivated "in whole or in part, by a bias". This distinction in definition impacts the comparability of crime rate statistics across the country. Jurisdictions adhering to an exclusive definition likely report significantly lower rates of hate crimes.

## Legislation and its Limits

Out of 20 municipalities reviewed (see Table 2), the City of Toronto has the most robust formal suite of policies related to mitigating hate on city property, specifically a response to planned and unplanned hate rallies. No other municipal policies located address groups of people congregating on municipal property for the purpose of demonstrating to incite hate.

The legislative framework for hate-related infractions is complex and occurs at various levels, Globally, there are international covenants that make it illegal to advocate hatred that incites discrimination, hostility and violence. Federally, the Canadian federal Charter of Rights and Freedoms and provincial Human Rights Codes are in place to ensure protection against discrimination. At a more local level, there are generic rules around trespassing or responsible behaviour on city/public property. More specifically, municipalities might have regulations related to anti-discrimination or the promotion of [often cultural] diversity, many of which apply to their staff or volunteers and less to the general public. Even more specifically, communities might have policies or codes of conduct related to peaceful public gatherings or, in rare cases, hate-related behaviour.

**Table 2. Comparison of Municipal Policies & By-laws**

Municipality	Formal Policy for Hate Crime (related to Hate incidents)	Policies/ By-laws for behaviour on city property/ public property
Brampton		✓
Calgary		✓
Edmonton		✓
Guelph		✓
Halifax		
London		✓
Mississauga		✓
Montreal		
Oshawa		✓
Ottawa		✓
Quebec City		
Richmond		
Sudbury		✓
Surrey		
Toronto	✓	✓
Vancouver		
Victoria		
Waterloo		✓
Windsor		✓
Winnipeg		

Yet even when legislation is in place, it is only as effective when enforced. One recent study of three Australian states revealed a woeful lack of convictions of bias crimes despite thousands of offences being reported, sometimes as many as three per day, in a context where vast underreporting is known to be the case. Just three convictions in total have occurred since the

mid 1990s. The researchers point to a variety of contributing factors, including staff cuts to bias crime units, widespread denial, conservatism and intolerance among “old white men” that run police services, inappropriate police training to recognize and track these crimes, and even a tendency to want to keep minorities quiet. Vilification crimes are known to be difficult to take to trial, since proving motivation is key to conviction, so police may not bother pursuing incidents. Moreover, if common cases are not handled seriously, it makes it harder to prevent major hate crimes.

All of this occurs within a broader context of selective enforcement in security and policing, which itself is nested within a justice system and a broader sociocultural reality in which bias, racism and other forms of discrimination have been shown to be rampant.<sup>9</sup>

Legislation alone is therefore an insufficient condition to mitigate hate. Not only is reporting problematic, but even when reporting occurs, decisive, effective follow up may be limited or allocated unequally.

## Critical Observations

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At a local level, municipalities have a range of “levers” at their disposal by which to address hate-related behaviours, directly and indirectly. These include:

- Strategic planning and leadership
- Communication and community engagement
- Environmental design and maintenance of public spaces
- Community placemaking and programming (including investment in the work of community organizations)
- Public education and capacity building
- Proactive partnerships
- Regulations and policies
- Enforcement practices (including tracking and reporting; situational crime prevention; levelling consequences etc.)
- Emergency response and symbolic representation

They are often housed under strategic headings such as “cultural diversity” or “community safety,” which may be both broader and narrower than hate mitigation. Even more broadly, local decisions that accelerate equitable economic activity, for example, could have an impact on hate-related behaviours to the extent that they are exacerbated by hopelessness or inequities. Available examples of these levers have been summarized – the City of Hamilton may wish to explore others.

Illustrative examples of community-based initiatives are also included here, which often thrive with municipal support. They demonstrate the intersection of front-line work, intentional

partnership development and community-led responses, whether it's the development of public education campaigns, community response systems, collective memory and art projects or anti-hate coalitions. These manifest into tangible programs and community engagement activities that bring people together across generations, cultures and abilities, and inherently are more likely to combat hate.

How these various levers are used will depend in part on where a municipality situates itself in terms of balancing early intervention with responsive engagement. More preventative approaches would promote the behaviours a community wants to see, rather than focusing on punishing infractions. Some municipalities develop and cite their values, for example, when asked how they address hate. While it is difficult to assess the extent to which they successfully live up to those aspirations, and in whose opinion, there is a noticeable difference in tone between affirmative and punitive responses, and each community needs to choose where it lands on that spectrum.



Given this range, it is not surprising that across the twenty municipalities, there is great deal of variability in how municipalities are addressing hate incidents on city and public property. Moreover, it is difficult to assess how effective these various approaches are. Reported hate crime rates is one important but rough measure of results, but there are multiple contributing factors to that number, and it does not necessarily give an accurate depiction of hate-related incidents or how safe people feel to report or even to live in each place. Similarly, the existence of a published strategy document or piece of legislation does not necessarily speak to how well-used or effective that policy or regulation has been in practice.

## Range of Levers

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Despite this variability, what does emerge as clear are the following observations:

- a multi-pronged approach is needed;
- a single “one size fits all” model is not appropriate to each place;
- municipalities are able to use various levers to influence behaviour, and yet
- mitigating hate requires coordinated action well beyond municipal control;
- no single municipality currently has this issue “figured out,” but Hamilton can learn from the composite experience of others.

There are several elements which, taken together, create an environment in which hate is less likely to flourish. These include the following:

- Zero tolerance of hate-related behaviour – on “paper,” in perception and experientially

- Effective communication, including to help residents navigate how to handle hate-related incidents (both experiencing or witnessing a hate-related incident)
- Broad and specific training for police in respect, diversity and recognition of hate crimes
- Public education (e.g. campaigns, values exercises, dialogue, training) to set shared community norms and expectations and to increase knowledge
- Ongoing training and workshops for municipal staff and community organizations to share best and emerging practices in building diverse, inclusive and equitable communities
- Intentional collaborative relationships across the community, including with police services
- Access to trauma-informed, culturally appropriate support for victims
- Safe, responsive and transparent reporting mechanisms that are used and that extend beyond only reporting to police services
- Community-wide tracking of hate-related incidents
- Crime prevention through environmental design
- Support for community groups and initiatives that promote diversity and inclusion and address root causes of discrimination
- A supportive suite of legislation, policies, regulations and codes of conduct that are actually followed
- Investment in alternative models of enforcement to achieve community safety, such as restorative justice
- Creativity and openness to meet emerging needs as they arise

## Case Study: The City of Toronto

### *An integrated suite of policies specifically targeting hate*

The City of Toronto's Hate Activity Policy and Procedures assist in the identification of a hate-motivated crime or incident and identify the appropriate responses. The goal of the Policy and Procedures is to establish and maintain a hate-free City as required under the City of Toronto Human Rights and Anti-Harassment/Discrimination Policy, the Ontario Human Rights Code and the Criminal Code. The City's Hate Activity Policy and Procedures have broad application and apply to all City of Toronto employees, volunteers, accountability officers and their staff, and elected officials and their staff. It also applies to citizen advisory committees/bodies, members of the public, service recipients, visitors to and users of City facilities/public space and individuals conducting business with, for or with support from the City of Toronto.<sup>10</sup> Perhaps most importantly, the City's Hate Activity Policy specifically states that the City of Toronto condemns the promotion of hatred and promotes an environment free of hate.

The City's Hate Activity Procedures outlines behavioural expectations and lines of communication should an event occur on city property. A report is made to management and the Human Rights Office. City staff are required to respond to these incidents/allegations by assessing the issue, and if it is an emergency, respond based on existing emergency guidelines and notify the Toronto Police Services (TPS). If it is not an emergency, staff are required to

record and provide all details to the Human Rights Office for consultation and response. Because of the legal issues and constitutional rights involved, staff in Legal Services are also typically involved in the assessment of the allegations and in decision making about appropriate responses to such incidents or allegations.

In 2019, the City created a plan specifically for responding to hate rallies which were occurring on city property. Under this new policy, the City of Toronto does not issue permits for rallies, protests or demonstrations. The City directs those wishing to hold a rally or protest in a public space to complete the Toronto Police Notice of Demonstration. This is not required, but if a group files a notice, it activates a communication channel between TPS, the City's Corporate Security, and City staff to monitor the event. The information requested in the notice of demonstration is to ensure public safety, it is not a permit for demonstrations or rallies. It is highly unlikely that many organizers would provide notice of demonstration to TPS, due to the historically strained relationship between public demonstrations and police services. Actual use or effectiveness of this mechanism has not been verified.

When either TPS or City staff become aware in advance of a rally, they communicate with one another so that existing protocols can be activated. If the City receives such a notice of demonstration from the TPS, it coordinates to ensure response protocols outlined in the Hate Sponsored Rally Protocols regulation are put into place. Response protocols include communication channels between the Toronto Police Service, the City's Corporate Security personnel and staff in the City's Municipal Licensing and Standards' By-law Enforcement division. Toronto Police attends rallies to monitor and keep the peace. When the Toronto Police receive a hate activity complaint, the complaint is reviewed and assigned to the responsible Superintendent for follow up. Depending on the nature of the allegation, the Superintendent may engage the Hate Crime Coordinator and officers from the Community Response Unit, Crime Unit or Major Crime Unit within the Toronto Police Service. An internal Toronto Police Service investigation is then undertaken. The outcome of the investigation is communicated to the Superintendent of the relevant Toronto Police division, who determines whether or not the matter should be referred to the Attorney General's office for review.

The strength of these policies is that channels and specific responses exist for planned and unplanned hate rallies on city property. By creating clear communication channels with the Toronto Police Services, the City can efficiently and effectively utilize protocols when incidents arise. The City's policies are also the only ones in the country that outline an explicit plan to deal with groups of people versus just an individual. Further, city policies and practices must be designed to avoid infringing on the Canadian Charter of Rights and Freedoms, which include freedom of thought, belief, opinion and expression; freedom of peaceful assembly; and freedom of association. The City's policies balance not infringing on those rights while showcasing a strong commitment to inclusion, anti-discrimination, and condemnation of hate, including ensuring that its spaces are not used to propagate hate against any group of people.

## Case Study: Newcastle, New South Wales, Australia

### *Harmonized state and local actions to promote perceptions of safety and lower crime*

New South Wales (NSW) is an Australian state representing about 10% of the country's land mass and 8 million residents, roughly one third of the country's population, not unlike Ontario. In 2018, NSW passed a law (*The Crimes Amendment (Publicly Threatening and Inciting Violence Act 2018)*) that criminalizes publicly threatening or inciting violence on specific grounds, including race, religion or sexual orientation. It sets a high bar for the rest of the country and the existence of that legislation gives police more power to gather evidence when suspected bias crimes occur.

Newcastle is a post-industrial harbour city, the second largest in NSW, which could be considered comparable to Hamilton. Newcastle has a Social Strategy that sets a goal of being an "inclusive community" that "fosters a culture of care." Within that Strategy, they have a Safe City Plan that was generated in response to growing diversity in their city and increasing unrest that has accompanied that change. The Safe City Plan includes a range of components, including a "Safe and Vibrant Night Time Economy" strategy, primarily to address "alcohol-related anti-social behaviour," as well as Crime Prevention Through Environmental Design (CPTED), municipal services explicitly to promote pro-social behaviours, and activities to improve residents' perceptions of safety. Specific activities include provide multi-lingual resources related to community safety, partnering with the Department of Justice to support authorized street art, safe spaces training in partnership with ACON (a community health organization that supports people of diverse genders), placemaking grants and processes to ease reporting of hate-related incidents. Only after describing these various initiatives does their strategy address legislation, which is also in place to support police in enforcing expectations regarding discriminatory behaviour.

## Behaviour on Public Property

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Thirteen out of twenty of the Canadian municipalities reviewed have a policy or bylaw to manage behaviour of the general public who are using City property and/or public property (see Table 2). These include Brampton, Calgary, Edmonton, Guelph, London, Mississauga, Oshawa, Ottawa, Sudbury, Toronto, Waterloo, and Windsor. These are guidelines are framed under titles such as Trespassing and Public Nuisance bylaws, Good Behaviour Policies, Respectful Behaviour Policies and Respect for People and Property Code of Conduct. The policies are rooted and supported by the Trespass to Property Act (Ontario). As noted above, such guidelines and policies are integral to creating cities rooted in inclusivity and anti-discrimination, influencing how people are to treat each other in the public spaces.

Favourable features of several of these policies include:

- Explicitly referencing zero tolerance for violence, vandalism, and inappropriate behaviour on recreational city properties, including harassment, such as the use of racial or ethnic slurs;
- Appreciative language about respectful behaviour that is encouraged, such as a commitment to creating and promoting safe, healthy, respectful and welcoming environments where there is respect for others and responsibility for all actions;
- Naming and defining hateful behaviours that are not acceptable;

The majority of the policies are contextualized specifically for recreational centres, with a noticeable gap in how to manage behaviour on other city properties. Within these preventative guidelines and policies, clear communication channels for filing complaints or reporting infractions are cited. The most common approach is to report incidents to the most senior employee at the facility, or to corporate security. Depending on the severity of the incident, local police services are contacted to open an investigation. Penalties for infractions include a suspension of access to city properties, fines, and in some cases criminal charges. Significant enforcement occurs only when a law is broken, usually carried out by the police services.

Most of the policies reviewed focus on an individual's behaviour rather than large groups of people, such as rallies or protests. It is explicitly stated by some municipalities that their approach is to direct the responsibility of maintaining peaceful assembly, public safety and enforcement to the police while encouraging respectful behaviour on city premises. The City of Mississauga's Outdoor Events Policy requires event organizers planning to use public spaces to pre-register, obtain prior approval and sign various agreement forms indicating they will abide with relevant tolerance and inclusion policies. Although this helps to manage planned rallies, there is a need for clear procedures in the event of unplanned gatherings.

The City of Calgary and the City of Windsor have policies about public behaviour, though they refer to public intoxication, urination in public spaces, and fighting. No such policies could be found for the City of Halifax, the City of Montreal, Quebec City, the City of Richmond, City of Victoria and the City of Winnipeg.

## Case Study: City of Vancouver

### *Police Demonstration Guidelines*

As cited above, the Toronto Police Service requires a notice of demonstration. Similarly, the Vancouver Police Department (VPD) created *Public Demonstration Guidelines* to provide general information on how the VPD manages public demonstrations. The guidelines are designed to recognize the public's right to lawful assembly while upholding the law in a proportionate manner and with the least level of intrusiveness. When policing public demonstrations, the VPD's goals include but are not limited to preventing criminal acts from taking place, ensuring that the safety of demonstrators, the public, and the police is maintained, as well as ensuring that the public peace is maintained. The guidelines do not mention hate rallies explicitly, though VPD always considers and upholds Section 2 of the Canadian Charter of Rights and Freedoms.

## Case Study: City of Guelph and City of Brampton

### *Procedures for Removing Racist Graffiti on Municipal Property*

Municipal procedures for removing hate graffiti on city property, and ensuring the public knows how to report hate graffiti are extremely important. Commonly, in frustration, complaints are reported through the wrong channels such as via social media platforms or incorrect municipal departments. The majority of municipalities have a special section on their websites that communicate to the public how to report hate graffiti. As an example of this, the City of Guelph's Graffiti section on its municipal website includes a definition of hate graffiti, a timeline for how quickly it will be addressed, where to file the report and what information is required.<sup>11</sup>

The City of Brampton recently approved a motion to update the procedures for reporting and removing racist graffiti, after the public showed outrage that racist message was left up in their neighbourhood for days.<sup>12</sup> The lack of timely response indicated a gap in the City of Brampton's procedures for removing racist graffiti. The approved motion rectified this by prioritizing consistent and accurate information when reporting hate-motivated crimes (such as vandalism on city property) to the public and developing a coordinated response protocol which includes the timely removal of graffiti undertaken within hours of receipt of a report. All incidents of vandalism are reported to the police services. When possible, photographic evidence is provided. The City has also committed to exploring different ways of tracking and reporting incidents.

## Key Incidents as Catalysts

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Several communities point to memorable key incidents as having motivated action against hate. For instance, In the aftermath of the horrific events in Christchurch, New Zealand, where two consecutive mass shootings occurred at local mosques, policymakers in both New Zealand and Australia continue the extensive debate on the balance between the restriction on speech and the protection of free speech.<sup>13</sup> "The supporters of restrictive speech laws believe they are necessary to prevent racism, violence, and encourage diversity and multiculturalism, whereas those who oppose greater restrictions are concerned about their negative impact on free speech."<sup>14</sup> On the spectrum noted above, these approaches are obviously highly reactive, but can catalyze more preventative responses in the future.

## Tracking and Reporting

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As outlined above, hate crimes are likely to be significantly under-reported, and the means for tracking them are inconsistent across jurisdictions. Because changes in reporting practices can affect hate crime statistics, it is essential to recognize that, according to police services, higher rates of police-reported hate crime in certain jurisdictions may reflect differences or changes in the recognition, reporting and investigation of these incidents by police and community members.

Accurate data is not only useful in counting the number of incidents that have occurred. Expanding statistical data related to hate crime and incidents will provide much-needed insight into better understanding the intersectional elements of hate. Recognizing how the intersectional identity of victims uniquely impacts them will help improve programming and prevention efforts, as well as help organizations who deal with victims of hate to anticipate the needs of prospective clients better.<sup>15</sup> Similarly, capturing the location of hate incidents improves the ability of the municipality, police services, and local organizations to develop responses.

Most reporting systems involve an expectation that victims or bystanders will report in-person at Police Services.

To create safer and more responsive reporting systems, police services across Canada have incorporated online reporting platforms. Reporting an incident online offers a person a way to report an incident from home, with the help of a family member or friend if needed, minimizing the need to visit a police station which may feel intimidating and uncomfortable, or at the very least less convenient, thereby acting as a barrier to reporting, the complaint will still be filed online. It is unclear if proper follow-up and access to trauma-informed, culturally appropriate support services for victims are available or improved depending on the way the complaint is filed.

Out of twenty municipalities, ten police service websites had online reporting tools on their website. Frequently, it is mentioned that if the report is related to any vandalism or graffiti that could be described as hate-motivated, the person making the report should call the police instead. Of those ten, only two had specific online tools for reporting hate-motivated incidents. The online tool included examples of hate incidents and prompted the person to file a report by using questions unique to reporting hate incidents versus other criminal activities.

## Case Study: Alberta Hate Crimes Committee

### *Real time mapping of hate-related incidents*

In 2017, the Alberta Hate Crimes Committee (AHCC) launched the StopHateAB.ca website to capture hate incidents and contribute to the "real-time" map of documented hate incidents. The website still encourages individuals to report to hate-motivated incidents to police services, this does not replace filing a formal report. However, the information generated supports the outreach and education initiatives of the Alberta Hate Crimes Committee, while also disclosing to communities where incidents are taking place.

## Collaborative Community Strategies

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Community initiatives and collaborations to organize public education campaigns, community rapid response systems, community engagement art or storytelling projects or anti-hate coalitions are integral to combating hate. Cities thrive on multi-lateral, holistic approaches to

combating systemic problems. These foundational resources build empathy and hold spaces for dialogue. The following section examines examples of community initiatives to combat hate-motivated incidents in selected cities across Canada, Australia, England and the United States.

### United for All, Ottawa

United for All is a coalition recently established in Ottawa as a reaction to the rise in hate crimes toward religious and cultural groups, and Indigenous community members. The coalition is supported by a table of champions including Ottawa Mayor Jim Watson, the Ottawa Chief of Police etc., as well as an extensive list of partnering organizations. The goal of the coalition is to secure investment for critical programs that address the root causes of hate and violence. This also includes a long-term goal of building social resilience, and supporting education, advocacy, research, and institutional change.

### City of Richmond Diversity Symposium

Annually, the City of Richmond hosts a Diversity Symposium to share best and emerging practices in building diverse, inclusive and equitable communities.

### Surrey Parks, Recreation & Culture 10-Year Strategic Plan

The City of Surrey conducted a community engagement process to involve over 5,000 people in the development of Surrey’s Parks, Recreation & Culture (PRC) 10-Year Strategic Plan. The intention was to build on existing assets and meet the needs of a diverse and growing community. Participants emphasized that to meet the diverse needs and interests of this unique community, the City would need to take an integrated approach including more intergenerational, intercultural, and all-abilities events and programs to bring a broader range of people together.<sup>16</sup> As a result, in integrating the different departments and engagement cultivated themes, more holistic solutions were discovered for inclusion, celebrating diversity and community safety. Moreover, a vision of what these spaces should look and feel like, helped to articulate how citizens will relate and behave towards one another.



Figure 1 Live Graphic Recording of Surrey’s PRC Community Engagement Session by Tiare Jung, Drawn Change

Surrey also has a Mobilization and Resilience initiative (<https://www.surrey.ca/community/18661.aspx>) that attempts to address issues before they become emergencies or requiring police interventions.

### *The Australian Hate Crime Network (AHCN)*

The AHCN is a partnership composed of three sectors of society: academics, representatives of NGOs from minority communities, and people from relevant government organizations. The network provides leadership, advocacy and support for state and national government responses to hate crime and hate incidents; provides an educative and advisory role to key agencies and services on preventing and responding to hate crime and hate incidents; enhances community awareness of hate crime and hate incidents, and encourages reporting, help seeking and access to available resources; monitors and reviews patterns in hate crime and hate incidents; advocates for improvement in data collection, law enforcement and criminal justice responses; and, collect and distribute relevant current research and knowledge on hate crime and hate incidents.

### *The Hate Crime Project, Southwark Mediation Centre, London*

The Hate Crime Project (HCP) is a project run at Southwark Mediation Centre, London, England, that addresses the harms of hate crime through a restorative justice lens. Cases are often referred to the HCP by schools, housing associations, police services as well as self-referrals. The project has been very successful in tackling racial harassment and homophobia in the community, by creating a forum for both the victim and perpetrator to participate. The key objectives of the project are to explore the effect that inter-personal conflicts has on the lives of those directly and indirectly involved; to enquire into issues around prejudice and identity, which may be at the heart of the conflict; and to find a resolution that is acceptable to all or most involved. Further, allowing participants to vocalize their stories in this way can help them to recover from their experiences of targeted victimization.

There is a similar program starting locally in *Kitchener, Waterloo*. The project is called the Together Project, brought together in collaboration by the Community Justice Initiatives (CJI) and the Coalition of Muslim Women of Kitchener. The intention is to bring restorative practices to identity-focused harm, building on work called "Brave Spaces." The program seeks people with lived experiences of racism to act as trained transformative mediators to conflicts that arise in the community.

### *Portland United Against Hate (PUAH) Project*

One common issue across North America is the struggle to obtain accurate data related to the number of incidents of hate-motivated incidents, due to distrust in law enforcement, fear of re-victimization, apathy, or a sense of futility. In Portland, USA, an initiative called Portland United Against Hate (PUAH) Project created a community rapid response system to track and report hateful acts while also providing support and protection to communities. The system provides a culturally responsive and trauma informed support to those reporting acts of hate.

## *Paper Monument, New Orleans*

Paper Monuments is a public art and public history project designed to elevate the voices of the people of New Orleans. The intention is to create new narratives and symbols of the city that represents the collective vision, and honours the erased histories of the people, places, movements, and events that have made up the past 300 years. The project centres equity, integrity, and collaboration to expand the collective understanding of New Orleans, while producing a new public memory.

## **Preliminary Implications for the City of Hamilton**

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The current City of Hamilton policies and procedures explicitly to address hate-related behaviours, developed in 2019, include:

- *Hate Related Incident Prevention Policy and Procedures*
- *Procedure for Notification of Assembly or Demonstration on City of Hamilton Public Spaces*
- *Corporate Security Office Activities and Recommendations*

As in several other municipalities, the development of these regulations was triggered by a series of key events in the city, most notably unrest at the Gage Park Pride Festival in June of 2019. They sit within a broader suite of relevant strategies that articulate Hamilton's vision and values (e.g. *Our Future Hamilton*), its approaches to working with specific populations (e.g. *Hamilton Urban Indigenous Strategy*), and/or behavioural expectations for its staff and volunteers (e.g. policies on diversity, harassment, equity etc.) Other concurrent reviews are ongoing, including related to the policing of the incident mentioned above.

Provisionally, Hamilton is putting in place several elements from the list of enablers noted earlier that create an environment in which hate is less likely to flourish, including:

- Zero tolerance of hate-related behaviour written into policies
- Intentional, collaborative relationships, including with police services
- Support for public education to set shared community norms and expectations and to increase knowledge about what is not acceptable behaviour
- Crime prevention through environmental design
- A suite of supportive policies, including a Trespassing Bylaw

This list can be verified, strengthened and added to over time.

In the meantime, a provisional analysis of existing policies is offered here.

### *Hate Related Incident Prevention Policy and Procedures*

This policy is consistent with other thirteen municipalities that are taking explicit action against hate activities on municipal property through their policies and procedures; in particular, it bears a close resemblance to the City of Toronto's Hate Activity Policies and Procedures. The Hamilton policy thoroughly lays out the intention of the policy, who the policy is for, to what spaces it applies to, provides examples of behaviour that is not tolerated, articulates the communication channels for reporting infractions, and engaging with other community partners, such as police services to ensure it is followed.

The following highlights point to limitations of the Hamilton suite of policies that could be mitigated throughout this project:

- The Hate Related Incident Prevention Policy indicates that the City wants to facilitate the combined efforts of various sectors in responding to hate, including but not limited to staff, police services, elected officials and other levels of government. There needs to be more detail provided on how this will be done, as doing so is not outlined in the accompanying procedures. Will there be a development of a Hamilton Action Plan for Anti-Hate Activity, for example?
- More information and disclosure about the range of consequences would help demonstrate the severity of these violations. Other municipalities list tiers of penalties depending on the severity and the frequency of the policy infraction. Examples are 72-hour notices at the minimum (City of Sudbury, City of Oshawa, City of Ottawa).

### *Procedure for Notification of Assembly or Demonstration on City of Hamilton Public Spaces*

The City of Hamilton is consistent with other municipalities in not issuing permits for activities associated with assemblies and demonstrations, and instead requiring those interested in holding a rally or demonstration to submit a Notification of Demonstration Form. It is worth noting that extremist and/or anarchist groups are not highly likely to complete a Notice of Demonstration. Especially if these notifications are not required.

In the example of Toronto, Notifications of Assembly or Demonstration were orchestrated by the Toronto Police Services, not the City. It is unclear how utilized these notices are. In the example Vancouver, the Vancouver Police Services use Police Demonstration Guidelines to educate potential demonstrators about what to expect, and what the role of the police is during protests. The tone of this document is much different than the notice form of the Toronto Notification of Assembly.

It seems likely that if the City of Hamilton creates this tool that it will be underutilized.

## *Corporate Security Measures*

The City's Corporate Security Office filed a report in July 2019 outlining a series of recommendations to respond to hate-related activities, most notably in the forecourt of City Hall.

This suite of security recommendations is likely necessary to improve safety through environmental design and the gathering of timely, accurate footage and information, assuming the capacity exists to catalogue and analyze such footage. The tone of these measures does appear to be reactive and punitive in its orientation. As an example, the proposed signage at City Hall emphasizes more heavily the kinds of behaviours that will not be tolerated than those that are actively encouraged. There is a heavy reliance on policing to address hate and a tendency in practice to define hate narrowly as "hate crimes." There is a deference to and emphasis on the limits imposed by Charter of Rights and Freedoms rather than attempts to actively build an inclusive community within the bounds of that broad legislation.

As previously noted, combatting hate is only partially about legislation and policy and heavily about creating and sustaining a culture of inclusion. Taken together, Hamilton's approaches will therefore need to be supplemented by a range of other efforts (some of which are underway and others that need reinforcement) in order to ensure a coordinated, multi-pronged approach to addressing hate. Positive, proactive approaches to city-building should be a strong focus, to supplement more reactive and punitive activities. Examples of such efforts could include the following, based on the comparative research conducted thus far. This list will be refined further based on local research slated for 2020.

- Decisive, visible, credible leadership that speaks out quickly and unequivocally against hate
- Consistent training and transparent monitoring of respectful and equitable policing
- Decoupling of "hate" from policing and toward a broader community responsibility involving a more positive promotion of a culture of empathy and care
- Broad, active communication and public education, not just in response to hateful incidents but proactively to build inclusion
- Active promotion and funding of multilateral, positive initiatives to build trust and empathy across the city
- Community-based reporting mechanisms, comprehensive tracking and support for victims.

Additional analysis will be forthcoming following the community engagement phase of this project.

## APPENDIX A: Comparison of Municipal Policies

Municipality	Name of Policy/Bylaws/Guidelines	Who does this policy apply to	To whom are Infractions reported	Penalties	Comments:
<b>Brampton</b>	Good Behaviour Policy	All participants and spectators using city property	City Staff	Asked to leave the premise, depending on severity liable for a fine.	Intended for recreational city properties.
<b>Calgary</b>	Regulate Public Behaviour	General public	Police Services	Fine	No mention of discrimination or anti-racism. Only encompasses acts such as urination, violence, etc.
<b>Edmonton</b>	Respect for People and Property (Code of Conduct)	All visitors and staff	Staff, Corporate Security & Edmonton Police Service	Level B & Level C: harassment, discrimination or hate-related crimes.  Asked to leave & may have privileges suspended from City Operated facilities and property.	Intended for recreational city properties.
<b>Guelph</b>	Rzone	Participants and the general public	City Staff	Depending on the severity, be barred immediately from the premises and if necessary, a suspension for a period of time.  Incidents may be reported to the City of Guelph Regional Police Service, and charges may follow.	Intended for recreational city properties.
<b>Halifax</b>	Could not find any policies about behaviour on city property.				
<b>London</b>	Public Nuisance By-law	General Public	Bylaw Compliance & Police Services	Fines	Intended for public and private property. Section that address issue of hateful "street preachers" by prohibiting interference with another person's use and enjoyment of a public space by using "abusive or insulting language as a personal invective."

Municipality	Name of Policy/Bylaws/ Guidelines	Who does this policy apply to	To whom are Infractions reported	Penalties	Comments:
<b>Mississauga</b>	Use of Facilities Policy (intended for recreational city property)  Outdoor Events in the Civic District Policy	All visitors and staff & general public, anyone who applies to host an event an outdoor event.	Staff & Police Services	Unclear to whom infraction should be reported.	A permit will not be given to anyone who promotes contempt or hatred for any person (defined in Ontario Human Rights Code)
<b>Montreal</b>	Could not find any policies about behaviour on city property.				
<b>Oshawa</b>	Trespass By-Law  Respect Check Policy	Applies to all members of the public.	An authorized person who has reason to believe that a person has engaged in Prohibited Conduct may give the person a Trespass Notice.	72 hour written trespass notice will be issued. Notice prohibits entry on or to a City Facility for a period not exceeding 3 days, which can be extended up to 6 months.	Respect Check policy is for all municipal properties (including City Hall).
<b>Ottawa</b>	Corporate Trespass to Property Procedures	Applies to all.	On site supervisory staff or facility security guards.	72 hour written trespass notice will be issued.  Depending on the type of incident, behaviour, frequency, the person will be banned for a longer time.	
<b>Quebec City</b>	Could not find any policies about behaviour on city property.				
<b>Richmond</b>	Could not find any policies about behaviour on city property.				
<b>Sudbury</b>	Trespass to Property Act Policy		On site staff will escalate to supervisors and security guards.  All trespasses issued by the City of Greater Sudbury will be forwarded to the Greater Sudbury Police Service to be entered into their trespass database and decide if further investigation is warranted.	72 hour written trespass notice will be issued.  Depending on the type of incident, behaviour, frequency, a person will be banned for a longer time.	
<b>Surrey</b>	Could not find any policies about behaviour on city property.				

Municipality	Name of Policy/Bylaws/ Guidelines	Who does this policy apply to	To whom are Infractions reported	Penalties	Comments:
<b>Toronto</b>	Hate Activity Policy & Procedures	Applies to all	Toronto Police Service or City staff	The City may issue a trespass notice issued under the Trespass to Property Act to limit or bar future use of any City property after appropriate investigation and contextual review.	
<b>Vancouver</b>	Public Protest Policy (no further information found on this)				Vancouver Police Department has created a Public Demonstration Guidelines.
<b>Victoria</b>	Could not find any policies about behaviour on city property.				
<b>Waterloo</b>	Respectful Behaviour Policy	Applies to all persons (residents, non-residents, volunteers, tenants, and staff) within City facilities, and at any other location where City staff are present.	City staff who will direct inappropriate behavior to Police Services if necessary.	Banning from all municipal facilities.	Applies to behaviours that obstruct or hinder the ability of others to use and enjoy city facilities, or participate in City services programs or events, or compromise the safety and health of others, including staff, are unacceptable and prohibited.
<b>Windsor</b>	Trespass By-Law	General public	Authorized Person or Police Services if damage to property or person does not leave after warning.	Notice of trespass, ban for up to ten days. Subsequent cases or incidents of more severe or threatening behaviour many incur periods of up to six months, including an indefinite ban as approved by the City Solicitor. Long term bans shall be the exception rather than the rule.	No explicit mention of hate-motivated incidents or discriminatory behaviour.
<b>Winnipeg</b>	Could not find any policies about behaviour on city property.				

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<sup>1</sup> Statistics Canada. [Table 35-10-0191-01 Police-reported hate crime, number of incidents and rate per 100,000 population, Census Metropolitan Areas](#)

<sup>2</sup> Iner, Dryer, ed. *Islamophobia in Australia Report II.* Sydney: Charles Sturt University and ISRA, 2019.  
Nathan, Julie. *Report on Antisemitism in Australia.* New South Wales: Executive Council of Australian Jewry, 2019.

<sup>3</sup> <https://pub-hamilton.escrimeetings.com/filestream.ashx?DocumentId=205539>

<sup>4</sup> <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.htm>

<sup>5</sup> <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.htm>

<sup>6</sup> <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00003-eng.htm>

<sup>7</sup> <https://www.thespec.com/news/hamilton-region/2020/01/31/despite-summer-of-hate-hamilton-s-hate-incidents-tumbled-in-2019.html>

<sup>8</sup> [https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/wd95\\_11-dt95\\_11/p0\\_1.html](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/wd95_11-dt95_11/p0_1.html)

<sup>9</sup> See for example: <https://ccla.org/a-recent-history-of-racial-profiling-and-policing/>,  
<https://www.bbc.com/news/world-us-canada-46513250>, <https://journals.openedition.org/cybergeog/26165>

<sup>10</sup> <https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-132059.pdf>

<sup>11</sup> <https://guelph.ca/how-can-we-help-you/graffiti/>

<sup>12</sup> <https://www.bramptonguardian.com/news-story/9503719-brampton-changes-its-hate-graffiti-removal-procedures-after-offensive-message-left-for-days/>

<sup>13</sup> Wilkie, Monica. "Criminalising Hate Speech: Australia's Crusade against Vilification." *Culture, Prosperity & Civil Society*, vol. 6, Sept. 2019.

<sup>14</sup> Wilkie, Monica. "Criminalising Hate Speech: Australia's Crusade against Vilification." *Culture, Prosperity & Civil Society*, vol. 6, Sept. 2019.

<sup>15</sup> <https://www.ourcommons.ca/Content/Committee/421/JUST/Brief/BR10536925/br-external/OrganizationForThePreventionOfViolence-e.pdf>

<sup>16</sup> <https://www.surrey.ca/files/PRC%20Community%20Engagement%20Report.pdf>



# Hate Prevention & Mitigation Initiative

# Initial Engagement Report to GIC

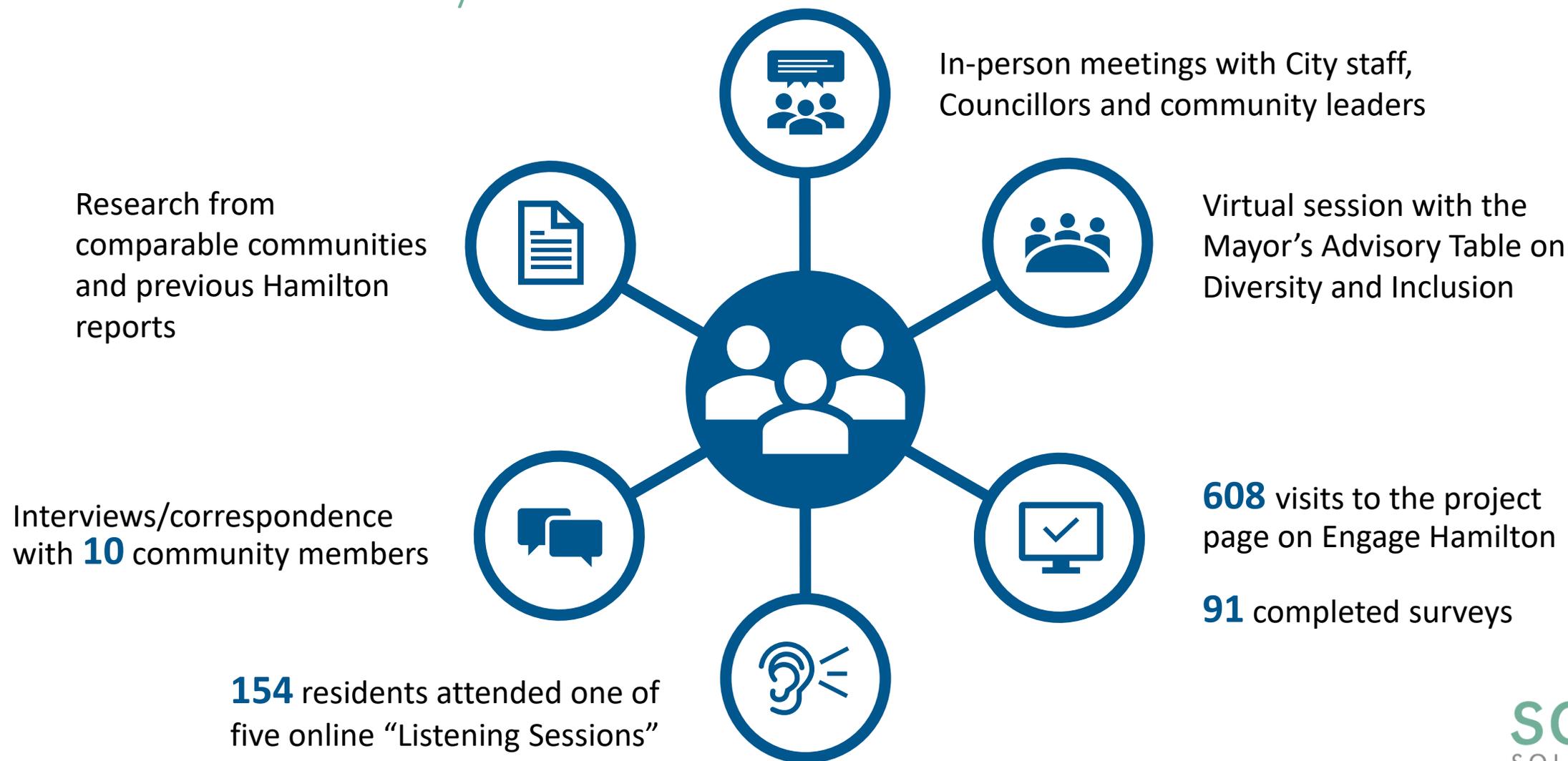
Dr. Rebecca Sutherns, Sage Solutions

September 23, 2020



# Community Engagement Activities

December 2019-July 2020



# Framing the problem



# Framing the problem



# Framing the problem



# The context has shifted

This initiative has greater  
urgency,  
relevance and  
scrutiny now

We heard remarkable congruence  
of opinion  
across engagement channels  
and political positions

## What we heard:

Hamilton is building momentum and has considerable work to do to live up to its own vision and values when it comes to hate prevention and mitigation.

Other communities are struggling,  
experimenting and learning too.

# What's being tried elsewhere:

Proactive  
Leadership

Listening to the  
Community

Public Education

Creating Safe &  
Inclusive Spaces

Community  
Programming

Regulations

Enforcement

# Hamilton' initial framing of this project:

Proactive  
Leadership

Listening to the  
Community

Public Education

Creating Safe &  
Inclusive Spaces

Community  
Programming

Regulations

Enforcement

# What the community is saying:

Proactive  
Leadership

Listening to the  
Community

Public Education

Creating Safe &  
Inclusive Spaces

Community  
Programming

Regulations

Enforcement

We will make recommendations in the following categories:

Proactive Leadership

Centering the  
Community

Education and  
Prevention

Regulations and  
Enforcement

These recommendations will be vetted and refined with targeted community stakeholders in October before Council receives a final Recommendations Report in early December.



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

<b>TO:</b>	Chair and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	Tax and Rate Operating Budgets Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Duncan Robertson (905) 546-2424 Ext. 4744 Kirk Weaver (905) 546-2424 Ext. 2878
<b>SUBMITTED BY:</b>	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (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 FCS20069, 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 “D” to Report FCS20069, be approved;
- (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.

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**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 2 of 13**

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**EXECUTIVE SUMMARY**

In accordance with the Budget Control Policy (FCS12010(a)), staff has committed to provide Council with three variance reports for the Tax Supported and Rate Supported Operating Budgets during the fiscal year. This is the first submission for 2020 based on the operating results as of June 30, 2020. Appendix “A” to Report FCS20069 summarizes the Tax Supported Operating Budget projected year-end variances by department and division while Appendix “B” to Report FCS20069 summarizes the projected year-end variances of the Rate Supported Operating Budget by program.

Staff has previously provided the Committee of the Whole and the General Issues Committee with two updates on the financial implications of the COVID-19 pandemic response through Reports FCS20040 and FCS20040(a). The assumptions made in Report FCS20069 provide an update to those impacts, as well as, capture the cost containment measures that staff has taken to limit the financial impact on the City.

Both Tax and Rate Supported Operating Budgets are projecting deficits of \$21.3 M and \$1.8 M, respectively. The COVID-19 related forecast deficit of \$61.6 M outlined in Report FCS20040(a) has been largely offset from surplus in Capital Financing of \$8.3 M, as well as, other cost savings and avoidance measures implemented in response to the state of emergency.

These include: additional avoided costs in Recreation of \$7.8 M from facility and program closures and savings in discretionary spending; additional savings of \$7.4 M in Transportation Operations for winter control and gapping mostly related to student and seasonal positions; an additional savings of \$10.6 M in contracts for Transit operations; contribution from the Building Permit Fee Revolving Fund to cover eligible expenditures of \$3.7 M; and \$2.5 M of other various cost savings. The projected Rate Supported Operating Budget deficit of \$1.8 M is due to a decrease in Industrial and Commercial Customer revenue of \$4.0 M as the COVID-19 pandemic response has negatively impacted several large industrial water users, which is partly offset by a surplus in Capital Financing costs of \$2.2 M.

On August 12, 2020, the Ontario government announced details of the up to \$1.6 B of the first round of emergency funding for municipalities under the Federal - Provincial Safe Restart Agreement. Through the Safe Restart Agreement with the federal government, \$695 M will help municipalities address operating pressures related to the COVID-19 pandemic through the first round of emergency funding and over \$660 M will support transit systems. The Province is also providing an additional \$212 M through the Social Services Relief Fund (SSRF), bringing the total to \$510 M to help vulnerable people find shelter.

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**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 3 of 13**

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The City of Hamilton's share of the Phase 1 allocation is just over \$44.8 M with \$17.2 M for transit relief and \$27.6 M for municipal relief. Details of the municipal funding are not yet available. In addition, the City of Hamilton's share of SSRF – Phase 2 is \$11.3 M to go along with the \$6.9 M received in Phase 1. Phase 2 would cover additional costs related to COVID-19 for Housing Services up to March 31, 2021. With these funding announcements, it is anticipated that the City's allocation will be sufficient to successfully mitigate the 2020 deficit, originally forecasted at \$61.6 M, after taking into consideration other cost saving and avoidance measures.

Through the application of the \$17.2 M for Municipal Transit Funding – Phase 1 and \$4.5 M for the Social Services Relief Fund – Phase 2 against eligible expenditures and foregone revenues in 2020, the forecasted deficit in 2020 would be adjusted to a surplus of \$0.4 M.

Additional details are presented in the Analysis and Rationale for Recommendation(s) section of Report FCS20069.

### **2020 Budget Transfers and Extensions**

In accordance with the "Budget Control Policy" and "Budgeted Complement Control Policy", staff is submitting two items recommended for transfer. The complement transfers, identified in Appendix "C" to Report FCS20069, moves budgeted complement from one department / division to another to accurately reflect where the staff complement is allocated within the department / division for the purpose of delivering programs and services at desired levels. The budget complement transfers identified were not realized at the time of the 2020 budget submission. However, these transfers will amend the 2020 operating budget once approved with no impact on the levy.

In addition, staff is recommending four items where temporary positions with 24-month terms or greater are being extended as identified in Appendix "D" to Report FCS20069 with no impact on the levy.

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

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

**Financial:** The financial information is provided in the Analysis and Rationale for Recommendation(s) section of Report FCS20069.

**Staffing:** Staffing implications of Report FCS20069 are detailed in Appendix "C", which outlines the 2020 staff complement transfers from one department / division to another with no impact on the levy and Appendix "D", which outlines the extensions of temporary positions with 24-month terms or greater with no impact on the levy.

**Legal:** N/A

**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 4 of 13**

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**HISTORICAL BACKGROUND**

The COVID-19 pandemic has resulted in many changes, affecting human behavior and impacting the world's economic condition. In response, the City's operations have changed considerably with facility closures, program cancellations and modification of services provided. More recently, attention has turned to the resumption of some services in modified ways that meet evolving restrictions on social gathering. Employees' work environments have also been modified, where employees have been redeployed to other services or are working from home. Finance staff is considering all measures taken by the City when monitoring and assessing the financial impact to the City.

On April 21, 2020, City staff shared projections with the Federation of Canadian Municipalities (FCM) for the purpose of advocacy for Federal financial support. The FCM report was released publicly on April 23, 2020 making several recommendations for Federal government support to mitigate financial impacts of COVID-19. Most notably, the FCM report communicated to the Federal Government of Canada that covering municipal losses related to the COVID-19 pandemic through one-time property tax levies was not a viable option given the significant impact it would have on households amid an economic downturn.

In late April 2020, at a meeting of the Mayors and Chairs of the Greater Toronto and Hamilton Area (GTHA), the Treasurers were asked to prepare a high-level forecast of financial implications resulting from the COVID-19 pandemic. The goal was to share consistent information on COVID-19 financial implications to aid in discussions with the Provincial and Federal governments, as well as, to share information on cost containment measures in mitigating the financial impact.

That analysis prepared for the GTHA Treasurers' group forecasted two scenarios. In Scenario 1, a full lockdown was assumed for three months, followed by a six-month recovery period allowing for resumption of services. In Scenario 2, a nine-month lockdown period is assumed, followed by a twelve-month recovery period. The scenarios analyzed cash flow implications, as well as, operating shortfalls with specificity to Transit.

Staff has previously provided the Committee of the Whole and the General Issues Committee with two updates on the financial implications of the COVID-19 pandemic response through Reports FCS20040 and FCS20040(a). In the latest update, staff forecasted the financial impact of the COVID-19 response based on the timelines introduced in the two GTHA scenarios resulting in a 2020 budget pressure of \$61.6 M under Scenario 1, while the impact of Scenario 2 would have financial implications of \$86.5 M in 2020 and \$35.5 M in 2021 for a combined pressure of \$122.0 M. These financial impacts will be in addition to operating budget variances that would typically be expected in any normal year.

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**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 5 of 13**

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On July 27, 2020, the Ontario Government announced an Historic Agreement to Support Municipalities and Transit. The Ontario government, in partnership with the federal government, is providing up to \$4.0 B in urgently needed one-time assistance to Ontario's 444 municipalities. This funding is intended to help municipalities continue to effectively deliver critical public services, such as public transit and shelters, as the Province continues down the path of renewal, growth and economic recovery.

On August 12, 2020, the Ontario government announced details of the up to \$1.6 B of the first round of emergency funding for municipalities under the Federal - Provincial Safe Restart Agreement.

Through the Safe Restart Agreement with the federal government, \$695 M will help municipalities address operating pressures related to the COVID-19 pandemic through the first round of emergency funding and over \$660 M will support transit systems. The Province is also providing an additional \$212 M through the Social Services Relief Fund (SSRF), bringing the total to \$510 M to help vulnerable people find shelter.

The City of Hamilton's share of the Phase 1 allocation is just over \$44.8 M, with \$17.2 M for transit relief and \$27.6 M for municipal relief. These announcements only address pressures to the end of the provincial fiscal year on March 31, 2021. To date, there has been no formal communication with respect to Federal and Provincial funding support beyond March 31, 2021 related to municipal COVID-19 financial pressures. While there will be Phase 2 allocations coming forward, the specific allocations remain unknown.

On September 9, 2020, the General Issues Committee received Report FCS20071, Federal and Provincial Government Municipal Funding Announcements Update, which provides information on the Safe Restart Funds and other government funding announcements.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

In accordance with the Budget Control Policy, staff has committed to provide Council with three variance reports for the Tax Supported and Rate Supported Operating Budgets during the fiscal year. This is the first submission for 2020 based on the operating results as of June 30, 2020.

**RELEVANT CONSULTATION**

Staff in all City of Hamilton departments provided the information in Report FCS20069. Detailed analysis was prepared by Finance and Administration staff in consultation with department leadership teams.

**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 6 of 13**

**ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

The following provides an overview of the more significant issues affecting the 2020 projected tax and rate operating budgets. Table 1 provides a summary of the departmental results as at June 30, 2020 prior to the recent funding announcements.

**Table 1**  
**City of Hamilton**  
**2020 Projected Year-End Variance**  
**(\$000's)**

	2020	2020	2020 Variance	
	Approved Budget	Year-End Forecast	(Forecast vs Budget) \$	%
<b>Tax Supported</b>				
Planning and Economic Development	29,137	32,354	(3,217)	(11.0)
Health and Safe Communities	246,810	255,750	(8,940)	(3.6)
Public Works	256,381	258,570	(2,189)	(0.9)
Legislative	5,095	5,202	(107)	(2.1)
City Manager	12,285	12,284	1	0.0
Corporate Services	34,663	34,361	302	0.9
Corporate Financials / Non Program Revenues	(26,125)	(11,024)	(15,101)	(57.8)
Hamilton Entertainment Facilities	4,097	4,117	(20)	(0.5)
<b>Total City Expenditures</b>	<b>562,343</b>	<b>591,614</b>	<b>(29,271)</b>	<b>(5.2)</b>
Hamilton Police Services	170,817	171,304	(487)	(0.3)
Library	31,572	31,189	383	1.2
Other Boards and Agencies	15,921	16,097	(176)	(1.1)
City Enrichment Fund	6,088	6,088	0	0.0
<b>Total Boards and Agencies</b>	<b>224,398</b>	<b>224,677</b>	<b>(280)</b>	<b>(0.1)</b>
<b>Capital Financing</b>	<b>137,423</b>	<b>129,141</b>	<b>8,282</b>	<b>6.0</b>
<b>Total Tax Supported</b>	<b>924,164</b>	<b>945,433</b>	<b>(21,270)</b>	<b>(2.3)</b>
<b>Rate Supported</b>	<b>0</b>	<b>1,755</b>	<b>(1,755)</b>	<b>N/A</b>
<b>Total</b>	<b>924,164</b>	<b>947,189</b>	<b>(23,025)</b>	<b>(2.5)</b>

( ) Denotes unfavourable variance  
Anomalies due to rounding

On August 12, 2020, the City received confirmation of \$17.2 M of immediate funding through the Safe Restart Agreement: Municipal Transit Funding – Phase 1 to support COVID-19 pressures incurred from April 1, 2020 to September 30, 2020. These financial pressures include reduced revenues from farebox, advertising, parking and contracts, as well as, added expenses related to cleaning, new contracts, labour, driver protection, passenger protection and other capital costs. The total estimated amount for these categories at the City is \$18.5 M.

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**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 7 of 13**

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The City also received confirmation of \$11.3 M for the Social Services Relief Fund – Phase 2 allocation, which complemented the Phase 1 allocation of \$6.9 M received earlier this year. The \$11.3 M will offset the projected deficit for Housing Services in 2020, as well as, fund the projected COVID-19 related costs to March 31, 2021.

After consideration of these two funding sources, the forecasted deficit in 2020 would be adjusted to a surplus of \$0.4 M as illustrated in Table 2. The impact of Phase 1 Safe Restart Funds for municipal purposes of \$27.6M are not reflected in Table 2 as guidelines on the use of these funds are not available.

**Table 2**  
**City of Hamilton**  
**2020 Adjusted Projected Year-End Variance**  
**(\$000's)**

Forecasted Tax Supported Deficit	(21,270)
Municipal Transit Funding - Phase 1	17,212
Social Services Relief Fund - Phase 2 (2020 portion)	4,478
<b>Adjusted Surplus (Deficit)</b>	<b>420</b>

There is approximately \$11.2 M available in the Federal Gas Tax Reserve that is remaining from the unallocated one-time payment transfer from 2019. Staff had previously recommended to the General Issues Committee through Report FCS20040(a) that staff should report back with a revised 2020 tax supported capital financing strategy that would utilize the \$11.2 M in place of Capital Levy funds with the intent to free up additional funding to offset COVID-19 financial pressures. Given the recent announcements on emergency funding made available for municipalities, it is recommended that the financing strategy attached as Appendix “E” to Report FCS20069 be received as information with no further action at this time.

### **Tax Supported Operating Budget**

#### Departmental Budgets

Appendix “A” to Report FCS20069 summarizes the Tax Supported Operating Budget variances by department and division.

In an effort to contain costs and associated budget deficits with the COVID-19 pandemic response, the Senior Leadership Team and Council adopted several measures including the suspension of scheduling for part-time casual labour in affected program areas, not hiring the full complement of student and seasonal positions and restrictions on hiring for non-essential positions. As a result, corporate-wide gapping is projected at \$9.6 M, in comparison to the Council approved target of \$4.9 M, resulting in a surplus of \$4.7 M.

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**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 8 of 13**

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Table 3

	Gapping Projected		Variance (\$000's)
	Target (\$000's)	Gapping (\$000's)	
<b>Net Gapping by Department</b>			
Planning and Economic Development	853	1,062	209
Healthy and Safe Communities	952	4,293	3,341
Public Works	2,202	3,910	1,708
Legislative	84	(135)	(219)
City Manager	225	(228)	(453)
Corporate Services	633	732	99
<b>Consolidated Corporate Savings (Deficit)</b>	<b>4,950</b>	<b>9,635</b>	<b>4,685</b>

Anomalies due to rounding

Each department's gapping variance (target versus projection) is detailed in the following sections, along with other departmental highlights.

#### Planning and Economic Development

Planning and Economic Development is forecasting a deficit of \$3.2 M, which is primarily driven by Transportation Planning and Parking operations. Parking revenues are expected to be \$2.6 M below budget, along with a \$1.7 M shortfall in fines.

Building Services is forecasting a year-end deficit of \$0.2 M. An anticipated \$3.8 M loss in Building Permit revenues will be offset by a contribution from the Building Permit Fee Revolving Fund. The remaining deficit is comprised of a decline in miscellaneous revenues.

Growth Management and Planning are both expecting surpluses of \$0.9 M and \$0.5 M, respectively. The immediate financial impact of COVID-19 on the growth sector was not as severe as staff worked through pre-existing applications. Subdivision processing and development application fees are forecasted at \$1.5 M and \$0.3 M in excess of budget. Future development, particularly in the commercial and industrial sectors, is anticipated to be delayed as the economy reopens.

The remaining divisions have an anticipated combined deficit of \$0.3 M.

The Planning and Economic Development departmental gapping target is \$0.9 M for 2020. As at June 30, 2020, the projected year-end gapping amount is \$1.1 M, resulting in a projected surplus of \$0.2 M.

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**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 9 of 13**

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## Healthy and Safe Communities

The Healthy and Safe Communities Department is projecting an overall deficit of \$8.9 M driven by Housing Services (\$4.5 M), Hamilton Paramedic Service (\$3.4 M) and Public Health Services (\$3.9 M). Staff and resourcing costs to meet the demands required for the COVID-19 pandemic response, as well as, additional expense for combatting homelessness and protecting the community's most vulnerable, are the primary drivers of the deficits. These forecasted deficits do not take into consideration the announcements made regarding the Safe Restart Agreement and the Social Services Relief Fund, which are expected to mitigate these deficits.

Recreation is forecasting a deficit of \$0.8 M. The anticipated revenue loss of \$9.2 M as a result of facility closures and cancellation of programs is expected to be mostly mitigated through the suspension of scheduling part-time and seasonal staff between May and September and redeployment of staff to other areas in the City requiring resources. In addition, another \$1.8 M in discretionary operating costs is expected to be avoided through facility closures.

The remaining divisions are forecasting a combined surplus of \$3.7 M, primarily driven by gapping.

The Healthy and Safe Communities departmental gapping target is \$1.0 M for the 2020 year. As at June 30, 2020, the projected year-end gapping amount is \$4.3 M, resulting in a projected surplus of \$3.3 M.

## Public Works

Overall, the Department is forecasting a deficit of \$2.2 M. There are several contributors, both favourable and unfavourable, across the divisions that are leading to this projected deficit.

Lost revenues for Transit are estimated at \$27.0 M in 2020 as a result of the COVID-19 emergency, which include lost revenues under the University / College Transit Pass (UCTP) agreements totaling \$4.8 M. In addition, cleaning and disinfectant of buses and installation of operator bio-shields to allow for front door boarding have contributed to increased costs of \$0.8 M. Fuel savings of \$1.8 M, commission savings of \$1.2 M and DARTS contract agreement savings of \$10.6 M are expected to help offset the COVID-19 related impacts, which would result in an overall deficit of \$13.9 M for Transit. This deficit does not take into account the most recent funding announcement of \$17.2 M of the Phase 1 allocation for Transit in the Safe Restart Agreement.

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**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 10 of 13**

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Transportation Operations and Maintenance is forecasting a surplus of \$7.3 M. The surplus is driven by gapping (\$3.1 M) and the Winter Season Roads Maintenance Program (\$4.5 M). The number of severe winter storm events in January through April was below the seasonal average resulting in salt and sand savings of \$2.0 M, contractor activation costs of \$1.7 M and general vehicle maintenance of \$0.8 M.

Environmental Services anticipates a surplus of \$3.8 M due to gapping resulting from a temporary freeze on hiring of student and seasonal positions. Additionally, there is an expected \$1.0 M in operating savings due to the shutdown of parks during the state of emergency.

Energy, Fleet and Facilities anticipates a \$0.6 M surplus related to avoided costs from the closure of facilities.

The Public Works departmental gapping target is \$2.2 M for the 2020 year. As at June 30, 2020, the projected year-end gapping amount is \$3.9 M, resulting in a projected surplus of \$1.7 M.

#### Legislative

The Legislative budget is projected to be at a slight deficit of \$0.1 M for 2020 resulting from unfavourable gapping.

The Legislative departmental gapping target is \$84 K for 2020. As at June 30, 2020, the projected year-end gapping amount is -\$135 K, resulting in a projected deficit of \$219 K.

#### City Manager's Office

City Manager's Office is projected to be at budget in 2020 with avoided costs and savings on discretionary spending offsetting the unfavourable gapping amount.

The City Manager's Office departmental gapping target is \$0.2 M for the 2020 year. As at June 30, 2020, the projected year-end gapping amount is -\$0.2 M, resulting in a deficit of \$0.2 M.

#### Corporate Services

Corporate Services is forecasting an overall surplus of \$0.3 M due to gapping and savings in discretionary spending which is partially offset by revenues lower than budget.

The Corporate Services departmental gapping target is \$0.6 M for the 2020 year. As at June 30, 2020, the projected year-end gapping amount is \$0.7 M, resulting in a projected surplus of \$0.1 M.

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### Corporate Financials / Non-Program Revenues

Corporate Financials / Non-Program Revenues are projected as a combined deficit of \$15.1 M. Contributing factors are identified as follows:

- Corporate Initiatives: Emergency Operation Centre expenditures including centralized purchases of personal protective equipment of \$3.3 M;
- Corporate Initiatives: Increase in insurance premiums of \$3.7 M;
- Non-Program Revenues: Dividends from Hamilton Utilities Corporation and Alectra are estimated to be \$2.4 M lower than anticipated;
- Non-Program Revenues: Shared revenues from the Ontario Lottery and Gaming Commission are expected to be \$3.0 M lower than budget; and,
- Non-Program Revenues: POA revenues are expected to be at a deficit of \$4.2 M in 2020 due to court closures.

### Boards and Agencies

In Boards and Agencies, there is a projected deficit of \$0.3 M. Hamilton Police Services reported a projected deficit of \$0.5 M to their Board on September 3, 2020. In addition, the Hamilton Farmers' Market is projecting a deficit of \$0.2 M related to cleaning and disinfectant costs. The deficit is partially offset by a \$0.4 M surplus for Hamilton Public Library operations, as reported to their Board on May 20, 2020.

### Capital Financing

Capital financing is projecting a year-end surplus of \$8.3 M in principal and interest savings due to the delay in debt issuance.

### Rate Supported Operating Budget

As at June 30, 2020, the Rate Supported Operating Budget is projecting a deficit of \$1.8 M due to a decrease in Industrial and Commercial Customer revenue of \$4.0 M. Total Industrial and Commercial Customers' consumption is tracking 4.9% below forecast as the COVID-19 economic impacts have negatively impacted the expected consumption of several large industrial water users. The decrease in revenue is partially offset by a Capital Financing surplus of \$2.2 M.

Overall program spending for 2020 is projected to align to the budget of \$86.7 M. Within the overall operating expenditures balanced position there are favourable and unfavourable variances that offset each other. The driving factors behind this are shown in the Table:

**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 – Budget Control Policy Transfers (FCS20069) (City Wide) – Page 12 of 13**

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**Table 4**  
**City of Hamilton**  
**Rate Budget Operating Expenditures Variance Drivers**

<b>Expenditure Type</b>	<b>Variance (\$000's)</b>
Contractual	(2,425)
Employee Related Costs	1,405
Agencies and Support Payments	917
Materials and Supplies	105
<b>Total Operating Expenditures</b>	<b>2</b>

Contractual expenditures are projecting an unfavourable variance of \$2.4 M largely due to increased operating and maintenance expenditures to support the Storm program to meet compliance standards. Partially offsetting the contractual pressures related to the storm program are savings in the Outreach and Education program due to decreased spending in response to COVID-19.

Employee related costs are estimated at a favourable variance of \$1.4 M. The main drivers are attributable to net gapping savings of \$1.1 M from staff vacancies and decreased spending in training and conferences of \$260 K resulting from restrictions around discretionary spending in response to COVID-19 financial pressures.

Agencies and support payments category are forecasted at a favourable variance of \$917 K mainly due to the Protective Plumbing Program (3P). As a result of the COVID-19 shut-down, the Protective Plumbing Program (3P) service providers were unable to perform the required services. In addition, less adverse weather in early 2020 resulted in lower than expected uptake in the 3P program. Lastly, materials and supplies are projected at a surplus of \$105 K due to less spending in the Outreach and Education program.

Appendix “B” to Report FCS20069 summarizes the Rate Supported Operating Budget results by program.

## **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 Report FCS20069 – City of Hamilton Tax Operating Budget Variance Report as at June 30, 2020

**SUBJECT: Tax and Rate Operating Budget Variance Report as at June 30, 2020 –  
Budget Control Policy Transfers (FCS20069) (City Wide) – Page 13 of 13**

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Appendix “B” to Report FCS20069 – City of Hamilton Combined Water, Wastewater and Storm Systems Rate Operating Budget Variance Report as at June 30, 2020

Appendix “C” to Report FCS20069 – City of Hamilton Budgeted Complement Transfer Schedule

Appendix “D” to Report FCS20069 – City of Hamilton Budgeted Complement Temporary Extension Schedule

Appendix “E” to Report FCS20069 – 2020 Federal Gas Tax Capital Financing Strategy – COVID-19 Financial Implications

DR/dt

**CITY OF HAMILTON**  
**TAX OPERATING BUDGET VARIANCE REPORT AS AT JUNE 30, 2020**  
**(\$ 000's)**

	2020 Approved Budget	2020 Actuals to June 30	Projected Actuals to Dec. 31	2020 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
<b>PLANNING &amp; ECONOMIC DEVELOPMENT</b>						
General Manager	963	454	896	67	7.0%	\$137K favourable gapping is partially offset by unexecuted budgeted draws from reserve for IT Manager position (this position was transferred after budget closed)
Transportation, Planning and Parking	1,753	3,392	5,818	(4,065)	(231.9)%	Deficit due to decreased Parking Revenue: (\$2.6M), severe reduction in APS Fine issuance: (\$1.1M), decrease in MTO-Plate Denial Fines: (\$580K) and in various parking administration fees: (\$51K) due to COVID and unfavourable gapping: (\$94K); partially offset by savings in contractual: \$300K and vehicle expenses: \$56K also due to COVID
Building	1,057	2,037	1,270	(213)	(20.2)%	A projected 30% or \$3.8M decrease in revenues from Building Permits is offset by a transfer from the Building Permit Fee Revolving Fund. The decline in all other revenues due to COVID closure, estimated to be \$(352)K is only partially offset by the savings in gapping, Vehicle Expenses, Conferences, Facilities Recoveries.
Economic Development	5,382	2,354	5,279	103	1.9%	Projected surplus is mainly attributed to savings in Advertising, Publications and Marketing for \$77K and \$67K in Conferences cancelled due to COVID closure, Travel and training, partially offset by small pressures in various other accounts
Growth Management	324	(2,517)	(539)	863	266.4%	Projected surplus due to higher revenues in Sub processing fees (\$1.5 M deferred from 2019 was received in 2020). This is partially offset by a total \$(658)K shortfall in all other revenue streams due to COVID closure. Net gapping savings as well as the savings in other areas such as Training, Conferences, Supplies and Computer software are offset by higher transfers to reserves of the HIA rent \$(248)K and lower Capital recoveries \$(70)K.
Licensing & By-Law Services	6,722	3,754	7,486	(764)	(11.4)%	Deficit mainly attributed to revenue loss due to COVID [Current Year General Licenses: (\$482K), Current Yr. Lotteries - Bingo: (\$150K), Animal Tags: (\$84K), Sale of Animals: (\$46K)], and unfavourable gapping: (\$170K) and property work maintenance (\$100K); partially offset by savings attributed to Administration Fees: \$75K, Court Recoveries: \$60K, and various materials and supplies totaling \$75K
LRT	0	712	0	0	0.0%	
Planning	3,719	1,142	3,195	524	14.1%	Projected surplus is attributed to overall higher revenues \$300K, \$137K overall savings due to COVID closure: \$41K for Conferences and Travel, \$28K savings in Honorariums as less members attended COA meetings, Printing \$24K, Direct Facilities recoveries \$19K, Postage \$13K, Training \$12K. Other savings in Material and Supply and Grants delayed, Professional memberships due to positions being vacant.
Tourism & Culture	9,217	4,359	8,949	268	2.9%	Surplus mainly attributed to favourable gapping totaling \$244K due to facility closures, savings in various materials and supplies (merchandise, mementoes, etc.): \$100K, other employee related costs (training, conferences, etc.): \$65K, and contractual costs: \$81K due to cancellations of special events; partially offset by foregone revenues (\$232K) due to COVID
<b>TOTAL PLANNING &amp; ECONOMIC DEVELOPMENT</b>	<b>29,137</b>	<b>15,687</b>	<b>32,354</b>	<b>(3,217)</b>	<b>(11.0)%</b>	

- ( ) Denotes unfavourable variance.

**CITY OF HAMILTON**  
**TAX OPERATING BUDGET VARIANCE REPORT AS AT JUNE 30, 2020**  
**(\$ 000's)**

	2020 Approved Budget	2020 Actuals to June 30	Projected Actuals to Dec. 31	2020 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
<b>HEALTHY AND SAFE COMMUNITIES</b>						
HSC Administration	2,941	1,582	3,036	(95)	(3.2)%	Unfavourable variance is primarily driven by employee related costs and required COVID emergency and department program costs. Offset by savings in staff step-differentials and discretionary spending as a result of telecommuting.
Children's Services and Neighbourhood Development	10,964	3,495	9,999	965	8.8%	Favourable variance is primarily due to employee related cost savings resulting from a reallocation of Provincial Funding for administrative costs as well as savings from staff re-deployed to other services within the Department supporting the corporate COVID response and savings in discretionary spending due to staff telecommuting.
Ontario Works	11,917	3,053	11,481	436	3.7%	Favourable variance of \$434K is primarily due to gapping. OW has received additional COVID related funding of \$1.3M: (\$1.1M employment assistance funding, \$115K one-time funding, \$98K maximizing available subsidies), plus, savings in gapping of \$650K and other program discretionary savings of \$350K. This is offset by COVID related purchases to support virtual service delivery (\$365K), electronic data management (\$580K), facilities renovations (\$520K) and digital mailroom costs (\$392K) as approved by Council. The surplus identified is earmarked for Life Stabilization Activities that OW has identified to be brought forward for approval before proceeding.
Housing Services	44,266	20,881	48,744	(4,478)	(10.1)%	Unfavourable variance due to \$7.0M of unfunded COVID costs. [(\$16.87M) in forecasted COVID costs to December 31 is offset by \$9.87M in confirmed provincial/federal funding]. This unfavourable variance is offset by an in-year program surplus of \$2.5M made up of \$1.4M from the Annual Information Return reconciliation, and savings in the Housing Stability Benefit of \$700K due to decreased demand as a consequence of tenants utilizing the CERB benefits as well as a reduction in Bus Pass expenses and various administrative discretionary expense savings due to COVID-19.
Long Term Care	10,913	3,815	10,192	721	6.6%	This favourable variance is mainly due to the additional \$561K COVID funding received from the Province offset by redeployed staffing costs and operating costs related to COVID (medical supplies, cleaning supplies, etc.); Contributing to the favourable variance is unbudgeted Provincial funding for Direct Care and Pay Equity Funding, gapping and savings in other various operating costs delayed due to COVID.
						NOTE: This forecast does not include Personal Protection Equipment costs.

**CITY OF HAMILTON**  
**TAX OPERATING BUDGET VARIANCE REPORT AS AT JUNE 30, 2020**  
**(\$ 000's)**

	2020 Approved Budget	2020 Actuals to June 30	Projected Actuals to Dec. 31	2020 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
Recreation	33,855	15,569	34,705	(850)	(2.5)%	The unfavourable variance is primarily due to a loss of revenue resulting from the closure of facilities & programs due to COVID, and continuing to pay wages and salaries of Part Time staff to the end of April and Full Time staff - ongoing. Total Revenue loss after consideration of the Recovery Phase between June-December is anticipated to be (\$9.2M).  This unfavourable variance is offset by favourable variances resulting from the planned closures due to major maintenance and reconstruction of Valley Park Recreation Facility \$629K, Riverdale Recreation Facility \$288K and Parkdale Outdoor Pool \$85K. In addition there are favourable variances forecasted in employee related expenditures through non-scheduling of Part Time staff between May and September for a total of \$4.4M. Savings also identified due to Recreation staff redeployed to other divisions required to support the Corporate wide COVID response for a further savings of \$835K. Additional favourable variance resulting from savings in discretionary operating costs driven by closures due to COVID for another \$1.8M.
Hamilton Fire Department	93,317	45,303	91,625	1,692	1.8%	Favourable variance due to overall employee related costs, offset partially with essential operating costs and facility related expenses.
Hamilton Paramedic Service	25,645	11,512	29,047	(3,402)	(13.3)%	Unfavourable variance due to employee related costs required to meet the resource demands and pressures for scheduling and backfilling a 24/7 operation, exacerbated by resource demands needed for COVID response. This forecast does not include the funding requested from the Province (yet to be confirmed) that will offset the majority of this variance.
Public Health Services	12,992	8,613	16,921	(3,929)	(30.2)%	Unfavourable variance is primarily driven by employee related costs required to provide essential services due to COVID. A formal letter has been submitted to the Province requesting Funding for these additional COVID related costs.
<b>TOTAL HEALTHY AND SAFE COMMUNITIES</b>	<b>246,810</b>	<b>113,823</b>	<b>255,750</b>	<b>(8,940)</b>	<b>(3.6)%</b>	

- ( ) Denotes unfavourable variance.

**CITY OF HAMILTON**  
**TAX OPERATING BUDGET VARIANCE REPORT AS AT JUNE 30, 2020**  
**(\$ 000's)**

	2020 Approved Budget	2020 Actuals to June 30	Projected Actuals to Dec. 31	2020 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
<b>PUBLIC WORKS</b>						
PW-General Administration	704	634	704	0	0.0%	
Energy Fleet and Facilities	12,674	6,452	12,043	631	5.0%	Overall the Energy, Fleet and Facilities Management Division is forecasting a positive variance of \$629K.  Favourable variance is mainly due to: <ul style="list-style-type: none"> <li>• \$2.0M avoided costs for TiCat, Forge &amp; Rentals in closed Stadium</li> <li>• \$17K saved in training costs</li> </ul> Partially offset by unfavourable variance due to: <ul style="list-style-type: none"> <li>• (\$515K) COVID incremental costs for Facilities including cleaning, Security, grounds cleanup, wages for non-levy Fleet staff during shutdown</li> <li>• (\$727K) forgone revenue for Stadium</li> </ul> Note: The forecast includes expectation that THF Stadium realizes contractual revenues of \$1.4M and remains closed in 2020.
Engineering Services	0	299	0	0	0.0%	
Environmental Services	82,426	34,999	78,595	3,831	4.6%	Overall the Environmental Services Division is forecasting a favorable variance of \$3.8M for 2020 mainly due to the following: Favourable variances forecasted for: <ul style="list-style-type: none"> <li>• \$2.161M - Gapping primarily relating to seasonal staff and students not hired or delayed in hiring due to COVID-19 hiring freeze.</li> <li>• \$248K - Anticipated savings in training/travel/conferences due to discretionary spending freeze due to COVID-19.</li> <li>• \$363K - Anticipated savings in fuel resulting in actual rates below budget.</li> <li>• \$1M - Parks operating and contractual costs not incurred due to COVID-19 shutdown period.</li> <li>• \$291K - increase transfer station revenues. Total visits up 7% over same time last year, however tonnage is down 6% over same time last year.</li> </ul> Partially offset by unfavorable variances forecasted for: <ul style="list-style-type: none"> <li>• (\$3.6K) - Lost revenues for event bookings at the Gage Park Tropical House.</li> <li>• (\$198K) - Environmental Staff labour costs for COVID-19 specific activities (staff costs budgeted within ES Sections)</li> <li>• (\$213.3K) - Redeployed staff to Environmental Services in place of seasonal and student hires.</li> <li>• (\$33K) - PPE</li> <li>• (\$180K) - Fleet related charges including maintenance for vehicles assigned to COVID-19 activities.</li> <li>• (\$66K) - Customized signs for Parks &amp; Cemeteries advising of COVID-19 changes.</li> <li>• (\$200K) - Centralized Compost Facility processing . Additional costs outside of contract due to changes in Environmental Compliance Agreement with the Ministry of Environment, Conservation and Parks.</li> <li>• (\$342K) - Due to COVID-19, no revenues have been realized to date related to the merchant capacity recycling processing contract</li> </ul>

- ( ) Denotes unfavourable variance.

**CITY OF HAMILTON**  
**TAX OPERATING BUDGET VARIANCE REPORT AS AT JUNE 30, 2020**  
**(\$ 000's)**

	2020 Approved Budget	2020 Actuals to June 30	Projected Actuals to Dec. 31	2020 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
Transit	77,932	54,188	91,852	(13,920)	(17.9)%	<p>Overall the Transit division is projecting an unfavourable variance of (\$13.9M) mainly due to the following:</p> <p>Unfavourable variances due to:</p> <ul style="list-style-type: none"> <li>• (\$27M) Fare Revenue due to COVID emergency affecting ridership and refunds and cancellation of UCTP fees</li> <li>• (\$1.8M) Net unfavourable gapping due to employee related costs largely as a result of overtime, sick: <ul style="list-style-type: none"> <li>o (\$2.9M) Overtime</li> <li>o (\$2.6M) Sick time</li> <li>o (\$550K) Unfavourable vacation payouts, and (\$460K) in other payroll related costs such as stat holiday pay and maternity top up.</li> <li>o Partially offset by favourable: \$4.7M Wages and Salaries, net of \$406K target, &lt;gross is \$5.1M&gt;.</li> </ul> </li> <li>• (\$790K) Enhanced cleaning of buses</li> </ul> <p>Partially offset by favourable variances of:</p> <ul style="list-style-type: none"> <li>• \$10.6M DARTS Contract savings due to service at 10-15% until September, then climbing to a projected 40% in December.</li> <li>• \$1.8M Fuel savings due to lower consumption and much lower than budgeted prices</li> <li>• \$1.2M in PRESTO and Ticket Distribution commission savings due to COVID emergency</li> <li>• \$823K savings due to the Delay to Year 5 of Transit Strategy</li> <li>• \$520K savings in additional areas such as Uniforms, NGV Station Maintenance, Printing and Reproduction, Operating Equipment, Training and Conferences etc.</li> </ul>
Transportation Operations & Maintenance	82,645	39,002	75,376	7,269	8.8%	<p>Overall the Transportation Operations &amp; Maintenance division is projecting a surplus of \$7.3M mainly due to the following:</p> <p>Favourable variance mainly due to:</p> <ul style="list-style-type: none"> <li>• Divisional net gapping savings of \$3.1M comprised of the following: <ul style="list-style-type: none"> <li>o Winter Season Roads Maintenance Program net gapping of \$1.3M</li> <li>o Summer Season Roads Maintenance Program net gapping of \$766K</li> <li>o Transportation Operations net gapping of \$750K</li> <li>o Other program related net gapping savings of \$213K</li> </ul> </li> <li>• Additional projected surplus of \$4.5M in the Winter Season Roads Maintenance Program. The number and severity of winter events from January to April was down from 2019, resulting in savings in material usage of \$2.0M, contractor activation costs of \$1.7M, \$800K in Winter vehicle costs.</li> </ul> <p>Partially offset by unfavourable variances due to unanticipated COVID costs of (\$225K) related to the shutdown that includes employee overtime, vehicle expenses, cleaning, protective clothing and other operating supply costs.</p>
<b>TOTAL PUBLIC WORKS</b>	<b>256,381</b>	<b>135,574</b>	<b>258,570</b>	<b>(2,189)</b>	<b>(0.9)%</b>	

- ( ) Denotes unfavourable variance.

**CITY OF HAMILTON**  
**TAX OPERATING BUDGET VARIANCE REPORT AS AT JUNE 30, 2020**  
**(\$ 000's)**

	2020 Approved Budget	2020 Actuals to June 30	Projected Actuals to Dec. 31	2020 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
<b>LEGISLATIVE</b>						
Legislative General	(367)	(129)	(260)	(107)	29.2%	Unfavourable variance due to unachievable gapping targets offset by savings in conference, meeting expenses, and hosting of conferences budgets.
Mayors Office	1,164	513	1,164	0	0.0%	
Volunteer Committee	127	(18)	127	0	0.0%	
Ward Budgets	4,171	1,924	4,171	0	0.0%	
<b>TOTAL LEGISLATIVE</b>	<b>5,095</b>	<b>2,290</b>	<b>5,202</b>	<b>(107)</b>	<b>(2.1)%</b>	
<b>CITY MANAGER</b>						
Office of the City Auditor	1,139	425	1,017	122	10.7%	Favourable variance: <ul style="list-style-type: none"> <li>● \$147K - Net Gapping</li> <li>● \$3K - Training</li> </ul> Offset by: <ul style="list-style-type: none"> <li>● \$28K - consulting cost for VFM Audits</li> </ul>
CMO - Administration	644	112	723	(79)	(12.3)%	Unfavourable variance: <ul style="list-style-type: none"> <li>● (\$150K) - Overtime</li> <li>● (\$20K) - EFAP additional costs</li> <li>● (\$10K) - Translation costs</li> </ul> Offset by favourable variance: <ul style="list-style-type: none"> <li>● \$100K - Gapping Vacancies</li> </ul>
Strategic Partnerships and Communications	2,794	1,500	2,767	27	1.0%	Favourable Variance due to: <ul style="list-style-type: none"> <li>● \$100K - Intergovernmental costs</li> <li>● \$50K - Special Events</li> <li>● \$59K - Net Gapping Savings</li> <li>● \$43k - Savings in Comms Admin and Consulting costs</li> </ul> Offset by unfavourable variances in: <ul style="list-style-type: none"> <li>● (\$225K) - 2020 approved reduction in Corporate Wide Communications Budgets - to be distributed</li> </ul>
Human Resources	7,708	3,392	7,777	(69)	(0.9)%	Unfavorable variance: <ul style="list-style-type: none"> <li>● (\$160K) - Gapping target deficit</li> <li>● (\$90K) - Consulting and Recruitment</li> </ul> Favourable variance: <ul style="list-style-type: none"> <li>● \$150K - Corporate Training</li> <li>● \$33K - Meeting expenses and staff training</li> </ul>
<b>TOTAL CITY MANAGER</b>	<b>12,285</b>	<b>5,429</b>	<b>12,284</b>	<b>1</b>	<b>0.0%</b>	
<b>CORPORATE SERVICES</b>						
City Clerk's Office	2,732	1,160	2,723	9	0.3%	Favourable variance due to Gapping \$60k and decrease in printing costs \$24k offset by negative variances in revenues (\$60k) due to cancellation of weddings and service counter closures as well as unbudgeted hardware, software and supplies costs (\$15k) to enable work from home
Corporate Services - Administration	324	136	276	48	14.8%	Favourable variance due to savings in training and consulting fees
Customer Service	5,518	2,654	5,440	78	1.4%	Favourable variance due to gapping and savings in discretionary spending, offset partially by additional cleaning and disinfectant supplies (\$69k) as well as a repayment for the Call Handling project (\$100k)

- ( ) Denotes unfavourable variance.

**CITY OF HAMILTON**  
**TAX OPERATING BUDGET VARIANCE REPORT AS AT JUNE 30, 2020**  
**(\$ 000's)**

	2020 Approved Budget	2020 Actuals to June 30	Projected Actuals to Dec. 31	2020 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
Financial Planning, Admin & Policy	4,905	3,213	4,700	205	4.2%	Favourable variance due to gapping.
Financial Services	4,148	1,930	4,187	(39)	(0.9)%	Negative variance due to gapping \$193k offset by loss in Tax Registration revenue (\$182k) and reduction in Payroll recovery (\$50k)
Information Technology	13,628	6,230	13,628	0	0.0%	On budget
Legal Services	3,408	3,526	3,407	1	0.0%	On budget
<b>TOTAL CORPORATE SERVICES</b>	<b>34,663</b>	<b>18,849</b>	<b>34,361</b>	<b>302</b>	<b>0.9%</b>	
<b><u>CORPORATE FINANCIALS</u></b>						
Corporate Pensions, Benefits & Contingency	16,060	5,706	16,060	0	0.0%	WSIB gross expenses expected to result in adverse variance of \$1.3 M to be offset by corresponding recovery from reserve
Corporate Initiatives	5,151	2,094	12,170	(7,019)	(136.3)%	\$3.3M in unallocated COVID-19 expenses and \$3.7M increase in insurance premiums offset by \$1.1M in lower claims
<b>TOTAL CORPORATE FINANCIALS</b>	<b>21,211</b>	<b>7,800</b>	<b>28,230</b>	<b>(7,019)</b>	<b>(33.1)%</b>	
<b><u>HAMILTON ENTERTAINMENT FACILITIES</u></b>						
Operating	4,097	2,104	4,117	(20)	(0.5)%	
<b>TOTAL HAMILTON ENTERTAINMENT FACILITIES</b>	<b>4,097</b>	<b>2,104</b>	<b>4,117</b>	<b>(20)</b>	<b>(0.5)%</b>	
<b>TOTAL CITY EXPENDITURES</b>	<b>609,679</b>	<b>301,556</b>	<b>630,868</b>	<b>(21,189)</b>	<b>(3.5)%</b>	
<b><u>CAPITAL FINANCING</u></b>						
Debt-Healthy and Safe Communities	2,339	(472)	3,052	(713)	(30.5)%	Principal and interest savings due to delay in debt issuance
Debt-Planning & Economic Development	194	0	27	167	86.2%	
Debt-Public Works	38,695	0	32,926	5,769	14.9%	
Debt-Corporate Financials	81,913	82,237	78,855	3,058	3.7%	
Infrastructure Renewal Levy	13,429	0	13,429	0	0.0%	
<b>TOTAL CAPITAL FINANCING</b>	<b>136,570</b>	<b>81,765</b>	<b>128,288</b>	<b>8,282</b>	<b>6.1%</b>	
<b><u>BOARDS &amp; AGENCIES</u></b>						
<b><u>Police Services</u></b>						
Operating	170,817	83,535	171,304	(487)	(0.3)%	Projected deficit of \$487K reported to Hamilton Police Services Board on September 3, 2020
Capital Financing	662	0	662	0	0.0%	
<b>Total Police Services</b>	<b>171,479</b>	<b>83,535</b>	<b>171,966</b>	<b>(487)</b>	<b>(0.3)%</b>	

- ( ) Denotes unfavourable variance.

**CITY OF HAMILTON**  
**TAX OPERATING BUDGET VARIANCE REPORT AS AT JUNE 30, 2020**  
**(\$ 000's)**

	2020 Approved Budget	2020 Actuals to June 30	Projected Actuals to Dec. 31	2020 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
<b>Other Boards &amp; Agencies</b>						
Library	31,572	14,425	31,189	383	1.2%	As presented to the Library Board
Conservation Authorities	8,196	5,019	8,196	0	0.0%	
Hamilton Beach Rescue Unit	134	38	134	0	0.0%	
Royal Botanical Gardens	635	370	635	0	0.0%	
MPAC	6,843	5,134	6,843	0	0.0%	
Farmers Market	113	180	289	(176)	(155.8)%	Additional expenses related to cleaning and disinfectant
<b>Total Other Boards &amp; Agencies</b>	<b>47,493</b>	<b>25,166</b>	<b>47,286</b>	<b>207</b>	<b>0.4%</b>	
<b>Capital Financing - Other Boards &amp; Agencies</b>	<b>191</b>	<b>0</b>	<b>191</b>	<b>0</b>	<b>0.0%</b>	
<b>City Enrichment Fund</b>	<b>6,088</b>	<b>1,408</b>	<b>6,088</b>	<b>0</b>	<b>0.0%</b>	
<b>TOTAL BOARDS &amp; AGENCIES</b>	<b>225,251</b>	<b>110,109</b>	<b>225,530</b>	<b>(280)</b>	<b>(0.1)%</b>	
<b>TOTAL EXPENDITURES</b>	<b>971,500</b>	<b>493,430</b>	<b>984,686</b>	<b>(13,187)</b>	<b>(1.4)%</b>	
<b>NON PROGRAM REVENUES</b>						
Payment In Lieu	(16,026)	(16,963)	(16,400)	374	(2.3)%	Based on 2020 final billing
Penalties and Interest	(11,000)	(5,172)	(11,000)	0	0.0%	As of Aug, P&I down \$660k compared to 2019 due to COVID-19 measures - expect to fully offset Sept-Dec with no further P&I waiving
Right of Way	(3,228)	(3,227)	(3,227)	(1)	0.0%	Based on 2020 final billing
Senior Tax Credit	567	601	528	39	6.8%	Based on 2020 final billing
Supplementary Taxes	(9,925)	24	(9,925)	0	0.0%	too early to tell - assume on budget for now
Tax Remissions and Write Offs	9,600	(2,217)	9,091	509	5.3%	LEED Grant - varies year over year depending on # of grants. Actuals reflect YE accruals. Not aware of grant for 2020 - may change.
Hydro Dividend and Other Interest	(5,300)	(517)	(3,500)	(1,800)	34.0%	Dividends from Hamilton Utilities Corporation and Alectra are estimated to be \$2.4 M lower than anticipated as a result of the COVID-19 pandemic.
Investment Income	(4,100)	(12,714)	(4,100)	0	0.0%	Reductions in investment income will reduce contributions to reserves
Slot Revenues	(5,200)	(833)	(2,200)	(3,000)	57.7%	The closure of casinos and racetrack slots by the Province of Ontario is expected to result in \$3 M of lost revenues.
POA Revenues	(2,432)	(809)	1,770	(4,202)	172.8%	POA revenues are expected to be \$4.2 M lower in 2020 due to court closure
<b>TOTAL NON PROGRAM REVENUES</b>	<b>(47,336)</b>	<b>(41,827)</b>	<b>(39,254)</b>	<b>(8,082)</b>	<b>17.1%</b>	
<b>TOTAL LEVY REQUIREMENT</b>	<b>924,164</b>	<b>451,603</b>	<b>945,433</b>	<b>(21,270)</b>	<b>(2.3)%</b>	

- ( ) Denotes unfavourable variance.

**CITY OF HAMILTON**  
**2020 COMBINED WATER, WASTEWATER AND STORM OPERATING BUDGET**  
**BUDGET VARIANCE REPORT as at JUNE 30th, 2020**

	2020 APPROVED BUDGET	2020 YTD Actuals as at June 30th	2020 Full-year Forecast	2020 Projected Variance \$ %	
<b>OPERATING EXPENDITURES:</b>	\$				
Divisional Administration & Support	2,008,041	1,455,114	2,008,041	-	0.0%
Woodward Upgrades	1,108,390	886,637	1,108,390	-	0.0%
Customer Service	314,950	140,919	314,950	-	0.0%
Outreach & Education	1,239,577	428,124	1,009,577	230,000	18.6%
Service Co-ordination	3,576,310	1,593,859	3,576,310	-	0.0%
Engineering Systems & Data Collection	1,460,982	822,293	1,460,982	-	0.0%
Compliance & Regulations	976,984	478,395	976,984	-	0.0%
Laboratory Services	3,660,204	1,763,309	3,412,204	248,000	6.8%
Environmental Monitoring & Enforcement	1,892,256	935,545	1,892,256	-	0.0%
Water Distribution & Wastewater Collection	21,828,939	9,432,245	23,525,939	(1,697,000)	(7.8%)
Plant Operations & Maintenance	33,532,649	17,942,232	33,228,649	304,000	0.9%
Capital Delivery	1,595,011	945,124	1,595,011	-	0.0%
Sustainable Initiatives	1,431,094	669,991	1,431,094	-	0.0%
Infrastructure Planning & System Design	1,877,476	1,031,472	1,877,476	-	0.0%
Wastewater Abatement Program	1,150,040	358,975	1,150,040	-	0.0%
Alectra Utilities Service Contract	5,600,000	2,863,430	5,600,000	-	0.0%
Corporate & Departmental Support Services	6,977,580	3,546,236	6,977,580	-	0.0%
Utilities Arrears Program	500,080	26,010	500,080	-	0.0%
Sewer Lateral Management Program	300,000	89,942	225,884	74,116	24.7%
Hamilton Harbour Remedial Action Plan	382,550	135,321	382,550	-	0.0%
Protective Plumbing Program (3P)	1,250,000	203,453	406,906	843,094	67.4%
Financial Charges	86,019	(496,500)	86,019	-	0.0%
	92,749,132	45,252,126	92,746,922	2,210	0.0%
Capital and Reserve Recoveries	(6,029,550)	(55,262)	(6,029,550)	0	0.0%
<b>Sub-Total</b>	<b>86,719,582</b>	<b>45,196,864</b>	<b>86,717,372</b>	<b>2,210</b>	<b>0.0%</b>
 <b>Capital and Reserve Impacts on Operating</b>					
<b>Contributions to Capital</b>					
Water Quality Initiatives	50,296,000	50,296,000	50,296,000	0	0.0%
Wastewater	52,673,000	52,673,000	52,673,000	0	0.0%
Stormwater	15,685,000	15,685,000	15,685,000	0	0.0%
<b>Sub-Total Contributions to Capital</b>	<b>118,654,000</b>	<b>118,654,000</b>	<b>118,654,000</b>	<b>0</b>	<b>0.0%</b>
<b>Contributions for DC Exemptions</b>					
Water Quality Initiatives	2,240,000	0	2,240,000	0	0.0%
Wastewater	4,080,000	0	4,080,000	0	0.0%
Stormwater	1,680,000	0	1,680,000	0	0.0%
<b>Sub-Total Contributions for DC Exemptions</b>	<b>8,000,000</b>	<b>0</b>	<b>8,000,000</b>	<b>0</b>	<b>0.0%</b>
<b>Capital Debt Charges</b>					
Water Quality Initiatives	8,593,943	0	8,295,616	298,327	3.5%
Wastewater	11,514,374	0	7,379,737	4,134,637	35.9%
Stormwater	3,399,997	0	2,303,036	1,096,961	32.3%
DC Debt Charges Recoveries	(3,826,205)	0	(538,937)	(3,287,268)	85.9%
<b>Sub-Total Debt Charges</b>	<b>19,682,108</b>	<b>0</b>	<b>17,439,453</b>	<b>2,242,656</b>	<b>11.4%</b>
<b>Sub-Total Capital Financing</b>	<b>146,336,108</b>	<b>118,654,000</b>	<b>144,093,453</b>	<b>2,242,656</b>	<b>1.5%</b>
<b>Reserve Transfers</b>	<b>(43,888)</b>	<b>0</b>	<b>(43,888)</b>	<b>0</b>	<b>0.0%</b>
<b>Sub-Total Capital and Reserve Impacts on Operating</b>	<b>146,292,220</b>	<b>118,654,000</b>	<b>144,049,565</b>	<b>2,242,656</b>	<b>1.5%</b>
<b>TOTAL EXPENDITURES</b>	<b>233,011,802</b>	<b>163,850,864</b>	<b>230,766,937</b>	<b>2,244,866</b>	<b>1.0%</b>

	2020 APPROVED BUDGET	2020 YTD Actuals as at June 30th	2020 Full-year Forecast	2020 Projected Variance	
				\$	%
<b>REVENUES:</b>					
<b><u>Rate Revenue</u></b>					
Residential	102,226,242	50,730,822	102,226,242	0	0.0%
Industrial/Commercial/Institutional/Multi-res	112,557,622	50,931,725	108,557,622	(4,000,000)	(3.6%)
Haldimand / Halton	2,735,900	1,249,005	2,735,900	0	(0.0%)
Raw Water	125,000	31,536	125,000	0	0.0%
Non-Metered	580,000	407,764	580,000	0	0.0%
Private Fire Lines	1,850,000	860,090	1,850,000	0	0.0%
Hauler / 3rd Party Sales	1,225,000	578,623	1,225,000	0	0.0%
Overstrength Agreements	2,892,902	866,192	2,892,902	0	0.0%
Sewer Surcharge Agreements	5,806,726	1,482,925	5,806,726	0	0.0%
<b>Sub-Total Utility Rates</b>	<b>229,999,392</b>	<b>107,138,682</b>	<b>225,999,392</b>	<b>(4,000,000)</b>	<b>(1.7%)</b>
<b><u>Non-Rate Revenue</u></b>					
Local Improvement Recoveries	275,850	169,404	275,850	0	0.0%
Permits / Leases / Agreements	1,365,050	175,517	1,365,050	0	0.0%
Investment Income	450,000	0	450,000	0	0.0%
General Fees and Recoveries	921,510	524,516	921,510	0	0.0%
<b>Sub-Total Non-Rate Revenue</b>	<b>3,012,410</b>	<b>869,437</b>	<b>3,012,410</b>	<b>0</b>	<b>0.0%</b>
<b>TOTAL REVENUES</b>	<b>233,011,802</b>	<b>108,008,119</b>	<b>229,011,802</b>	<b>(4,000,000)</b>	<b>(1.7%)</b>
<b>NET EXPENDITURES</b>	<b>0</b>	<b>55,842,745</b>	<b>1,755,135</b>	<b>(1,755,134)</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.

**CITY OF HAMILTON  
BUDGETED COMPLEMENT TEMPORARY EXTENSION SCHEDULE**

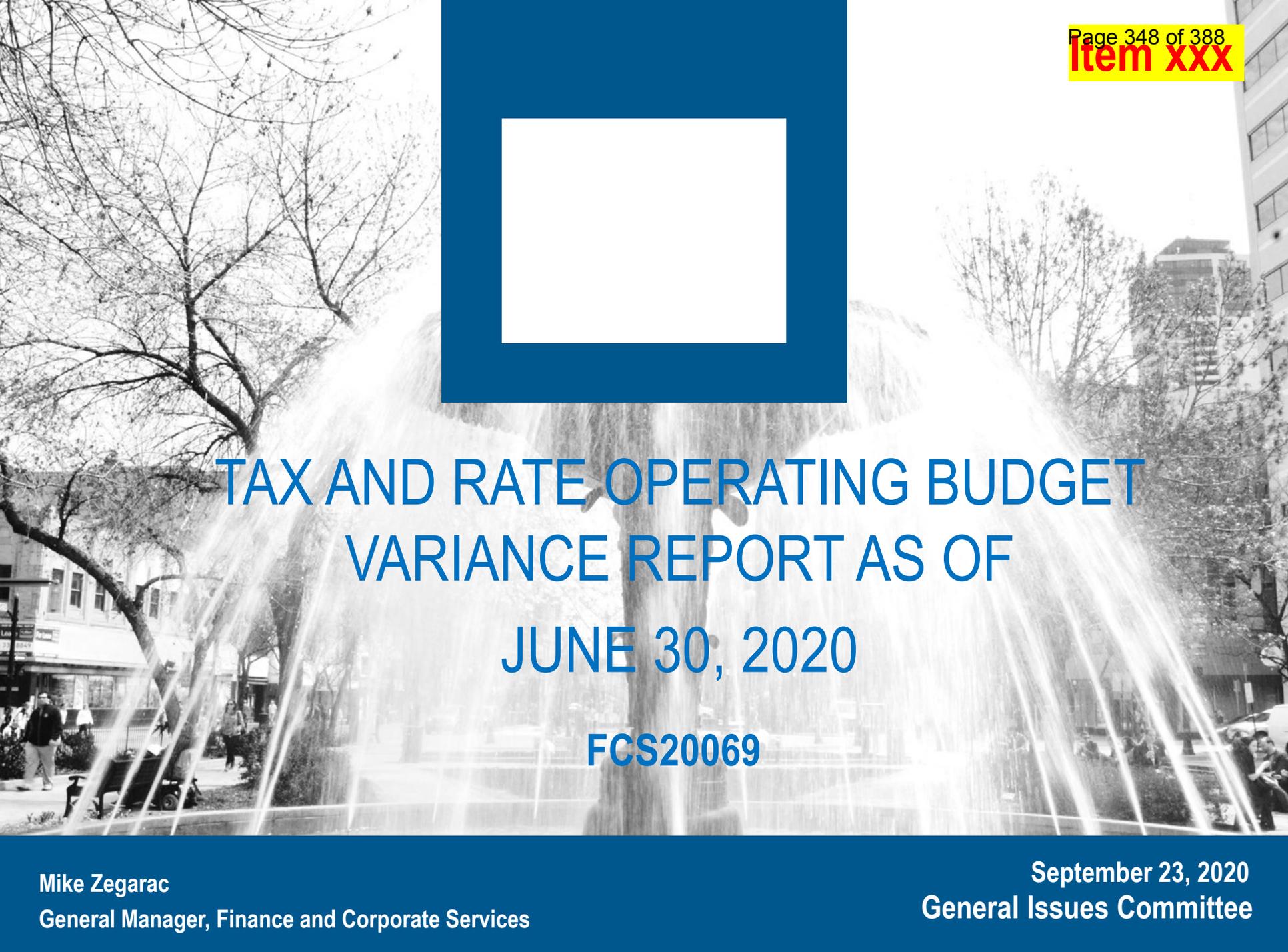
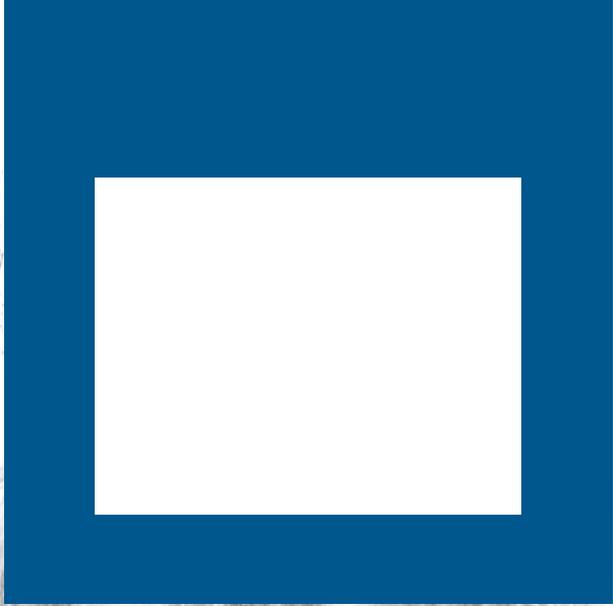
**TEMPORARY POSITION EXTENSIONS**

**Extensions to temporary positions with terms of 24 months or greater as per the Budgeted Complement Control Policy**

ITEM #	TRANSFER FROM				TRANSFER TO			
	<u>Department</u>	<u>Division</u>	<u>Position Title</u>	<u>FTE</u>	<u>Department</u>	<u>Division</u>	<u>Position Title</u>	<u>FTE</u>
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.							

City of Hamilton  
 2020 Federal Gas Tax Capital Financing Strategy  
 RE: COVID-19 Financial Implications

Project ID	Description	Department	Division	Year Approved	Gross Budget	Approved Funding			Revised Funding			
						Subsidies	Capital Levy	Total	Subsidies	Federal Gas Tax	Capital Levy	Total
4411806102	Macassa Bay Shoreline Improv	Public Works	Waterfront	2018	1,150,000	-	1,150,000	1,150,000	-	1,035,000	115,000	1,150,000
4411806202	Central Neighbourhood Park	Public Works	Waterfront	2018	3,890,000	783,000	3,107,000	3,890,000	783,000	2,351,000	756,000	3,890,000
4411806103	Macassa Bay Boardwalk Trail	Public Works	Waterfront	2018	1,100,000	-	1,100,000	1,100,000	-	990,000	110,000	1,100,000
4411706102	Pier 8 Park	Public Works	Waterfront	2017	1,419,300	-	1,419,300	1,419,300	-	1,277,000	142,300	1,419,300
4411706103	Bayfront Park Upgrades Ph 1	Public Works	Waterfront	2017	500,000	-	500,000	500,000	-	450,000	50,000	500,000
6731941302	Housing Capital Repair & Regen	Healthy and Safe Communities	Housing	2019	500,000	-	500,000	500,000	-	450,000	50,000	500,000
4411806201	Central Park Redevelopment	Public Works	Parks Development	2018	1,647,000	-	1,647,000	1,647,000	-	1,482,000	165,000	1,647,000
4401856805	Cline Park Redevelopment	Public Works	Parks Development	2018	784,000	-	784,000	784,000	-	706,000	78,000	784,000
4402056918	BeasleyPk RehabPh2-KellySt Ped	Public Works	Parks Development	2020	644,119	-	644,119	644,119	-	580,000	64,119	644,119
7101854807	Dundas Valley Community Park	Public Works	Recreation Facilities	2018	456,000	-	456,000	456,000	-	410,000	46,000	456,000
7102058001	Victoria Pk OutdoorPool-Redev	Public Works	Recreation Facilities	2020	300,000	-	300,000	300,000	-	270,000	30,000	300,000
7101854811	Hill Park Rec Cntr Renovation	Public Works	Recreation Facilities	2018	232,000	-	232,000	232,000	-	209,000	23,000	232,000
7101754805	SirWilfridLaurier GymRepl Addn	Public Works	Recreation Facilities	2017	1,100,000	-	1,100,000	1,100,000	-	990,000	110,000	1,100,000
<b>Total</b>					13,722,419	783,000	12,939,419	13,722,419	783,000	11,200,000	1,739,419	13,722,419



# TAX AND RATE OPERATING BUDGET VARIANCE REPORT AS OF JUNE 30, 2020

**FCS20069**

1. Update on COVID-19 Funding
2. Financial Impact and Mitigation Efforts
3. Summary of Tax and Rate Operating Budget Variance Forecasts
4. Tax Supported Operating Budget Variance Forecast
5. Rate Supported Operating Budget Variance Forecast
6. Recommendations
7. Next Steps

# FUNDING UPDATE

- Funding Summary provided below – originally reported to council through Report FCS20071 presented to GIC on September 9, 2020
- Additional information provided in Report PW20061 (Financial Impact of Declining Transit Revenues)

	Phase 1 Immediate Funding	Phase 2 Ongoing Support
<u>Municipal Transit Funding</u>	<p><b>\$17.2 M</b> For April 1, 2020 to September 30, 2020 period</p> <p>The estimated pressures for transit for the period being funded is \$19 M – application for additional funding must be submitted by October 30, 2020</p>	Eligible for additional funding from October 1, 2020 to March 2021.

# FUNDING UPDATE

	Phase 1 Immediate Funding	Phase 2 Ongoing Support
<u>Social Services Relief Fund (SSRF):</u>	<b>\$6.9 M</b> provided in April 2020	<p><b>\$11.3 M</b> To be used to offset the projected deficit for Housing Services in 2020, as well as, fund the projected COVID-19 related costs to March 31, 2021.</p> <p><b>\$4.5 M is forecasted in 2020 with the remaining \$6.8 M to be used in Q1-2021.</b></p>

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# FUNDING UPDATE

	Phase 1 Immediate Funding	Phase 2 Ongoing Support
<u>Municipal Funding</u>	<p><b>\$27.6 M</b> to support COVID-19 operating costs and pressures for both 2020 and 2021.</p> <p><b>Staff must submit reports to the MMAH outlining COVID-19 pressures by October 30, 2020 to be eligible for additional funding</b></p>	Available to those that can demonstrate that 2020 COVID-19 operating costs and pressures exceed their Phase 1 per household allocation

**Note:** the City of Hamilton allocation of \$27.6 M is not included in the 2020 operating forecast. Staff is investigating eligibility requirements for Phase 1 and Phase 2 funding and will apply for any and all funds available based on the framework.

## Other sources of funding:

	Funding Details
Ministry of Health Pandemic Funding	The Ministry of Health announced an up to \$100 M COVID-19 Contingency Fund to cover extraordinary expenses associated with COVID-19. Staff are awaiting further details on the allocation to Public Health Units.
Investing in Canada Infrastructure Program	Investing in Canada Infrastructure Program (ICIP) is being adjusted so that provinces and territories can use federal funding on a wider range of more pandemic-resilient infrastructure projects. Staff is seeking further information from the Province on how this money will be utilized.
Other Funding Opportunities	Some funding sources recently announced may not directly involve municipalities as the funding recipient but may result in an indirect benefit through partnership.  Staff also actively seeking other funding the City may be eligible for

**FUNDING SUMMARY:****Social Services Relief Fund**

- Phase 1 (April 1, 2020 – March 31, 2021): received \$6.9 M in April
- Phase 2 (April 1, 2020 – March 31, 2021): allocation of \$11.3 M

**Safe Restart Agreement – Transit**

- Phase 1 (April 1, 2020 – September 30, 2020): allocation of \$17.2 M (eligible additional support to be provided by December 31, 2020)
- Phase 2 (October 31, 2020 – March 31, 2021): to be eligible a submission is required by October 30, 2020

**Safe Restart Agreement – Municipal**

- Phase 1 (2020): allocation of \$27.6 M
- Phase 2 (2021): to be eligible a submission is required by October 30, 2020. Eligible municipalities will be informed before the end of the calendar year and can expect payment in early 2021.

**Ministry of Health COVID-19 Contingency Fund**

- Staff are awaiting further details on the allocation of the up to \$100 M for the Ministry of Health COVID-19 Contingency Fund.

**REPORTING TIMELINES:**

- Social Services Relief Fund – business case submission to MMAH outlining the planned allocation of Phase 2 funds due **September 11, 2020**
- Safe Restart Agreement - Transit – report to MTO on the use of Phase 1 funds, support for additional funding in Phase 1, and a forecast of eligible expenditures to March 31, 2021 due **October 30, 2020**
- Safe Restart Agreement - Municipal – report to MMAH on applying for Phase 2 funds due **October 30, 2020**
- Social Services Relief Fund – interim report to MMAH on the use of Phase 2 funds and projected spending due by **mid-December, 2020**
- Social Services Relief Fund – report to MMAH providing details of 2020 COVID-19 operating costs and pressures, overall 2020 financial position, and use of the provincial funding for Phase 1 due **March, 2021**

# MITIGATION EFFORTS

- When compared to our originally forecasted 2020 budget deficit of \$61.6 M, there is still a gap not covered through the most recent announcements.
- Staff believes that the announcements, combined with other mitigation measures taken by the City, will assist in eliminating our 2020 forecast deficit. Measures include:
  - Facility closures;
  - Temporary suspension of scheduling for part-time and seasonal labour;
  - Restrictions on hiring for non-essential vacant positions;
  - Strict controls around discretionary spending; and,
  - Active seeking by staff for additional program or service specific funding.

# UPDATE ON COVID-19 IMPACT ON FORECAST IN \$MILLIONS

<b>PROJECTED DEFICIT AS OF FCS20040(a) SCENARIO 1:</b>	<b>\$ 61.6</b>
<b>Reduced by:</b>	
<b>Public Works</b>	
DARTS contract savings	\$ (10.6)
Winter control savings and temporary suspension of student positions	\$ (7.4)
<b>Healthy and Safe Communities</b>	
Recreation facility closures and temporary suspension of part-time staff	\$ (7.8)
<b>Planning &amp; Economic Development</b>	
Contribution from Building Permit Revolving Fund (to cover Building Services deficit)	\$ (3.7)
Development Application Fees (more revenues than previously forecasted)	\$ (1.8)
<b>Other</b>	
Capital Financing Surplus	\$ (8.3)
Other	\$ (0.7)
<b>REVISED TOTAL TAX SUPPORTED FORECAST</b>	<b>\$ 21.3</b>

<b>Net Gapping by Department</b>	<b>Gapping Target (\$000's)</b>	<b>Projected Gapping (\$000's)</b>	<b>Variance (\$000's)</b>
PLANNING AND ECONOMIC DEVELOPMENT	\$ 853	\$ 1,062	\$ 209
HEALTHY & SAFE COMMUNITIES	\$ 952	\$ 4,293	\$ 3,341
PUBLIC WORKS	\$ 2,202	\$ 3,910	\$ 1,708
LEGISLATIVE	\$ 84	\$ (135)	\$ (219)
CITY MANAGER	\$ 225	\$ (228)	\$ (453)
CORPORATE SERVICES	\$ 633	\$ 732	\$ 99
<b>CONSOLIDATED CORPORATE SURPLUS/ (DEFICIT)</b>	<b>\$ 4,950</b>	<b>\$ 9,635</b>	<b>\$ 4,685</b>

# FUNDING ADJUSTED YEAR-END VARIANCE FORECAST

(\$000's)

	2020 Variance (Forecast vs Budget)	
	\$	%
<b>TOTAL TAX SUPPORTED - FORECAST</b>	<b>(21,270)</b>	<b>(2.30%)</b>
MUNICIPAL TRANSIT FUNDING - PHASE 1	17,212	-
SOCIAL SERVICES RELIEF FUND - PHASE 2 (2020 PORTION)	4,478	-
<b>ADJUSTED SURPLUS (DEFICIT)</b>	<b>420</b>	<b>0.05%</b>

# 2020 PROJECTED YEAR END OPERATING BUDGET VARIANCES (\$000's)

	2020	2020	2020 Variance	
	Approved Budget	Year-End Forecast	(Forecast vs Budget) \$	%
<b><u>TAX SUPPORTED</u></b>				
PLANNING & ECONOMIC DEVELOPMENT	29,137	32,354	(3,217)	(11.0%)
HEALTHY & SAFE COMMUNITIES	246,810	255,750	(8,940)	(3.6%)
PUBLIC WORKS	256,381	258,570	(2,189)	(0.9%)
LEGISLATIVE	5,095	5,202	(107)	(2.1%)
CITY MANAGER	12,285	12,284	1	0.0%
CORPORATE SERVICES	34,663	34,361	302	0.9%
CORP FINANCIALS/ NON PROG REVENUES	(26,125)	(11,024)	(15,101)	(57.8%)
HAMILTON ENTERTAINMENT FACILITIES	4,097	4,117	(20)	(0.5%)
<b>TOTAL CITY DEPARTMENTS</b>	<b>562,343</b>	<b>591,614</b>	<b>(29,271)</b>	<b>(5.2%)</b>
<b>TOTAL BOARDS &amp; AGENCIES</b>	<b>224,398</b>	<b>224,677</b>	<b>(280)</b>	<b>(0.1%)</b>
<b>CAPITAL FINANCING</b>	<b>137,423</b>	<b>129,141</b>	<b>8,282</b>	<b>6.0%</b>
<b>TOTAL TAX SUPPORTED</b>	<b>924,164</b>	<b>945,433</b>	<b>(21,270)</b>	<b>(2.3%)</b>
<b>TOTAL RATE SUPPORTED</b>	<b>0</b>	<b>1,755</b>	<b>(1,755)</b>	<b>2.1%</b>

( ) Denotes unfavourable variance

# Tax Supported Operating Budget Variance Forecast

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# CITY DEPARTMENT VARIANCES

## (\$000's)

	2020 Approved Budget	2020 Year-End Forecast	2020 Variance (Forecast vs Budget)	
			\$	%
<b><u>TAX SUPPORTED</u></b>				
PLANNING & ECONOMIC DEVELOPMENT	29,137	32,354	(3,217)	(11.0%)
HEALTHY & SAFE COMMUNITIES	246,810	255,750	(8,940)	(3.6%)
PUBLIC WORKS	256,381	258,570	(2,189)	(0.9%)
LEGISLATIVE	5,095	5,202	(107)	(2.1%)
CITY MANAGER	12,285	12,284	1	0.0%
CORPORATE SERVICES	34,663	34,361	302	0.9%
CORP FINANCIALS/ NON PROG REVENUES	(26,125)	(11,024)	(15,101)	(57.8%)
HAMILTON ENTERTAINMENT FACILITIES	4,097	4,117	(20)	(0.5%)
<b>TOTAL CITY DEPARTMENTS</b>	<b>562,343</b>	<b>591,614</b>	<b>(29,271)</b>	<b>(5.2%)</b>

( ) Denotes unfavourable variance

# DEPARTMENT VARIANCES EXPLANATION SUMMARY

## MAIN DRIVERS

### Planning and Economic Development:

#### *\$3.2 M departmental deficit*

- (\$4.1 M) unfavourable in Transportation Planning & Parking division attributed to decreased parking and fine revenues
- \$1.4 M combined favourable in Growth Management and Planning division attributable to less financial impact on COVID-19 in growth sector than initially projected and an increase in subdivision processing and development application fees over budget
- (\$0.2 M) unfavourable in Building Services due to anticipated \$3.8 M loss in Building Permit revenues offset by a contribution from the Building Permit Fee Revolving Fund in addition to decline in miscellaneous revenues

# DEPARTMENT VARIANCES EXPLANATION SUMMARY

## MAIN DRIVERS

### Healthy and Safe Communities:

#### *\$8.9 M departmental deficit*

- (\$4.5 M) unfavourable in Housing Services
- (\$3.4 M) unfavourable in Hamilton Paramedics
- (\$3.9 M) unfavourable in Public Health Services

Staff and resourcing costs to meet the demands required for the COVID-19 pandemic response, as well as, additional expense for combatting homelessness and protecting the community's most vulnerable, are the primary drivers of the above deficits.

- (\$0.8 M) unfavourable in Recreation as a result of loss of revenue due to facility closures and program cancellations, mostly mitigated by suspension of part-time and seasonal staff in addition to operating cost avoidance.
- Remaining divisions are forecasting a combined surplus of \$3.7 M, primarily driven by gapping.

## MAIN DRIVERS

### Public Works:

#### ***\$2.2 M departmental deficit***

- (\$13.9 M) unfavourable in Transit
  - \$27 M lost revenues due to COVID-19
  - \$0.8 M increased cleaning/disinfectant and shield installation on buses
  - Partially offset by fuel savings, commission savings, delay in Year 5 Transit Strategy, and DARTS contract savings (\$15 M combined)
  
- \$7.3 M favourable in Transportation Operations & Maintenance
  - \$3.1 M gapping savings
  - \$4.5 M savings in Winter Season Roads Maintenance Program
  
- \$3.8 M favourable in Environmental Services
  - \$2.2 M Gapping resulting from freeze on hiring of student and seasonal positions
  - Expected \$1.0 M in operating savings due to the shutdown of parks
  
- \$0.6 M favourable variance in Energy Fleet and Facilities due to \$2 M in COVID related avoided costs offset by foregone stadium revenues and incremental COVID costs.

# DEPARTMENT VARIANCES EXPLANATION SUMMARY

## MAIN DRIVERS

### Corporate Services:

#### ***\$0.3 M departmental surplus***

- \$0.2 M favourable Financial Planning, Admin & Policy variance due to gapping

### Corporate Financials / Non Program Revenues:

#### ***\$15.1 M departmental deficit***

- (\$7.0 M) unfavourable in Corporate Initiatives
  - \$3.3 M COVID-19 expenses
  - \$3.7 M (net of reduced claims of \$1.1 M) increase in insurance premiums
- (\$8.1 M) unfavourable variance in Non-Program Revenues
  - HUC and Alectra dividends are estimated to be \$2.4 M lower than anticipated
  - Shared revenues from the Ontario Lottery and Gaming Commission are expected to be \$3.0 M lower than budget
  - POA revenues – expected deficit of \$4.2 M in 2020 due to court closures

# OTHER NON-DEPARTMENTAL VARIANCES

(\$000's)

	2020 Approved Budget	2020 Year-End Forecast	Variance (2020 Forecast vs Budget)	
			\$	%
POLICE	170,817	171,304	(487)	(0.3%)
LIBRARY	31,572	31,189	383	1.2%
OTHER BOARDS & AGENCIES	15,921	16,097	(176)	(1.1%)
CITY ENRICHMENT FUND	6,088	6,088	0	0.0%
<b>TOTAL BOARDS &amp; AGENCIES</b>	<b>224,398</b>	<b>224,678</b>	<b>(280)</b>	<b>(0.1%)</b>
<b>CAPITAL FINANCING</b>	<b>137,423</b>	<b>129,141</b>	<b>8,282</b>	<b>6.0%</b>
<b>TOTAL OTHER NON- DEPARTMENTAL</b>	<b>361,821</b>	<b>353,819</b>	<b>8,003</b>	<b>2.2%</b>

( ) Denotes unfavourable variance

# Rate Supported Operating Budget Variance Forecast

# 2020 RATE OPERATING BUDGET PROJECTED YEAR-END VARIANCE (\$000's)

	2020 Approved Budget	2020 Projected To Year End	2020 Projected Variance	
			\$	%
<b>TOTAL EXPENDITURES</b>	233,012	230,767	2,245	1.0%
<b>TOTAL REVENUES</b>	(233,012)	(229,012)	(4,000)	1.7%
<b>NET</b>	-	1,755	(1,755)	(0.8%)

( ) Denotes unfavourable variance

# RECOMMENDATIONS

- 2020 complement transfers (no levy impact), outlined in Appendix “C”, be approved;
- 2020 extensions of temporary positions with 24-month terms (no levy impact), outlined in Appendix “D”, be approved;
- That the financing strategy outlined in Appendix “E”, 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.

## **2021 Budget Workshop**

- Presentation to GIC on October 23, 2020

## **2021 Budget Outlook Report**

- Report to GIC on October 29, 2020

## **2020 Tax and Rate Operating Budgets Variance Report as at August 31, 2020**

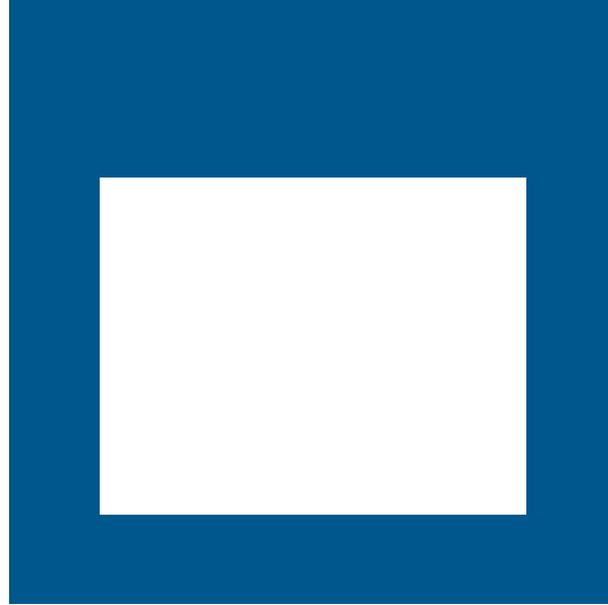
- Report to GIC on November 18, 2020

## **2021 Rate Budget**

- Report to GIC on November 23, 2020

## **2021 Tax Capital Budget**

- Report to GIC on November 27, 2020



THANK YOU



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Energy, Fleet and Facilities Management Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	July 6, 2020
<b>SUBJECT/REPORT NO:</b>	Tim Hortons Field – End Guard Anchor Repair/Replacement (PW20039(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Warner (905) 546-2424 Ext. 2616 Rob Gatto (905) 546-2424 Ext. 5448
<b>SUBMITTED BY:</b>	Rom D'Angelo Director, Energy, Fleet and Facilities Management Public Works Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (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;
- (b) That Facilities Management use existing Capital Budget WIPs through appropriation to fund this work by reprioritizing existing projects for the current year, itemized in Appendix "A" to Report PW20039(a).

### EXECUTIVE SUMMARY

The purpose of this Report is to seek Council's direction to proceed with the replacement of the perimeter end guards that surround the upper bowl of the east and the west stands, along with the north and south upper-lower end guards of Tim Hortons Field (the "Stadium") and Council's approval to the use capital WIP funding for the said work.

City staff retained the services of an Engineering firm as part of the overhead review resulting from the fall of the speaker in 2016, at which time, immediate, targeted repairs were undertaken at specific locations within the stadium upon the completion of their

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**SUBJECT: Tim Hortons Field – End Guard Anchor Repair/Replacement  
(PW20039(a)) (City Wide) - Page 2 of 5**

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review in 2017. It was during this review that the City committed to ongoing, regular inspections of the stadium, and in particular, the end and back guards. These reviews resulted in additional, isolated repairs in 2019, however, additional, compromised areas were identified through continued assessments of the Stadium guard rails in September, November, and December of 2019, and February 2020. The most recent reports resulted in additional safety concerns being highlighted due to both installations, deterioration and weather, and are considered latent defects.

Based on the Engineering Firms comprehensive assessment it was clearly outlined, or identified that -- as opposed to continuing a localized approach to mitigate the risk based on the practical difficulties with the ongoing monitoring of the conditions, City staff in collaboration with the consulting firm consider strategies to manage risks more generally and proactively with consideration of the longer-term maintenance needs and costs to the owner.

City staff have been working with a team of consulting experts and have undertaken multiple design tests for targeted repairs such as replacements with mock-ups which have determined that the holistic repair and replacement of the guard installations throughout the Stadium would not only be less disruptive but can be implemented in a wider range of conditions and be less costly.

**Alternatives for Consideration – N/A**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Facilities Management will use existing Capital Budget WIPs through appropriation to fund this work by reprioritizing existing projects for the current year. Several Capital Budget Projects have already been identified. The list includes but is not limited to:

3541641638	Overhead Door Replacement Program
3541641532	Facility Capital Maintenance
3541741648	Parking Lot Rehabilitation
3541755001	Yard Capital Renewal Program
3541757001	Archibus - Facility Maintenance
3541941648	Parking Lot Rehabilitation
3541941532	Facility Capital Maintenance
3721841805	Hamilton Convention Centre, FirstOntario Concert Hall & FirstOntario Centre Lifecycle Renewal
3721941805	Hamilton Convention Centre, FirstOntario Concert Hall & FirstOntario Centre Lifecycle Renewal
7101454710	Sir Wilfred Laurier Recreation Centre Independence

**SUBJECT: Tim Hortons Field – End Guard Anchor Repair/Replacement  
(PW20039(a)) (City Wide) - Page 3 of 5**

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Exact amounts appropriated from each will be based on available funds at time of appropriation.

Staffing: There are no staffing implications.

Legal: There are no legal implications with respect to the proposed construction work or the proposed funding source outside of the ordinary course of business (e.g. tort liability for accidents at Tim Hortons Field).

**HISTORICAL BACKGROUND**

As part of a successful bid process to host occur for the 2015 Pan/Parapan American Games, it was decided in June 2011, that the renovations proposed to the North Stands of Ivor Wynn was not possible. Senior Representatives for the City, Toronto 2015, Federal and Provincial Governments agreed at this time to build a new Stadium. It was at this point the Stadium design changed to a north/south orientation.

One of the main reasons for Hamilton's bidding on the Pan Am Games was the opportunity to renew its aging stadium. The Stadium is a state-of-the-art facility that can host international, provincial and community uses from sport to entertainment. The new Stadium will attract events; provide long-term tangible opportunities and economic impacts from users and spectators.

In February 2014, Council approved the 20 Year License Agreement with the Hamilton Tiger-Cats Football Club for use of the Stadium for Football Games and Practices.

In May 8<sup>th</sup>, 2015, the Stadium officially received substantial completion and the City of Hamilton formally took possession of the site.

The Stadium was scheduled to be completed on June 30<sup>th</sup>, 2014 however, in 2016 the City of Hamilton launched a litigation with the contractor, the Province of Ontario (Infrastructure Ontario - IO), and the Hamilton Tiger Cats. The litigation was due to the delay of the project and the numerous deficiencies throughout the Stadium.

In May 2018, a settlement agreement was reached with all parties. City staff worked in good faith to achieve this resolution with no additional cost for the Stadium passed on to Hamilton taxpayers.

City staff have continued to work on deficiencies such as, and not limited to, ongoing leak remediation throughout the Stadium, burst pipes due to lack of heat tracing installation, faulting main transformer, lighting controls, incomplete audio-visual system, video scoreboard steel modifications, floor drains on the concourses, pre-cast joint

**SUBJECT: Tim Hortons Field – End Guard Anchor Repair/Replacement  
(PW20039(a)) (City Wide) - Page 4 of 5**

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renewal, metal cladding, missing hatches for units that require maintenance, guard rail extensions, and adjustments to various mechanical systems.

In June 2016, a 150-pound speaker had fallen 200 feet from the east side of the Stadium's light standard. As a result of this, City staff took immediate action and undertook an extensive review/audit of all suspended and installed elements related to the health and safety throughout the Stadium. The review noted that the areas of end guard installation were noted as suspect and in need of repair and re-installation. Due to the amount of ongoing deterioration throughout the Stadium, reviews were conducted on a yearly basis, with the initial, temporary repairs completed in 2017 and now considered latent defects.

Upon ongoing inspections and assessments, additional areas were found to be deteriorating and thus, became critical, resulting in additional repairs in 2019.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Not applicable.

**RELEVANT CONSULTATION**

Ongoing consultation with internal staff and experts/engineers to determine both cause, and correction of the end guard installation.

Additional consultation with the following Corporate Services:

- Budgets and Financial Planning
- Legal Services
- Procurement

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

It is imperative that the end guards be replaced to mitigate risk for the public's overall safety in the noted areas of the Stadium. The outlined within this Report are both systemic and progressive and are continuing to deteriorate. Staff cannot predict the rate of the declining performance of the end guards as the conditions are getting heightened. The guards are interconnected and have no redundancy in the system, which adds to the overall risk.

**ALTERNATIVES FOR CONSIDERATION**

N/A

**SUBJECT: Tim Hortons Field – End Guard Anchor Repair/Replacement  
(PW20039(a)) (City Wide) - Page 5 of 5**

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

**Healthy and Safe Communities**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PW20039(a) - Appropriations

### Appropriations

Project ID	Description	Appropriation Amount
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>



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 23, 2020
<b>SUBJECT/REPORT NO:</b>	Financial Impact of Declining Transit Revenues (PW20061) (City Wide) <b>Outstanding Business List</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Nancy Purser (905) 546-2424 Ext. 1876 Jason VanderHeide (905) 546-2424 Ext. 1858
<b>SUBMITTED BY:</b>	Debbie Dalle Vedove Director, Transit Public Works Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

That staff be directed to provide a report to the General Issues Committee that summarizes the financial impact of declining transit revenues, and a list of options available to Council to temporarily offset the loss in 2021.

## INFORMATION

The COVID-19 pandemic has shown the important role transit plays during times of uncertainty. Through these initial months transit continues to provide stable service that helps society function. Many essential workers, such as healthcare providers, food industry workers and grocery clerks rely on transit and the rest of the community, as a whole, benefits from the essential services these workers provide. As the Province has carefully reopened, the demand for transit service increased to a level that has surpassed our original estimates. By August we were experiencing a return to 51% of 2019 ridership levels when only 35% was originally anticipated during the earlier stages of the pandemic.

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**SUBJECT: Financial Impact of Declining Transit Revenues (PW20061) (City Wide)**  
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All indications point to the COVID-19 pandemic continuing into 2021 with an optimistic view of a vaccine being available in the summer. Therefore, restrictions will continue to remain in place with respect to how many people are permitted to gather and how many are allowed in a social bubble. While elementary and secondary schools will be returning to in person learning at the start of the fall school term on augmented schedules, Colleges and Universities are opting for primarily distance learning. At the time of writing this report restrictions impacting tourism, concerts, festivals and professional sports remain in effect. Should alternative delivery of education, working from home, and Public Health restrictions remain in place into 2021, they will have an impact on 2021 ridership.

### Revenues and Ridership

Council has supported investment in transit through the 10 Year Local Transit Strategy, and over the first 4 years of the plan more than 123,000 service hours have been added. These investments have attracted new riders to the HSR, with revenue and ridership surpassing budgeted levels for 2019 and the beginning of 2020 prior to the shut down due to COVID-19.

The implementation of year 4 of the 10 Year Local Transit Strategy resulted in ridership and revenue surpassing budget expectations at the end of 2019, a trend that continued through the first two months of 2020 until COVID-19 restrictions began.

Ridership							
	2019 Actual	2020 Budget	2020 Actual	Variance to Actual	Variance to Budget	Cumulative % Ridership Change to 2019	Cumulative % Ridership Change to Budget
January	1,888,982	1,912,154	2,006,497	117,515	94,343	6.2%	4.9%
February	1,707,381	1,755,850	1,832,095	124,714	76,245	6.7%	4.7%
Revenues							
	2019 Actual	2020 Budget	2020 Actual	Variance to Actual	Variance to Budget	Cumulative % Revenue Change to 2019	Cumulative % Revenue Change to Budget
January	\$ 3,740,006	\$ 3,975,850	\$ 4,083,719	\$343,713	\$107,869	9.2%	2.7%
February	\$ 3,573,204	\$ 3,713,500	\$ 4,029,950	\$456,746	\$316,450	10.9%	5.5%

When the Provincial Government announced a state of emergency on March 12, 2020 and gave stay at home orders, transit trips were limited to essential travel only, and transit ridership declined by 70%. Safety measures were implemented during this stage of the pandemic to assist in slowing the spread of the virus. These safety measures included increasing the frequency of cleaning the interior of the buses and accommodating physical distancing needs by limiting the number of customers on board the bus as well as requiring customers to board through the rear doors of the bus, which resulted in the pause in fare collection.

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**SUBJECT: Financial Impact of Declining Transit Revenues (PW20061) (City Wide)**  
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The Provincial Government announced that the Province would be entering Stage 2 of the Reopening Ontario Plan on June 19, 2020. On June 22, 2020, limitations on the number of customers on the bus were relaxed, capacity was increased, face covering became a requirement for customers using transit services, bio-shields for the protection of Operators were completed, and by July 1, 2020 fare collection resumed. Initial estimates in early June suggested that a return of 35% of 2019 ridership could occur during the summer months, however, with the Province's reopening plans moving forward, returning ridership resulted in 43% of early summer 2019 ridership.

With the transition to Stage 3 of the Province's Reopening Ontario Plan, ridership increased to 48% and revenue reached 55% of 2019 levels in July, and August was trending towards achieving 51% of 2019 ridership and 60% of 2019 revenue. At the time of this report August numbers were not available. A further increase in demand is anticipated to occur when elementary and secondary school students return to classes in the fall, however, demand may not continue to return at the same representative rate compared to Fall 2019 as it has during the summer months, because post-secondary educational institutions are operating mostly online and many workers continue to work from home.

As has been the case for conventional transit, demand for specialized transit (DARTS) has been impacted by COVID-19. With travel limited to essential trips only, shelter in place orders, and day programs being suspended, subscription and overall trips on specialized transit fell to 10% of normal levels during the early stages of the pandemic. While demand for specialized trips has returned to 30% of normal levels, it is anticipated that DARTS ridership will remain low over the coming months as many of the programs attended by customers who travel using the service are currently not operating or are operating at a reduced capacity. At the time of this report it is projected that DARTS will deliver only 37% of the 885,000 trips forecasted in the 2020 budget. Unlike conventional transit, reduced demand for specialized transit would result in a favourable variance at year's end because service is subsidized less through fare revenues and more through Municipal funding which is paid for on a per trip basis.

The impacts COVID-19 has had on conventional transit revenues, ridership for both conventional and specialized transit, and the financial position of the City of Hamilton in 2020 are discussed further in the Safe Restart Agreement funding section of this report.

As we look forward to the coming months, 2021, and the years ahead, there continues to be great uncertainty as to the effects the COVID-19 pandemic will have on transit revenue and both conventional and specialized transit ridership. Amongst the uncertainties are a second wave of the pandemic occurring this fall, no vaccine being available soon, continuation of alternative delivery of education, continuation of working from home, and Public Health restrictions remaining in place into 2021. Each of these potential scenarios will have an impact on 2021 ridership for both transit service types.

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**SUBJECT: Financial Impact of Declining Transit Revenues (PW20061) (City Wide)**  
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The following chart summarizes the potential impacts on 2021 conventional ridership and revenue forecasting low, medium and high scenarios. All scenarios have assumed that a vaccine is not available and that work from home (WFH) practices where practical remain in effect for a lot of businesses.

<b>2021 Potential Budget Variance</b>				
<b>Scenario</b>	<b>Ridership</b>	<b>%</b>	<b>Revenue</b>	<b>%</b>
1. Low	(10,085,272)	(45.61%)	(\$20,517,875)	(43.49%)
Assumptions: No vaccine, 55% return in ridership Jan-Aug, 65% Sep-Dec, Year 5 implemented, Work From Home remains high, University/College remains virtual for winter and returns to 2019 enrolment levels for 2021/2022 academic year. Physical distancing measures in place.				
2. Medium	(9,043,724)	(40.90%)	(\$15,639,715)	(33.15%)
Assumptions: No vaccine, 55% return in ridership Jan-Aug, 65% Sep-Dec, Year 5 implemented, Work From Home remains high, University/College return in winter with reduced ridership and enrolment and returns to 2019 enrolment levels for 2021/2022 academic year. Physical distancing measures prevent full standing loads.				
3. High	(7,537,833)	(34.09%)	(\$12,060,280)	(25.56%)
Assumptions: No vaccine, 65% return in ridership Jan-Aug, 75% Sep-Dec, Year 5 implemented, Work From Home remains high, University/College return in winter with reduced ridership and enrolment and returns to 2019 enrolment levels for 2021/2022 academic year. Physical distancing measures prevent full standing loads.				

The following chart summarizes the potential impacts on 2021 specialized transit ridership. The scenario compares a 2021 Maintenance budget with same number of trips being forecasted as was the case in 2020 against a potential delivery of only 68% of the forecasted trips by year's end. Like conventional transit the scenario has assumed that a vaccine is not available, that work from home (WFH) practices where practical remain in effect for a lot of businesses, and day programming is limited.

<b>2021 Potential Budget Variance</b>			
<b>Budget Year</b>	<b>Ridership</b>	<b>Cost/Trip</b>	<b>Municipal Funding</b>
2021 Maintenance Budget	885,000	\$27.59	\$24,413,130
2021 Potential Ridership	605,593	\$31.07	\$18,814,387
Variance	(279,407)	\$3.48	(\$5,598,743)

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**SUBJECT: Financial Impact of Declining Transit Revenues (PW20061) (City Wide)**  
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## **Options to Offset Potential Revenue Shortfall**

As we progress through 2020 and into 2021, and more information becomes available, a stepped approach using options from various funding sources could be utilized to offset any HSR revenue shortfalls that occur.

1. Safe Restart Agreement Funding
2. Vehicle Replacement Reserve Funding
3. Provincial Gas Tax Reserve Funding
4. Service Adjustments

### **1. Safe Restart Agreement Funding**

On July 27, 2020, the Ontario Government announced an Historic Agreement to Support Municipalities and Transit, known as the Safe Restart Agreement. The Ontario government, in partnership with the federal government, is providing up to \$4 billion in urgently needed one-time assistance to Ontario's 444 municipalities. This funding is intended to help municipalities continue to effectively deliver critical public services, such as public transit, as the Province continues down the path of renewal, growth and economic recovery.

Through the Safe Restart Agreement with the federal government, \$695 million will help municipalities address operating pressures related to the COVID-19 pandemic through the first round of emergency funding and over \$660 million will support transit systems.

The City of Hamilton's share of the Phase 1 allocation is just over \$17.2 million for transit relief. Staff believe that the announcement, combined with other mitigation measures taken by the City and outstanding funding allocations still to be made, will assist in eliminating Transit's 2020 forecast deficit which is currently estimated at \$13.9 million per report FSC20069.

Phase 1 is intended to provide immediate relief from both revenue and expense pressures related to COVID-19. This Phase applies to pressures incurred between April 1, 2020 and September 30, 2020. The estimated COVID-19 related revenue and expenditure pressures for transit for the period being funded is \$19 million.

To date the Province has been silent on how Specialized Transit Service will be treated under this agreement and whether it will form part of the Phase 1 and/or Phase 2 eligible costs for transit relief. As the cost for specialized transit is funded from the Municipality on a per trip basis, and at the time of this report the number of trips forecasted to year end for 2020 is only 37% of the budgeted 885,000 trips, staff are estimating a \$10.6 million favourable variance to budget for DARTS service at year end.

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A potential favourable variance of \$5.6 million could occur in 2021 if DARTS were to deliver 68% of trips forecasted in a 2021 Maintenance budget. The savings from DARTS in both 2020 and 2021 could help to offset shortfalls from HSR.

In order to be eligible for Phase 2, a funding transfer payment agreement will be required, and to be eligible for these funds to be released, the City is required to sign an acknowledgement of the conditions of the program. The provincial government has indicated that Phase 2 funding allocations will be structured to achieve ridership growth and transit sustainability. While there will be Phase 2 allocations coming forward, the specific allocations remain unknown. The Ministry of Transportation will consult with municipalities in the Fall.

The phased funding announcement only addresses pressures to the end of the provincial fiscal year on March 31, 2021. To date, there has been no formal communication with respect to Federal and Provincial funding support beyond March 31, 2021 related to municipal COVID-19 financial pressures.

Details on the requirements of the Transit funding were shared in Appendix “A” of the Federal and Provincial Government Funding Announcement Update Report (FCS20071), presented at the September 9, 2020 General Issues Committee.

## **2. Vehicle Replacement Reserve Funding**

The Province has recommended approval of the projects put forward for Investing in Canada Infrastructure Program (ICIP), formerly known as PTIF phase 2. Included amongst the submitted projects is the Revenue Vehicle Replacement project which will provide funding from Provincial and Federal levels of government of \$0.73 of every dollar required to purchase replacement buses over the next five years. Transit maintains a Vehicle Replacement Reserve and currently places \$10.4 million into the reserve annually to allow for the purchase of replacement vehicles on a 12-year cycle. If approved through the ICIP program funding, replacement buses will be purchased in each year for the next five years at only \$.27 of every dollar. ICIP funding could provide a one-time opportunity to leverage excess funds within the reserve to offset HSR revenue shortfalls for 2021, should the Safe Restart Agreement not be extended for April – December 2021. Funding from the ICIP program will also ensure that the reserve remains sustainable for the long term. Several announcements related to ICIP Public Transit projects have been made in other communities in recent weeks. At the time of writing, staff have not received any indication about the status or timing for any announcement of City of Hamilton projects.

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**SUBJECT: Financial Impact of Declining Transit Revenues (PW20061) (City Wide)**  
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### **3. Provincial Gas Tax Reserve Funding**

Advocacy has occurred requesting the province to maintain the 2019/2020 funding allocation of the Provincial Gas Tax (PGT) for the 2020/2021 allocation. The PGT allocation formula is based on 70% ridership and 30% population. Once the stay at home order was issued, trips taken on all modes of transportation immediately reduced, leaving transit agencies with less ridership and the government with less fuel tax revenue. This could create short term impacts for the program.

Transit maintains a reserve for PGT, the reserve was created due to timing of receipt of the funding and the actual implementation of previous service enhancements. The 2020 projected ending balance is \$19.1 million. Approximately \$10.9 million is drawn annually from the reserve to fund a portion of the HSR operating expenditures. Since future PGT funding is unknown, the sustainability of the reserve is uncertain. Assuming status quo funding levels, funds could be utilized from the PGT reserve to offset a portion of the potential 2021 revenue loss should the funding from the Safe Restart Agreement and Vehicle Replacement Reserve not be enough.

### **4. Service Adjustments**

The last potential option to offset revenue shortfalls would be service adjustments, however, this option should only be considered if all other options have been exhausted and with caution due to the impacts it would have on transit sustainability and the City's recovery.

Given that pre-COVID revenue and ridership were exceeding budgeted expectations for early 2020, current revenue and ridership data is better than was originally anticipated, and public health recommendations for physical distancing remain in place, any adjustments to the current service levels and vehicles in operation may lead to high instances of overcrowding, a significant increase in reported pass-bys and result in an unreliable transit system.

Physical distancing and mass transit are complete opposite concepts. Mass transit is about moving large numbers of people at the same time, whereas physical distancing dictates that only a few people be permitted on a bus at any one time. At the height of the pandemic, the number of customers on board the buses was reduced to 10 on a 40' bus and 15 on a 60' bus, which led to a significant increase in reported pass-bys. On June 22, 2020 the limit on customer loads increased to 2/3 to maintain physical distancing, wearing a face covering became mandatory and reported pass-bys went down based on the customer demand at the time. On September 6, 2020, capacity was increased again to the equivalent of a 100% seated load which means 30 customers on a 40' bus and 50 customers on a 60' bus. The incremental increase in capacity throughout the pandemic has addressed the travelling needs of returning customers as

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businesses and services have reopened and will continue to support these needs through Phase 3, and the start of the school year for elementary and secondary school students who will be returning to using transit services.

Investment in transit and the addition of 123,000 hours provided through years 1 to 4 of 10 Year Local Transit Strategy has been targeted to address deficiencies in the system, align the service to the updated Council approved service standards, accommodate ongoing population growth and improving service on the BLAST lines to achieve modal split targets outlined in the Transportation Master Plan.

HSR continues to focus on customer safety and reliability during these uncertain times in order to retain customers and encourage others to use transit. Transit service plays a vital role in the City's economy and reducing transit service levels will impact HSR's ability to gain back ridership lost during the pandemic as well as supporting the City's recovery plans and future economic growth plans. Should service adjustments be considered to address any remaining shortfall in revenues, momentum achieved through transit investments in the first 4 years of the 10 Year Local Transit Strategy will be stalled and long-term negative impacts to service sustainability and ridership are likely to result. All service adjustments would be reviewed using the Council approved service standards, with the additional lens that considers the public health recommendation for physical distancing and safeguards against reductions that create a greater hardship for residents who are already struggling from the effects of the pandemic.

**Long Term Benefits of Continued Transit Investment****1. Maintenance and Storage Facility**

The requirement for an additional facility was identified with the development of the 10 Year Local Transit Strategy. The facility at 2200 Upper James Street has a storage capacity of 200 buses. With HSR now operating 267 buses; this facility is now operating well beyond its design capacity with 67 buses being stored outside resulting in challenges to effectively and efficiently maintain and operate transit services. The second Maintenance and Storage Facility has been recommended for ICIP funding by the Province. This project is shovel ready. The construction of the second maintenance and storage facility will help revive the economy by creating new jobs, it will also alleviate the pressure at the current facility and enable HSR to begin planning for the transition of the fleet to battery electric vehicles. The design of the new facility allows for space provisions to enable future conversion to store and maintain a fleet of 100 electric buses.

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**2. Transportation Master Plan**

The Transportation Master Plan (TMP) updated in 2015 has a target of 12% modal split for Transit to be achieved by 2031, at which time the City's population is expected to reach 660,000. Transit's current modal split based on the 2016 Transportation Tomorrow Survey is 7%. Key objectives of the Transportation Master Plan include improving environmental sustainability, reducing dependence on single-occupant vehicles, promoting improved options for walking, cycling and transit, maintaining and improving the efficiency of trips related to the movement of goods and servicing of employment areas while supporting the City's growth

**APPENDICES AND SCHEDULES ATTACHED**

N/A

# CITY OF HAMILTON

## MOTION

General Issues Committee: August 10, 2020

**MOVED BY MAYOR / COUNCILLOR E. PAULS.....**

**SECONDED BY MAYOR / COUNCILLOR .....**

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

WHEREAS, the City of Hamilton provides an annual Contribution to Operating Budget Grant to the Business Improvement Areas (BIAs);

WHEREAS, this Contribution to Operating Budget Grant is funded through Planning and Economic Development’s Operating Budget to each BIA and is calculated based on the ratio of the BIA levy to their jurisdictional assessment to the overall BIA assessment;

WHEREAS, the funds allocated from the Contribution to Operating Budget Grant must be spent during the year that they were allocated for;

WHEREAS, due to COVID-19, many planned expenditures for 2020 have been cancelled;

THEREFORE, BE IT RESOLVED:

- (a) That the funds allocated to the BIAs for the 2020 Contribution to Operating Budget Grant that are unused, be carried over and used in accordance with the Contribution to Operating Budget Grant terms prior to December 31, 2021;
- (b) That staff be authorized and directed to establish an appropriate reserve for the unused Contribution to Operating Budget Grant 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.