



## City of Hamilton

# AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REVISED

**Meeting #:** 21-007

**Date:** May 6, 2021

**Time:** 9:30 a.m.

**Location:** Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

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

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

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**1. CEREMONIAL ACTIVITIES**

**2. APPROVAL OF AGENDA**

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

**3. DECLARATIONS OF INTEREST**

**4. APPROVAL OF MINUTES OF PREVIOUS MEETING**

4.1. April 22, 2021

**5. COMMUNICATIONS**

**6. DELEGATION REQUESTS**

\*6.1. Mike Collins-Williams, West End Homebuilders' Association, respecting Pay on Demand Modern Surety Bonds (For a future meeting)

\*6.2. Stephanie Kuntz, Marsh Canada, respecting Development Bonds as a Security for Development Agreements (For a future meeting)

**7. CONSENT ITEMS**

- 7.1. Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS21035) (Ward 5)
- 7.2. Development Charges Annual Indexing – Effective July 6, 2021 (FCS21033) (City Wide)
- 7.3. Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Minutes - March 16, 2021
- \*7.4. Archiving of City Council Videos (FCS21053 / CM21007) (City Wide) (Outstanding Business List Item)

**8. STAFF PRESENTATIONS**

**9. PUBLIC HEARINGS / DELEGATIONS**

**10. DISCUSSION ITEMS**

- 10.1. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Delegations regarding Citizen Committee Reports
- \*10.2. Governance Review Sub-Committee Report 21-003 - April 30, 2021

**11. MOTIONS**

**12. NOTICES OF MOTION**

**13. GENERAL INFORMATION / OTHER BUSINESS**

- \*13.1. Amendment to the Outstanding Business List:

- \*13.1.a. Item to be Removed:

Records Retention By-law Amendment (FCS21034)

That staff be directed to report back outlining the City's current practice for the retention of the video recordings of Council, Sub-Committee, and Advisory Committee meetings.

Added: April 22, 2021 at AF&A - Item 7.3

Completed: May 6, 2021 at AF&A - Item 7.4

OBL Item: 21-F

**14. PRIVATE AND CONFIDENTIAL**

14.1. April 22, 2021 - Closed Minutes

Pursuant to Section 9.1, Sub-section (a) of the City's Procedural By-law 21-021, and Section 239(2), Sub-section (a) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the municipality or local board.

**15. ADJOURNMENT**





## AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 21-006

9:30 a.m.  
April 22, 2021  
Council Chambers  
Hamilton City Hall

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**Present:** Councillors L. Ferguson (Chair), C. Clark, C. Collins, B. Johnson, M. Pearson, A. VanderBeek, and M. Wilson

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

**1. Records Retention By-law Amendment (FCS21034) (City Wide) (Item 7.3)**

**(Pearson/Wilson)**

That the draft by-law, entitled "To Amend By-law No. 11-040 To Establish Retention Periods for Records of the City of Hamilton", attached as Appendix "A", be enacted by Council.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 1 Councillor Maureen Wilson

**2. Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy (FCS20069(b)) (City Wide) (Item 8.1)**

**(Pearson/Johnson)**

- (a) That the Tax and Rate Operating Budget Variance Report as at December 31, 2020 attached as Appendices "A" and "B", respectively, to Report FCS20069(b) be received;
- (b) That, in accordance with the "Budgeted Complement Control Policy", the 2020 complement transfer transferring complement from one department / division to another, complement additions and removals of FTE with no impact on the levy, and budget from one department / division to another or from one cost category to another with no impact on the levy as outlined in Appendix "C" to Report FCS20069(b), 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(b), be approved;

- (d) That, subject to finalization of the 2020 audited financial statements, the Disposition of 2020 Year-End Operating Budget Surplus / Deficit be approved as follows:

DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)	\$	\$
<b>Corporate Surplus from Tax Supported Operations</b>		<b>\$ 55,325,707</b>
<b>Disposition to/from Self-Supporting Programs &amp; Agencies</b>		<b>\$ (6,063,995)</b>
Less: Police (Transfer to Police Reserve)	\$ (2,690,482)	
Less: Library (Transfer to Library Reserve)	\$ (3,333,841)	
Less: Farmers Market (Transfer to Hamilton Farmers Market Reserve)	\$ (39,672)	
<b>Balance of Corporate Surplus</b>		<b>\$ 49,261,712</b>
Less: Transfer to Tax Stabilization Reserve		\$ (2,000,000)
Less: Transfer to Early Years System Reserve		\$ (3,000,000)
Add: Transfer from HEF Capital Project Reserve		\$ 903,318
Less: Transfer to fund 2021 "Rent Ready" Program		\$ (1,000,000)
Less: Transfer to fund Menstrual Products Affordability Pilot Program		\$ (121,000)
Less: Transfer to Climate Change Reserve		\$ (1,500,000)
Less: Transfer to 2022 Capital Budget - Recreation Facilities Discretionary Block (Unallocated Capital Levy Reserve)		\$ (700,000)
Less: Transfer to ATS Reserve for PRESTO Agreement		\$ (162,872)
Less: Transfer to fund Red Hill Creek Inquiry		\$ (5,000,000)
Less: Transfer to Sick Leave Liability - General Reserve		\$ (1,300,000)
Less: Transfer to fund shortfall in Development Charge Exemptions		\$ (15,100,000)
Less: Hamilton Status of Women Advisory Committee - Donation of Remaining 2020 Budget Allocation		\$ (3,996)
Less: Transfer to COVID-19 Emergency Reserve		\$ (20,277,162)
<b>Balance of Tax Supported Operations</b>		<b>\$ -</b>
<b>Corporate Deficit from Rate Supported Operations</b>		<b>\$ (4,592,662)</b>
Add: Transfer from the Rate Supported Water Reserve		\$ 10,211,949
Less: Transfer to the Rate Supported Wastewater Reserve		\$ (5,619,287)
<b>Balance of Rate Supported Operations</b>		<b>\$ -</b>

- (e) That, the Outstanding Business List Item requiring the General Manager, Finance and Corporate Services, to report back on the potential use of City reserves to address the 2020 deficit related to the financial impact of COVID-19 be considered complete, and removed from the General Issues Committee’s Outstanding Business List.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 1 Councillor Maureen Wilson

**3. Cyber Security Audit (AUD21004) (City Wide) (Item 10.1)**

**(Wilson/Clark)**

- (a) That Confidential Appendices “A” and “C” to Report AUD21004, respecting the Cyber Security Audit be received;
- (b) That the Management Responses, as detailed in Confidential Appendices “B” and “D” of Report AUD21004 be approved;
- (c) That the General Manager of Finance and Corporate Services be directed to instruct the appropriate staff to have the Management Responses (attached as Confidential Appendix “B” to Report AUD21004) implemented;
- (d) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Responses (attached as Confidential Appendix “D” to Report AUD21004) implemented; and,
- (e) That the Appendices “A”, “B”, “C”, “D” and “E” to Report AUD21004, respecting Cyber Security Audit Report, and Cyber Security Recommendations and Management Responses, remain confidential and restricted from public disclosure.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson

**4. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee – Community Survey (Added Item 10.2)**

**(Wilson/VanderBeek)**

- (a) That the City of Hamilton approve the attached Community Survey and distribute it through the Engage Hamilton platform or, if there is something that unexpectedly prevents the timely use of that platform, that it be distributed using SurveyMonkey by the members of the LGBTQ Advisory Committee themselves; and;
- (b) That the survey be released no later than April 29, 2021 and that it be up for no less than 2 weeks, until May 13, 2021, with results sent to the LGBTQ Advisory Committee no later than May 14, 2021 so that members of the Committee, and the public, will have time to review them before the next meeting of the LGBTQ Advisory Committee on May 18, 2021.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 1 Councillor Maureen Wilson

**5. Appointments to the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee for the remainder of the 2018 – 2022 Term (Item 14.3)**

**(Wilson/Collins)**

That the appointments to the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee for the remainder of the 2018-2022 Term be approved and released publicly following approval by Council.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 1 Councillor Maureen Wilson

**FOR INFORMATION:**

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

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

**9. PUBLIC HEARINGS / DELEGATIONS**

- 9.1 Public Meeting Respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study
  - 9.1(a) Added Presentation from Watson and Associates
  - 9.1(b) Registered Delegations:
    - (i) Karl Andrus, HCBN
  - 9.1(c) Written Submissions:
    - (i) Lakewood Beach Community Council
    - (ii) Robert D. Aburto, Gowling WLG



**10. DISCUSSION ITEMS**

- 10.2 Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee – Community Survey

**(Johnson/Pearson)**

That the agenda for the April 22, 2021 Audit, Finance and Administration Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 1 Councillor Maureen Wilson

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

There were no declarations of interest.

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

**(i) April 8, 2021 (Item 4.1)**

**(VanderBeek/Pearson)**

That the Minutes of the April 8, 2021 meeting of the Audit, Finance and Administration Committee be approved, as presented.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 1 Councillor Maureen Wilson

**(d) CONSENT ITEMS (Item 7)**

**(Pearson/Wilson)**

That the following Consent Items (Item 7), be received:

- (i) Interview Sub-Committee to the Audit, Finance and Administration Committee Minutes: (Item 7.1)

- (1) April 6, 2021 (Item 7.1(a))
- (2) April 13, 2021 (Item 7.1(b))
- (ii) Various Advisory Committee Minutes: (Item 7.2)
  - (1) Immigrant and Refugee Advisory Committee - January 14, 2021 (Item 7.2(a))
  - (2) Immigrant and Refugee Advisory Committee - February 11, 2021 (Item 7.2(b))
  - (3) Hamilton Mundialization Committee - January 20, 2021 (Item 7.2(c))
  - (4) Aboriginal Advisory Committee - December 3, 2020 (Item 7.2(d))
  - (5) Aboriginal Advisory Committee - No Quorum Notes - January 7, 2021 (Item 7.2(e))
  - (6) Aboriginal Advisory Committee - No Quorum Notes - April 1, 2021 (Item 7.2(f))
  - (7) Hamilton Status of Women Committee - November 26, 2020 (Item 7.2(g))
  - (8) Hamilton Status of Women Committee - January 28, 2021 (Item 7.2(h))
  - (9) Hamilton Status of Women Committee - February 25, 2021 (Item 7.2(i))

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson

**(iii) Records Retention By-law Amendment (FCS21034) (City Wide) (Item 7.3)**

**(Clark/Wilson)**

That staff be directed to report back to the Audit, Finance & Administration Committee on May 6, 2021, outlining the City's current practice for the retention of the video recordings of Council, Sub-Committee, and Advisory Committee meetings.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson

**(e) STAFF PRESENTATIONS (Item 8)**

**(i) Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy (FCS20069(b)) (City Wide) (Item 8.1)**

Mike Zegarac, General Manager of Finance and Corporate Services addressed the Committee with a staff presentation respecting Report FCS20069(b), the Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy.

**(Pearson/Clark)**

That the Staff Presentation respecting Report FCS20069(b), the Tax and Rate Operating Budget Variance Report as at December 31, 2020 and Budget Control Policy, be received.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins

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

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) Public Meeting Respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study (Item 9.1)**

The Chair advised that Item 9.1 was a public meeting pursuant to Section 12 of the *Development Charges Act, 1997*, to present and obtain public input respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study. The Chair further advised that notice of the public meeting was provided and posted on the City of Hamilton's website. Additionally, notice was published in the Hamilton Spectator on March 25th, 2021 and the Hamilton Community

News on March 26th, 2021, inviting interested parties to pre-register to be a virtual delegate.

Gary Scandlan, from Watson & Associates, addressed the Committee respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, with the aid of a presentation.

Councillor Ferguson relinquished the Chair to Councillor Pearson in order to introduce the following motion.

**(Ferguson/Johnson)**

That staff be directed to exempt Agricultural Societies (Binbrook, Rockton, and Ancaster) from Development Charges.

Councillor Ferguson withdrew his motion and assumed the Chair.

**(Pearson/Johnson)**

That the presentation from Gary Scandlan, Watson & Associates respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, be received.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 5 Councillor Chad Collins

**Registered Speaker**

The following Registered Speaker addressed the Committee respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study:

9.1(b) Karl Andrus, HCBN

**(Pearson/VanderBeek)**

That the registered speaker's delegation respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, be received.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins

**Written Submissions**

**(Pearson/Johnson)**

That the following Written Submissions respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, be received:

9.1(c) Lakewood Beach Community Council  
9.1(d) Roberto D. Aburto, Gowling WLG

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins

**(Pearson/Johnson)**

That the public meeting respecting the 2019 Development Charge By-law Amendment and the 2021 Development Charges Background Study, be closed.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins

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

**(i) Cyber Security Audit (AUD21004) (City Wide) (Item 10.1)**

**(Pearson/Johnson)**

That consideration of Report AUD21004, respecting the Cyber Security Audit, be deferred until after Closed Session.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins

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

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

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

**(Pearson/VanderBeek)**

That the following amendment to the Audit, Finance & Administration Committee's Outstanding Business List, be approved:

**(a) Item Considered Complete and Needing to be Removed:**

Citizen Committee Report - Hamilton Status of Women Advisory  
Committee - Donation of Remaining 2020 Budget Allocation  
Added: February 4, 2021 at AF&A - Item 9.1  
Completed: April 22, 2021 at AF&A - Item 8.1 (FCS20069(b))  
OBL Item: 21-A

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson

**(i) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Minutes – April 8, 2021**

**(Wilson/Johnson)**

- (a) That the Closed Session Minutes of the April 8, 2021 Audit, Finance and Administration Committee meeting, be approved as presented; and,
- (b) That the Closed Session Minutes of the April 8, 2021 Audit, Finance and Administration Committee meeting, remain confidential.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson

**(ii) Attendance in Closed Session respecting Appendices 'A', 'B', 'C', 'D', and 'E' to Cyber Security Audit (AUD21004) (City Wide) (Item 14.2)**

**(Wilson/Clark)**

That Aron Feuer, Managing Director Cybersecurity, Valencia IIP Advisors Limited be permitted to attend the Closed Session portion of the meeting with respect to Confidential Appendices "A" through "E" to Report AUD21004, respecting the Cyber Security Audit.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson

**(Pearson/Johnson)**

That Committee move into Closed Session respecting Item 14.2, pursuant to Section 9.1, Sub-section (a) of the City's Procedural By-law 21-021, and Section 239(2), Sub-section (a) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the municipality or local board.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson

**(iii) Appendices 'A', 'B', 'C', 'D', and 'E' to Cyber Security Audit (AUD21004) (City Wide) (Item 14.2)**

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

Committee determined that discussion of Item 14.3 was not required in Closed Session, so the item was addressed in Open Session, as follows:

**(iv) Appointments to the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee for the remainder of the 2018 – 2022 Term (Item 14.3)**

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

**(j) ADJOURNMENT (Item 15)**

**(Pearson/Johnson)**

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 1:04 p.m.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Councillor Ferguson, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



## Request to Speak to Committee of Council

Submitted on Monday, April 26, 2021 - 9:36 am

==Committee Requested==

**Committee:** Audit, Finance & Administration Committee

==Requestor Information==

**Name of Individual:** Mike Collins-Williams

**Name of Organization:** West End Homebuilders' Association

**Contact Number:**

**Email Address:** [mikecw@westendhba.ca](mailto:mikecw@westendhba.ca)

**Mailing Address:** 1112 Rymal Rd E, Hamilton, ON L8W 3N7

**Reason(s) for delegation request:** To speak to the May 20 Audit, Finance & Administration Committee on the topic of Pay on Demand Modern Surety Bonds.

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

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



## Request to Speak to Committee of Council

Submitted on Wednesday, April 28, 2021 - 11:31pm

==Committee Requested==

**Committee:** Audit, Finance & Administration Committee

==Requestor Information==

**Name of Individual:** Stephanie Kuntz

**Name of Organization:** Marsh Canada

**Contact Number:**

**Email Address:** [stephanie.kuntz@marsh.com](mailto:stephanie.kuntz@marsh.com)

**Mailing Address:** Suite 1100, 222 - 3rd Ave SW, Calgary, AB T2P 0B4

**Reason(s) for delegation request:** I would like to advocate for the adoption of Development Bonds as security for development agreements. I am a specialist in Development Bonds, and would like to speak to the technical aspects of the bond, as well as the efficacy of the bond, and its usage in various other municipalities.

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

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





**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Financial Services and Taxation Division**

<b>TO:</b>	Chair and Members Audit, Finance and Administration
<b>COMMITTEE DATE:</b>	May 06, 2021
<b>SUBJECT/REPORT NO:</b>	Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS21035) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Maria Di Santo (905) 546-2424 Ext. 5254
<b>SUBMITTED BY:</b>	Rick Male Director, Financial Services, Taxation and Corporate Controller Finance and Corporate Services Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That property taxes in the amount of \$5,422.18 for 310 Beach Boulevard, Hamilton (Roll #2518 050 511 02440 0000) be written off under Section 354 of the Municipal Act and that Hamilton Beach Rescue Unit Inc. be refunded the property taxes paid in error.

### EXECUTIVE SUMMARY

Section 354(4)(a) of the *Municipal Act, 2001* allows Council to write-off taxes “if the property is owned by Canada, a province or territory or a Crown agency of any of them or by a municipality”. In the case of 310 Beach Boulevard, Hamilton (Roll #2518 050 511 02440 0000), the property was owned by the City of Hamilton (City), and as such, exempt from property taxes up until it was wrongly transferred to Hamilton Beach Rescue Unit Inc. as part of the real estate transaction to accommodate their expansion. Upon the transfer of ownership, the Municipal Property Assessment Corporation (MPAC) issued a class change from exempt to Residential taxable effective June 28, 2017. The transfer was completed in error, as Transfer/Deed registered as Instrument No. WE1216985, to accommodate Hamilton Beach Rescue Unit Inc.’s expansion, misidentified the property as containing Parts 2 & 3 on Registered Plan 62R-17740, where it should have been only Part 2 on Registered Plan 62R-17740 known as 312 Beach Boulevard. The ownership of Part 3 known as 310 Beach Boulevard, Hamilton,

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**SUBJECT: Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS21035) (Ward 5) - Page 2 of 3**

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should have remained with the City of Hamilton and not have been included in the above-mentioned transfer. Therefore, 310 Beach Boulevard, Hamilton, should have continued to be exempt and not subject to property taxes.

Hamilton Beach Rescue Unit Inc. returned the property to the City of Hamilton on February 20, 2020 but has requested the refund of property taxes paid to date, which totals \$5,422.18. Although the property taxes are not unpaid, it is prudent that the City agree to the refund, being that the property taxes should not have been billed in the first place. As taxes were billed together for Parts 2 & 3, Hamilton Beach Rescue Unit Inc. is responsible for the portion of property taxes associated only with Part 2.

Staff are recommending the write-off of property taxes for the period of June 28, 2017 (when ownership was incorrectly changed) to February 20, 2020 (when ownership was transferred back to the City of Hamilton). Taxation staff have already submitted a Municipal Act application for exemption effective February 20, 2020.

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

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: As per the following table, the property taxes to be written off total \$5,422.18. The municipal tax portion is \$4,696.96 to be charged to HAMTN 52174-252013. The amount to be recovered from the English Public-School Board is \$725.22 to be charged to HAMTN 52174-252025. Hamilton Beach Rescue Unit Inc. has paid the 2017, 2018, and 2019 total property taxes levied in full, in addition to the first instalment of the 2020 property taxes levied, totalling \$5,422.18.

	Tax Year				Total
	2017	2018	2019	2020	
Total Taxes Paid	\$1,319.33	\$2,631.20	\$2,697.28	\$674.00	
Taxes for Part 2	\$266.13	\$530.76	\$544.09	\$558.65	
<b>Refund</b>	<b>\$1,053.20</b>	<b>\$2,100.44</b>	<b>\$2,153.19</b>	<b>\$115.35</b>	<b>\$5,422.18</b>

Staffing: Not Applicable

Legal: The City's Legal Services have already completed the transfer of title back to the City of Hamilton.

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**SUBJECT: Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS21035) (Ward 5) - Page 3 of 3**

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## **HISTORICAL BACKGROUND**

Part 2 on Registered Plan 62R-17740 known as 312 Beach Boulevard was transferred from the City of Hamilton to the Hamilton Beach Rescue Unit Inc. to accommodate their expansion. The transfer of 310 Beach Boulevard, Hamilton (Parts 3 on Registered Plan 62R-17740) was completed in error.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

*Municipal Act, (2001), Part XI, Section 354.*

## **RELEVANT CONSULTATION**

City of Hamilton's Legal Services.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The ownership of 310 Beach Boulevard, Hamilton (Part 3 on Registered Plan 62R-17740) should have remained with the City of Hamilton and should not have been subject to property taxes. Hamilton Beach Rescue Unit Inc. should not have paid the property taxes billed for Part 3 on Registered Plan 62R-17740. They were not aware that they owned this parcel and therefore had no beneficial ownership of the property. Due to this error, Hamilton Beach Rescue Unit Inc. should be refunded the property taxes paid to date. Taxation staff have already prepared a Municipal Act application for exemption as of February 20, 2020 (date the title of the property changed back to the City of Hamilton).

## **ALTERNATIVES FOR CONSIDERATION**

Not applicable.

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

### **Community Engagement & 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**

Appendix "A" to Report FCS21035 – Municipal Address Map of 310 Beach Boulevard, Hamilton (Roll #2518 050 511 02440 0000), Ward 5.

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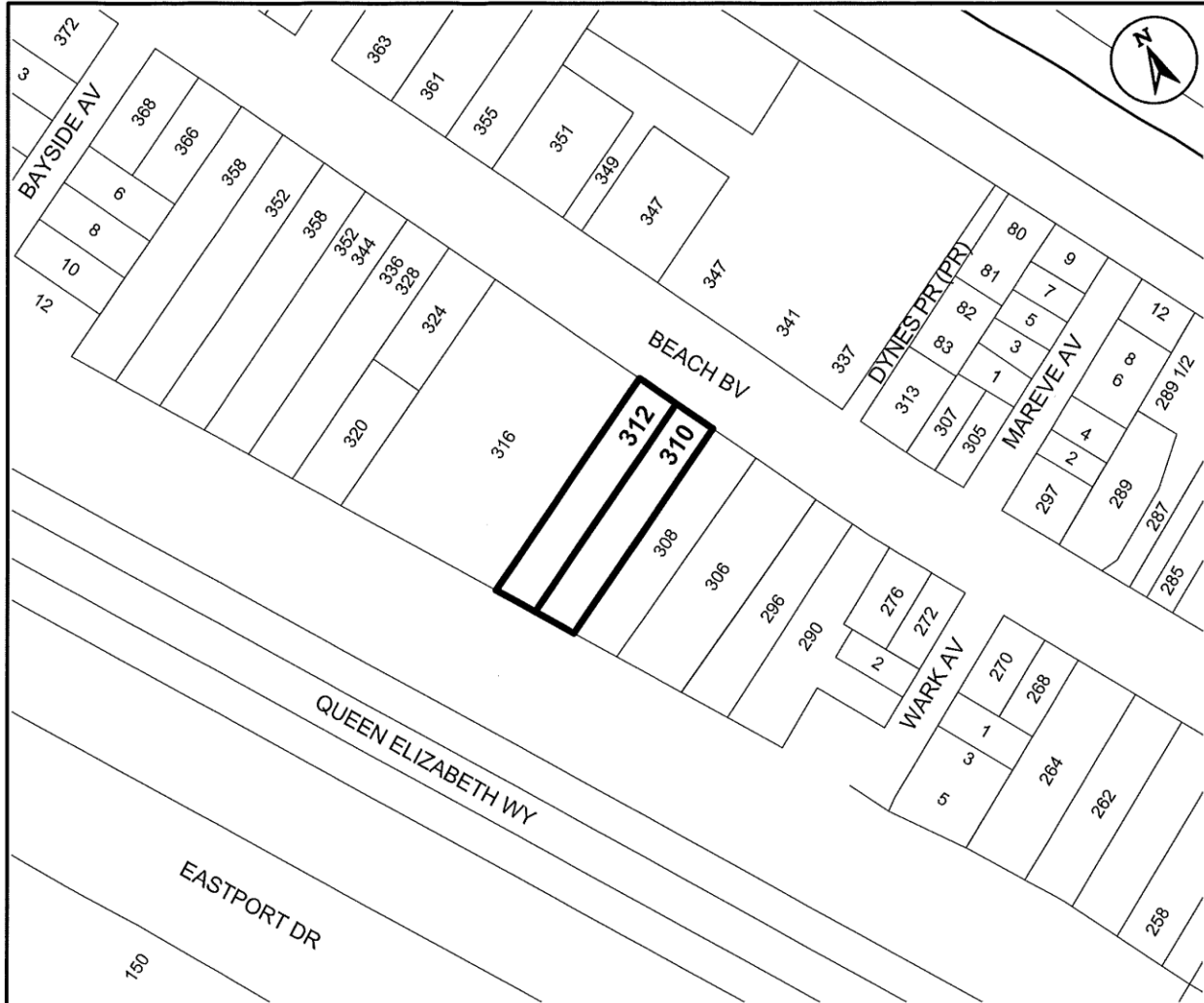
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Appendix "A" to Report FCS21035  
Page 1 of 1



● Site Location



**City of Hamilton**

## Municipal Address Map

### Subject Property



310 & 312 Beach Boulevard

File Name/Number:  
310 & 312 Beach Blvd

Date:  
Dec. 5, 2016

Technician:  
VS

Map Not to Scale

Appendix "A"



Hamilton





## INFORMATION REPORT

<b>TO:</b>	Chair and Members Audit, Finance and Administration Committee
<b>COMMITTEE DATE:</b>	May 6, 2021
<b>SUBJECT/REPORT NO:</b>	Development Charges Annual Indexing – Effective July 6, 2021 (FCS21033) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alex Di Domenico (905) 546-2424 Ext. 1434
<b>SUBMITTED BY:</b>	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

Not Applicable

### INFORMATION

#### Development Charges Annual Indexing

In accordance with the City's Development Charges (DC) By-laws, DC rates are adjusted annually by the percentage change during the preceding year, as recorded in Statistics Canada's Construction Cost Index (non-residential building) (CANSIM Table 18-10-0135-01-Toronto) as prescribed by the Province's *Development Charges Act*. This adjustment is required to align DC revenues with construction costs and helps ensure the sustainability of the DC reserves for the funding of the City's growth-related capital requirements.

Table 1 illustrates that the percentage change in the 2020 index was 2.58%. The effective date of the indexing is July 6, 2021.

**SUBJECT: Development Charges Annual Indexing – Effective July 6, 2021  
(FCS21033) (City Wide) – Page 2 of 6**

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**Table 1  
Stats Canada Non-Residential Building Construction Price Index**

Year	Index	Percentage Change
2019	108.7	
2020	111.5	2.58%

Source: Statistics Canada – CANSIM table 18-10-0135-01 (Toronto)

There are two DC By-laws administered by the City of Hamilton (City). Firstly, By-law 19-142 respecting the collection of DCs for growth-related City services and secondly, By-law 11-174 (as amended) respecting the collection of DCs to pay for the City's contribution towards Metrolinx growth capital. Both By-laws are consistent with respect to the indexation timing of the rates.

It is to be noted that there is a By-law amendment in process for By-law 19-142 respecting the collection of DCs for growth-related City services and the rates presented herein have been calculated assuming it will be passed. A DC Update Study was conducted with the By-law amendment which was presented as Appendix "A" to Report FCS21025 at the March 25, 2021 meeting of the Audit, Finance, and Administration Committee and released to the public in March 2021. The DC Update Study is scheduled to be presented for adoption at the June 3, 2021 meeting of the Audit, Finance and Administration Committee.

The DC Update Study contained an update to the amount of growth-related capital needs able to be included in the DC calculation as per legislative changes which are detailed in Report FCS21025 presented at the March 25, 2021 meeting of the Audit, Finance and Administration Committee. Specifically, the removal of the 10% statutory deduction was factored into the rates presented herein. This legislated change allows municipalities to recover up to 100% of growth-related capital costs whereas some services were previously restricted such that municipalities could only recover up to 90% of the growth-related capital costs.

Note that each individual service category is indexed which may result in the overall increase being slightly more / less than applying the 2.58% index rate to the overall total. Tables 2, 3, 4 and 5 show the impact on the overall City DC after the removal of the 10% statutory deduction and after each individual service category had been indexed.

Table 2 illustrates the Residential City DC rates for developments in combined sewer system areas and Table 3 illustrates the Residential City DC rates for developments in separated sewer system areas.

**SUBJECT: Development Charges Annual Indexing – Effective July 6, 2021  
(FCS21033) (City Wide) – Page 3 of 6**

**Table 2  
Residential City DC Rates for Combined Sewer System**

Residential DCs (\$ per unit unless otherwise stated)	City DCs Current (2020-2021 \$)	City DCs With Proposed By-law Amendment (2020-2021 \$)	City DCs Indexed (2021-2022 \$)	Increase	
				Due to Proposed By-law Amendment	Due to Indexing
Single / Semi	45,195	46,381	47,576	1,186	1,195
Townhouse / Other Multiple	32,348	33,196	34,050	848	854
Apartment (2+ bedrooms)	26,466	27,163	27,862	697	699
Apartment (1 bedroom)	18,105	18,581	19,059	476	478
Residential Facility (\$ per bed)	14,597	14,984	15,369	387	385

Note: The City DCs above do not include Special Area Charges which are not subject to annual indexing or affected by the removal of the 10% statutory deduction.

**Table 3  
Residential City DC Rates for Separated Sewer System**

Residential DCs (\$ per unit unless otherwise stated)	City DCs Current (2020-2021 \$)	City DCs With Proposed By-law Amendment (2020-2021 \$)	City DCs Indexed (2021-2022 \$)	Increase	
				Due to Proposed By-law Amendment	Due to Indexing
Single / Semi	51,964	53,151	54,520	1,187	1,369
Townhouse / Other Multiple	37,193	38,041	39,020	848	979
Apartment (2+ bedrooms)	30,430	31,127	31,928	697	801
Apartment (1 bedroom)	20,816	21,292	21,840	476	548
Residential Facility (\$ per bed)	16,784	17,172	17,613	388	441

Note: The City DCs above do not include Special Area Charges which are not subject to annual indexing or affected by the removal of the 10% statutory deduction.

Table 4 illustrates the Non-Residential City DC rates for developments in combined sewer system areas.

**Table 4  
Non-Residential City DC Rates for Combined Sewer System**

Non-Residential DCs (\$ per sq. ft.)	City DCs Current (2020-2021 \$)	City DCs With Proposed By-law Amendment (2020-2021 \$)	City DCs Indexed (2021-2022 \$)	Increase	
				Due to Proposed By-law Amendment	Due to Indexing
Non-Industrial	18.76	19.80	20.32	1.04	0.52
Industrial	11.44	N/A <sup>[2]</sup>	11.74	- -	0.30
New Non-Industrial <sup>[1]</sup>					
1st 5,000 sq. ft.	9.38	9.90	10.16	0.52	0.26
2nd 5,000 sq. ft.	14.07	14.85	15.24	0.78	0.39
10,000+ sq. ft.	18.76	19.80	20.32	1.04	0.52

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**SUBJECT: Development Charges Annual Indexing – Effective July 6, 2021  
(FCS21033) (City Wide) – Page 4 of 6**

- [1] New non-industrial developments within a CIPA or BIA and new office development (medical clinic excluded) receive reduced stepped rates as illustrated above.
- [2] The By-law amendment to remove the 10% statutory deduction that is in progress now will not impact Industrial DC rates. Industrial developments only pay the Wastewater (linear and plant) and Storm services plus a portion of the Roads service. None of these are impacted by removing the 10% statutory deduction.

Table 5 illustrates the Non-Residential City DC rates for developments in separated sewer system areas.

**Table 5  
Non-Residential City DC Rates for Separated Sewer System**

Non-Residential DCs (\$ per sq. ft.)	City DCs Current (2020-2021\$)	City DCs With Proposed By-law Amendment (2020-2021\$)	City DCs Indexed (2021-2022\$)	Increase	
				Due to Proposed By-law Amendment	Due to Indexing
Non-Industrial	21.00	22.04	22.62	1.04	0.58
Industrial	12.81	N/A <sup>[2]</sup>	13.14	-	0.33
New Non-Industrial <sup>[1]</sup>					
1 <sup>st</sup> 5,000 sq. ft.	10.50	11.02	11.31	0.52	0.29
2 <sup>nd</sup> 5,000 sq. ft.	15.75	16.53	16.97	0.78	0.44
10,000+ sq. ft.	21.00	22.04	22.62	1.04	0.58

- [1] New non-industrial developments within a CIPA or BIA and new office development (medical clinic excluded) receive reduced stepped rates as illustrated above.
- [2] The By-law amendment to remove the 10% statutory deduction that is in progress now will not impact Industrial DC rates. Industrial developments only pay the Wastewater (linear and plant) and Storm services plus a portion of the Roads service. None of these are impacted by removing the 10% statutory deduction.

Table 6 illustrates the index impact on Metrolinx (GO Transit) DC Rates. Metrolinx DCs are only collected from residential development. Note that the GO Transit DC rates are not impacted by the By-law amendment to remove the 10% statutory deduction.

Note that the indexed rate may be slightly different than applying the 2.58% to the existing rate. This difference is due to the fact that when the index calculation is prepared, the original Metrolinx DC (\$215 per single / semi) and all previous index factors are considered.

**SUBJECT: Development Charges Annual Indexing – Effective July 6, 2021  
(FCS21033) (City Wide) – Page 5 of 6**

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**Table 6  
Metrolinx (GO Transit) DC Rates**

<b>Residential DCs</b> (\$ per unit unless otherwise stated)	<b>GO DCs</b> Current (2020-2021 \$)	<b>GO DCs</b> Indexed (2021-2022 \$)	<b>Increase</b> Due to Indexing
Single / Semi	273	281	8
Townhouse / Other Multiple	196	201	5
Apartment (2+ bedrooms)	169	174	5
Apartment (1 bedroom)	113	116	3
Residential Facility (\$ per bed)	89	91	2

Appendix “A” to Report FCS21033 is the Development Charge Pamphlet which will be posted on the City website and made available to the public. The Pamphlet provides a summary schedule of the current rates and provisions contained within the DC By-laws. Special area charges and educational DCs are also outlined, where applicable.

In the event that the DC By-law amendment in process for By-law 19-142 is not adopted as currently proposed, the DC Pamphlet (attached as Appendix “A” to Report FCS21033) will be amended and will be posted to the City’s website. Council will be informed via a Communication Update should this need arise.

### **Transition Policy**

DCs are payable upon building permit issuance, with some exceptions that the Province implemented effective January 1, 2020 that are detailed in Report FCS21025, presented at the March 25, 2021 meeting of the Audit, Finance, and Administration Committee. The rate payable is legislated through the DC Act and is either the rate in effect on the date of building permit issuance or the rate that was in effect at site plan or zoning application date plus interest to the building permit issuance date.

For developments already in progress and nearing permit issuance, and where a site plan or zoning application is not applicable, a transition policy was included as part of DC By-law 19-142. The transition policy allows for the DC rates, in effect on the date of building permit application, to be paid provided that **all** of the following criteria are met:

- The permit application must be a complete application as per requirements outlined by the Building Services Division;
- The permit must be issued within six months of the effective date of a rate increase; and
- The permit must not be revoked after the date of a rate increase.

**SUBJECT: Development Charges Annual Indexing – Effective July 6, 2021  
(FCS21033) (City Wide) – Page 6 of 6**

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**Other DC Updates Effective on July 6, 2021**

The DC Downtown Hamilton Community Improvement Project Area (CIPA) exemption is decreasing from 50% to 40% on July 6, 2021. The transition policy above does not apply to the reduction in the DC CIPA exemption.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report FCS21033 – Development Charges Information – Pamphlet – Summary of By-Laws 19-142 (as amended) and 11-174 (as amended) – Rates Effective July 6, 2021 – July 5, 2022

AD/dt





CITY OF HAMILTON  
Development Charges Information – Pamphlet  
Summary of By-laws 19-142 (as amended) and 11-174 (as amended)

**Rates Effective**  
**July 6, 2021 – July 5, 2022**

Please ensure the effective date of this pamphlet corresponds with your needs.  
The information contained within is intended only as a guide. Interested parties should review the approved By-laws.

**Purpose of Development Charges:**

The purpose of development charges is to recover the growth-related costs associated with the capital infrastructure needed to service new development and redevelopment within the municipality.

**By-Laws for the City of Hamilton:**

By-law No. 19-142 (as amended)

By-law No. 11-174 (as amended)

Rates shall be indexed on July 6 each year by the percentage change recorded in the average annual Non-Residential Construction Price Index for Toronto produced by Statistics Canada. Table: 18-10-0135-01 (formerly CANSIM 327-0058)

**Payment of Development Charges:**

Development charges are payable at the time of building permit issuance and are collected by the City of Hamilton Building Department. Pursuant to legislative changes which came into effect as of January 1, 2020, DCs for the following types of developments are eligible to be paid in instalments:

- Rental (6 annual instalments commencing at occupancy)
- Institutional (6 annual instalments commencing at occupancy). This category includes long-term care homes, retirement homes, universities and colleges, memorial homes; clubhouses; or athletic grounds of the Royal Canadian Legion, and hospices.
- Non-Profit Housing (21 annual instalments commencing at occupancy)

The City also offers deferrals for ERASE, non-residential and apartment developments; subject to availability. Please connect with staff for further details.

**Development Charges Rate Lock In:**

As per section 26.2 of the DC Act, the DC rate charged to a development will be based on the application date of a Site Plan Application or a Site-specific Zoning Amendment, if such application is applicable, and only where such application is applied for on or after January 1, 2020 and the related building permit is issued within two years of the approval of the related application. Interest charges will apply. Please connect with staff for further details.

**Demolition Credits:**

A credit is allowed for demolitions for a period of five (5) years from the date of issuance of the demolition permit. The dollar value of the credit is based on the rate in effect at the time of redevelopment and on the exemption status of the demolished/redeveloped building at the time of redevelopment (i.e. no credit if the demolished building is exempt under the current By-law). Note that the credit for Residential demolitions expires two (2) years and five (5) years from the date of demolition permit issuance for HWDSB (Public) and HWCDSB (Catholic) Education DCs, respectively.

**Transition Policy:**

Normally, the development charges rate payable is the rate in effect on the day that the building permit is issued. However, where the DC Rate lock-in per Section 26.2 of the DC Act does not apply, the City's policy is that the development charges rate payable is the rate in effect on the date that a complete building permit application is received and accepted by the City's Chief Building Officer, provided that the building permit is issued within six (6) months of the first rate increase following application. If the building permit is revoked on or after the date of the rate increase, the rates in effect on the date of permit issuance will be payable. (Not applicable to Education DCs.)

**Credits and Exemptions:**

Refer to attached pages for rate highlights as well as exemption and credit policies.

**Treasurer's Statement:**

The City Treasurer prepares an annual statement regarding the use of development charges funds and sets out the balance in each of the development charges reserves.

**Copies of By-law and Treasurer's Statement:**

Copies of the Development Charges By-laws as well as the Treasurer's statement are available from the Clerk's office on the 1<sup>st</sup> Floor of City Hall, 71 Main St. W., Hamilton, Ontario L8P 4Y5.

**For further information regarding development charges, contact:**

Finance at [DCRequest@hamilton.ca](mailto:DCRequest@hamilton.ca) (ext. 4400) or  
Building at 905-546-2720

Please check with City Staff at [Parklandrequest@hamilton.ca](mailto:Parklandrequest@hamilton.ca) regarding Parkland Dedication fees which may apply and are separate and distinct from Municipal DCs.

DC Policies approved by City of Hamilton Council do not impact Education DC charges which are controlled and set by the Hamilton-Wentworth Catholic District School Board and Hamilton-Wentworth District School Board, respectively.

## SERVICE COMPONENT BREAKDOWN EFFECTIVE July 6, 2021 - July 5, 2022

Service	RESIDENTIAL (\$)					NON-RESIDENTIAL (\$) (note a)	
	Single-Detached Dwelling & Semi-Detached Dwelling (per dwelling unit)	Townhouses & Other Multiple Unit Dwellings (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes 2-Bedrooms+ (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes Bachelor & 1-Bedrooms+ (per dwelling unit)	Residential Facility Dwelling & Lodging House & Garden Suite (per bedroom)	(per sq. ft. of Gross Floor Area)	(per sq. m.)
<b>Municipal Wide "Soft" Services:</b>							
Parkland Development	2,764	1,978	1,618	1,107	893	0.13	1.40
Indoor Recreation Services	5,261	3,765	3,080	2,108	1,699	0.24	2.58
Library Services	1,221	873	715	489	394	1.07	11.52
Growth Studies	431	308	253	173	140	0.22	2.37
Long Term Care	194	139	114	78	63	0.02	0.22
Public Health	3	2	2	1	1	-	-
Child Care and Early Years	16	12	10	6	5	-	-
Housing Services	802	573	469	321	259	-	-
Airport Lands	502	359	294	201	162	0.26	2.80
Municipal Parking	596	426	349	239	193	0.31	3.34
Provincial Offences Act	43	31	25	17	14	0.02	0.22
<b>Total Municipal Wide "Soft" Services</b>	<b>11,833</b>	<b>8,466</b>	<b>6,929</b>	<b>4,740</b>	<b>3,823</b>	<b>2.27</b>	<b>24.43</b>
<b>Municipal Wide "Hard" Services:</b>							
Services Related to a Highway	11,479	8,216	6,722	4,599	3,708	8.58	92.35
Public Works	858	614	502	343	277	0.44	4.74
Police Services	559	400	327	224	180	0.28	3.01
Fire Protection Services	492	353	289	197	159	0.25	2.69
Ambulance Services	158	113	93	63	51	0.02	0.22
Transit Services	2,043	1,463	1,197	819	660	1.04	11.19
Waste Diversion	778	556	455	311	252	0.14	1.51
<b>Total Municipal Wide "Hard" Services</b>	<b>16,367</b>	<b>11,715</b>	<b>9,585</b>	<b>6,556</b>	<b>5,287</b>	<b>10.75</b>	<b>115.71</b>
<b>Total Municipal Wide - "Soft" and "Hard" Services</b>	<b>28,200</b>	<b>20,181</b>	<b>16,514</b>	<b>11,296</b>	<b>9,110</b>	<b>13.02</b>	<b>140.15</b>
<b>Wastewater and Water Services (note b)</b>							
Wastewater Facilities	4,315	3,088	2,527	1,729	1,394	2.08	22.39
Wastewater Linear Services	5,772	4,132	3,380	2,312	1,864	2.78	29.92
Water Services	5,081	3,637	2,976	2,036	1,642	2.44	26.26
<b>Stormwater Services - Combined Sewer System</b>							
Stormwater Drainage and Control Services (note c)	4,208	3,012	2,465	1,686	1,359	-	-
<b>Stormwater Services - Separated Sewer System</b>							
Stormwater Drainage and Control Services (note c)	11,152	7,982	6,531	4,467	3,603	2.30	24.76
<b>Total Urban Services - Combined Sewer System</b>	<b>19,376</b>	<b>13,869</b>	<b>11,348</b>	<b>7,763</b>	<b>6,259</b>	<b>7.30</b>	<b>78.58</b>
<b>Total Urban Services - Separated Sewer System</b>	<b>26,320</b>	<b>18,839</b>	<b>15,414</b>	<b>10,544</b>	<b>8,503</b>	<b>9.60</b>	<b>103.33</b>
<b>CITY DC TOTAL - COMBINED SEWER SYSTEM</b>	<b>47,576</b>	<b>34,050</b>	<b>27,862</b>	<b>19,059</b>	<b>15,369</b>	<b>20.32</b>	<b>218.72</b>
<b>CITY DC TOTAL - SEPARATED SEWER SYSTEM</b>	<b>54,520</b>	<b>39,020</b>	<b>31,928</b>	<b>21,840</b>	<b>17,613</b>	<b>22.62</b>	<b>243.48</b>
<b>Other Development Charges</b>							
Go Transit (City-Wide)	281	201	174	116	91	-	-
Education - HWDSB (Public - note d)	1,573	1,573	1,573	1,573	1,573	0.45	4.84
Education - HCWDSB (Catholic - note d)	1,101	1,101	1,101	1,101	1,101	0.35	3.77
<b>TOTAL BEFORE SPECIAL AREA CHARGES - COMBINED SEWER SYSTEM</b>	<b>50,531</b>	<b>36,925</b>	<b>30,710</b>	<b>21,849</b>	<b>18,134</b>	<b>21.12</b>	<b>227.33</b>
<b>TOTAL BEFORE SPECIAL AREA CHARGES - SEPARATED SEWER SYSTEM</b>	<b>57,475</b>	<b>41,895</b>	<b>34,776</b>	<b>24,630</b>	<b>20,378</b>	<b>23.42</b>	<b>252.09</b>
<b>Special Area Charges</b>							
Dundas/Waterdown (note e)	1,971	1,410	1,154	789	637	1.04	11.19
<b>GRAND TOTAL AFTER SPECIAL AREA CHARGES - COMBINED SEWER SYSTEM</b>	<b>52,502</b>	<b>38,335</b>	<b>31,864</b>	<b>22,638</b>	<b>18,771</b>	<b>22.16</b>	<b>238.53</b>
<b>GRAND TOTAL AFTER SPECIAL AREA CHARGES - SEPARATED SEWER SYSTEM</b>	<b>59,446</b>	<b>43,305</b>	<b>35,930</b>	<b>25,419</b>	<b>21,015</b>	<b>24.46</b>	<b>263.28</b>

**Notes:**

a) There are 2 categories of Non-Residential charges – "Industrial" and "Non-Industrial" as defined in the By-law. See Page 3 for applicable rates.

b) Charges applicable to developments outside of the urban area shall be determined with regard to the Urban services required or used.

c) Charges related to Stormwater services are differentiated within the geographic location of the development between Combined Sewer System Area and Separated Sewer System Area (identified on Page 5) and shall be determined with regard to the Area-Specific DC calculation for Stormwater services.

d) Education development charges are controlled and set by the respective education boards and collected by the City on their behalf. DC Policies approved by the City of Hamilton do not impact these charges. Full list of exemptions for Education DCs can be found on Page 4.

e) Land affected by the Dundas & Waterdown Special Area Charge can be found on Page 6. This charge is not subject to annual indexing.

**Industrial**

The City’s per square foot charge for industrial development has been discounted from the full non-residential rates to reduced industrial rates shown as follows:

(per sq. ft. of Gross Floor Area)	Reduced Industrial Rate	Full Non-Residential Rate
<b>Combined Sewer System</b>	\$11.74	\$20.32
<b>Separated Sewer System</b>	\$13.14	\$22.62

For expansions of existing industrial developments, enlargement up to 50% of existing gross floor area (gfa): exempt; any amount over 50% of existing gross floor area will pay the industrial rate in effect.

**Non-Industrial (Commercial / Institutional)**

The rates for new non-industrial developments within a CIPA or BIA and new office development (medical clinic excluded) is phased as follows, between July 6, 2021 – July 5, 2022

(per sq. ft. of Gross Floor Area)	1 <sup>st</sup> 5,000 square feet (50% of charge in effect)	2 <sup>nd</sup> 5,000 square feet (75% of charge in effect)	10,000+ square feet (100% of charge in effect)
<b>Combined Sewer System</b>	\$10.16	\$15.24	\$20.32
<b>Separated Sewer System</b>	\$11.31	\$16.97	\$22.62

For expansions of office development (medical clinic excluded) already in existence as of June 13, 2019, which did not previously receive the new non-industrial rates, the following City rates apply:

- 1<sup>st</sup> 5,000 square feet of expansion: Exempt
- any amount over 5,000 square feet: \$20.32 per square foot with combined sewer system; \$22.62 per square foot with separated sewer system

For all other non-industrial development, the calculated set of rates \$20.32 and \$22.62 per square foot are applied to Combined Sewer System and Separated Sewer System, respectively.

The above exemptions / deductions DO NOT apply to education and special area charges.

**Exemptions (City of Hamilton and GO Transit Development Charges):**

**Residential:**

- Affordable Housing as defined in the By-law
- Intensification of existing residential buildings - Enlargement of a dwelling unit, and addition of up to two (2) units to a single-detached dwelling, the greater of one (1) unit or 1% of existing units to a rental building, or one (1) unit to any other residential buildings, including the addition of residential dwelling structures ancillary to dwellings, are exempted from DCs (subject to gross floor area restrictions and one-time use; applicable to the smallest dwelling unit)
- Intensification of proposed new residential buildings – addition of a second dwelling unit to detached, semi-detached, and row dwellings, including the addition of residential dwelling structures ancillary to these types of dwellings (subject to one-time use; ancillary dwelling structures are subject to gross floor area restrictions)
- Redevelopment of an existing residential for use of creating more residential facilities within the existing building envelope is exempt from 50% of DCs otherwise payable (credit for 100% of previous residential facility use)

**Non-Residential:**

- Agricultural Use (bona fide farming/agriculture uses – farm business registration number required, see by-law for further details)
- A temporary building or structure, subject to Section 28
- Parking Structure, excluding commercial parking
- Place of Worship, excluding revenue generating space (must be exempt from property taxes)
- Class A office development (min. 20 K sq. ft. gfa) within Downtown Hamilton CIPA – 70% exemption of DCs otherwise payable

**Both:**

- Heritage Buildings – 100% exempt for adaptive reuse within the existing building envelope, excluding sections that are not covered by the Heritage designation
- Downtown Hamilton CIPA Exemption (map on Page 7) – 40% exemption of DCs otherwise payable for all developments within boundaries and below maximum height other than Class A office development (cannot be combined / stacked with other DC exemptions)

### Exemptions (Education Development Charges Public & Catholic)

#### Residential:

- Intensification – Enlargement of an existing dwelling unit; creation of one (1) or two (2) units to an SDU, or one (1) unit to any other residential building exempted from DCs (subject to gfa restrictions and one-time use)
- Long-term care home, as defined in the *Long-Term Care Homes Act, 2007*
- Retirement home, as defined in the *Retirement Homes Act, 2010*
- Hospice or other facility that provides palliative care services

#### Non-Residential:

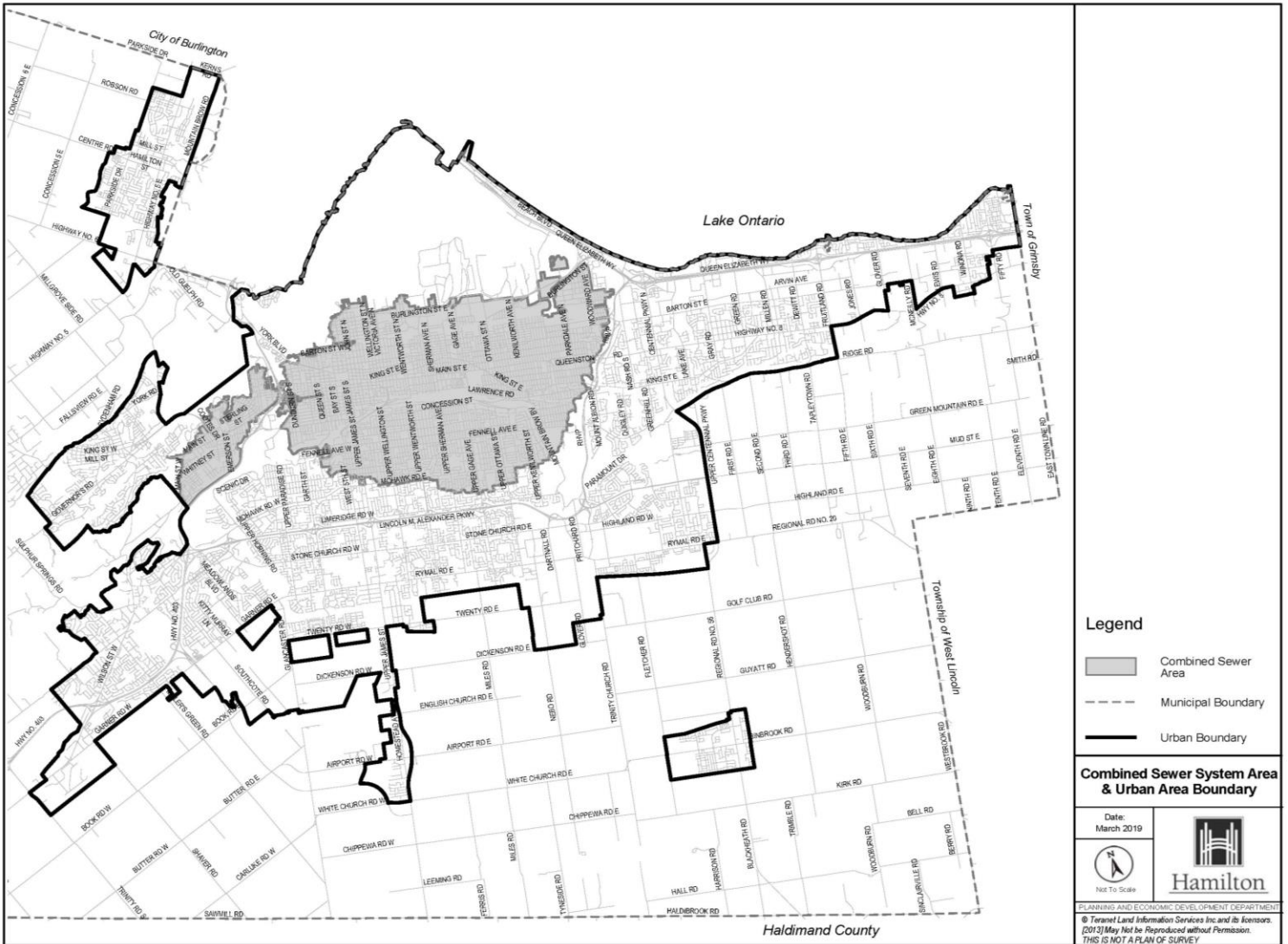
- Public Hospital – Exempt from 100% of DCs if receiving aid under *Public Hospitals Act*
- Place of Worship – 100% exempted (must be exempt from property taxes)
- Non-Residential farm buildings – 100% exempted
- Enlargement of existing Industrial Buildings – Enlargement of up to 50% of existing gfa exempted
- Metrolinx, or a predecessor or successor corporation identified under the *Metrolinx Act, 2006*, C. 16, excluding retail use development
- Private school
- Child care centre, as defined in the *Child Care and Early Years Act, 2014*
- Memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion
- The owner is a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*
- The owner is a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education
- The owner is an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*

#### Complaints Procedure:

A person required to pay a development charge, or the person's agent, may complain under Section 20 of the DC Act to the Council of the municipality that:

1. the amount of the development charge was incorrectly determined;
2. whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
3. there was an error in the application of the development charges by-law(s).

The complaint must be made in writing to the City Clerk with a copy to Corporate Services and must identify that it is a Section 20 complaint and include all information required by the DC Act. The complaint may not be made more than 90 days after the development charge, or any part of it, is payable.



**Legend**

- Combined Sewer Area
- Municipal Boundary
- Urban Boundary

**Combined Sewer System Area & Urban Area Boundary**

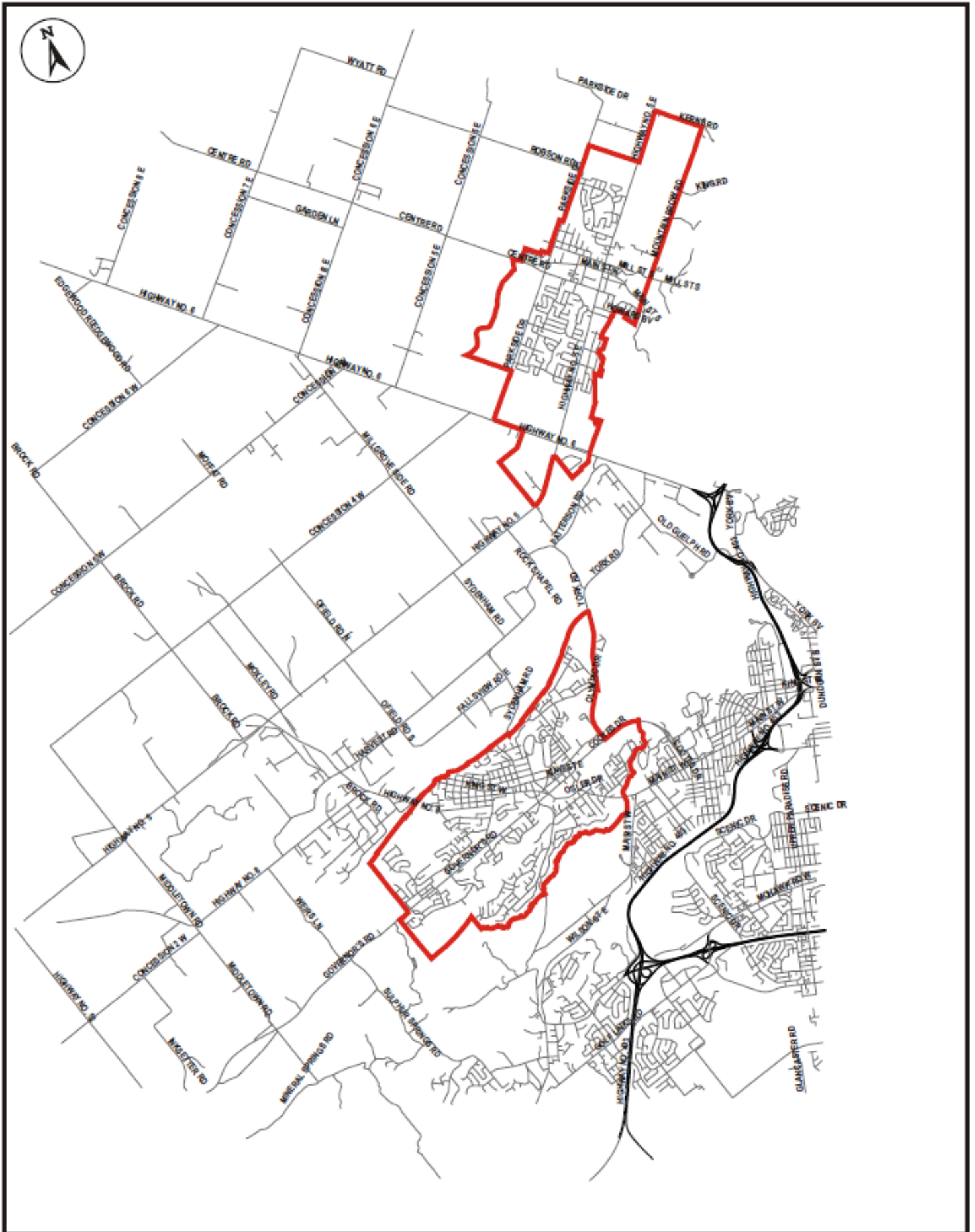
Date: March 2019

Not To Scale



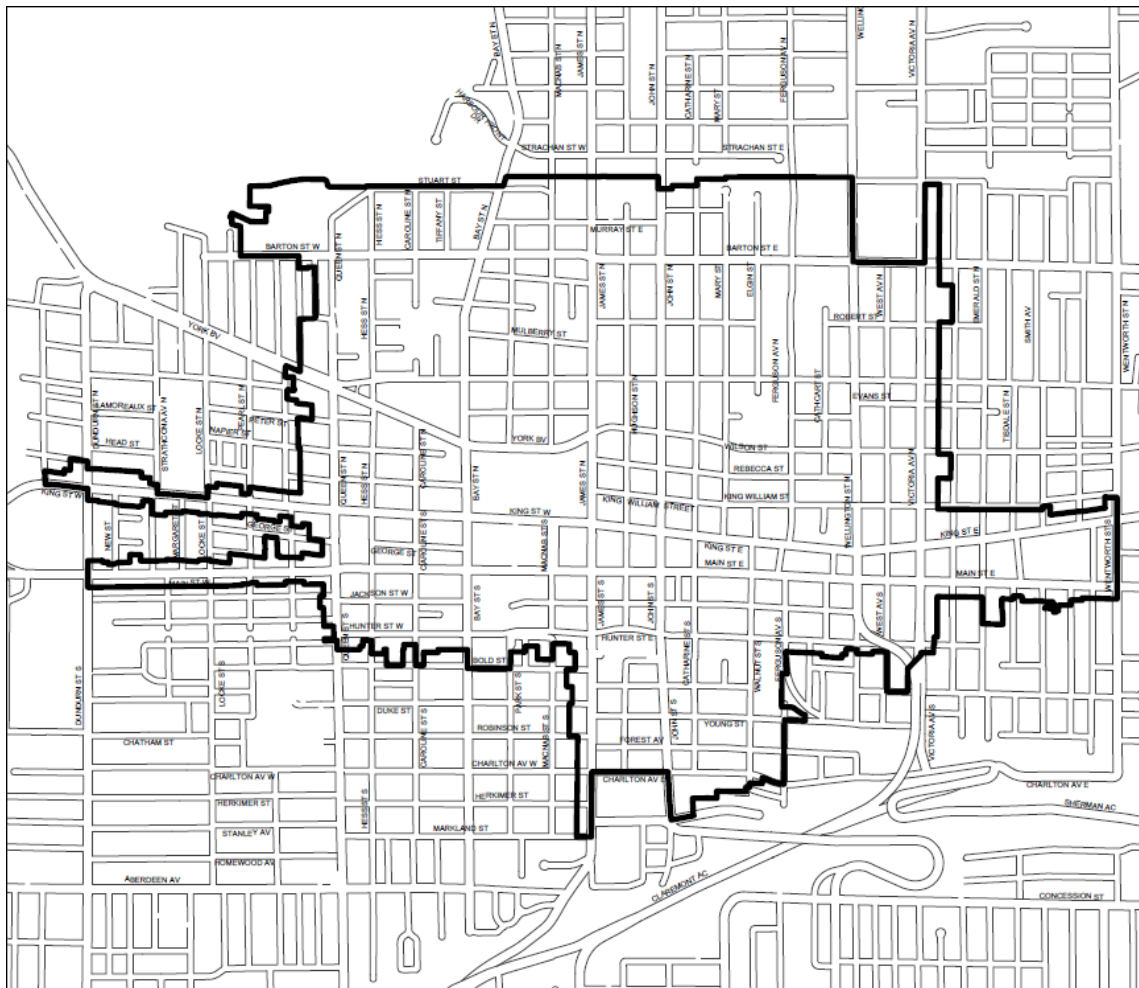
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
 © Teranel Land Information Services Inc. and its licensors.  
 (2013) May Not be Reproduced without Permission.  
 THIS IS NOT A PLAN OF SURVEY





To request enlarged version of maps, please email [DCRequest@hamilton.ca](mailto:DCRequest@hamilton.ca).

# Downtown Hamilton CIPA Exemption Borders Map and CIPA Exemption Height Map



Please go to <http://map.hamilton.ca/> and select Downtown, BIAs & CIPAs to confirm boundaries.







# Hamilton

## MINUTES

### **LGBTQ Advisory Committee**

Tuesday, March 16, 2021

6:00 PM - 8:45 PM

Webex

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**Present:** James Diemert, Autumn Getty, Lisa-Marie Johnston, Cameron Kroetsch (Chair), Jake Maurice, Violetta Nikolskaya (Vice Chair), Kyle Weitz, Councillor Maureen Wilson (City Council Appointee)

**Regrets:** None

**Absent:** Freja Gray, Terri Wallis

**Staff:** Pauline Kajiura (Staff Liaison)

**Guests:** Mikhaila Bernales (BSW Placement Student, City of Hamilton), Deputy Chief Frank Bergen (Hamilton Police Service), Craig Burley, Community Relations Coordinator Jasbir Dhillon (Hamilton Police Service), Chief Administrative Officer Anna Filice (Hamilton Police Service), EDI Specialist Paola Jani (Hamilton Police Service), Lyla Miklos, LGBTQ Liaison Officer Rebecca Moran (Hamilton Police Service)

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## 1. Welcome and Introductions

C. Kroetsch took roll call.

**2. Land Acknowledgement**

V. Nikolskaya provided a Land Acknowledgement.

**3. Approval of the Agenda**

**(K. Weitz / J. Diemert)**

That the LGBTQ Advisory Committee approve the Agenda for today's meeting as distributed and that the Agenda be amended to move Delegations above Regular Business and allow the delegates approved at Items 7.1 and 7.2 to present before the delegates at Items 8.2 and 8.1 respectively.

**CARRIED**

**4. Declarations of Interest**

None

**5. Approval of Minutes of Previous Meeting**

**(J. Diemert / L. Johnston)**

That the LGBTQ Advisory Committee approve the minutes from its February 16, 2021 meeting as distributed.

**CARRIED**

**6. Communications**

None

**7. Delegation Requests**

**7.1 Craig Burley regarding the Pride flag raising and issues related to the Committee's interactions with the Hamilton**

**Police Service, and to speak to the same matters requested by the HPS, as outlined in their request, for today's meeting**

**(J. Diemert / V. Nikolskaya)**

That the delegation request be approved for today's meeting of the LGBTQ Advisory Committee, that it be added as Item 8.2, and that the delegate be permitted to speak beyond the 5 minute time limit.

**CARRIED**

**7.2 Lyla Miklos regarding the historic and current relationship with Hamilton's Two Spirit & LGBTQIA+ communities and the Hamilton Police Service, as outlined in their request, for today's meeting**

**(K. Weitz / V. Nikolskaya)**

That the delegation request be approved for today's meeting of the LGBTQ Advisory Committee, that it be added as Item 8.1, and that the delegate be permitted to speak beyond the 5 minute time limit.

**CARRIED**

## **8. Delegations**

**8.1 Lyla Miklos regarding the historic and current relationship with Hamilton's Two Spirit & LGBTQIA+ communities and the Hamilton Police Service, as outlined in their request (Item 7.2) (see attached written delegation submitted by the delegate)**

See the attached written delegation provided by the delegate regarding the content of their delegation.

**(K. Weitz / V. Nikolskaya)**

That the delegation be received.

**CARRIED**

**8.2 Craig Burley regarding the Pride flag raising and issues related to the Committee's interactions with the Hamilton Police Service, and to speak to the same matters requested by the HPS, as outlined in their request (Item 7.1)**

The delegate identified themselves as a queer Hamiltonian and gave an outline of their observations of the Hamilton Police Service's (HPS) open support of the Proud Boys at local events including a protest and rally outside the Maxime Bernier political fundraiser event at Mohawk College on September 29, 2019, Pride 2019, and at several incidents in the City Hall forecourt.

The delegate discussed the recent announcement from the Ministry of Public Safety and Emergency Preparedness that added the Proud Boys, and others, to the Criminal Code list of terrorist entities on February 3, 2021.

The delegate highlighted the preoccupation of police with supporting or protecting groups like the Proud Boys in comparison to their targeting of members of Two Spirit and LGBTQIA+ communities. The delegate asked that the HPS be transparent and forthcoming with respect to the actions they have taken to support these groups and disclose any information they have about this to the public immediately.

**(J. Diemert / V. Nikolskaya)**

That the delegation be received.

**CARRIED**

- 8.3 Deputy Chief Frank Bergen, Chief Administrative Officer Anna Filice, LGBTQ Liaison Officer Rebecca Moran, EDI Specialist Paola Jani, and Community Relations Coordinator Jasbir Dhillon from the Hamilton Police Service, as outlined in their request (see attached written delegation submitted by the delegates)**

See the attached written delegation provided by the delegate regarding the content of their delegation.

**(J. Diemert / V. Nikolskaya)**

That the delegation be received.

**CARRIED**

- 8.4 Norm Schleeahn, Director, Economic Development City of Hamilton and Graeme Brown, Business Analyst, Business Development, City of Hamilton with respect to the Economic Development Action Plan, as outlined in their request**

The delegates presented the following points -

- Every five years for the last 20 years, the City of Hamilton has brought forward an Economic Development Action Plan (EDAP) to help guide its actions and to help move the city's economy forward. Ideally the 2021-2025 action plan should already be in place, however, due to COVID-19, it has been delayed and they hope to have it completed by the end of Q2 2021. Key differences with the action plan is that it will incorporate climate change, and equity, diversity and inclusion.

- In the current 2021-2025 EDAP, they started working on this document in 2019 and again before the end of 2020. The EDAP is looking at past engagement with the business community but also with the residents of Hamilton. However, due to COVID they were not able to engage fully and so relied primarily on online surveys.
- The focus of the EDAP is to identify large strategic initiatives that are above and beyond the regular workplan that's happening with economic development and tourism and culture.

**(A. Getty / L. Johnston)**

That the delegation be received.

**CARRIED**

## **9. Regular Business**

### **9.1 Motion to Approve a new Land Acknowledgement for use by the LGBTQ Advisory Committee (J. Maurice) (Item 8.1)**

**(J. Maurice / K. Weitz)**

That the LGBTQ Advisory Committee approve a new land acknowledgement for use by the LGBTQ Advisory Committee (see the attachment to Item 8.1)

**CARRIED**

Discussion - Committee members thanked J. Maurice for their work on this and will be happy to use the new land acknowledgement at the next meeting of the Committee.

**9.2 Motion to Approve Advertising Costs from the 2021 Budget (C. Kroetsch) (Item 8.2)**

**(C. Kroetsch / J. Maurice)**

That the LGBTQ Advisory Committee approve the allocation of advertising costs in the amount of \$1,500 from its 2021 budget.

**CARRIED**

Discussion - The mover stated that the costs fall on the committee to pay as directed by the office of the City Clerk. Staff stated that the specific expense that would fall upon the Committee would be the graphic artwork to pay the graphic artist.

**10. Discussion Items**

**10.1 Updates from Working Groups (C. Kroetsch, V. Nikolskaya) (Item 11.1)**

No discussion

**10.2 Update on recruitment process (P. Kajiura) (Item 11.2)**

P. Kajiura stated that the Interview Sub-Committee to the Audit, Finance & Administration Committee is meeting to go over the applications. There are 31 applicants. The Sub-Committee will begin meeting on March 17, 2021 to go over the applications. Councillor Wilson stated that she was chairing the Sub-Committee.

**10.3 Update on previously submitted Citizen Committee Reports (C. Kroetsch) (Item 11.3)**

C.Kroetsch provided updates to the Committee on its

outstanding Citizen Committee Reports, specifically that the Audit, Finance and Administration Committee did not approve its recommendations regarding Focus and Committee Involvement in Selection Processes and that the Citizen Committee Report regarding Accessible Captioning for Meetings of the LGBTQ Advisory Committee required additional work by staff and that we should hopefully have an update by the next meeting about when this will come back to the Audit, Finance and Administration Committee for discussion.

#### **10.4 Pride 2021 event and flag raising (from Outstanding Business List) (Item 11.4)**

Committee members discussed that the previous goal set by the Committee was to talk to the community about what they wanted. This could be through putting a survey out, and using the Engage Hamilton platform to ask the community what they would like to see then taking those results and making a decision and recommendations for the Pride event and the flag raising.

A Committee member asked for the history and other members responded with information.

Committee members agreed that it is important to reach out to the community and ask what they want. The Chair, Vice Chair, and anyone else interested will work on a plan to present at the next meeting.

#### **10.5 Delegating on Citizen Committee Reports (C. Kroetsch) (Item 11.5)**

C. Kroetsch stated that, after a lengthy correspondence with the office of the City Clerk, there does not appear to be a way for the Committee to delegate when it submits a Citizen Committee Report to the Audit, Finance and Administration



Committee. The Committee would like to be able to both make a recommendation and to speak freely to that recommendation without the need for additional permissions. C. Kroetsch will bring a draft recommendation forward at the next meeting for discussion and approval.

**10.6 Public Access to Advisory Committees (C. Kroetsch)  
(Item 11.6)**

C. Kroetsch stated that it had not been possible for members of the public to select an Advisory Committee from the Request to Speak to Committee of Council Form but that, just this week, that had been updated at his request and he believed the issue had been rectified and that no further action was required.

**11. Adjournment**

**(A. Getty / L. Johnston)**

That, there being no further business, the meeting be adjourned at 8:45 PM.

**CARRIED**

**DELEGATION TO THE CITY OF HAMILTON'S LGBTQ  
ADVISORY COMMITTEE  
ONLINE MEETING VIA WEBEX  
TUESDAY, MARCH 16, 2021  
LYLA MIKLOS**

Good Evening Members of the City of Hamilton's Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee, City Staff, Delegates, Guests and those listening and watching online via YouTube.

My name is Lyla Miklos. My pronouns are she and her and I self-identify as queer or bi. I come to you tonight as a past Chair of this Committee, past Chair of Hamilton Pride and an out member of Hamilton's Two Spirit and LGBTQIA+ community for over 25 years.

The conversations that our community had back in the late 1990's and early 2000's were very different from the ones we are having now. To have a Pride Festival that elected leaders didn't try to proactively stop was an accomplishment. To have a Pride march and rally that our elected officials wanted to attend and share messages of solidarity at was an accomplishment. To have a Rainbow Flag raising at City Hall that the media, politicians, police, local businesses, community members and more wanted to participate in was an accomplishment. Even the creation of this committee that I am speaking to today was an accomplishment.

I sat on the Community Roundtable of SHCI (Strengthening Hamilton's Community Initiative), led by then Mayor Bob Wade, formed after the firebombing of Hamilton's Hindu Temple following the events of 9/11. No one ever said after that Temple was firebombed that maybe those people who bombed the Temple had some valid point of view that needed defending. When a member of our community was nearly beaten to death SHCI called an emergency meeting, led by then Mayor Larry Dilanni, and they unequivocally condemned that hate crime and spoke out and stood in solidarity with our community.

Now the language I hear from our leadership and police is that perpetrators of hate crimes have a legitimate viewpoint that must be defended because freedom of speech is more important than my right as a queer woman to simply exist without constantly being threaten with violence.

In 2019 I shared with the Police Services Board an incident which took place a couple of years ago where a member of the HPS gave a presentation on hate crimes and claimed that the Police are a group who are victims of Hate Crimes and even provided stats.

What I didn't share in 2019 was that this presentation was given at a local High School's Gay Straight Alliance Club's meeting to a room filled with Two Spirit and LGBTQIA+ students and staff.

I challenged the officer at the time stating that the Police are NOT an identifiable group under the human rights code so hence they cannot be victims of hate crimes. The officer doubled down on their assertion that the police are victims of hate by emphatically stating that people DO hate the police. I replied that may be so, but hating the police is not against the law. The officer who gave this presentation is the HPS's current head of hate crimes. He has publically stated on several occasions that as a police officer the law ties his hands when it comes to pursuing hate crimes in this city. This is a sad commentary coming from the HPS officer leading this file as our City continues to wear the stain of shame of being named the Capital of Hate Crimes in Canada.

20 years ago our community's relationship with the Police although far from perfect was far more amicable. When there was an HPS LGBTQ Police Task Force I was often invited to their meetings as the Chair of Pride or this Committee. Every one of those meetings were attended by the Police Chief, Head of Hate Crimes and Community Liaison Officer. HPS staff came to these meetings with a sincere desire to learn and listen along with an open compassionate heart and commitment to do better.

Now our Police are gate keepers who refused to even allow the current chair of this committee to address them at their public board meetings.

The Police came into our safe space as we discussed the collective trauma of the violence done to us at our Pride celebration and then arrested and jailed a trans women for speaking out against them.

The Police arrested members of the community who came to our rescue and protected us at Pride when the Police chose to stand back and not get involved while hate groups came with the intent to do us harm and violence. A stark contrast to our 2006 Pride Parade where police put their bodies between parade participants and homophobic world cup soccer fans.

20 years ago when I was doing this work we were grateful to simply be at the table. Grateful to be seen. Grateful to be heard. Grateful to be validated. This was after so many years of being ignored, vilified and silenced. That gratitude has now evolved into some critical examination of the power structures that are in place that continue to persecute our sexual and gender identities. Tokenism is no longer enough.

The plan HPS is presenting to your committee tonight is far too little far too late. Our queer and trans communities can't wait any longer. The time for change is now.

**From:** [Craig Burley](#)  
**To:** [Kajiura, Pauline](#); [Cameron Kroetsch](#)  
**Subject:** My description in the memo regarding the LGBTQAC  
**Date:** April 15, 2021 5:02:20 PM

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You have my permission to quote or reference any personal information at all that I included in my delegation to the committee including my being LGBTQ personally. Thank you.

--

Craig Burley  
Barrister & Solicitor

[REDACTED]

*Craig Burley (he/him pronouns) can also be reached by mail at [REDACTED]  
[REDACTED]. Our physical offices are closed for the time  
being due to continuing COVID-19 mitigation measures. Clients are encouraged to call or  
email. Meetings can be arranged by audioconference and videoconference.*



# HAMILTON POLICE SERVICE

155 King William Street, Hamilton, Ontario Canada L8R 1A7 |  905.546.4925 |  905.546.3892

## LGBTQ Advisory Committee

### Delegation

March 16, 2021

Good evening. It is our pleasure to be here this evening, I am Acting Chief Frank Bergen. I would like to personally thank the LGBTQ Advisory Committee for accepting our delegation request.

This is our first time delegating before this committee and before we begin, we recognize that it may take years to rebuild a trusting relationship and at this time, I would like to begin with an apology.

Tonight, we would like to officially extend an apology to the LGBTQ Advisory Committee and to all members of Hamilton's Two Spirit and LGBTQIA+ communities, many of whom may be tuned in tonight. On June 11, 2020, the Hamilton Police Service issued a formal apology regarding the events that took place at Pride 2019.

As a Police Service, we take responsibility for what took place at Pride 2019. We acknowledge that our relationship with the Two Spirit and LGBTQIA+ communities has been significantly damaged as a result of the violence and the events, which followed Pride 2019. We acknowledge that the historical hurt and trauma caused by words, actions or lack thereof by Hamilton Police Service have led to this distrust.

We hope that today is the first step in finding a way forward and we can collectively co-design next steps in what reconciliation and healing looks like.

In June 2020, Scott Bergman presented the results of a report commissioned by the Hamilton Police Service Board investigating the events that took place at Pride 2019. The Hamilton Police Service accepted all 38 recommendations and began to implement those recommendations that fell solely to the Hamilton Police Service.

We wanted to provide some progress highlights since presenting to the HPSB in September 2020. The service committed to public updates through the Police Service Board at regular six-month intervals. We recognize that HPS needs to further improve transparency with respect to the progress of these recommendations. Moving forward the Service will carefully examine and implement additional mechanisms, through either the HPS website or other means, to better communicate HPS progress, successes and challenges regarding these recommendations.

Within the following themes:

### **Diversity**

- In partnership with the Canadian Centre for Diversity and Inclusion (CCDI), an external charitable organization specializing in promoting diversity and inclusion in Canada, launched and completed a diversity and inclusion survey with our members.

### **Operations**

- A new operational plan template has been completed. This operational plan template is part of the revised Incident Command Planning policy. This will allow more information to be provided for event planning purposes.

### **Policy/Procedures**

- Conducted an Environmental Scan of Two Spirit and LGBTQIA+ Internal Support Networks (ISN) in other policing jurisdictions including Terms of Reference and ISN goals where available.
- Draft Terms of Reference created for the ISN with an anticipated completion date of April 30, 2021.
- Currently revising *Major Incident Command Policy* 4.3.41. in addition, renaming the policy *Incident Command Planning*. The revised policy will include three new Incident Command Classifications (Critical Incident, Major Incident, and Special Event Incidents). Focus on Incident Management System & Incident Response and associated level of command knowledge, skills and abilities.

### **Training**

- The EDI Specialist and Two Spirit and LGBTQIA+ Liaison Officer are assessing existing training materials and identifying gaps in order to create more robust training materials regarding Two-Spirit and LGBTQIA+ communities.
- The format of training is also being considered with Professional Development Division. ELearning opportunities are being explored. A national organization has been identified that conducts an interactive online presentation over successive sessions. Exploring how this session can be incorporated with existing training materials.

In addition, at the heart of this delegation:

### **Community Engagement**

- The Two-Spirit and LGBTQIA+ Liaison Officer has been working with the community since starting in the role in 2020. With the hiring of an EDI Specialist in February 2021, an EDI framework is being developed and consideration will be given for the Liaison Officer role within that framework.



We are here today to specifically request your assistance in guiding the process for community engagement with the aim of rebuilding relationships.

We recognize that for some in the community, this process may be too soon and for others it is not soon enough. We know there is a distrust of police and we believe for this process to work, a third party should be retained. The third party would be responsible for administering a survey, compiling the results into themes, which can then inform the selection of a facilitator/mediator to lead future community meetings and determine if and when it may be appropriate to create a community task force/advisory committee.

Recently we saw the successful appointment of board members to the Hamilton Anti-Racism Resource Centre.

We are suggesting a similar process by which we ask for community feedback through a simple survey that asks two questions:

1. List the key qualifications and experience the facilitator(s) must have to respectfully and successfully engage Hamilton's Two Spirit and LGBTQIA+ communities in re-establishing dialogue with the Hamilton Police Service.
2. Hamilton Police Service hopes to establish a community Advisory panel to inform community consultations and providing feedback when needed. Please list the key qualifications and experiences that members of a proposed community advisory panel should have.

Our request today is for your Committee's participation in providing a list of individuals within the community who may be able to help administer the survey. This will be the first step in engaging a facilitator for the ongoing dialogue that needs to happen to determine how we can collectively move forward.

Thank you.



Frank Bergen  
Acting Chief of Police  
fbergen@hamiltonpolice.on.ca



## **Land Acknowledgement - J. Maurice**

We are gathered here today on sacred and stolen land. This land is governed by the Dish with One Spoon Wampum Belt Covenant. This is an agreement to share and care for the resources around the Great Lakes. Today, this sacred land is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work in the community, on this territory.

This is simply just one step of unlearning and recognizing the harm colonization has had.

To further honour the lands of which we are gathering on, we would like to share words of thanks also known as a thanksgiving address. We give thanks to the people, the mother earth, the waters, the fish, the plants, the medicines, the animals, the four directions, the sun, grandmother moon, the stars, the creator; and now our minds are one.

It was not our intent to leave anything out. If something was forgotten we leave it to each individual to send such greetings and thanks in their own way.





## INFORMATION REPORT

<b>TO:</b>	Chair and Members Audit, Finance and Administration Committee
<b>COMMITTEE DATE:</b>	May 6, 2021
<b>SUBJECT/REPORT NO:</b>	Archiving of City Council Videos (FCS21053 / CM21007) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Matthew Grant (905) 546-2424 Ext. 1012 (905) 546-2424 Ext.
<b>SUBMITTED BY:</b> <b>SIGNATURE:</b>	Andrea Holland
<b>SUBMITTED BY:</b> <b>SIGNATURE:</b>	Matthew Grant

### COUNCIL DIRECTION

That staff be directed to report back to the Audit, Finance & Administration Committee on May 6, 2021, outlining the City's current practice for the retention of the video recordings of Council, Sub-Committee, and Advisory Committee meetings.

### INFORMATION

#### *Overview of the regulatory environment*

City of Hamilton Council and Committee videos fall under the City's Records Retention By-law 11-040, as amended. The by-law identifies that recordings of meetings of Council/Committees are to be retained permanently.

An amendment to the bylaw was adopted by Council on April 28, 2021 and captures the City's current practice with Citizen Advisory Committees (CAC), which is to live stream but not retain or archive recordings of CAC meetings. The current records retention bylaw was adopted in 2011. The practice of streaming CAC meetings was adopted in July 2020 (report #FCS20061) as a temporary measure to satisfy the Open Meeting Requirements of the Municipal Act. Prior to the pandemic, these meetings were open to

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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: Archiving of City Council Videos (FCS21053 / CM21007) (City Wide) - Page 2 of 2

members of the public, but they were not live streamed. There is a plan to review the practice of streaming and recording Citizen Advisory Committee meetings during the next term of Council.

Municipalities are required, as per the *Municipal Act 2001*, as amended, to set their own requirements for retention. This retention of meeting recordings is not specifically legislated as it is not considered the official record of a Council meeting and is therefore governed as business practice of the municipality. The official record of a Council meeting under Legislation is considered the Council minutes. Similarly, the official record of Citizen Advisory Committees are the minutes, which like Council documents are made available online.

### *Overview of the City's practice of archiving videos of Council and Committee Meetings*

The City began recording Council and Committee meetings in 2011, and the records retention bylaw, adopted 2011, required the City to keep video recordings of Council meetings permanently. Prior to the adoption of the eScribe platform in 2018, all video records were archived using the City's old agenda management system.

Following the adoption of eScribe, all videos were taken and stored on that platform, meaning all videos taken since the City adopted eScribe are available for view on the City's website.

Following the adoption of the eScribe platform, the City also began converting and migrating available videos to the new platform. It should be noted that during that transfer process, several recordings were corrupted during the process could not be transferred over. As a result, several video recordings between 2011 and 2018 are not available.

Staff plan to develop a robust archives program during the next term of Council and will include the archiving of digital assets.

## **APPENDICES AND SCHEDULES ATTACHED**

N/A



## CITIZEN COMMITTEE REPORT

<b>To:</b>	Audit, Finance and Administration Committee; General Issues Committee; and City Council
<b>From:</b>	LGBTQ Advisory Committee  <div style="text-align: right;">_____ Cameron Kroetsch, Chair</div>
<b>Date:</b>	April 20, 2021
<b>Re:</b>	Delegations regarding Citizen Committee Reports

### Recommendation

That the City of Hamilton update its procedural bylaw to reflect a process that allows Chairs / Vice Chairs of Advisory Committees an automatic right to delegate to Committees when a Citizen Committee Request that they have submitted is an item on a Committee Agenda.

### Background

The current procedural bylaw does not permit this to happen. When an Advisory Committee submits a Citizen Committee Report, the Chair / Vice Chair is permitted to "attend the meeting" and to "be available if the Committee has any questions" but is not permitted to either submit a request to delegate to its Citizen Committee Report using the City's form or to otherwise speak to the matter unless specifically asked a question or unless a separate vote takes place, at the request of the Chair or a member of the Committee, to permit the Chair / Vice Chair to speak to their Committee's report.

## **Analysis / Rationale**

This process is arbitrary and seems only to apply to Advisory Committees. For instance, where there is a staff report or recommendation on an Agenda, staff are permitted to present on the matter. It makes intuitive sense for the party submitting a report to speak to the matter before a decision is made or a discussion takes place.

This is a barrier for members of Advisory Committees. It means that individual members of Advisory Committees, Chairs or Vice Chairs, must lobby individual Councillors or Committee Chairs to be entitled to speak to their own recommendations.

There is no democratic, transparent, or other process by which Advisory Committee Chairs / Vice Chairs can be assured that they will be able to speak to items before Standing Committees. In fact, leaving things the way that they are presently is a significant barrier for volunteers who may otherwise sit in a meeting for hours only to be told that there are no questions and they may exit the meeting.

This does not appear to be either the intention or the proposed impact of the rules written in the procedural bylaw, despite the fact that this is how they have been interpreted and enforced by the office of the City Clerk. Our Committee Chair has asked the office of the City Clerk for direction and clarity on this matter. The explanation in this report is the one that was provided to our Committee's Chair.

We think that granting this recommendation will make presenting to Standing Committees an easier process for all involved and significantly reduce the barriers to volunteers, staff that support Advisory Committees, and the office of the City Clerk.

**NOTE** - We ask that the LGBTQAC Chair be updated as to when and at what Committee the recommendation(s) in this Citizen Committee Report will be addressed so that they can speak to the matter formally at that time.





# Hamilton

## GOVERNANCE REVIEW SUB-COMMITTEE

### REPORT 21-003

Friday, April 30, 2021

9:30 am

Council Chambers

Hamilton City Hall

**Present:** Councillors M. Wilson (Vice-Chair), B. Clark, L. Ferguson, M. Pearson, and A. VanderBeek  
Mayor F. Eisenberger

**Absent:** Councillor T. Whitehead – Leave of Absence

#### THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 21-003 AND RESPECTFULLY RECOMMENDS:

**1. Council/Staff Relationship Policy (FCS21045 / CM21005) (City Wide) (Outstanding Business List Item) (Item 8.1)**

That the Council/Staff Relationship Policy attached as Appendix "A" as amended to Governance Review Sub-Committee Report 21-003 to include 'or unreasonable' after 'undue' to Item 5 under Principles, be approved.

**2. Advisory Committee for Persons with Disabilities Logo (Item 10.1)**

That the secondary logo for the Advisory Committee for Persons with Disabilities (ACPD), be approved.

#### FOR INFORMATION:

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

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

The April 30, 2021 Agenda of the Governance Review Sub-Committee were approved, as presented.

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

There were no declarations of interest.

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

(i) **February 23, 2020 (Item 4.1)**

The Minutes of the February 23, 2021 meeting of the Governance Review Sub-Committee were approved, as presented.

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

(i) **Correspondence from Doug Earl, Charter City Toronto, respecting Item 10.2, Evaluation of Hamilton Becoming a Charter City (Item 5.1)**

The Correspondence from Doug Earl, Charter City Toronto, respecting Item 10.2, Evaluation of Hamilton Becoming a Charter City, was received and referred to consideration of Item 10.2 – Evaluation of Hamilton Becoming a Charter City.

(e) **STAFF PRESENTATIONS (Item 8)**

(i) **Council/Staff Relationship Policy (FCS21045 / CM21005) (City Wide) (Outstanding Business List Item) (Item 8.1)**

Janette Smith, City Manager, addressed the Committee with a staff presentation respecting Report FCS21045 / CM21005, the Council/Staff Relationship Policy.

The Staff Presentation respecting Report FCS21045 / CM21005, the Council/Staff Relationship Policy, was received.

The Council/Staff Relationship Policy attached as Appendix “B”, **be amended** by adding '**or unreasonable**' after the word undue to Item 5 under Principles, to read as follows:

5. Council and City Staff interact with mutual respect, honesty and professionalism.

Commentary: Staff carry out their duties based on political neutrality and objectivity, free from undue **or unreasonable** political influence. Council will respect the professional opinion of staff when receiving staff reports and recommendations that include advice that may be politically sensitive.

For disposition of this Item, refer to Item 1.

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

**(i) Advisory Committee for Persons with Disabilities Logo (Item 10.1)**

That Communications staff be directed to review the branding standards used throughout the City of Hamilton and report back to the Governance Review Sub-Committee.

For disposition of this Item, refer to Item 2.

**(ii) Evaluation of Hamilton Becoming a Charter City (Item 10.2)  
(Item 10.2)**

That staff be directed to look further into the City of Hamilton becoming a Charter City and review the *City of Hamilton Act* for further opportunity for revenues and authorities and report back to the Governance Review Sub-Committee.

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

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

The following amendments to the Governance Review Sub-Committee's Outstanding Business List, were approved:

**(a) Items Considered Complete and Needing to be Removed:**

Integrity Commissioner Work Plan (FCS20016(a)) (City Wide)

That Report FCS20016(a) be referred back to Clerk's staff and Principles Integrity to determine an upset limit for development of various policies and report back.

Added: December 2, 2020 at Governance Review Sub-Committee - Item 9.1

Removed: February 23, 2021 at Governance Review Sub-Committee - Item 9.1

OBL Item: 20-E

Integrity Commissioner Work Plan (FCS20016(a)) (City Wide)

That staff be directed to gather and review Council/Staff Relations policies from other municipalities and bring recommendations on a new policy to the governance committee by April 30, 2021.

Added: December 2, 2020 at Governance Review Sub-Committee - Item 9.1

Removed: April 30, 2021 at Governance Review Sub-Committee - Item 8.1

OBL Item: 20-F

Review of the City's Procedural By-law Amendments  
(CL18007(a)/LS18039(a)) (City Wide)

That staff be directed to perform a review of the By-law to Govern  
the Proceedings of Council and Committees of Council on an annual  
basis.

Added: August 29, 2019 at Governance Review Sub-Committee -  
Item 8.1

Removed: April 30, 2021 at Governance Review Sub-Committee -  
This item has been added to the Deputy Clerk's Annual Work Plan.

**(h) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – February 23, 2021 (Item 14.1)**

- (a) The Closed Session Minutes of the February 23, 2021 Governance Review Sub-Committee meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the February 23, 2021 Governance Review Sub-Committee meeting, remain confidential.

**(i) ADJOURNMENT (Item 15)**

There being no further business, the Governance Review Sub-Committee meeting adjourned at 10:29 a.m.

Respectfully submitted,

Councillor M. Wilson, Vice-Chair  
Governance Review Sub-Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

## Amended Appendix “A” to Item 1 of Governance Review Sub-Committee Report 21-003

<b>Corporate Policy</b>	 <b>Hamilton</b>	<b>Policy Alignment:</b>
<b>Office of the City Manager</b>		<b><i>Municipal Act 2001, as amended</i></b>
Page 1 of 5		<b>Council Approved: Last Reviewed: April 2021</b>

## ***Council/Staff Relationship Policy***

### **POLICY STATEMENT**

The Corporation of the City of Hamilton is responsible to provide good government with respect to the matters within its jurisdiction. To do so requires a strong working relationship between the Mayor and Council and City Staff.

### **LEGISLATIVE REQUIREMENTS**

This Policy has been prepared in accordance with sub-clause 270 (1) 2.1 of the *Municipal Act, 2001*, as amended which requires Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the Municipality.

### **SCOPE**

This Policy applies to all Members of Council and City Staff that work on behalf of the Corporation. This policy applies to all interactions, including those that are on-site and off-site of City facilities, before, during and after work hours.

### **RELATED DOCUMENTS**

- Council Code of Conduct
- Code of Conduct for Employees Policy
- Harassment and Discrimination Prevention Policy
- Personal Harassment Prevention Policy
- Protocol for Gender Identity and Gender Expression
- Violence in the Workplace Prevention Policy
- Whistleblower Bylaw

### **PRINCIPLES**

The Guiding Principles below outline the agreed to working relationship between Council and Staff. The commentary provides context only, for the Principle.

1. Council and City Staff recognize their shared responsibility to serve the community of the City of Hamilton and work together to build trust and confidence in City government.

## Amended Appendix "A" to Item 1 of Governance Review Sub-Committee Report 21-003

<b>Corporate Policy</b>	 <b>Hamilton</b>	<b>Policy Alignment:</b>
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Commentary: Staff recognize that City Council is the elected voice of the citizens of the City of Hamilton and respect the decisions of City Council. Council will give appropriate weight and consideration to the professional advice of staff and the community's wishes in order to make decisions for the City.

2. Council and City Staff are committed to accountability and transparency among Council and Staff.

Commentary: Staff will ensure all Council members are provided with the same information on matters of general concern and/or matters that will be discussed at a meeting of Council or a committee of Council. Council and staff will maintain transparency in decision making and ensure proper consideration of confidential matters.

3. Council and City Staff respect their roles and professional boundaries and follow appropriate processes. Staff will provide their professional opinion in good faith and Council will not attempt to influence their professional opinion.

Commentary: Staff are responsible to their direct supervisor and City Manager as established in the formal organization structure of the City. Members of Council are encouraged to contact staff to answer questions, identify concerns or request services that are normally available to any City of Hamilton resident. Staff are not able to offer levels of service that are inconsistent with what has been approved by Council overall. If members of Council have issues that are outside of regular City services or business, they should raise those with General Managers or the City Manager or the Council floor.

4. Council and City Staff uphold the City's vision, mission and culture, and work together to achieve the City's strategic priorities.

Commentary: Staff will keep Council apprised in a timely manner on key business decisions affecting strategic priorities, as appropriate. Council will provide funding and resources for City Staff to achieve desired outcomes.

5. Council and City Staff interact with mutual respect, honesty and professionalism.

Commentary: Staff carry out their duties based on political neutrality and objectivity, free from undue or unreasonable political influence. Council will respect the professional opinion of staff when receiving staff reports and recommendations that include advice that may be politically sensitive.

6. Council and City Staff communicate transparently, in timely manner and in good faith.

Commentary: Staff will notify Council of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports and/or presentations in a timely fashion. In order to allow time for preparation, where possible, Council will provide staff with notice of concerns prior to attending meetings where concerns will be raised.

7. Council and City Staff do not make statements that reflect negatively on the City, or on an individual Council or Staff Member.

## Amended Appendix “A” to Item 1 of Governance Review Sub-Committee Report 21-003

<b>Corporate Policy</b>		<b>Policy Alignment:</b>
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Commentary: Staff will implement and reflect Council’s decisions and establish administrative practices and procedures to carry out those decisions, even if it is not in line with the advice of staff. Council will respect Staff’s professional advice and not speak negatively about any professional advice provided.

8. Council and City Staff are respectful of each other’s time and workloads, and that they are concise in their interactions and respectful of work volume and priorities.

Commentary: Council will work with Staff to create timelines that are achievable within approved funding and staff resources. Staff will respect report timelines to allow ample time and availability for Council to review and ask questions prior to meetings.

## ROLES AND RESPONSIBILITIES

The Roles and Responsibilities of Members of Council and City Staff can be found in the following sections of the *Municipal Act 2001*, as amended.

### 1.1. Role of Council

Represent the Corporation, provide direction and create policy. Specifically, Section 224 of the Municipal Act, 2001 states:

“224. It is the role of Council,

- a) to represent the public and to consider the well-being and interests of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of council under this or any other Act.”

### Role of the Mayor

Section 225 of the Municipal Act, 2001 defines the role of the Mayor as follows:

“225. It is the role of the head of council,

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under this or any other Act.”

### “Section 226.1 Head of council as chief executive officer

**226.1** As chief executive officer of a municipality, the head of council shall:

- a) uphold and promote the purposes of the municipality;

## Amended Appendix “A” to Item 1 of Governance Review Sub-Committee Report 21-003

<b>Corporate Policy</b>	 <b>Hamilton</b>	<b>Policy Alignment:</b>
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- b) promote public involvement in the municipality’s activities;  
c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and  
d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.”

**1.3. Role of the City Manager**

Direction Focus: The City Manager leads in three dimensions. Up to Council, down to staff and out to the community stakeholders. The City Manager is responsible for providing professional advice to Council and leading staff in the implementation of Council’s direction / policies. The City Manager specific responsibilities are outlined in By-Law 19-044 - To Appoint and to Prescribe the Duties and Responsibilities of the Chief Administrative Officer.

**1.4. Role of Senior Management:**

“**227** It is the role of the officers and employees of the municipality,

- (a) to implement council’s decisions and establish administrative practices and procedures to carry out council’s decisions;  
(b) to undertake research and provide advice to council on the policies and programs of the municipality; and  
(c) to carry out other duties required under this or any Act and other duties assigned by the municipality.”

**1.5. Role of Staff and Other Officers:**

These positions have the authority and obligation to carry out their duties as defined by the Legislation. It is Council’s responsibility to ensure that these positions have clear job descriptions and the decision making of these positions are free from political interference.

1. Chief Building Official – Building Code Act (By-Law)
2. Corporate Administrative Officer or City Manager – *Municipal Act, 2001* (By-Law)
3. City Clerk - *Municipal Act, 2001* (By-Law)
4. Treasurer – *Municipal Act, 2001* (By-Law)
5. Chief Planning Official/Secretary Treasurer of the Planning Committee – Planning Act
6. Fire Chief - Fire Code Act (By-Law)
7. Police Chief - Police Act
8. Medical Officer of Health (Council Resolution; Health Protection and Promotion Act)
9. Auditor General – Municipal (By-Law)

**COMPLAINT PROCESS**

Upon receipt of notification that a complaint and/or concern , the supervisor or other departmental member of management shall follow the Council Staff Relationship Procedure to investigate accordingly.



## Amended Appendix "A" to Item 1 of Governance Review Sub-Committee Report 21-003

<b>Corporate Policy</b>		<b>Policy Alignment:</b>
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1. In the case of City Staff, the supervisor and manager once removed will complete the investigation process and consult with Human Resources, Organizational Development staff as necessary.
2. In the case of a Member, the complaint or concern shall be referred to the Integrity Commissioner who shall investigate the matter in accordance with the provisions of the *Municipal Act*.

### Definitions

“City” means the Corporation of the City of Hamilton

“City Manager” means the City Manager and Chief Administrative Officer of the City of Hamilton.

“Council” means the Mayor of the City of Hamilton and all Ward Councillors.

“Senior Management” means the members of the Senior Leadership Team.

“Staff” or “City Staff” means all City of Hamilton employees, including Senior Management.