



## City of Hamilton

# CITY COUNCIL AGENDA

21-003

Wednesday, February 10, 2021, 9:30 A.M.

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

All electronic meetings can be viewed at:

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

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

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### Call to Order

#### 1. APPROVAL OF AGENDA

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

#### 2. DECLARATIONS OF INTEREST

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

3.1. January 20, 2021

3.2. January 25, 2021

#### 4. COMMUNICATIONS

4.1. Correspondence from the City of Sarnia requesting support for their resolution respecting the Line 5 Pipeline.

Recommendation: Be received.

- 4.2. Correspondence from the Town of Bracebridge requesting support for their resolution respecting Infrastructure Funding.

Recommendation: Be received.

- 4.3. Correspondence respecting the proposed development at 1400 Baseline Road in Stoney Creek:

4.3.a. Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)

4.3.b. Steve Karo

4.3.c. Don Lindsay

4.3.d. Mark Falkinson

4.3.e. Peter Wiltshire

4.3.f. Karen Patterson

4.3.g. Mandy Halliday

4.3.h. Ross Crompton

4.3.i. Nada & Jonathan Barlow

4.3.j. Gwen Dale

4.3.k. Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)

4.3.l. Nick Velenosi

4.3.m. Ruth & Gerry Southwell

4.3.n. Dawn Simpson

4.3.o. Linda MacMillan

4.3.p. Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)

4.3.q. Sean Robertson

4.3.r. Dianna France

- 4.3.s. Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)
- 4.4. Correspondence from the City of Burlington requesting support for their resolution calling for the Provincial and Federal governments to extend and expand funding for the Digital Main Street program to support local business.
- Recommendation: Be received.
- 4.5. Correspondence from the United Counties of Stormont, Dundas & Glengarry requesting support for their resolution requesting that the Province of Ontario allow for small businesses to immediately reopen with the required health guidelines and protocols in place.
- Recommendation: Be received.
- 4.6. Correspondence from the Ministry of Municipal Affairs and Housing respecting Updates Related to the Revised Rules for Areas in Stage 1 under the Reopening Ontario Act, the Emergency Management and Civil Protection Act, including the Set Fine Amounts under the Provincial Offences Act, and Reporting Enforcement Data.
- Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.
- 4.7. Correspondence from Chris Rickett, Director, Municipal Property Assessment Corporation respecting MPAC's 2020 Municipal Partnership Report which provides a high-level summary of MPAC's 2020 municipal-focused activities, including how they are responding to COVID-19 by shifting priorities, transforming how they share information, working differently, and by finding new ways to stay connected.
- Link to the report: <https://news.mpac.ca/2020-municipal-partnerships-report>
- Recommendation: Be received.
- 4.8. Correspondence from Grant Bivol, Executive Co-ordinator to the CAO/Board, Niagara Peninsula Conservation Authority respecting a resolution of the Board of Directors of the Niagara Peninsula Conservation Authority and the deferral of their Annual General Meeting to June 2021, as well, as the extension of the appointments of the Board Chair and Vice Chair to June 2021.
- Recommendation: Be received.
- 4.9. Correspondence from the Honourable David Lametti, Minister of Justice and Attorney General of Canada in response to the Mayor's correspondence respecting distracted driving.
- Recommendation: Be received.

- 4.10. Correspondence from Louis Frapporti, Chair, Hamilton2026 Commonwealth Games Bid Corporation respecting the 2026 Hamilton Commonwealth Games.

Recommendation: Be received.

- 4.11. Correspondence from the Honourable Greg Rickford, Minister of Energy, Northern Development and Mines and the Honourable Bill Walker, Associate Minister of Energy soliciting feedback on Ontario's long-term energy

planning framework through the Environmental Registry of Ontario (ERO), by April 27, 2021.

Recommendation: Be received and referred to the City Manager for appropriate action.

- 4.12. Correspondence from the Township of Asphodel-Norwood requesting support for their resolution requesting the Solicitor General review the imposed deadline for municipalities to complete and adopt a Community Safety & Well-Being (CSWB) plan in consultation with local governments to address the unique challenges facing individual regions.

Recommendation: Be received.

- 4.13. Correspondence from the Township of Lake of Bays requesting support for their resolution requesting that the Province of Ontario reverse their decision to close the Ontario Fire College.

Recommendation: Be received.

- 4.14. Correspondence from Perth County requesting support for their resolution to move forward with implementing reassessment based on current value assessment (CVA)

Recommendation: Be received.

## **5. COMMITTEE REPORTS**

5.1. Selection Committee Report 21-001 - January 20, 2021

5.2. Special Sole Voting Member of the Hamilton Farmers' Market Report 21-001 - January 25, 2021

5.3. Public Works Committee Report 21-002 - February 1, 2021

5.4. Planning Committee Report 21-002 - February 2, 2021

5.5. General Issues Committee Report 21-003 - February 3, 2021

5.6. Audit, Finance and Administration Committee Report 21-002 - February 4, 2021

5.7. Emergency and Community Services Committee Report 21-001 - February 4, 2021

## 6. MOTIONS

- 6.1. Amendments to Item 10 of the General Issues Committee Report 17-025, respecting Report PW15086(c) - Identified Tobogganing Locations on City Property
- 6.2. Support for the Recommendations of the Mayor's Task Force on Economic Recovery
- 6.3. Appointment to the Advisory Committee for Persons with Disabilities
- 6.4. Amendments to Item 12 of the Planning Committee Report 20-015, respecting Report PED20195 – Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (Ward 5), which was approved by Council on December 16, 2020.
- 6.5. Amendments to Item 7.1 of the January 20, 2021 Council Minutes, respecting the Physician Recruitment Program Contract Extensions – Program Coordinator and Practice Advisor and Physician Recruitment Coordinator

## 7. NOTICES OF MOTIONS

## 8. STATEMENTS BY MEMBERS

## 9. PRIVATE AND CONFIDENTIAL

9.1. Closed Session Minutes - January 20, 2021

Pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.

9.2. Appointment to the Advisory Committee for Persons with Disabilities for the 2018-2022 Term

Pursuant to Section 8.1, Sub-sections (b) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees.

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

- 10.1. 010  
To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic  
Schedule 5 (Stop Control)  
Ward: 1, 8, 9, 13
- 10.2. 011  
To Establish City of Hamilton Land  
Described as Parts 1 and 2 on Plan 62R-20006, be established as a Public Highway  
to form part of Greenravine Drive.  
Ward: 12
- 10.3. 012  
To Adopt:  
Official Plan Amendment No. 143 to the Urban Hamilton Official Plan  
respecting:  
15 Church Street (Ancaster)  
Ward: 12
- 10.4. 013  
To Amend Zoning By-law No. 87-57  
Respecting Lands Located at 15 Church Street  
Ward: 12
- 10.5. 014  
To Amend By-law No. 01-218, as amended,  
Being a By-law To Regulate On-Street Parking  
Schedule 8 – No Parking  
Schedule 12 – Permit  
Schedule 13 – No Stopping  
Schedule 14 – Wheelchair Loading Zone  
Ward: 3, 4, 10, 12, 13
- 10.6. 015  
To Repeal and Replace By-Law 17-277 Emergency Management Program By-Law  
City Wide

10.7. WITHDRAWN

~~To Adopt:~~

~~Official Plan Amendment No. 144 to the~~

~~Urban Hamilton Official Plan~~

~~Respecting:~~

~~1400 Baseline Road (Stoney Creek)~~

~~Ward: 10~~

10.8. WITHDRAWN

~~To Amend Zoning By-law No. 3692-92 (Stoney Creek)~~

~~Respecting Lands Located at 1400 Baseline Road (Stoney Creek)~~

~~Ward: 10~~

10.9. 017

To Confirm Proceedings of Council

11. ADJOURNMENT



## CITY COUNCIL MINUTES 21-001

9:30 a.m.

January 20, 2021

Council Chamber

Hamilton City Hall

71 Main Street West

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

**Absent:** Councillor T. Whitehead - Personal

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

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

### 5. COMMUNICATIONS

5.21. Correspondence respecting the Notice of Zoning By-Law Amendment to Stoney Creek By-Law No. 3692-92 - 1400 Baseline Road, Stoney Creek (Ward 10) City Initiated Application CI-20-A:

- (e) Mark & Marlene Victor
- (f) Viv Saunders, Lakewood Beach Community Council
- (g) Colleen Saunders
- (h) Terylene McClelland
- (i) Sherry Hayes & Dennis Facia
- (j) Sharon Williams, Lakewood Beach Community



(k) Jessica De Stefano

Recommendation: Be received and referred to Item 6 of Planning Committee Report 21-001.

5.31 Correspondence from the Ancaster Village Heritage Community respecting the rezoning and Official Plan amendments at 15 Church Street in Ancaster (PED20205).

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee 21-001.

5.32 Correspondence from Sheryl Wickens-Perrie requesting that Council consider increasing the availability of washrooms which can be used by the public who wish to spend time outside safely.

Recommendation: Be received

5.33 Correspondence from the Honourable Doug Downey, Attorney General in response to the Mayor's letter respecting the proposed cannabis retail store at 11 Hatton Drive in Ancaster.

Recommendation: Be received.

## 6. COMMITTEE REPORTS - STAFF REPORTS

6.8 (a) City of Hamilton Transfer Stations and Community Recycling Centres Contract Update ((PW20068(d))/LS20039(c)) (City Wide)

## 8. NOTICES OF MOTION

8.1 Physician Recruitment Program Contract Extensions – Program Coordinator and Practice Advisor and Physician Recruitment Coordinator

## 10. PRIVATE & CONFIDENTIAL

10.2 Appendix “A” Report PW20068(d)/LS20039(c), respecting City of Hamilton Transfer Stations and Community Recycling Centres Contract Update

**(Johnson/Collins)**

That the agenda for the January 20, 2021 meeting of Council be approved, ***as amended.***

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

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

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

**DECLARATIONS OF INTEREST**

Councillor Pauls declared an interest to Item 5.5 - Correspondence respecting the defunding of the police/homeless action, as her son works for the Hamilton Police Service.

**CEREMONIAL ACTIVITY**

**3.1 Bee City – Hamilton 2020**

In 2020, the City of Hamilton was welcomed as the 39<sup>th</sup> designated Bee City in Canada. This designation reflects the City of Hamilton’s commitment, along with community partners and residents, to work toward supporting pollinators. By working collaboratively, opportunities and initiatives to support healthy pollinator populations will be realized.

Mayor Eisenberger on behalf of Council thanked the following community partners, for helping to realize this designation, and continue working with the City on exciting new pollinator projects:

- Jen Baker - Hamilton Naturalists’ Club
- Beatrice Ekoko - Environment Hamilton
- Barb McKean and Charlie Briggs - Royal Botanical Gardens
- Cherish Gamble – Hamilton Conservation Authority

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**4. December 16, 2020 (Item 4.1) and December 18, 2020 (Item 4.2)**

**(Johnson/Pearson)**

That the Minutes of the December 16, 2020 and December 18, 2020 meetings of Council be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

<b>COMMUNICATIONS</b>
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**(Clark/Ferguson)**

That Council Communications 5.1 to 5.33 be approved, as **amended** as follows:

- 5.1 Correspondence from the Region of Peel respecting a request to the provincial government to revise the Rules for Areas in Stage 1 under Ontario Regulation 82/20 to address the inequity created between small businesses required to close and businesses permitted to open and conduct sales.

Recommendation: Be **endorsed**.

- 5.2 Correspondence from the Municipality of Magnetawan endorsing the City of Hamilton's resolution respecting a request for an Interim Cap on Gas Plant and Greenhouse Gas Pollution.

Recommendation: Be received.

- 5.3 Correspondence from Members of Parliament Peter Julian, Jenny Kwan and Don Davies seeking the City of Hamilton's formal endorsement of Bill C-213, the *Canada Pharmacare Act*.

Recommendation: Be **endorsed**.

- 5.4 Correspondence from the Honourable Todd Smith, Minister of Children, Community and Social Services announcing the release of Building a Strong Foundation for Success: Reducing Poverty in Ontario (2020-2025).

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

- 5.5 Correspondence respecting the defunding of the police/homeless action:

- (a) Darren Green
- (b) Sarah Perkins
- (c) Lyncoln Freitas
- (d) Emma Countryman
- (e) Joshua Weresch

Recommendation: Be received.

- 5.6 Correspondence from the Township of Nairn and Hyman requesting support for their resolution respecting the Closure of Non-Essential Businesses During the Pandemic.

Recommendation: Be endorsed.

- 5.7 Correspondence from the Municipality of Huron East endorsing the City of Hamilton's resolution respecting the Temporary Cap on Food Delivery Service Charges.

Recommendation: Be received.

- 5.8 Correspondence from the Town of Amherstburg endorsing the City of St. Catharines' resolution respecting Development Approval Requirements for Landfills (Bill 197).

Recommendation: Be received.

- 5.9 Correspondence from the Ministry of Municipal Affairs and Housing respecting the Enforcement of Orders under the *Reopening Ontario Act, 2020*.

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

- 5.10 Correspondence from Mike Lacroix respecting the dreaded LRT.

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

- 5.11 Correspondence from the Honourable Sylvia Jones, Solicitor General respecting the the new deadline of July 1, 2021, for municipalities to prepare and adopt a Community Safety and Well-Being (CSWB) plan.

Recommendation: Be received.

- 5.12 Correspondence from Debbie France requesting support and endorsement of the communication to the Ministers respecting illicit cannabis grow ops.

Recommendation: Be received.

- 5.13 Correspondence from the Honourable Greg Rickford, Minister of Energy, Northern Development and Mines and the Honourable Bill Walker, Associate Minister of Energy respecting the revoking of Ontario Regulation 355/17, effective January 1, 2021, removing the requirement to release a new Long-Term Energy Plan (LTEP) every three years.

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

- 5.14 Correspondence from the Ministry of Transportation announcing that the province has expanded the on-road opportunities for off-road vehicle riders in some parts of Ontario, effective January 1, 2021.

Recommendation: Be received.

- 5.15 Correspondence from the Township of Huron-Kinloss requesting support for their resolution in support of Property Tax Exemptions for Veteran Clubs.

Recommendation: Be endorsed.

- 5.16 Correspondence from the Honourable Caroline Mulroney, Minister of Transportation in response to the Mayor's email regarding the resumption of All-Day Express Bus Service in Hamilton.

Recommendation: Be received.

- 5.17 Correspondence from Hamilton Sings! Community Choir Board of Directors urging Council to give highest priority to addressing the desperate need for affordable housing in Hamilton.

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

- 5.18 Correspondence from the Municipality of Charlton and Dack requesting support for their resolution calling on the Province of Ontario to immediately review the Association of Municipalities recommendations to address insurance issues.

Recommendation: Be received.

- 5.19 Correspondence from Phil Verster, President & Chief Executive Officer, Metrolinx in response to the Mayor's letter appealing to Metrolinx to resume All Day GO Bus Service in Hamilton.

Recommendation: Be received.

- 5.20 Correspondence from Eric Miller, resigning as Director and Chair of the Hamilton Farmers' Market Board.

Recommendation: Be received.

- 5.21 Correspondence respecting the Notice of Zoning By-Law Amendment to Stoney Creek By-Law No. 3692-92 - 1400 Baseline Road, Stoney Creek (Ward 10) City Initiated Application CI-20-A:

- (a) Paula Newcombe
- (b) Colleen Saunders
- (c) Taylor Wilson
- (d) Suzanne Hill
- (e) Mark & Marlene Victor
- (f) Viv Saunders, Lakewood Beach Community Council
- (g) Colleen Saunders
- (h) Terylene McClelland
- (i) Sherry Hayes & Dennis Facia
- (j) Sharon Williams, Lakewood Beach Community
- (k) Jessica De Stefano

Recommendation: Be received and referred to Item 6 of Planning Committee Report 21-001.

- 5.22 Correspondence from Pauline Zavaglia, Close to Natural, a stall holder at the Hamilton Farmers' Market respecting the impact COVID has had on her business.

Recommendation: Be received.

- 5.23 Correspondence from the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks respecting a newly-formed conservation authorities working group to ensure conservation authorities and other stakeholder groups have a stronger voice at the table respecting the changes being proposed to the *Conservation Authorities Act*.

Recommendation: Be received ***and that the Mayor forward a letter with input from the NPCA Council representatives to the Minister of the Environment, Conservation and Parks noting Council's concerns and Council's disappointment that the Hamilton area and the Niagara area are not represented on the Conservation Authorities Working Group and Sub Groups.***

- 5.24 Correspondence from Principles Integrity in response to Council's direction to seek insight into how Janice Atwood-Petkovski manages her work to avoid Conflicts of Interest given her past relationship with the City of Hamilton as an employee.

Recommendation: Be received.

- 5.25 Correspondence from Just Recovery Hamilton Coalition a group of not-for-profit organizations that have come together to support the current work being done by the City of Hamilton releasing a Just Recovery Policy document that provides 100 recommendations to help uplift the City in a more fair and equitable manner for all residents.

Recommendation: Be received, ***referred to the City Manager for review and a report back on the recommendations with an assessment of what the City can and has acted on and forwarded to Mayor's Task Force on Economic Recovery.***

- 5.26 Correspondence from the Municipality of West Grey requesting support for their resolution to repeal Schedule 8 of the Provincial Budget Bill 229, *Protect, Support and Recover from COVID-19 Act*.

Recommendation: Be endorsed.

- 5.27 Correspondence the Honourable Caroline Mulroney, Minister of Transportation announcing the launch of the 2020-21 Gas Tax Program and to advise the City of their funding allocation of \$11,687,199 for the program year.

Recommendation: Be received.

- 5.28 Correspondence from the Honourable Caroline Mulroney, Minister of Transportation providing the City with an update on funding for Phase 2 of the Safe Restart Agreement (SRA) program in the amount of \$21,534,976.

Recommendation: Be received.

- 5.29 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing announcing that the Ontario government is investing an additional \$695 million under the historic Safe Restart and advising the City of their allocation of \$11,677,000.

Recommendation: Be received and referred to the Treasurer to sign and return the acknowledgement to the Ministry.

- 5.30 Correspondence from the Ministry of Municipal Affairs and Housing respecting the Declaration of Provincial Emergency under the *Emergency Management and Civil Protection Act*.

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

- 5.31 Correspondence from the Ancaster Village Heritage Community respecting the rezoning and Official Plan amendments at 15 Church Street in Ancaster (PED20205).

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee 21-001.

- 5.32 Correspondence from Sheryl Wickens-Perrie requesting that Council consider increasing the availability of washrooms which can be used by the public who wish to spend time outside safely.

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

- 5.33 Correspondence from the Honourable Doug Downey, Attorney General in response to the Mayor's letter respecting the proposed cannabis retail store at 11 Hatton Drive in Ancaster.

Recommendation: Be received.

Due to a declared conflict, Item 5.5 was voted on separately as follows:

- 5.5 Correspondence respecting the defunding of the police/homeless action.

**Result: Motion on Communication Item 5.5 CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
CONFLICT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the Communication Items, as Amended CARRIED by a vote of 13 to 1, as follows:**

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



YES - Ward 4 Councillor Sam Merulla  
NO - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT- Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**(Clark/VanderBeek)**

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

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**GENERAL ISSUES COMMITTEE (TAX SUPPORTED CAPITAL BUDGET) REPORT 20-021**

**(Clark/VanderBeek)**

That the General Issues Committee (Tax Supported Capital Budget) Report 20-021, be received and the recommendations contained therein be approved.

**Result: Motion on the General Issues Committee (Tax Supported Capital Budget) Report 20-021, CARRIED by a vote of 15 to 0, as follows:**

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

YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**HAMILTON ENTERPRISE HOLDING CORPORATION SHAREHOLDER REPORT 20-002**

**(Clark/VanderBeek)**

That Hamilton Enterprise Holding Corporation Shareholder Report 20-002, being the meeting held on Friday, December 18, 2020, be received.

**Result: Motion on the Hamilton Enterprise Holding Corporation Shareholder Report 20-002, CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**BOARD OF HEALTH REPORT 21-001**

**(Wilson/VanderBeek)**

That Board of Health Report 21-001, being the meeting held on Monday, January 11, 2021, be received and the recommendations contained therein be approved.

**Result: Motion on the Board of Health Report 21-001, CARRIED by a vote of 15 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- 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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**PUBLIC WORKS COMMITTEE REPORT 21-001**

**(VanderBeek/Danko)**

That Public Works Committee Report 21-001, being the meeting held on Monday, January 11, 2021, be received and the recommendations contained therein be approved.

**Result: Motion on the Public Works Committee Report 21-001, CARRIED by a vote of 15 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- 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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**PLANNING COMMITTEE REPORT 21-001****(Danko/Johnson)**

That Planning Committee Report 21-001, being the meeting held on Tuesday, January 12, 2021, be received and the recommendations contained therein be approved.

At Council's request, Item 6 was voted on separately as follows:

**6. City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10) (Item 8.2)**

**Result: Motion on Item 6 CARRIED by a vote of 11 to 3 as follows:**

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

**Result: Motion on the balance of Planning Committee Report 21-001, CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Chad Collins  
 YES – Ward 6 Councillor Tom Jackson  
 NOT PRESENT - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Mayor Fred Eisenberger  
 YES - Ward 15 Councillor Judi Partridge  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 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 - Deputy Mayor - Ward 9 Councillor Brad Clark

<b>GENERAL ISSUES COMMITTEE REPORT 21-001</b>
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**(Clark/VanderBeek)**

That General Issues Committee Report 21-001, being the meeting held on Wednesday, January 13, 2021, be received and the recommendations contained therein be approved.

At Council's request, Item 13 was voted on separately as follows:

- 13. Update and Instructions regarding Local Planning Appeal Tribunal Appeals by McMaster University and Mohawk College of Development Charge By-law 19-142 (LS19034(a)) (City Wide) (Item 13.4)**

**Result: Motion on Item 13 CARRIED by a vote of 11 to 3 as follows:**

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

**Result: Motion on the balance of General Issues Committee Report 21-001, CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead

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 - Deputy Mayor - Ward 9 Councillor Brad Clark

<b>AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-001</b>
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**(Clark/VanderBeek)**

That Audit, Finance and Administration Committee Report 21-001, being the meeting held on Thursday, January 14, 2021, be received and the recommendations contained therein be approved.

At Council's request, Item 1 (a) was voted on separately as follows:

**1. Development Charge (DC) Demolition Credit Extension Request, 651-677 Upper James Street (Mountain Plaza Mall) (FCS17008(a)) (City Wide) (Item 9.1)**

- (a) That the City Development Charges (DC) demolition credits for the Mountain Plaza Mall (651-677 Upper James Street), be extended for an additional two years and funded by \$106,579.73 from the Water Reserve, \$212,263.84 from the Wastewater Reserve, and \$521,255.50 from the Unallocated Capital Reserve; with the following conditions:
- (i) That the site plan be submitted within 9 months; and,
  - (ii) That no further extensions will be granted to this property;

**Result: Motion on Item 1 (a), DEFEATED by a vote of 3 to 11 as follows:**

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

Deputy Mayor Clark assumed the Chair so that the Mayor could move the following amendment to Item 1 (a):

**1. Development Charge (DC) Demolition Credit Extension Request, 651-677 Upper James Street (Mountain Plaza Mall) (FCS17008(a)) (City Wide) (Item 9.1)**

**(Eisenberger/Clark)**

- (a) *That the request to extend the City Development Charges (DC) demolition credits for the Mountain Plaza Mall (651-677 Upper James Street) for an additional five years, to January 12, 2025, be denied;***
- (b) That the subject matter respecting the “Delegation from Kevin Rachman, SmartCentres REIT, regarding an Extension to a Development Charges Credit”, be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

**Result: Motion on the Item 1, as *Amended* CARRIED by a vote of 12 to 2, as follows:**

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

The Mayor assumed the Chair.

**Result: Motion on the balance of Audit, Finance and Administration Committee Report 21-001, CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Chad Collins  
 YES – Ward 6 Councillor Tom Jackson  
 NOT PRESENT - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**(Clark/VanderBeek)**

That Section 5.7(2) of the City's Procedural By-law 18-270, which provides that a minimum of 48 hours shall pass before a Committee Report is presented to Council, be waived in order to consider the Report PW20068(d)/LS20039(c) respecting the City of Hamilton Transfer Stations and Community Recycling Centres Contract Update.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

<b>STAFF REPORTS</b>
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**6.8 (a) City of Hamilton Transfer Stations and Community Recycling Centres Contract Update ((PW20068(d))/LS20039(c)) (City Wide)**

**(Pearson/Partridge)**

That Report PW20068(d)/LS20039(c) respecting the City of Hamilton Transfer Stations and Community Recycling Centres Contract Update, be considered following the Closed Session portion of the meeting.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr



YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

<b>MOTIONS</b>
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Deputy Mayor Clark assumed the Chair so that the Mayor could move the following motion:

**7.1 Physician Recruitment Program Contract Extensions – Program Coordinator and Practice Advisor and Physician Recruitment Coordinator**

**(Eisenberger/VanderBeek)**

WHEREAS, the Director, Physician Recruitment announced their retirement as of November 22, 2019 and subsequently extended their contract to provide consulting services and to facilitate the training of the temporary Physician Recruitment Program Coordinator and Practice Advisor;

WHEREAS, the Physician Recruitment Coordinator was on maternity/parental leave starting mid-December 2019;

WHEREAS, a temporary Physician Recruitment Program Coordinator and Practice Advisor was hired for a one-year term effective March 1, 2020 to February 28, 2021 to backfill the Physician Recruitment Coordinator’s maternity/parental leave;

WHEREAS, the terms of the Physician Recruitment Coordinator contract were previously agreed upon between that position and the Director, Physician Recruitment;

WHEREAS, the Director, Physician Recruitment did not renew the Physician Recruitment Coordinator’s contract (to enable them to return to work following their parental leave) prior to their retirement, although they were directed to do so by the Working Group of the Physician Recruitment & Retention Steering Committee;

WHEREAS, the Physician Recruitment Coordinator returned from parental leave, on January 4, 2021, without a contract;

WHEREAS, in the absence of a Director, Physician Recruitment, the Physician Recruitment & Retention Steering Committee, to which the Director, Physician Recruitment reports, can enter into an employment contract with program staff;

WHEREAS, the COVID-19 pandemic prevented the Physician Recruitment & Retention Steering Committee from further exploring the best way to fill the Director, Physician Recruitment position in 2020;

WHEREAS, the Physician Recruitment & Retention Steering Committee is currently considering restructuring the Physician Recruitment Program, which may involve the elimination of the position of Director, Physician Recruitment; and,

WHEREAS, there is a need to renew the contracts for both the Physician Recruitment Program Coordinator and Practice Advisor and the Physician Recruitment Coordinator positions for a short period to enable the Physician Recruitment & Retention Steering Committee to consider the potential restructuring of the Physician Recruitment program and the continuation or elimination of the position of Director, Physician Recruitment.

THEREFORE, BE IT RESOLVED:

- (a) That the current Physician Recruitment Program Coordinator and Practice Advisor's contract be extended from March 1, 2021 to provide a continuation of services to the Physician Recruitment program, with the following changes:
  - (i) That the Physician Recruitment Program Coordinator and Practice Advisor report to the Working Group of the Physician Recruitment & Retention Steering Committee;
  - (ii) That the contract continue on a month-to-month basis until such a time as the ongoing structure of the Physician Recruitment program has obtained the necessary approvals; and
  - (iii) That the contract may be terminated by either party with three-weeks' notice.
  
- (b) That the Physician Recruitment Coordinator's contract, which expired April 15, 2020, be renewed effective January 4, 2021 to provide a continuation of services to the Physician Recruitment program, with the following changes:
  - (i) That the Physician Recruitment Coordinator report to the Working Group of the Physician Recruitment & Retention Steering Committee;
  - (ii) That the contract continue on a month-to-month basis until such a time as the ongoing structure of the Physician Recruitment program has obtained the necessary approvals; and
  - (iii) That the contract may be terminated by either party with three-weeks' notice.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

<b>NOTICES OF MOTION</b>
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Deputy Mayor Clark assumed the Chair so that the Mayor could move the following motion:

**8.1 Physician Recruitment Program Contract Extensions – Program Coordinator and Practice Advisor and Physician Recruitment Coordinator**

**(Eisenberger/VanderBeek)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Physician Recruitment Program Contract Extensions – Program Coordinator and Practice Advisor and Physician Recruitment Coordinator.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

Refer to Item 7.1 for further disposition of this item.

The Mayor assumed the Chair.

**STATEMENTS BY MEMBERS**

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

**(Clark/Partridge)**

That Council recess at 12:10 p.m.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- NOT PRESENT - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- NOT PRESENT - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- 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 - Deputy Mayor - Ward 9 Councillor Brad Clark

Council reconvened at 12:45 p.m.

**PRIVATE & CONFIDENTIAL**

Council determined that discussion of Item 10.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

**10.1 Closed Session Minutes – December 16, 2020**

**(Clark/VanderBeek)**

That the Closed Session Minutes dated December 16, 2020 be approved, as presented, and remain confidential.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson

NOT PRESENT - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**(Clark/VanderBeek)**

That Council move into Closed Session respecting Item 10.2, pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**10.2 Appendix “A” Report PW20068(d)/LS20039(c), respecting City of Hamilton Transfer Stations and Community Recycling Centres Contract Update**

**(VanderBeek/Pearson)**

That Appendix “A” Report PW20068(d)/LS20039(c), respecting City of Hamilton Transfer Stations and Community Recycling Centres Contract Update, be received and remain confidential.

**Result: Motion on Item 10.2 CARRIED by a vote of 12 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- NOT PRESENT - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- NOT PRESENT - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- 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 - Deputy Mayor - Ward 9 Councillor Brad Clark

<b>STAFF REPORTS - CONTINUED</b>
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**6.8 (a) City of Hamilton Transfer Stations and Community Recycling Centres Contract Update ((PW20068(d))/LS20039(c)) (City Wide)**

**(Clark/Danko)**

That Report PW20068(d)/LS20039(c) respecting the City of Hamilton Transfer Stations and Community Recycling Centres Contract Update, be received.

**Result: Motion on Item 6.8 (a) CARRIED by a vote of 12 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- NOT PRESENT - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- NOT PRESENT - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

**(Clark/VanderBeek)**

That the Committee of the Whole Rise and Report.

**Result: Motion CARRIED by a vote of 11 to 1, as follows:**

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

<b>BY-LAWS</b>
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**(Clark/VanderBeek)**

That Bills No. 21-001 to No. 21-008 be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 001 To Permanently Close a Portion of Mountain Brow Road, Hamilton, from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive, City of Hamilton  
Ward: 15
  
- 002 To Permanently Close and Sell a Portion of a Public Unassumed Alley Abutting 121 Vansitmart Avenue, Hamilton, Ontario, namely Part of Lots 1 and 2, Concession 1, in the Geographic Township of Barton, in the City of Hamilton, designated as Part 2 on Plan 62R-21172, being Part of PIN 17253-0184(LT); City of Hamilton  
Ward: 4

- 003 To Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties  
Table 26 – By-law No. 03-296 Snow Removal By-law  
Ward: City Wide
- 004 To Adopt Official Plan Amendment No. 26 to the Rural Hamilton Official Plan Respecting Updates and Modifications to the Rural Hamilton Official Plan  
Ward: City Wide
- 005 To Adopt Official Plan Amendment No. 142 to the Urban Hamilton Official Plan Respecting Updates and Modifications to the Urban Hamilton Official Plan  
Ward: City Wide
- 006 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1031 Highway No. 52 North, Ancaster  
ZAR-20-32  
Ward: 12
- 007 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 6 – Time Limit Parking  
Schedule 8 – No Parking Zones  
Schedule 12 – Permit Parking Zones  
Schedule 13 – No Stopping Zones  
Schedule 14 – Wheelchair Loading Zones  
Ward: 1, 2, 3, 4, 8, 9, 10, 11, 12, 13
- 008 To Confirm the Proceedings of City Council

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

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark



**(Pearson/Partridge)**

That, there being no further business, City Council be adjourned at 2:01 p.m.

**Result: Motion CARRIED by a vote of 11 to 1, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
NO - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
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 - Deputy Mayor - Ward 9 Councillor Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland  
City Clerk



## SPECIAL CITY COUNCIL MINUTES 21-001

3:28 p.m.  
January 25, 2021  
Council Chamber  
Hamilton City Hall  
71 Main Street West

**Present:** Deputy Mayor B. Clark  
Councillors M. Wilson, J. Farr, N. Nann, C. Collins, J.P. Danko, M. Pearson, B. Johnson and J. Partridge.

**Absent:** Mayor F. Eisenberger; Councillors A. VanderBeek, L. Ferguson – City Business  
Councillors S. Merulla, T. Jackson, E. Pauls and T. Whitehead – Personal

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

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised that there were no changes to the agenda.

**(Pearson/Partridge)**

That the agenda for the January 25, 2021 meeting of Council be approved, as presented.

**Result: Motion CARRIED by a vote of 9 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 NOT PRESENT - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Chad Collins  
 NOT PRESENT – Ward 6 Councillor Tom Jackson

NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NOT PRESENT - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Deputy Mayor - Ward 9 Councillor Brad Clark

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**MOTIONS**

**3.1 Sole Voting Member of the Hamilton Farmers' Market - Review of the Hamilton Farmers' Market Corporation Stallholder Agreement Renewal Process (CM21001(a)) (City Wide)**

**(Pearson/Johnson)**

That Report CM21001(a), Sole Voting Member of the Hamilton Farmers' Market - Review of the Hamilton Farmers' Market Corporation Stallholder Agreement Renewal Process, remain confidential.

**Result: Motion Item 3.1, CARRIED by a vote of 9 to 0, as follows:**

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

**BY-LAWS**

**(Partridge/Pearson)**

That Bill No. 21-009, be passed and that the Corporate Seal be affixed thereto, and that the By-law, be numbered, be signed by the Deputy Mayor and the City Clerk to read as follows:

21-009 To Confirm the Proceedings of City Council

**Result: Motion CARRIED by a vote of 9 to 0, as follows:**

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

**(Pearson/Collins)**

That, there being no further business, Special City Council be adjourned at 3:34 p.m.

**Result: Motion CARRIED by a vote of 9 to 0, as follows:**

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

Respectfully submitted,

Deputy Mayor B. Clark

Janet Pilon  
Acting City Clerk



**MIKE BRADLEY  
MAYOR  
CITY OF SARNIA**

255 N. Christina Street P.O. Box 3018  
Sarnia, ON Canada N7T 7N2  
519 - 332-0330 Ext. 3312 519 - 332-3995 (fax)  
519 - 332-2664 (TTY) [www.sarnia.ca](http://www.sarnia.ca) [mayor@sarnia.ca](mailto:mayor@sarnia.ca)

January 19, 2021

Your Worship

Dear Sir/Madam:

**RE: LINE 5 PIPELINE**

I am forwarding to you a letter written to the Prime Minister of Canada with respect to the Line 5 Pipeline.

I am bringing the matter of the Line 5 Pipeline to your attention as this is not just an issue for one community or one Province but will impact on many Canadians including those in your community.

If this pipeline is closed it will:

- dramatically increase the price of fuel in Canada as it relates to gasoline and propane.
- bring about the transportation of those fuels through other means which have greater safety concerns including rail, truck and ship, possibly through your community.
- as an arbitrary action, have significant impact on the relationship between Ontario's largest trading partner—Michigan--and will result in other ramifications. Over \$85 billion in trade per year crosses the two borders and the pipeline closing will impact negatively on other trade issues, from auto to agriculture, in the years ahead.

Thank you in advance for your consideration in reviewing this correspondence. If you wish to add your voice to the Prime Minister it would be deeply appreciated.

Yours sincerely,

Mike Bradley  
Mayor of Sarnia



**MIKE BRADLEY  
MAYOR  
CITY OF SARNIA**

255 N. Christina Street P.O. Box 3018  
Sarnia, ON Canada N7T 7N2  
519 - 332-0330 Ext. 3312 519 - 332-3995 (fax)  
519 - 332-2664 (TTY) [www.sarnia.ca](http://www.sarnia.ca) [mayor@sarnia.ca](mailto:mayor@sarnia.ca)

January 4, 2021

The Right Honourable Justin Trudeau, P.C., M.P.  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

Dear Prime Minister Trudeau:

**RE: LINE 5 PIPELINE**

On behalf of the citizens of Sarnia I would like to express our gratitude for the work your government has done to protect Canadians through the Covid-19 pandemic.

We know protecting the ongoing economic and energy security of Canadians is paramount for your government, particularly as we move into economic recovery. This is why I am raising today my deep concern and that of the community of Sarnia Lambton that the Governor of Michigan, Gretchen Whitmer's efforts to shut down the Line 5 easement could have extremely damaging impacts on the energy needs of Canadian and U.S. consumers, as well as the businesses and livelihoods that depend on the Line 5 pipeline.

As Mayor of the City of Sarnia, the Sarnia community and region of Southwestern Ontario relies on Line 5 for thousands of jobs and economic output that strengthens both Ontario and Canada.

I am urging you to reach out to U.S. President-Elect, Joe Biden and ask that this matter be handled by upholding the 1977 Transit Pipeline Treaty, which the President-Elect voted in favour of.

A disruption of Line 5 would result in a daily shortage of over 14 million gallons of gasoline and other transportation fuels, impacting people in Ontario, Quebec, Wisconsin, Indiana, Ohio and Pennsylvania. Ten regional refineries would be significantly and adversely impacted, leading to a significant loss of jobs. Disrupting the line would also create regional propane shortages, higher energy prices and hardship for families, especially

those on fixed incomes or of modest means. That's unacceptable – even more so during this COVID-19 pandemic.

The Canada-U.S. 1977 Transit Pipelines Treaty (negotiated by Prime Minister Pierre Trudeau and President Jimmy Carter – and voted for by then-first-term Senator Joe Biden) precludes this kind of interruption of existing hydrocarbon pipelines. The Transit Treaty ensures that the United States, including its individual states, cannot impede pipeline operations that Canada depends on for exports or imports.

To address Michigan's clear violation of the Transit Treaty, the document provides a mechanism for Canada to negotiate with the United States, state to state. Given the national importance of Line 5, we need you to engage assertively with the incoming Biden Administration, communicating firmly that Governor Whitmer's unlawful and baseless effort to terminate the Line 5 easement is unacceptable and in clear violation of the 1977 Transit Pipelines Treaty. This is an action only you and your government can take and we are urging you to move quickly.

The Governor's attempt to revoke and terminate the Line 5 easement is improper, unlawful and will negatively impact people, energy and economic security on both sides of the border. Enbridge is currently seeking permit approval for the tunnel project and replacement pipeline which, upon completion, will make a safe Straits crossing even safer. We and many others need you to take action to ensure a peaceful resolution to this issue. Thank you for your attention to this matter.

Yours sincerely,



Mike Bradley  
Mayor of Sarnia



Copy:

The Honourable Chrystia Freeland, Deputy Prime Minister and Minister of Finance

The Honourable Seamus O'Regan, Minister of Natural Resources

The Honourable François-Philippe Champagne, Minister of Foreign Affairs

The Honourable Doug Ford, Premier of Ontario

The Honourable Greg Rickford, Minister of Energy, Northern Development and Mines

The Honourable Bill Walker, Associate Minister of Energy



January 22, 2021

**RE: Item for Discussion – Infrastructure Funding**

At its meeting of January 20, 2021, the Council of the Corporation of the Town of Bracebridge ratified motion 21-GC-024, regarding Infrastructure Funding, as follows:

“WHEREAS the Association of Municipalities of Ontario (AMO) has reported that municipal governments own more of Ontario’s infrastructure than any other order of government, and most of it is essential to economic prosperity and quality of life;

AND WHEREAS municipalities deliver many of the services that are critical to residents in every community, and these services rely on well-planned, well-built and well-maintained infrastructure;

AND WHEREAS the Ontario Provincial Government has stated that universal asset management will be the foundation of its municipal infrastructure strategy because effective asset management planning helps ensure that investments are made at the right time to minimize future repair and rehabilitation costs and maintain assets;

AND WHEREAS Federal and Provincial infrastructure funding models now contain requirements for recipients to demonstrate that comprehensive asset management planning principles are applied when making decisions regarding infrastructure investment;

AND WHEREAS infrastructure funding limits need to be large enough to support significant projects that have a lasting community impact over multiple generations;

AND WHEREAS targeted funding for critical infrastructure is inconsistent with the principle foundation of an asset management strategy which prioritizes needs over wants and has resulted in underfunding of the wide range of infrastructure that municipalities are responsible for maintaining, such as arenas and libraries;

AND WHEREAS the Community, Culture and Recreation Stream of the Investing in Canada Infrastructure Program received demand of almost \$10 billion for a \$1 billion funding envelope;

AND WHEREAS broad eligibility for funding is more appropriate as municipalities best understand their infrastructure needs together with the needs of their community;

AND WHEREAS no and/or insufficient funding programs currently exist to fund the demonstrated need for the building, restoration and enhancement of community, culture and recreation assets;

AND WHEREAS funding the replacement of these needed capital assets is beyond the financial capacity of most communities;

AND WHEREAS the age of the Town of Bracebridge arena is greater than 70 years old, and the Library greater than 110 years old, requiring immediate replacement;

AND WHEREAS the Town of Bracebridge was recently denied any funding under the Community, Culture and Recreation stream of the Investing in Canada Infrastructure Program, despite clearly meeting the tests of proper asset management and identifying needs over wants;

AND WHEREAS the economy of Ontario has been negatively impacted by the ongoing measures implemented to reduce the spread of COVID-19;

NOW THEREFORE the Council of The Corporation of the Town of Bracebridge resolves as follows:

1. THAT the Federal and Provincial Governments provide immediate broad and substantial municipal funding opportunities for well-planned, shovel-ready projects already prioritized under municipal asset management plans to provide immediate stimulus to the local, provincial and the federal economies in order to rebound from the impact of the COVID-19 pandemic.
2. AND THAT this resolution be forwarded to the Right Honourable Prime Minister of Canada; the Federal Minister of Infrastructure and Communities; the Honourable Premier of Ontario; the Ontario Minister of the Finance; the Ontario Minister of Infrastructure; the Ontario Minister of Municipal Affairs and Housing; the Association of Municipalities of Ontario (AMO); the Federation of Canadian Municipalities (FCM); the Local Member of Parliament (MP); the Local Member of Provincial Parliament (MPP); and all Municipalities in Ontario.

In accordance with Council's direction I am forwarding you a copy of the resolution for your attention.

Please do not hesitate to contact me if I can provide any additional clarification in this regard.

Yours truly,



Graydon Smith  
Mayor

**Pilon, Janet**

---

**Subject:** Ward 10 - Initiative CI-20-A Zoning Reclassification 1400 Baseline Road

**From:** Tammy Felts

**Sent:** January 22, 2021 10:21 AM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>

**Cc:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Ward 10 - Initiative CI-20-A Zoning Reclassification 1400 Baseline Road

Dear Honourable Mayor & Councillors;

We are writing to you to advise that we, the Condo Board WCECC #479, did **NOT** receive Public Notice of the statutory public meeting held on January 12, 2021.

Whatever courtesy mail-out that has been referenced during your discussions **was not received** by the Condo Board nor any of the residents who live immediately adjacent to the subject lands (and have signed the attached).

On Thursday, January 21 was the first we heard about this change in the land use. In just one day we obtained 36 signatures from citizens who live in our complex, who knew nothing about this "city initiative" and who vehemently opposed the change in land use.

We have been advised that this matter will come before Council again on February 10, 2021 for a final vote on the proposed OPA/ZBA by-laws. Although our own elected official has advised that all statutory requirements have been followed, we are requesting that you recognize and act on the lack of due-diligence in regards to Public Participation in the planning process.

The Condo Board and each of the residents who have signed the attached wish to be on the public record as opposed and individually provided with the Notice of Decision.

We are of the opinion the zoning reclassification is being sought as a means to make the sale of the land more attractive to a prospective developer. If approved, and two 9 storey condo buildings are allowed to be built, the negative impact to everyone who lives in the immediate vicinity will be tremendous.

The volume of traffic we deal with during peak times as a result of our proximity to Fifty Point Conservation Area is horrendous! Residents often have difficulty turning onto Baseline Road because the traffic is lined up the street to Lockport. Factor in the number of people from two condo buildings who are also trying to exit their community onto Baseline Road, it will be a nightmare.

The negative visual impact of two high rise buildings in an area of low rise homes will be devastating. We acknowledge we need housing and implore you to maintain the current low density zoning classification so only lowrise homes can be built on that land. We live in this community and have to live with the consequences of the decisions made by transient elected officials. Please take our objection into account.

Respectfully;

Tammy Felts, President WCECC #479

Ross Crompton, Director WCECC #479

Sean Thomson, Former President WCECC #479

Bill Young, Former Director WCECC #479

Jordan Sandler, Former Director WCECC #479



**Pilon, Janet**

---

**Subject:** 1400 baseline road

**From:** Steve Karo

**Sent:** January 23, 2021 3:38 PM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>; [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** 1400 baseline road

I am contacting you to express my concern and opposition for the proposed development at 1400 baseline road in stoney creek. I live at 63 glendarling cres and was never informed in any way about the proposal to rezone this land and sell for development.

I strongly oppose this transaction and feel it has been dealt with in a dishonest way. Our representative should be ashamed and in no way speaks for me or the majority of my neighbours.

I, as well as all of my neighbours, would appreciate the opportunity to have our say before any final decisions are made.

Sincerely

Steve Karo

[Sent from Yahoo Mail for iPhone](#)

**Pilon, Janet**

---

**Subject:** 1400 Baseline Rd. Development Proposal

**From:** Donald Lindsay

**Sent:** January 22, 2021 11:23 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** 1400 Baseline Rd. Development Proposal

Hello Clerk,

As a resident of the Lake Pointe community in Stoney Creek I vehemently oppose the proposed change in land use of 1400 Baseline Rd.

I received no notification of this proposal or the public meeting on January 12, 2021.

The already heavily trafficked Baseline Rd can't support the proposed heavy development at 1400 Baseline Rd. Should this proceed I would feel our community would only be negatively impacted.

Regards,  
Don

**Pilon, Janet**

---

**Subject:** 1400 BASELINE RD = Bad Idea

**From:** Mark Falkinson

**Sent:** January 25, 2021 9:59 AM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>; [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** 1400 BASELINE RD = Bad Idea

Greetings,

Please take a moment to read this email. You are deciding on a approval for **1400 Baseline rd. Stoney creek** and we as a community have concerns regarding this proposal. Please consider the people who have been steady taxpayers who continue to grow with the city, however using every square inch of land is not the way to promote a healthy community and make it desirable place to buy. The density and infrastructure is not designed for this type of dwelling and I ask you please to not allow this to happen to place some value on the people who live and work here.

Thank you,

**Mark Falkinson**

**Pilon, Janet**

---

**Subject:** 1400 Baseline Road, Stoney Creek

**From:** Peter Wiltshire

**Sent:** January 22, 2021 5:47 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca); DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>

**Subject:** 1400 Baseline Road, Stoney Creek

Hello,

I am writing to voice my opposition to the rezoning and possible construction of an up to a 9 storey building on the current empty lot adjacent to 1400 Baseline Road in Stoney Creek. This area has seen major development in recent years and traffic flow in the area is currently strained with the stop sign at 50 Road and the north service Road being very heavy with long wait times in the summer months. A 9 story construction project adjacent to 1400 Baseline Road would add to the already heavily traffic flow.

Thank you  
Peter Wiltshire



**Pilon, Janet**

---

**Subject:** Against!

**From:** Karen Patterson

**Sent:** January 22, 2021 7:07 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Against!

As residents of the Lake Pointe community and tax payers to the City of Hamilton, we would like to inform you that we are vehemently opposed to the new building planned at 1400 Baseline Road in Stoney Creek and urge you to reconsider.

**Pilon, Janet**

---

**Subject:** 1400 Baseline Road

**From:** Mandy Halliday

**Sent:** January 22, 2021 10:21 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** 1400 Baseline Road

Hello, Coun. Pearson.

I am writing to you with regard to the article below:

<https://www.thespec.com/news/council/2021/01/13/city-of-hamilton-to-put-proceeds-of-stoney-creek-land-to-affordable-housing.html>

To be fully transparent, I am a resident of this neighbourhood and I am strongly opposed to this proposed development on 1400 Baseline Road.

The article references a maximum of 9 stories, up from the current 3 story cap.

This building will not only be a tremendous eyesore in a neighbourhood that was originally designed to be a gated community when it was first established, it will also take away from the natural beauty of the area as it will be located very close to the Fifty Point Conservation Area.

I am concerned that the neighbourhood does not have the infrastructure (sewer, parking, electric grid, police presence, etc.) to accommodate this building.

Aside from the building itself, I am opposed to the idea of putting “affordable housing” in this location as I don’t believe this location will set them up for success.

This location is not ideal for persons that require affordable housing as it is distant from resources (social services, public transportation, etc.) and would be better suited for downtown Hamilton.

The vast majority of residents in this neighbourhood are commuters and placing individuals with limited means in this area without adequate sidewalks or a transportation system is dangerous (this assumes individuals that require affordable housing do not have access to a vehicle).

I prefer Coun. Johnson’s idea of using this land for commercial purposes as this would likely garner the city a higher value for the property and could compliment the neighbourhood and piggyback on the traffic that passes by that location to go to the Fifty Point Conservation Area.

I am also concerned as there is no signage on the property to inform the neighbourhood of this proposal and the citizens deserve to have a voice.

I do support your desire to install sidewalks in the area and I understand that we need to raise funds before we can consider installing them; commercial development is the ideal solution to generate these funds.

Thank you for taking the time to consider my feedback.

Mandy Halliday, Ward 10 Resident

**Pilon, Janet**

---

**Subject:** Public input into the re-zoning of 1440 BASELINE Rd.

From: **Ross Crompton**

Date: Thu, Jan 21, 2021 at 2:09 PM

Subject: **Public input into the re-zoning of 1440 BASELINE Rd.**

To: <[maria.pearson@hamilton.ca](mailto:maria.pearson@hamilton.ca)>

Dear Councillor,

I have just been made aware of the zoning changes to the property noted above.

To say I am angry would be an understatement, I live 250 yards from this property, it is directly in my line of sight and it *will* affect my life. To not include me in being made aware of this process is reprehensible, **to *only* inform residents explicitly required by the existing By-Laws does not pass the sniff test.**

"We informed all (98) residences within 120m of the proposed changes and **placed a notice in the Newspaper.** Hmmm, I haven't read a newspaper in 3 years, that needs a rethink.

No observable '**Notice of Zoning Changes**' were placed on the property

As the height of a building increases so does the radius of the affected area.

One of the reasons to approve the 9 storey height is "to make it more attractive to developers", are you kidding, developers are falling all over themselves for construction land, this area is the new Gold Rush.

Consider the traffic, prior to COVID restrictions it was overwhelming during peak periods, that will return.

Politicians in general have a perception problem these days and actions like this do not instill confidence in elected officials. I acknowledge that we need housing, employment and investment to move forward but this is our community, we live here, we will have to live with the consequences not transient elected officials.

Ross Crompton

## 4.3 (i)

Fri. Jan 16 2021

Chad Collins – Ward 5  
Brad Clark – Ward 9  
Maria Pearson – Ward 10  
Brenda Johnon – Ward 11

City Councillors,

It has recently come to our neighbourhoods attention that the City of Hamilton is planning to develop the land located at 1400 Baseline Rd into a 9 storey affordable housing building and are strongly opposed to this decision for numerous reasons. We are asking that Council decision to be made on Wed. Jan 20, 2021 is **tabled** as the city is in violation of and did not withhold the correct procedure of the Planning Act. The neighbourhood was not given any notice for the public open house held on Tues. Jan 12, 2021 at 9:30am. A 20 day notice was not mailed, posted on the land or published in local newspapers and many of us, if any at all, were unable to attend due to the short notice given by a resident who had posted on social media and due to the meeting being within the work day.

We are in disagreement that this land be developed as it is already riddled with high rise buildings that have ruined the landscape of the neighbourhood. Purchasing a property along the waterfront is meant exactly for that, to enjoy the waterfront and not have to look at these monstrosity of buildings. The infrastructure in terms of congested major arteries such as the QEW, North and South Service Roads, lack of traffic lights, sidewalks already cannot sustain the numerous condominium buildings that have been constructed, and that is prior to the development that is already approved and not yet completed in the area such as the Winona Crossing Shopping Centre. Constructing a yet ANOTHER 9 story building will only exacerbate the issues we are already faced with. Furthermore, commercial development is also not the answer. There are plenty of already developed **vacant** units between Fifty Road and Casablanca both on the North and South Service Roads and the demand is simply not there.

Money will be raised for affordable housing but on the coattails of the Lakepointe community and we will have to deal with the repercussions.

In closing, we ask that the Council decision be deferred until the residents of the neighbourhood are able to voice their concerns as we will be impacted the most and deserve to at least have a chance to express our opinions since we too our taxpayers and were not given the opportunity to in the first place.

Thank you for your consideration,

Nada & Jonathan Barlow

**Pilon, Janet**

---

**Subject:** 1400 baseline road

From: S Dale  
Sent: January 22, 2021 2:26 PM  
To: clerk@hamilton.ca  
Subject: 1400 baseline road

Hi  
I am opposing this development. It seems although notices were to be sent to homeowners I know I did not receive one. Let's save some green space.  
Thank you  
Gwen Dale

**Pilon, Janet**

---

**Subject:** Ward 10 - Initiative CI-20-A Zoning Reclassification 1400 Baseline Road  
**Attachments:** Petition2 003.jpg; Petition2 002.jpg; Petition2 001.jpg

**From:** Tammy Felts  
**Sent:** January 24, 2021 10:11 PM  
**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>  
**Cc:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Ward 10 - Initiative CI-20-A Zoning Reclassification 1400 Baseline Road

Dear Honourable Mayor and Councillors;

Further to our previous email dated January 22, 2021 and sent at 10:20 a.m., we are now providing you with an Addendum to the Resident's Petition.

On this date we canvassed the residents who live on Glendarling Crescent, Raintree Drive and Lockport Way, which is within 120 m of the subject land. An additional **42** residents have advised us that they did **NOT** receive a Notice of the Public Meeting (aka 'Courtesy Mailer') held on January 12, 2021 from the City. These residents also vehemently oppose the change in land use.

We would further like to advise Council that we did **NOT** receive the Announcement published in the Stoney Creek News on December 24, 2020 because our townhouse complex is not on the distribution list of locations where the Stoney Creek News is delivered to.

Respectfully;

Tammy Felts, President WCECC #479  
Ross Crompton, Director WCECC #479  
Linda MacMillian, Director WCECC #479

We, the undersigned, Vehemently Oppose the Zoning Reclassification  
1400 Baseline Road – Initiative CI-20-A

Name	Address
------	---------

The Petition contains 42 signatures

A copy of the petition is available for viewing

In the Office of the City Clerk

**Pilon, Janet**

---

**Subject:** City Initiative CI-20-A (Rezoning 1400 Baseline Road, Stoney Creek)

To whom it may concern,

This letter is regarding the January 20, 2021 City Council Meeting 21-001 concerning City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10).

I live on Redcedar Crescent, directly East of 1400 Baseline Road, and I am a member of WCECC No. 479. I completely disagree with the decision to rezone the property as “Medium Density Residential 3”. You can also rest assured that if I had known about this proposal beforehand, I would have spared no time in disputing it.

95% of the area has already been developed, almost entirely as “Low Density Residential 2b” (the exceptions being parks and a few low-rise commercial properties), and people have chosen to live here based on that. While the city will likely increase the value of the property by rezoning, it comes directly at the expense of the Lake Pointe community, and without any type of consent from us.

There was absolutely no signage posted on the plot of land, and documentation/letters do not appear to have been sent to anyone in the immediate area. From what I’ve gathered, the only way to have learned about this proposal was through a single listing in the Hamilton Spectator and Stoney Creek News, which I personally don’t receive. Also, it is my understanding that my condo board requested the cancellation of all flyers, including the Stoney Creek news, so no one living on Redcedar or Baseline would have received that particular notification anyways. I personally just discovered the situation through complaints posted to our community Facebook page, and of the neighbours I’ve spoken to, nobody knew a single thing about it.

The Hamilton City Council does not appear to have the community’s best interests at heart. Instead of transparency and community involvement, we have been excluded from this decision almost entirely. In the small amount of time I’ve known about this, I have yet to speak to a single resident in the area, nor have I read a single comment from community members online, who are in favour of this change. It may seem insignificant to the members of City Council, but you would all be failing at your job if you don’t at least give the citizens of Ward 10 a chance to properly dispute this decision.

Sincerely,  
Nick Velenosi

P.S. I wish to be provided with any Notice of Decisions in regards to CI-20-A applications for 1400 Baseline Road, Stoney Creek Ontario, Ward 10.



**Pilon, Janet**

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**Subject:** 1400 Baseline Road, Stoney Creek

**From:** Ruth Southwell

**Sent:** January 26, 2021 6:58 PM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>; [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** 1400 Baseline Road, Stoney Creek

Re: 1400 Baseline Road, Stoney Creek

It has come to our attention that there was a public meeting of the Hamilton Planning Committee recently to discuss reclassification from low to medium density housing (up to 9 stories) on the property at 1400 Baseline Road, Stoney Creek. We learned about this through social media, as there isn't now, nor has there been, any signage on that property to indicate that this meeting was being held.

We hope that our concerns can be taken to the committee, as we did not get a chance to attend as we were not notified. We have attended public meetings regarding this property in the past, and no such development was ever mentioned. The last proposal that we knew of from the City of Hamilton was for a municipal welcome center, including a Farmer's market.

Traffic infrastructure in this area is already overwhelmed, the cause of which is that the Conservation Authority sold their adjacent property for townhomes, and now cannot build an access road through to the North Service Rd. In the spring/summer/fall we can wait up to 30 minutes just to exit our street onto Baseline Road.

With the building of the new Winona Plaza across the QEW the highway interchange at Fifty Road is already heavily congested. Many people have asked for and been told that we need stoplights in these areas but they have not yet materialized.

There is no way that the neighbourhood around Baseline Road and Lockport Way, already heavily trafficked by vehicles in spring through fall, can support such dense development not to mention the services to our homes, i.e. water, sewer, etc.

The parking in the area has increased so much over the past couple of years as well - making it nearly impossible for any visitors to our homes to find parking in spring through fall with the increased traffic.

We demand that a meeting of the community with those involved in the City of Hamilton be called before this goes forward.

Thank you for your consideration  
Ruth and Gerry Southwell

**Pilon, Janet**

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**Subject:** 1400 Baseline mid-density zoning approval

**From:** Dawn Simpson  
**Sent:** January 26, 2021 9:05 PM  
**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>  
**Subject:** 1400 Baseline mid-density zoning approval

Hello

I am a resident of Winona, having grown up here, and I live and work here now.

I am writing with regard to the lot at 1400 Baseline Rd in Winona. I understand that this site was recently approved for mid-density residential use. As a resident, I don't think it's a good idea for the community.

People don't live in Winona to be next to tall buildings. In fact, people moved away from cities to get away from the tall buildings! That's part of the appeal of our community. It's going to have a negative impact on the visuals and the feel of the area, and the reasons people live here in the first place.

Additionally, the infrastructure can't take it. Have you seen Fifty Road during an evening rush hour? The congested QEW? The bottleneck between Centennial and Fruitland on the way home from Toronto as people are trying to get to their Winona homes? The backlogs onto Barton and even Highway 8 when the QE is backed up? With a mid-density development, that's going to further stress traffic and make it even more frustrating to get around, contributing to a general decline in the area.

While condo units on one level might provide some much-needed accessible units for seniors or others who need it, I still don't think that mid-density is the answer here in Winona. Just an exchange away at Casablanca there is all the mid-density anyone could want. I would like to see something like accessible bungalow towns instead, so seniors can stay in their community after they retire, or for those who need accessible living. I know, the city won't make as much money in taxes that way, but Winona will be a better place to live, which will ultimately attract and retain its residents.

If the city followed all the protocols for informing the community about this zoning amendment, those protocols need to be looked at. I live on Winona Road and I don't even receive the Stoney Creek News, where apparently the meeting about this location was advertised. It seems that a lot of residents in the area found out about this, including myself, after it was approved, which doesn't seem right. There wasn't even a sign posted on the site. I think the community would like to have more of a say in this development. Please reconsider the development plans for 1400 Baseline with more of a community focus in mind.

Thank you.

Dawn Simpson

**Pilon, Janet**

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**Subject:** Ward 10 - Initiative CI-20-A Zoning Reclassification 1400 Baseline Rd.

**From:** Linda MacMillan

**Sent:** January 28, 2021 12:02 PM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>

**Cc:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Ward 10 - Initiative CI-20-A Zoning Reclassification 1400 Baseline Rd.

Dear Hamilton City Mayor and Councillors;

Request: Re tabled zoning reclassification CI-20-A Zoning1400 Baseline Rd.

My name is Linda MacMillan and I am the homeowner at Baseline Rd. I have concerns regarding the rezoning of the 1400 Baseline property. This specific community already has issues on Baseline Rd. due to the increase and speed of traffic. There are no posted speed limit signage and the road appears to be a rural road to visitors meaning a 50 km/hr limit is not recognized. Additionally with the conservation park entrance off of Baseline Rd many hauled recreational vehicles and boats use this road.

My concerns are:

- Lack of studies
  - city water projected volume increase
  - city water pressure for households and fire hydrants at projected volume increase
  - wastewater removal capability at projected volume increase
  - volume of water overflow into existing systems due to less open land to absorb rain/snow
  - traffic volume increase
  - parking spaces for increase vehicle volume from additional dwelling units
  - traffic increase on route to Fifty Point Conservation park
    - only one appropriate route onto Baseline Rd from Lockport Way
    - current level of traffic between Lockport Way and Baseline Rd impede current home owners coming to and from their homes
- Fifty Point Conservation park
  - currently there is only one road into the park, Baseline Rd., traffic jams already exist during summer months from cars and recreational vehicles -
  - I can't drive out of my driveway without making a request to drivers, in a stand still line up, to not pull forward and allow me out
- Irregular configuration of Lockport Way between North Service Rd and Baseline Rd.
  - the addition of taller buildings on vacant site will impede visibility and maneuverability of common traffic and recreation vehicles travelling to and from conservation park

The City of Hamilton city council has actioned the change to planning procedures to update city owned property zoning changes to reflect same requirements associated with developer requirements when soliciting zoning changes. This decision to update planning procedure was due to the unfairness of the current planning procedure imposed on this specific zoning change request. It is

requested that this zoning change be re tabled against the changed planning procedure that has been requested by the mayor.

We live in a democracy, meaning the citizens have a say into changes made to their communities. The lack of communication of the proposed zoning change has removed the democratic element of our community. Shame on city counsel. The use of newspapers as a communication tool may have been acceptable twenty years ago but not today, notice the number of newspapers that have gone out-of-business, today people use the internet/social media or posted mail to obtain information.

Sincerely,  
Linda MacMillan

**Pilon, Janet**

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**Subject:** Ward 10 - Initiative CI-20-A Zoning Reclassification 1400 Baseline Road

**From:** Tammy Felts

**Sent:** January 28, 2021 7:41 PM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>

**Cc:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Ward 10 - Initiative CI-20-A Zoning Reclassification 1400 Baseline Road

Dear Honourable Mayor and Councillors;

We, the community who are most impacted by the decisions made by Council, vehemently oppose the actions taken regarding the subject land.

Not only was the public not consulted, but members of Council, internal staff and outside agencies were also not provided with transparent information or pertinent details in order to gain a better understanding of the proposal and its impact.

For the issues summarized below and detailed in the presentation attached, we implore you to halt this initiative and send it back to the Planning Committee for reconsideration and input from all the Stakeholders.

### ISSUES

- 1) No Public Notice Board was posted nor was a Request for Public Input received by any of the residents within 120 metres of the subject land.
- 2) Internal Staff were not given sufficient information to properly evaluate the ZBA that Council is scheduled to approve on February 10, 2021.
- 3) Relevant Consultation with all Stakeholders and Agencies was not conducted.
- 4) Hamilton Conservation Authority was not consulted or notified of the ZBA.
- 5) Insufficient Documents/Studies to support the ZBA, include, but not limited to:
  - Hydraulic Analysis was not conducted
  - Market Impact Study was not conducted.
  - Financial Impact Analysis was not conducted.
  - Traffic Impact Study was not conducted.

- Parking Demand Study was not conducted.

- Transportation Demand Management Report was not conducted.

6) Pertinent Information (Massing exercise) was not provided.

7) Insufficient Infrastructure

8) Degree of Miscommunication.

Respectfully;

Tammy Felts, President WCECC #479  
Ross Crompton, Director WCECC #479  
Linda MacMillian, Director WCECC #479

If the intent of all of our land use planning tools is to build strong complete communities that are economical, healthy & climate resilient, rezoning the subject land at this time is wrong. Fundamentally wrong on so many levels.

On the surface, this Official Plan Amendment and Zoning By-law Amendment might appear to result in approval of a gentler form of intensity in the right location and was passed following a process that complied with both the letter and the spirit of the Planning Act, the Provincial Policy Statements, the Growth Plan and the Urban Hamilton Official Plan.

### **The Community disagrees.**

The Planning file overall, is incomplete.

Had we been given Notice of the statutory Public Meeting, a presentation along the lines of the attached would have been made on January 12, 2021.

Please read the attached and  
Ask yourself...

Is this a City Initiated Official Plan Amendment and site specific Zoning By-law amendment, with modifications, that passes the sniff test?

### **Insufficient Consultation from Boards/Agencies (Prescribed Bodies):**

The Staff Recommendation is silent on comments from Hamilton Conservation Authority.

The Planning file document, Request for Comments Circulation dated February 12, 2020, did not include outside boards/agencies; such as, but not limited to the Hamilton Conservation Authority.

We have contacted HCA directly and have been advised that HCA did receive a request to comment on the OPA (only) and they had no concerns on the OPA (only)

The Hamilton Conservation Authority has “***no record of a Zoning being circulated***”. (Source: Deputy Chief Administrative Officer/Director, Watershed Planning & Engineering, Hamilton Conservation Authority)

In addition, Environment Hamilton, who receives notifications for all city-wide land use changes, also did not receive a notice of the statutory public meeting that was held on January 12, 2021. (The courtesy mailer)

**Insufficient Internal Consultation/ Miscommunication to Internal Staff:**

Internal Staff were asked for their comments in February 2020 on a proposed Official Plan Amendment and were advised that:

**“The zoning will remain unchanged** (currently zoned Neighbourhood Development (ND) Zone in the Stoney Creek Zoning By-law). A Zoning By-law Amendment will be required when development occurs on the property.” (Emphasis Added)

Hence, the comments listed in the Staff Recommendation provided to Planning Committee on January 12, 2021 for the most part were comments supporting the Official Plan amendment and **only** the Official Plan amendment.

Most of the City’s Internal Staff have not even been made aware of the proposed Zoning By-Law amendment; let alone provided comments or evaluated a change in zoning that contains numerous variances to the parent zoning regulations. (Source: Planning File access expires Feb 10<sup>th</sup>: <https://cityshare.hamilton.ca/s/Rg47ae594k23Frb> )

It is also interesting to note that undue pressure was placed on Internal Staff during a time that can only be described as utter chaos. The request to comment was dated February 12, 2020 and the deadline for comments back to Planning staff was March 3, 2020.

The lack of Public consultation aside, the insufficient internal consultation clearly indicates a fulsome evaluation of the Zoning By-law amendment, (with modifications and with a Holding provision) was not conducted.



**Insufficient Infrastructure:**

The Lakeshore Area Secondary Plan was planned to accommodate an ultimate population of approximately 15,500 persons based on full municipal services (Source: Lakeshore Area Secondary Plan, Stoney Creek Official Plan).

The Lakeshore Area Secondary Plan was composed of the lands from Grays Road to the west city limits (Grimsby), north of the QEW. That Planning Area comprised the Lakeshore, the Bayview, the Trillium, the Winona North and the Fifty Point neighbourhoods.

Upon approval of the Urban Hamilton Official Plan, the Lakeshore & the Bayview districts remained as neighbourhood plans and the Trillium, the Winona North & Fifty point areas were adopted as the areas in a revised newly titled Urban Lakeshore Area Secondary Plan.

The subject land was designated Low Density Residential 2 b which aligns with **the existing water/sanitary capacity of ~ 29 units / hectare.**

**Growth Management Staff Input, October 2020:**

*“At limit” re: water-flow,*

*“Strongly suggest” Hamilton Water Staff provide input at this stage, (Note: inconclusive if HW Staff did or not)*

*“**70 people per hectare assigned**” / “population density” proposed “exceeds design” capacity*

*“Hydraulic analysis should be done **prior to zoning approval**”*

A Hydraulic Analysis was not conducted.

### **Miscommunication to Growth Planning Staff**

The initial request for comments to Growth Planning Staff was in February 2020. As mentioned previously, all internal Staff, including GP Staff at that time was advised that **“The zoning will remain unchanged”** (Emphasis added)

Further communication in the Fall of 2020 (to GP Staff only) references a Rezoning proposal in addition to the OPA however, the additional communication to GP Staff was also inaccurate.

GP Staff were advised that “Council approved a motion for medium density” on the subject land.

The Council approved Motion in April/May 2019 **did not** approve “medium” density. The Motion directed staff to “investigate amending” and provide a report that “reflects the highest/best use”.

*(As an aside, even if Council did at some point provide Direction for medium density, the RM3 medium density zoning regulation is 40 units/hectare (to a max of 49 units if all tenant parking is underground. As a reminder, this ZBA has modified the ‘medium’ density RM3 zoning to 99 units/hectare)*

While Planning language might be confusing to the general public; internally, clear language between professional planners is paramount to ensure the principles in planning are complied with during the evaluation.

### **Lack of Documents/Studies to Support the ZBA, with modifications**

In addition to the comments from Growth Management Staff outlined on the previous slide, the following comments/concerns are noteworthy:

**Growth Planning** Staff stated, among other matters *“It should be determined if a Noise Study will be required”*

Noise Studies are generally conducted in 2 phases:

1. A Feasibility study at time of OPA/ZBA and;
2. A Detailed study at Site Plan stage.

***A feasibility Noise Study was not conducted.***

Without a proposed Conceptual Plan of a potential built form, there is no documentation on file which adequately supports a planning opinion that a change in land use (higher height/alternative built form) will conform to MoE guidelines and by extension the Urban Hamilton Official Plan.

As residents who live along the QEW, we can attest to the fact that “noise” is an Issue.

A feasibility Noise Study should have been completed prior to recommending approving a change in the Zoning.

**Lack of Documents/Studies to Support the ZBA, with modifications**

**Finance** Staff stated that there is a *“Municipal Act Best Efforts” storm and water-main outstanding charge of approximately \$64,000 due at the water/sewer permit stage.*

We are not sure, but we believe this might mean the existing storm/water-main designed to accommodate 29 units / hectare was paid for by another developer (the ‘oversizing’ developer) and that the City has a moral obligation to recover that cost on behalf of the oversizing developer?

In other words, the City, upon selling the land will impose a repayment obligation of \$64,000 on the subsequent developer at the time of permit stage; is that correct?

**Fiscal Considerations (Growth Plan 2020 and PPS 1.1.1(a))**

Fiscal impacts were not part of the Planning process, however, due to this unique piece of land, Council should have been provided with details on Fiscal impacts during their consideration of this ZBA to ensure the change in land use will not have an unreasonable or unanticipated financial impact on the municipality.

There was no Financial Impact Analysis conducted.

There was no Market Impact Study conducted.

**Lack of Documents/Studies to Support the ZBA, with modifications**

**Waste Collection** Staff stated they have “*no comments on the OPA*” (Emphasis added)

Waste Collection Staff are not aware of the ZBA and contrary to the Staff Report, they haven’t commented on whether or not they support the ZBA.

**Lack of Documents/Studies to Support the ZBA, with modifications**

**Transportation Planning** Staff stated that the OPA can “*likely be accommodated*” “*but a Traffic Impact Study is required for future development application*.”

The Staff Report provided to the Public and discussed at Planning Committee, misquoted TP Staff’s comments to: “is required for future Site Plan development application”

A zoning by-law amendment, by definition (UHOP, Glossary Chapter) is a development application.

Transportation Planning Staff were not made aware of the ZBA and there is no Traffic Impact Study on file.

The Staff Report, and planning file, is silent on the Vehicle Dependency specific to the subject land and in the community of Stoney Creek

Additional car dependent housing units = more vehicles on the road  
Additional housing units in a Transcab area – exponentially increases the number of vehicle trips on the road  
(One Transcab vehicle per usage = 2 vehicle trips)

### **Lack of Documents/Studies to Support a reduction in parking spaces (the ZBA, with modifications)**

Transportation Planning Staff (a **Parking Technologist**) has not provided a planning opinion on the modifications to the parent Parking regulations.

No Parking Demand Study is on file to justify the proposed parking supply reduction.

No additional resources, such as the Transportation Tomorrow Survey, the Institute of Transportation Engineers (ITE) Parking Generation Manual 5th Edition, nor the Ward 10 profile (Stats Can) data are referenced in the planning file as tools that have been used for evaluating the parking needs in the area.

The Staff Report, and file, is silent on the increased needs in this specific area of Stoney Creek. (Increased needs due to the overflow of vehicles from a major Conservation area, inefficient Transcab service/destination\*, home occupation work vehicles, motor homes/boats/trailers, for example)

Planning Staff have overlooked the significant details in the parent RM3 Zoning Regulations for apartments and by extension, have miscommunicated the standard parking requirements as per the Zoning By-law passed by previous Town of Stoney Creek Council.

Previous elected officials recognized that apartments (higher densities) in certain areas requires enhanced parking spaces over and above what is adequate for apartments in areas serviced with HSR regular transit routes .

As such, the RM3 parent regulation is written to allow the decision makers to choose whether (a) 2.1 parking spaces per unit (regardless of # of bedrooms) or (b) 1.6 parking spaces per 1BR unit & 1.85 parking spaces per 2 BR units.

The Planning file is silent on which option the Zoning Approvals staff would or wouldn't support.

*\*Example, recent Amazon announcement for 1500 jobs in Hamilton with a facility located in the SC Biz Park. Transcab is not an option from the subject lands to the SC facility located only a couple of kms away – can't use in the 'zone'*

**Lack of Documents/Studies to Support the ZBA with modifications**

***Municipal Parking*** Staff – weren't asked to provide comments??!! (Planning File is void of any)

The residents of this neighbourhood are fully aware of the negative impacts of spillover parking on the streets.

It is highly likely Municipal Parking Staff would have some comments and be able to provide Council with the historical number of parking infractions (including vehicles parked on our lawns)

It is also likely Municipal Parking Staff can provide relevant consultation on issues other areas have experienced, after full build-out, when parking spaces are reduced to 1 per unit. (Example Sapphire condos, Shoreview Place)

Amending our Zoning By-laws doesn't change human behaviour.

Drastically reducing our parking requirements (in certain areas of the city) simply downloads future costs to another area & overall, adversely impacts future city resources (employee expenditures) in the municipality.

**ALTERNATIVE MODES OF TRANSPORTATION (Active Transportation – non-motorized travel)  
(Growth Plan 2020, Section 2, Managing Growth)**

A Transportation Demand Management Report has not been conducted

A Transportation Demand Management Report should have been required to ensure the development application (ZBA) was adequately evaluated.

## Lack of Documents/Studies to Support the ZBA, with modifications

### Massing

At some point between May 2019 and February 2020, Planning Staff carried out a massing exercise.

The Planning File provided to the Public does **not** include Concept Plans (pertinent details on massing which is a basic requirement under the regulations for infill residential in an established area).

**No** Sun/Shadow Study on file that supports the increase in height to 33ms (from the parent RM3 zoning regulation of 11 ms)

**No** 45 degree Angular Plane document on file that supports the change in yard setbacks

**No** planning study on file that supports reducing the 'parent' rear yard setback.

**No** planning study on file that supports removing Street Townhomes (Section 6.10.4) as an allowable form of housing from the parent RM3 zoning regulation.

### The Zoning By-law:

It has been stated that the eventual built form is underdetermined. "Might be townhomes **or** an apartment" It is both!!

*Initially we thought that the wording in the ZBA that is before Council was a temporary Zoning By-law amendment which was destined for even more density on the subject land (bait & switch? height/density creep? Whatever the terminology) partially because, but not limited to the following:*

- 1. An 11 m high townhouse/maisonette build has a 7.5m front and side yard setback whereas an 11 m high apartment build has a setback 11ms*

2. The maximum height (expressed in metres) in the ZBA doesn't correlate to the maximum number of storeys in the OPA. (Typically, residential floors of an apartment building are 3.1-3.3 metres in height. Although 9 storeys maximum height is stated in the OPA, the ZBA states 33 ms which is typically 10 storeys)

3. The side yard is designated in the ZBA as the east property line which abuts the rear yard of the condo towns to the east. (Typically, during a planning review the city has taken this into consideration and amended the setbacks to be in line with 'rear' yard setbacks of 15 ms)

4. The front yard and side yard setbacks for an apartment build have been modified significantly. We had initially thought this meant a 33m high apartment would be setback 33 metres. This didn't make sense to us. Specifically the ZBA states that the maximum height of an apartment is 7.5ms with a 7.5m setback from the front and east side property lines. This height can be "equivalently increased as yard increases beyond the minimum ... to a maximum of 33 metres.

In other words, we initially read this as a 33 m high apartment requires: a 33ms setback from Baseline Road, a 33ms setback from the east side property line, a 14 ms setback from the south property line (NSR); and a 7.5m from the flankage yard property line (Lockport Way). Which on first read, seemed to direct a build pushed to the south & west with a surface parking lot footprint greater than the build.

As we were trying to figure out the answers to these questions on our own, we teared up in frustration. Then we dug deeper and we realized – we should have been tiering up.

The ZBLA is not just site-specific zoning amendment that will guide future land use. **It is written in such a fashion that it is design specific .**

On the one hand we commend our Planning Staff for an enhanced level of detail and thinking through land-use, but in this case, the 'boxing in' of one (maybe 2) specific forms of development has us wondering if Public funds (city resources: staff, elected officials, time, equipment) is being used appropriately?

And to do all this without transparency to the Public/Council, as a whole, is beyond our comprehension. Is this truly acting in the best interests of all Stakeholders?



*Although we vehemently disagree with:*

*(a) the goal of maximizing the sale price of this public asset being a driving force behind a change in land use; and  
(b) Punting a development and all the studies that form a 'complete application' under the Planning to Site Plan; and  
(c) Punting basically ALL studies outlined in our UHOP to Site Plan stage (which is outside of the public process & takes away the Public's right to appeal should Issues of Merit arise when said studies are conducted),  
We are of the opinion the ZBA, as worded, results in a potential build that has intended mass that has not followed a process that is transparent & has not demonstrated consistency/inconsistency with our UHOP. - **a block townhouse complex setback 7.5ms with a tiered 33ms ( 9 / 10 storey) apartment is out of character for the neighbourhood.***

**INSUFFICIENT INFORMATION TO THE PUBLIC, THE PLANNING COMMITTEE & COUNCIL:**

As we were struggling with trying to understand the wording in the ZBA versus the information that was provided to conform to the Planning Act requirement that the Public be provided with a general understanding of what is being proposed, We realized that Planning Staff and our elected representative have known since February 2020 exactly what form of housing is planned for on this subject land.

**The Zoning by-law & OPA before Council is intended to accommodate a 'complex' (similar to the one under development at Fruitland Rd & NSR):**

- **A 9 storey apartment with 3 storey block townhomes (back to back maisonettes)**
- **Set back 7.5ms from the west, north & east property lines.**
- **A complex with 112 housing units**
- **At a density of 96 units / hectare.**

A build that is visually similar (but higher) to these renderings:



(A little ironic that the land was purchased for a “Welcome to Hamilton” landmark)

***‘More Affordable’ Housing (Housing Mix) and More ‘Affordable Housing’:***

(Please note the distinction between *‘more affordable’* housing and more *‘affordable housing’*; which is outlined in the next section).

The Staff Recommendation and Staff Presentation alluded to *‘more affordable’* housing in the neighbourhood will be provided by providing a form of housing that is less costly to purchasers.

The Planning File is **void** of any evidentiary documentation to substantiate that *‘more affordable’* housing will be provided.

Without a floor plan / details on mix of bedrooms, size of unit &/or comparables by a Real Estate expert that has studied the area, any planning opinion is simply an assertion of a belief.

***More ‘Affordable Housing’ / (Infrastructure)***

In our respectful opinion, the eventual disposition of the sales proceeds should not have played a part in the *‘planning’* process, or the deliberations.

The ends do not justify the means.

## IN CLOSING

Provincial directives have been written in such a fashion that as a society, we are to rethink the land use, the mobility ... the whole picture *and its impact*.

We hope the comments and information we have provided will prove to Council that this OPA/ZBA should be sent back to Planning Committee for reconsideration and further direction; starting with a Public Notice Board and a Request for public input, (Notice of incomplete non-application) which are both statutory requirements in the Ontario Regulations circling in the community. **(On plain reading, there are no exemptions for city-initiated site-specific development proposals)**

The OPA before Council is a more restrictive use of the land – Residential housing only. The vacant land can already provide housing through the UHOP designation of ‘Neighbourhoods’ and leaves the door open for other plans an outside developer might have – Mixed Use, Commercial, etc.

The ZBA before Council is not a ‘development proposal’ that has gone through a process which demonstrates feasibility and impacts of the variances (density, parking, etc) to the standard RM3 zoning regulations.

The ZBA before Council is a development proposal that exceeds the capacity density of the existing infrastructure. Infrastructure capacity which aligns with the growth planning previously conducted and growth planning that was based on previous Councils’ approval of the existing Urban Lakeshore Secondary Plan designation.

For all the reasons previously mentioned, and more, we hope Council recognizes that many holes exist and that it is quite likely, should Council approve the OPA/ZBAs, this will be headed to the Local Planning Appeal Tribunal and an Appeal filed on behalf of the residents of Ward 10. We are being open, transparent, honest and sincere. It is the opinion of the many residents who live, work or play in the area, that the planning process has been brutally inadequate.

Valuable public funds should not be spent to fight the public. Valuable city resources should be spent on a ‘Redo’.  
Thank you for your time.

**Pilon, Janet**

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**Subject:** Rezoning of 1400 Baseline rd

**From:** Sean Robertson

**Sent:** January 29, 2021 4:55 PM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>; [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Fwd: Rezoning of 1400 Baseline rd

Good evening,

It has come to our attention that the city is looking to rezone 1400 Baseline rd. to allow for an up to 9 story apartment. Myself and many others in the neighbourhood are quite disappointed and frustrated with this situation. My family lives within 120 metres of this property and we are disappointed at the lack of care, consultation, and general information that has been provided surrounding these changes. It's almost as though our representatives don't even care.

For many reasons it is not feasible to allow for large apartments to be built in the area:

1) Space and traffic congestion: with the addition of Costco and all the other businesses, traffic has increased substantially. The increased development along baseline and all the way down into Niagara has caused more congestion and a large multi-dwelling building will most definitely make things worse. The baseline and lockport intersection cannot handle this additional traffic. It's already busy enough as it is. What's more, the property lot is so small that it would barely accommodate the space for a large building. The building would practically be on the rd, much like those new condos on Northservice around Fruitland.

2) Power, cable, phone services: This area is prone to many power outages and many network provider issues, presumably as old infrastructure isn't in place to sufficiently account for the rise in population -- this is particularly the case for power consumption. If there are already enough service interruptions on an outdated grid, it doesn't make sense to add more consumers while the current system is barely serving the current populace.

3) Crime and policing:

There is always, always, an inadequate police presence in this community. Adding more traffic and more people will increase the need for more police services. We are currently not having much protection from the nonstop car thefts, speeders, etc, and now the city want to add more people, so it's not a tenable situation. That property is right where children catch the bus for school in the morning and adding additional traffic on an already busy country road is even more dangerous.

4) Escarpment view: For some, like my family, this rezoning will allow for a building which will block the view of the escarpment. Many people moved here to this community for the country feel; It's not quite country and not quite city on the outskirts of stoney creek -- near grimsby --and adding more buildings takes away from the community feel.

5) Parking:

Adding an additional multi-dwelling residence will mean more parking is needed. Will the property be enough to handle it all without overflow onto the road? Parking is a premium in this neighbourhood, so will there be enough for all the residents and visitors in that small lot? I'm doubtful. This means an already busy rd will have more cars parked on it, almost assuredly adding more congestion.

I'm very disappointed by the lack of consultation with the public affected by these changes. Personally, I feel there are many reasons this plan is a bad idea.

The news reports we've seen state that proper notice was given to residents within 120 meters, is false: No sign was posted, we did not receive any notice in our mail, and we do not get the stoney creek newspaper -- so we received no information. Many people don't even read that local paper anyways, and with the pandemic, we cancelled our delivery. The only mention we received was on our community Facebook page.

Your consideration is appreciated.

Thanks,  
Sean

**Pilon, Janet**

---

**Subject:** 1400 Baseline Road Development

From: Dianna France  
Sent: January 30, 2021 11:42 AM  
To: DL - Council Only <dlcouncilonly@hamilton.ca>  
Cc: clerk@hamilton.ca  
Subject: 1400 Baseline Road Development

Good morning

I am writing as a resident who is strongly opposed to the Baseline Road development. First, as a resident who lives in very close proximity (within the 120 meter radius) I am upset that I was not given any notification!!!! This is completely irresponsible and underhanded, to think that people who live here should not be consulted? It also sends a clear message that our opinions do not matter!!!! That does not sit well with me. Second, baseline road experiences a lot of traffic due to the conservation area, and developing on baseline road would only congest things even more.

This area has so many young families with young children who play outside and there is a steady stream of families who walk along baseline road at any given time of the day. Adding an apartment complex would not allow people to walk as freely as they do now as the traffic would not be manageable. Not to mention such a huge structure overshadowing the community. It simply does NOT make sense.

There is one way in for residents in this area and it is via the 50 road access and during rush hour, it is insanely busy. I can't imagine another 900 or so families trying to get in after a long day at work. Go through the Winona Crossing (Costco) plaza at any time on any day and the parking lots are insane! That parking lot is terribly designed and someone is going to get killed in there one day because of the amount of traffic. Yet you want to add an apartment building with 900 or so more families?

At the very least, I would have liked to have been given notification that this was happening but I guess, at resident, we don't matter. It's always only ever about money and never about people.

I sincerely hope that this project does not happen for the safety of all of the residents who enjoy this beautiful community.

Thank you

Dianna France

**Pilon, Janet**

---

**Subject:** 1400 Baseline Road - Initiative CI-20-A Zoning Reclassification - Revised Submission

**From:** Tammy Felts

**Sent:** February 4, 2021 10:39 AM

**To:** DL - Council Only <[dlcouncilonly@hamilton.ca](mailto:dlcouncilonly@hamilton.ca)>

**Cc:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** 1400 Baseline Road - Initiative CI-20-A Zoning Reclassification - Revised Submission

Dear Honourable Mayor and Councillors;

Further to our email and submission of January 28th, 2021, corrected information has come to light which requires a revision to our submission.

This new information has also led to some misunderstandings and requires clarification.

In summary:

1. HCA, as a prescribed body, **was not consulted** on the Official Plan Amendment nor the Zoning By-law Amendment during the circulation period.
2. HCA, as an owner of land within 120 metres of the subject lands, **did receive** a 'courtesy mailer' Notice of Public Meeting - ***On January 12th, 2021. - the same day as the meeting.***
3. If HCA didn't own land within 120 metres, it appears HCA would never have even known about this proposal.

Although our original submission is still factual, in that there was Insufficient Consultation with Boards/Agencies, we wish to amend Page 2 of our submission (see attached) to reflect these new details and to correct the information we previously received that was incorrect.

Respectfully,

Tammy Felts, President WCECC#479  
Ross Crompton, Director WCECC#479  
Linda MacMillian, Director WCECC#479

**Insufficient Consultation from Boards/Agencies (Prescribed Bodies):**

**(Revised in red due to new information received Feb 3<sup>rd</sup>, 2021)**

The Staff Recommendation is silent on comments from Hamilton Conservation Authority.

The Planning file document, Request for Comments Circulation dated February 12, 2020, did not include outside boards/agencies; such as, but not limited to the Hamilton Conservation Authority.

We have contacted HCA directly and have been advised that HCA did receive a request to comment on the OPA (only) and they had no concerns on the OPA (only) (See update below, this is no longer accurate. HCA never received a Request for Comment circulation)

The Hamilton Conservation Authority has “***no record of a Zoning being circulated***”. (Source: Deputy Chief Administrative Officer/Director, Watershed Planning & Engineering, Hamilton Conservation Authority)

HCA has now advised that due to an oversight, their previous information was incorrect.

HCA never received a prescribed request for comment / circulation as a prescribed body.

HCA did receive a - Notice of the Public Meeting due to conservation lands within 120 ms of the subject land.

As per their database, said Notice of Public Meeting was received by HCA on January 12, 2021 (same date as the Public Meeting/Planning Committee Meeting).

The Planning file (Circulation Comments folder) is still void of comments from HCA.

Regardless of whether HCA has no concerns about the amendments, HCA was not consulted in adherence to the provincial regulations. .

In addition, Environment Hamilton, who receives notifications for all city-wide land use changes, also did not receive a notice of the statutory public meeting that was held on January 12, 2021. (The courtesy mailer)





Burlington Economic Recovery Network (BERN)  
414 Locust Street  
Burlington, Ontario  
L7S 1T7

Minister of Economic Development and Official Languages' Office  
235 Queen Street  
Ottawa, Ontario  
K1A 0H5

Minister Economic Development, Job Creation & Trade's Office  
777 Bay Street, 18th floor  
Toronto, Ontario  
M7A 1S5

Dear Minister Joly and Minister Fedeli:

On January 11, 2021, City of Burlington Council passed the enclosed resolution calling for the Provincial and Federal government to extend and expand funding for the Digital Main Street program to support local business.

The City of Burlington's fundamental priority throughout the COVID-19 pandemic has been to protect the health and safety of Burlington residents, employers and employees, and support our business community to survive the economic impacts of COVID-19 public health measures.

The members of Team Burlington (Burlington Economic Development, Burlington Chamber of Commerce, Tourism Burlington, Burlington Downtown Business Association and Aldershot Village BIA) came together to create the Burlington Economic Recovery Network (BERN) to engage our business community and ensure they are receiving the support they need during this challenging time. Supporting our local businesses to create digital sales tools was one the key recommendations of BERN which was achieved through accessing the Digital Main Street program.

The Digital Main Street Program has been a critical support to local main street businesses during COVID-19 that Team Burlington has implemented based on business concerns raised by the Burlington Economic Recovery Network. As part of the program Burlington has benefitted from hiring two Digital Service Squad members who have had over 1,000 touchpoints with businesses and supported over 130 businesses to date in growing their digital presence and tools. In addition, qualifying businesses have been able to access a \$2,500 Digital Transformation Grant to implement digital tools within their business.

When the province of Ontario went into lockdown on December 26<sup>th</sup> online and digital channels became the primary method for main street businesses to interact with customers and generate revenues. Many businesses reached out to Burlington's Digital Service Squad team for support in how to engage with customers, update their website and use social channels to promote curb side pickup and takeaway, in line with provincial lockdown restrictions placed on business. As of December 31<sup>st</sup> 2020 applications for both the \$2,500 Digital Transformation Grant and new applications for Digital Service Squad support have been closed to new applications awaiting renewal of funding.

At the January 11<sup>th</sup> Burlington City Council meeting the enclosed resolution was passed, in partnership with the Burlington Economic Recovery Network (BERN) and Team Burlington, calling on the provincial and federal governments to:

- renew and expand funding to the Digital Main Street program as soon as possible to help our businesses to survive the provincial lockdown and reopening of the economy in the future;
- renew the \$2,500 Digital Transformation Grant and Digital Service Squad support; and
- expand the Digital Main Street Transformation Grant to be available to main street businesses that are located outside of BIAs as the initial program restricted applicants to BIA member businesses only
- Commit to a minimum 2 year funding extension to the Digital Main Street program

The Ontario Business Improvement Area Association (OBIAA) has successfully managed two Digital Main Street projects and it continues to be a highly successful and sought-after project. With funding now ended we highly recommend the Digital Main Street 3.0 program proposed by OBIAA have its funding renewed expeditiously for a minimum of two years. In addition we would ask for an expansion of the Digital Transformation Grants qualification criteria to include all main street business not just businesses located in Business Improvement Areas (BIAs). While the Digital Service Squad team members provide essential supports to help main street businesses improve their digital presence the additional funds provided through the \$2,500 Digital Transformation Grant is critical to support businesses to implement digital tools to support their businesses to survive the impacts of the measures associated with lockdown and stay at home orders to their business. The expansion of these supports would help address the concerns identified as part of the Ontario's Main Street Recovery Plan to build e-commerce tools so small business can do more online.

As we move through the pandemic, please know that the City of Burlington will continue to seek opportunities to work with you to help Burlington residents and businesses. Programs like Digital Main Street support our local business community and residents by improving opportunities to

offer a safe consumer and employee experience so that local businesses operations can remain viable.

Thank you in advance. If you have any questions, please feel free to contact Burlington Economic Recovery Network's lead on this matter Anita Cassidy, Executive Director of Burlington Economic Development, at [Anita.Cassidy@burlington.ca](mailto:Anita.Cassidy@burlington.ca) or (905) 332-9415. It would be a pleasure to hear from you.

Sincerely,



Randall Smallbone  
Chair, Burlington Economic Recovery Network



Mayor Marianne Meed Ward  
City of Burlington

Cc:

Minister of Municipal Affairs and Housing  
Minister of Small Business and Red Tape Reduction  
Minister of Small Business, Export Promotion and International Trade  
Minister Karina Gould  
MP Pam Damoff  
MP Adam Van Koeverden  
MPP Jane McKenna  
MPP Effie Triantafilopoulos  
MPP Parm Gill  
Halton Regional Council  
Members of the Towns of Milton, Halton Hills and Oakville Councils  
Federation of Canadian Municipalities (FCM)  
Association of Municipalities of Ontario (AMO)  
Ontario Big City Mayor's Caucus (OBCM)  
Mayors and Regional Chairs of Ontario (MARCO)  
GTHA Mayors and Chairs  
Ontario Business Improvement Area Association (OBIAA)  
Toronto Association of Business Improvement Areas (TABIA)  
Tourism Industry Association of Ontario (TIAO)



Ontario Restaurant, Hotel and Motel Association (ORHMA)  
Ontario Chamber of Commerce (OCC)  
Milton Chamber of Commerce  
Halton Hills Chamber of Commerce  
Oakville Chamber of Commerce  
Team Burlington (Burlington Economic Development, Burlington Chamber of  
Commerce, Tourism Burlington, Burlington Downtown Business Association and  
Aldershot Village BIA)  
Burlington Economic Recovery Network (BERN)



Pam Damoff, MP, Oakville-North Burlington	<a href="mailto:pam.damoff@parl.gc.ca">pam.damoff@parl.gc.ca</a>
Adam van Koeverden, MP, Milton	<a href="mailto:adam.vanKoeverden@parl.gc.ca">adam.vanKoeverden@parl.gc.ca</a>
The Honourable Karina Gould, MP, Burlington	<a href="mailto:karina.gould@parl.gc.ca">karina.gould@parl.gc.ca</a>
Effie Triantafilopoulos, MPP, Oakville North - Burlington	<a href="mailto:effie.triantafilopoulos@pc.ola.org">effie.triantafilopoulos@pc.ola.org</a>
Parm Gill, MPP, Milton	<a href="mailto:parm.gill@pc.ola.org">parm.gill@pc.ola.org</a>
Jane McKenna, MPP, Burlington	<a href="mailto:jane.mckenna@pc.ola.org">jane.mckenna@pc.ola.org</a>
Region of Halton	<a href="mailto:graham.milne@halton.ca">graham.milne@halton.ca</a>
Town of Milton	<a href="mailto:townclerk@milton.ca">townclerk@milton.ca</a>
Town of Halton Hills	<a href="mailto:suzannej@haltonhills.ca">suzannej@haltonhills.ca</a>
Town of Oakville	<a href="mailto:vicki.tytaneck@oakville.ca">vicki.tytaneck@oakville.ca</a>
Federation of Canadian Municipalities	<a href="mailto:info@fcm.ca">info@fcm.ca</a>
Association of Municipalities Ontario	<a href="mailto:amo@amo.on.ca">amo@amo.on.ca</a>
Ontario Big City Mayors	<a href="mailto:mayor@guelph.ca">mayor@guelph.ca</a>
Mayors and Regional Chairs of Ontario (MARCO) c/o Chair Karen Redman, Chair of MARCO	<a href="mailto:chair@regionofwaterloo.ca">chair@regionofwaterloo.ca</a>
Ontario Business Improvement Area Association (OBIAA)	<a href="mailto:doug@kerr-village.ca">doug@kerr-village.ca</a>
Toronto Association of Business Improvement Areas (TABIA)	<a href="mailto:jkiru@toronto-bia.com">jkiru@toronto-bia.com</a>
Tourism Industry Association of Ontario (TIAO)	<a href="mailto:bpotter@tiaontario.ca">bpotter@tiaontario.ca</a> , <a href="mailto:cgreenwood@tiaontario.ca">cgreenwood@tiaontario.ca</a>

Ontario Restaurant, Hotel and Motel Association (ORHMA) -	<a href="mailto:telenis@orhma.com">telenis@orhma.com</a>
Ontario Chamber of Commerce (OCC)	<a href="mailto:cearacoppsewards@occ.ca">cearacoppsewards@occ.ca</a>
Milton Chamber of Commerce	<a href="mailto:info@miltonchamber.ca">info@miltonchamber.ca</a>
Halton Hills Chamber of Commerce	<a href="mailto:admin@haltonhillschamber.on.ca">admin@haltonhillschamber.on.ca</a>
Oakville Chamber of Commerce	<a href="mailto:info@oakvillechamber.com">info@oakvillechamber.com</a>
Burlington Economic Recovery Network (BERN)	<a href="mailto:anita.cassidy@burlington.ca">anita.cassidy@burlington.ca</a>
Tourism Burlington	<a href="mailto:pam.Belgrade@burlington.ca">pam.Belgrade@burlington.ca</a>
Burlington Chamber of Commerce	<a href="mailto:carla@burlingtonchamber.com">carla@burlingtonchamber.com</a>
Burlington Downtown Business Association	<a href="mailto:brian@burlingtondowntown.ca">brian@burlingtondowntown.ca</a>
Aldershot Village BIA	<a href="mailto:judy@aldershotbia.com">judy@aldershotbia.com</a>

January 19, 2021

**SUBJECT:** COVID-19 emergency response verbal update (CSSRA-01-21)

Please be advised that at its meeting held Monday, January 11, 2021, the Council of the City of Burlington approved the following resolution:

Whereas the Digital Main Street Program has been a critical support to local main street businesses during COVID-19; and

Whereas as part of the program Burlington has benefitted from hiring two Digital Service Squad members who have reached out to over 1000 businesses and supported over 130 businesses to date in growing their digital presence and tools. In addition, qualifying businesses have been able to access a \$2,500 Digital Transformation Grant to implement digital tools within their business; and

Whereas current funding for our Digital Service Squad members end in February 2021; and

Whereas when the province of Ontario went into lockdown on December 26th online and digital channels became the primary method for main street businesses to interact with customers and generate revenues; and

Whereas many businesses have reached out to Burlington's Digital Service Squad team for support in how to engage with customers, update their website and use social channels to promote curb side pickup and takeaway, in line with provincial lockdown restrictions placed on business; and

Whereas as of December 31st 2020 applications for both the \$2,500 Digital Transformation Grant and new applications for Digital Service Squad support have been closed to new applications awaiting renewal of funding.

Therefore be it resolved that:

City Council, in partnership with the Burlington Economic Recovery Network (BERN) and Team Burlington, call on the provincial and federal governments to:

- renew and expand funding to the Digital Main Street program as soon as possible to help our businesses to survive the provincial lockdown and reopening of the economy in the future;
- renew the \$2,500 Digital Transformation Grant and Digital Service Squad support; and
- expand the Digital Main Street Transformation Grant to be available to main street businesses that are located outside of BIAs as the initial program restricted applicants to BIA member businesses only
- Commit to a minimum 2-year funding extension to the Digital Main Street program

Further be it resolved that:

The Mayor and Council representative on the BERN be directed to write a letter, jointly with BERN and Team Burlington members, advocating the extension and expansion of the Digital Main Street Program and Digital Transformation Grant to the Provincial Minister of Municipal Affairs and Housing, Minister Economic Development, Job Creation & Trade and Minister of Small Business and Red Tape Reduction, and the Federal Minister of Economic Development and Official Languages and Minister of Small Business, Export Promotion and International Trade; and

The City Clerk be directed to send a copy of the letter and resolution, once approved, to:

- Burlington Ministers of Parliament including Minister Karina Gould, MP Pam Damoff and MP Adam Van Koeverden

- Burlington Members of Provincial Parliament including MPP Jane McKenna, MPP Effie Triantafilopoulos and MPP Parm Gill
- Halton Regional Council
- Members of the Towns of Milton, Halton Hills and Oakville Councils
- Federation of Canadian Municipalities (FCM)
- Association of Municipalities of Ontario (AMO)
- Ontario Big City Mayor's Caucus (OBCM)
- Mayors and Regional Chairs of Ontario (MARCO)
- GTHA Mayors and Chairs
- Ontario Business Improvement Area Association (OBIAA)
- Toronto Association of Business Improvement Areas (TABIA)
- Tourism Industry Association of Ontario (TIAO)
- Ontario Restaurant, Hotel and Motel Association (ORHMA)
- Ontario Chamber of Commerce (OCC)
- Milton Chamber of Commerce
- Halton Hills Chamber of Commerce
- Oakville Chamber of Commerce
- Team Burlington (Burlington Economic Development, Burlington Chamber of Commerce, Tourism Burlington, Burlington Downtown Business Association and Aldershot Village BIA)
- Burlington Economic Recovery Network (BERN)

If you have any questions, please contact me at extension 7702 or the e-mail address above.

Sincerely,



Amanda Fusco  
Deputy City Clerk





United Counties of  
**Stormont, Dundas & Glengarry**

**RESOLUTION**

**MOVED BY** Councillor McGillis

**RESOLUTION NO** 2021-04

**SECONDED BY** Councillor Warden

**DATE** January 18, 2021

THAT the Council of the United Counties of Stormont, Dundas and Glengarry request that the Province of Ontario allow for small businesses to immediately reopen with the required health guidelines and protocols in place; and

THAT this resolution be sent to the Premier of Ontario, the Minister of Municipal Affairs and Housing, MPP Jim McDonnell, and circulated to all municipalities in Ontario.

CARRIED

DEFEATED

DEFERRED

*Frank Prevost*  
 WARDEN

Recorded Vote:

Councillor Armstrong	—
Councillor Byvelds	—
Councillor Fraser	—
Councillor Gardner	—
Councillor Landry	—
Councillor MacDonald	—
Councillor McGillis	—
Councillor Prevost	—
Councillor Smith	—
Councillor Warden	—
Councillor Wert	—
Councillor Williams	—

**Ministry of Municipal  
Affairs and Housing**

Office of the Deputy Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7100**Ministère des Affaires  
Municipales et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7100**January 22, 2021****MEMORANDUM TO:      Municipal Chief Administrative Officers and Clerks****SUBJECT:                      Updates Related to the Revised Rules for Areas in Stage 1 under the *Reopening Ontario Act*, the *Emergency Management and Civil Protection Act*, including the Set Fine Amounts under the *Provincial Offences Act*, and Reporting Enforcement Data**


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In my memorandum of January 14, 2021, I provided an update on the coordinated provincial enforcement effort and I wanted to thank you again for your work in limiting the spread of COVID-19 infection and managing the impact of the pandemic on your communities. Your actions are having a positive impact on compliance and data reporting across the province.

Today, I am writing to provide a further update on the revised rules for areas in Stage 1 under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA)*, and the establishment of set fine amounts under the *Provincial Offences Act* for individuals and corporations to be ticketed for failure to comply with an order or for the obstruct offences under the *Emergency Management and Civil Protection Act (EMCPA)* and ROA.

Specifically, Ontario Regulation 14/21 revised the Stage 1 Order, effective January 15, 2021 at 12:01 a.m., to permit construction projects that are funded in whole or in part by Canada or Ontario, or agencies of either, or by municipalities.

Additionally, the Chief Justice of the Ontario Court of Justice has established the set fine amounts under the *Provincial Offences Act*. These set fine amounts are effective January 14, 2021, and apply to individuals and corporations that fail to comply with an order made during a declared emergency and for obstructing any person exercising a power or performing a duty in accordance with an order made during a declared emergency. These set fine amounts apply to orders under both the EMCPA and ROA.

To help support municipal enforcement activities, I am attaching information the Ministry of the Solicitor General has shared with Chiefs of Police explaining, in more detail, the

updates to the *Emergency Management and Civil Protection Act*, including the set fine amounts and the revised rules for areas in Stage 1 under the *Reopening Ontario Act*.

Lastly, the Ministry of the Solicitor General has updated the COVID-19 enforcement data reporting template and developed detailed instructions on the use of this template to reflect new EMPCA orders. The updated enforcement data template for municipalities is attached. In addition, the weekly reporting is now requested each Monday at 4 pm. This new time will allow the information you provide to inform analysis and decisions in a more timely way. I have mentioned this reporting template in past communications. I am pleased to hear that many municipalities are contacting the Ministry of Solicitor General in this regard.

Thank you, once again, for your continued efforts to help keep our communities safe and healthy.

Sincerely,

Kate Manson-Smith  
Deputy Minister, Ministry of Municipal Affairs and Housing

Enclosures: Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated January 15, 2021 – English version regarding Updates Related to the EMCPA and Revised Rules for Areas in Stage One under ROA

Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated January 21, 2021 – English version regarding Reporting Enforcement Data under the EMCPA and ROA

EMCPA -ROA Enforcement Data Template

If a French version is required, please contact [Richard.Stubbings@ontario.ca](mailto:Richard.Stubbings@ontario.ca).

**MEMORANDUM TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Police Services Boards

**FROM:** Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** **Reporting Enforcement Data under the *Emergency Management and Civil Protection Act* and the *Reopening Ontario Act***

<b>DATE OF ISSUE:</b>	<b>January 21, 2021</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
<b>RETENTION:</b>	<b>Indefinite</b>
<b>INDEX NO.:</b>	<b>21-0005</b>
<b>PRIORITY:</b>	<b>High</b>

Further to All Chiefs Memos 21-0002, 21-0003, and 21-0004, the Ministry of the Solicitor General (ministry) has updated the COVID-19 enforcement data reporting template and developed detailed instructions on the use of this template to reflect the following new EMCPA orders:

- [O. Reg. 11/21](#) – Stay-At-Home Order under EMCPA, R.S.O. 1990, c. E.9
- [O. Reg. 13/21](#) – Residential Evictions Order under EMCPA, R.S.O. 1990, c. E.9
- [O. Reg. 8/21](#) – Enforcement of COVID-19 Measures under EMCPA, R.S.O. 1990, c. E.9

The new template, attached for your reference, was shared with data contacts from all police services on Saturday, January 16, 2021 (except for OPTIC-Niche members who are using the Niche plug-in reporting tool). Police services using the OPTIC-Niche reporting tool can expect similar changes reflected soon and should continue to use the reporting tool until otherwise notified.

Please note that O. Reg. 8/21 provides additional authority to provincial offences officers to temporarily close a premise or to disperse individuals who are in contravention of orders under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA). The updated reporting template includes additional data points to capture the use of these new powers.

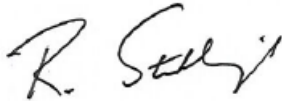
Please also be aware that in an effort to support timely, data-driven decision-making, **weekly enforcement data reports are now due to the ministry by Monday at 4 p.m. EST.**

As always, it is important that all submissions are sent via encrypted emails, where applicable.

For questions related to enforcement reporting, please contact Jeanette Gorzkowski, Manager, Analytics Unit, at [jeanette.gorzowski@ontario.ca](mailto:jeanette.gorzowski@ontario.ca) or Keith Drakeford, Senior Statistics Advisor at [keith.drakeford@ontario.ca](mailto:keith.drakeford@ontario.ca).

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, slightly slanted style.

Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division

Attachment

The Ministry of the Solicitor General is coordinating province-wide reporting on enforcement of the Emergency Management and Civil Protection Act (EMCPA) and the Reopening Ontario (A Flexible Response to COVID-19) Act (ROA) in response to COVID-19. This reporting will help track the enforcement of the emergency orders under the act and assist in other areas of emergency management. For the current list of relevant emergency orders, please see the table below.

The ROA came into force on July 24, 2020, ending the first state of emergency. Certain regulations previously under the EMCPA were moved under the ROA and continue to be in force.

On January 12, 2021, the province issued a second state of emergency under the EMCPA, and new orders under the EMCPA were issued effective Thursday, January 14, 2021 at 12:01 a.m. These included stay-at-home orders under O. Reg. 11/21 and new powers under O. Reg. 8/21 for Provincial Offence Officers to enforce the emergency orders. Changes to the Stage 1 Order (O. Reg. 82/20) under the ROA were also issued.

This file contains two tabs ("Action Record Data" and "Aggregate Data Reporting") containing templates for submitting data on enforcement of the ROA and EMCPA, as well as a Data Dictionary tab.

**Template tabs:**

**(1) Action Record Data** - This tab is intended to capture record-level data as extracted from your agency/department's records management systems or other data capture system. **If available**, please provide data for each of the columns listed to the extent possible, recognizing that different systems may record this data differently. If new records become available for weeks that have already been reported on, please include those in subsequent weeks' reports.

**(2) Aggregate Data Reporting** - This tab is intended to capture data that may not have individual records available. This tab **is not a summary** of data provided in the 'Action Record Data' tab. Please do not report on the same occurrences/incidents in both the 'Action Record Data' tab and the 'Aggregate Data Reporting' tab.

- Please provide aggregate data for each week preceding the reporting date (starting on Sundays and ending on Saturdays).
- Data collected in this tab includes:
  - **Complaints/Calls Received** related to possible violations of the ROA or EMCPA. If your data does not allow for differentiating between calls relating to the ROA/EMCPA and other COVID-19 calls, include the total COVID-19 related calls. Do not include general inquiries, e.g. requests for information on the ROA/EMCPA or Ontario's COVID-19 Response Framework.
  - **Individual(s)/Business(es) Educated** including informal education and verbal warnings. Do not include formal, written warnings (these should be included in the Action Record Data tab), or proactive activities such as community outreach campaigns.
  - **Inspections Conducted** including the count of proactive patrols conducted by your agency to ensure community compliance with the ROA/EMCPA orders. This should not include activities related to other legislation such as the Quarantine Act.
- Data included in the previous reporting period should not be included in the current reporting period. If previously submitted data needs to be revised, please note this in your email response to the ministry and submit a separate template with the revised numbers.

**Data Dictionary tab:** Assists with interpreting the columns in each of the template tabs.

Order/Regulation (Full Name)	Short Description of Regulation	Description
<p><a href="#">O. Reg. 8/21 – ENFORCEMENT OF COVID-19 MEASURES under Emergency Management and Civil Protection Act (EMCPA), R.S.O. 1990, c. E.9</a></p> <p><i><a href="#">(If powers under this regulation are exercised, please note this in the "ActionType" column of the Action Record Data tab. For all other regulations listed below, note these in the "Regulation" column)</a></i></p>	<p>Authority to disperse and temporarily close premises</p>	<p>For enforcement of regulations relating to the:</p> <ul style="list-style-type: none"> <li>-temporary closure of premises holding organized public event or other gathering where the number of people in attendance exceeds the number permitted under the Reopening Ontario (A Flexible Response to Covid-19) Act, 2020 (ROA).</li> <li>-orders of ceasing attendance or disperse organized public events or other gathering that is prohibited under the ROA.</li> </ul>
<p><a href="#">O. Reg. 11/21 – STAY-AT-HOME ORDER under EMCPA, R.S.O. 1990, c. E.9</a></p>	<p>Requirement to remain in residence</p>	<p>For enforcement of the requirement that every individual shall remain in their place of residence at all times unless leaving is necessary for one or more of the purposes specified in O. Reg. 11/21.</p>
<p><a href="#">O. Reg. 13/21 – RESIDENTIAL EVICTIONS ORDER under Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9</a></p>	<p>No enforcement of evictions</p>	<p>No enforcement of either an order evicting a tenant or a writ of possession issued by the Superior Court of Justice removing a person from their place of residence.</p>
<p><a href="#">O. Reg. 364/20: RULES FOR AREAS IN STAGE 3 under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</a></p>	<p>Rules for areas in Stage 3</p>	<p>For enforcement of regulations relating to “Stage 3” reopening, i.e. either the closure of places of business or compliance with restrictions on businesses. This Order applies to the areas listed in Schedule 3 to Ontario Regulation 363/20 (Stages of Reopening).</p>
<p><a href="#">O. Reg. 263/20: RULES FOR AREAS IN STAGE 2 under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</a></p>	<p>Rules for areas in Stage 2</p>	<p>For enforcement of regulations relating to “Stage 2” reopening, i.e. either the closure of places of business or compliance with restrictions on businesses as described in Schedule 2. This Order applies to the areas listed in Schedule 2 to Ontario Regulation 363/20 (Stages of Reopening). O. Reg. 414/20, s. 3.</p>
<p><a href="#">O. Reg. 177/20: CONGREGATE CARE SETTINGS under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</a></p>	<p>Congregate care settings (work for one employer)</p>	<p>For enforcement of regulation relating to prohibition a staff member of a congregate care setting service agency who performs work in a residence operated by the agency shall not also perform work as a staff member of a different congregate care setting service agency in the same sector in a residence operated by the different agency.</p>
<p><a href="#">O. Reg. 158/20: LIMITING WORK TO A SINGLE RETIREMENT HOME under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</a></p>	<p>Limiting work to a single retirement home</p>	<p>For enforcement of regulation relating to prohibition an employee of a retirement home to perform work: (a) in another retirement home operated by the licensee; (b) as an employee of another licensee; or (c) as an employee of a health service provider.</p>

<a href="#">O. Reg. 146/20: LIMITING WORK TO A SINGLE LONG-TERM CARE HOME under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</a>	Limiting work to a single long term care home	For enforcement of regulation relating to prohibition of an employee of a long-term care home to perform work: (a) in another long-term care home operated or maintained by the long-term care provider; (b) as an employee of any other health service provider; or (c) as an employee of a retirement home.
<a href="#">O. Reg. 114/20: ENFORCEMENT OF ORDERS under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</a>	Enforcement of orders	A police officer or provincial offences officer who believes that a person has committed an offence through non-compliance with an order issued under the EMCPA may require that person to provide their name, date of birth and address.
<a href="#">O. Reg. 98/20: PROHIBITION ON CERTAIN PERSONS CHARGING UNCONSCIONABLE PRICES FOR SALES OF NECESSARY GOODS under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</a>	Ban on price gouging for necessary goods	For enforcement of regulations relating to the prohibition of selling necessary goods at a price that grossly exceeds the price at which similar goods are available to customers.
<a href="#">O. Reg. 82/20: RULES FOR AREAS IN STAGE 1 under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</a>	Rules for areas in Stage 1	For enforcement of regulations relating to “Stage 1” reopening, i.e. either the closure of places of business or compliance with restrictions on businesses in areas listed in Schedule 1 to Ontario Regulation 363/20 (Stages of Reopening) made under the Act. O. Reg. 413/20, s. 3.
<b>(Revoked June 1/20)</b> O. Reg. 142/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CLOSURE OF PUBLIC LANDS FOR RECREATIONAL CAMPING	Closure of Public Campgrounds	For enforcement of regulations relating to the closure of public lands and prohibition of camping, walking or using public lands for other purposes.
<b>(Revoked June 11/20)</b> O. Reg. 139/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CHILD CARE FEES	No Fees for Child Care	For enforcement of regulations relating to the prohibition to charge a fee for the provision of child care or penalize any person who did not pay fees to the provider while they are closed.
<b>(Revoked July 23/20)</b> O. Reg. 128/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - PICK UP AND DELIVERY OF CANNABIS	Cannabis Delivery and Pick-up	For enforcement of regulations relating to permitting cannabis retailers to offer curbside pick-up and delivery services to customers.
<b>(Revoked July 17/20)</b> O. Reg. 104/20: EMERGENCY ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CLOSURE OF OUTDOOR RECREATIONAL AMENITIES	Closure of Outdoor Rec. Facilities	For enforcement of regulations relating to the closure of outdoor playgrounds, fields, off-leash dog areas, fitness equipment in parks, community gardens, picnic sites and park shelters.
<b>(Revoked June 17/20)</b> O. Reg. 52/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS	No Gatherings More Than Five	For enforcement of regulations relating to the prohibition of events and gatherings of more than five people.
<b>(Revoked June 12/20)</b> O. Reg. 51/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CLOSURE OF ESTABLISHMENTS	Closure of Certain Establishments	For enforcement of regulations relating to the closure of public libraries, indoor recreational programs, private schools, day care centres, bars and restaurants (except take-out and delivery), theatres, and concert venues.



Data Tab	Field Name	Field Description	Format
Action Record Data	Municipality	Name of the municipality	
Action Record Data	Agency/Department	Name of agency/department within the municipality	
Action Record Data	RecordID	Occurrence number - unique identifier assigned to each incident	
Action Record Data	EventDate	Date the incident occurred	MM/DD/YYYY
Action Record Data	BusinessName	Name of the business, where applicable	
Action Record Data	LocationType	Type of Location	
Action Record Data	StreetName	Location of occurrence - street name	
Action Record Data	StreetType	Location of occurrence - street type (i.e. st., dr., blvd., etc.)	
Action Record Data	StreetDirection	Location of occurrence - street direction (i.e. north, west, etc.)	
Action Record Data	PostalCode	Location of occurrence - postal code	
Action Record Data	City	Location of occurrence - city	
Action Record Data	Province	Location of occurrence - province	
Action Record Data	ActionDate	Date the action was taken by your municipality/agency/ department	MM/DD/YYYY
Action Record Data	ActionDateLongForm	Auto-populates plain language date of Action Date	Friday, January 1, 2021
Action Record Data	ActionType	Type of action taken by the agency in response to the violation/incident (i.e. fine, order of temporary closure or order to cease attendance or disperse (under EMCPA O.Reg. 8/21), charge, warning, education)	
Action Record Data	Regulation	Description of the ROA or EMCPA order/regulation	
Action Record Data	PoliceContact	Was the police contacted/notified by the agency	Yes/No
Aggregate Data Reporting	Measure	Type of activity performed or recorded by the agency	
Aggregate Data Reporting	Municipality	Name of the municipality	
Aggregate Data Reporting	Agency	Name of agency within the municipality	
Aggregate Data Reporting	Week	The calendar date of the Sunday at the start of the week	MM/DD/YYYY
Aggregate Data Reporting	Value	The weekly total corresponding to the measure described	Number



## Aggregate Data Reporting

- ✓ Submissions are due each **Tuesday at 1pm** in order to be included in provincial reporting, and should include data from the prior calendar week, Sunday-Saturday. E.g., data being submitted on Tuesday, January 19th, 2021 should include enforcement activities from Sunday, January, 10th to Saturday, January 16th, inclusive.
- ✓ Please only include incidents you have not previously reported.
- ✓ Please do not count enforcement also reported in the "Action Record Data" tab.
- ✓ Dates must be entered as **MM/DD/YYYY format**.
- ✓ Please enter the the **Sunday of the week you are reporting data on** in the "Week" column.
- ✓ Please feel free to contact [Brianne.Chan2@ontario.ca](mailto:Brianne.Chan2@ontario.ca) or [Jeanette.Gorzowski@ontario.ca](mailto:Jeanette.Gorzowski@ontario.ca) with any questions or concerns.

### Complaints/Calls Received

- Include complaints/calls related to possible violations of the Reopening Ontario Act and Emergency Management and Civil Protection Act. If your data does not allow for differentiating between calls relating to the ROA/EMCPA and other COVID-19 calls, include the total COVID-19 related calls.
- Do not include general inquiries, e.g. requests for information on the ROA/EMCPA or Ontario's COVID-19 Response Framework.

### Individual(s)/Business(es) educated

- Include informal education and verbal warnings.
- Do not include formal, written warnings (these should be included in the Action Record Data tab)
- Do not include proactive activities such as community outreach campaigns.

### Inspections Conducted

- Include inspections/patrols conducted by your municipality/agency/department to ensure community compliance with the ROA and EMCPA regulations.
- Do not include activities related to other legislation such as the Quarantine Act.

			Note: If cell turns <b>red</b> , check that the date entered is a <b>Sunday</b> (start of reporting week) or is not a future date	
Measure: Number of...	Municipality	Agency	Week (MM/DD/YYYY)	Value
Complaints/Calls Received				
Individual(s)/Business(es) educated by provincial offences officers				
Inspections Conducted				



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
 Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

January 25, 2021

Mayor Eisenberger and Council  
 The City of Hamilton  
 2<sup>nd</sup> Floor – 71 Main Street, West  
 Hamilton, ON  
 L8P 4Y5

**SENT ELECTRONICALLY**

Dear Mayor Eisenberger and Council,

Please be advised that at its meeting of January 21, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority adopted the following as Resolution No. FA-11-21:

*Moved by Board Member Steele*

*Seconded by Board Member Woodhouse*

1. **THAT** Report No. FA-05-21 RE: Postponement of the February 2021 Annual General Meeting to June 2021 **BE RECEIVED**.
2. **THAT** the provisions of the Administrative By-law with respect to convening the Annual General Meeting **BE WAIVED**.
3. **THAT** the NPCA Annual General Meeting **BE RESCHEDULED** for June of 2021.
4. **THAT** elections for the position of Board Chair and Vice Chair of the Board normally conducted at the Annual General Meeting **BE DEFERRED** until said Annual General Meeting of the Board to be held in June of 2021 with the current Board Chair and Vice Chair remaining in place until that time.
5. **THAT** the current term of Board Members appointed to Committees, along with the term of each respective NPCA Committee Chair and Vice Chair **BE EXTENDED** until the end of 2021 and formally reconfirmed at the June 2021 AGM.
6. **THAT** the appointments to Niagara Peninsula Conservation Foundation and Conservation Ontario Council **BE EXTENDED** until the end of 2021 and formally reconfirmed at the June 2021 Annual General Meeting.

**CARRIED**

Should you have any questions on this matter, please feel free to contact CAO, Chandra Sharma at [csharma@npca.ca](mailto:csharma@npca.ca) or 905-788-3135.

Sincerely,

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

Grant Bivol  
 Executive Co-ordinator to the CAO/Board

Minister of Justice  
and Attorney General of Canada



Ministre de la Justice  
et procureur général du Canada

The Honourable / L'honorable David Lametti, P.C., Q.C., M.P. / c.p., c.r., député  
Ottawa, Canada K1A 0H8

**JAN 08 2021**

**4.9**

His Worship Fred Eisenberger  
Mayor of the City of Hamilton  
71 Main Street West, 2nd Floor  
Hamilton ON L8P 4Y5

Dear Mr. Mayor:

Thank you for your correspondence concerning your File #C19-016, which relates to a request from the City Council of Hamilton about distracted driving.

At the outset, I would like to express my sincere regret for the delay in responding. Given the high volume of correspondence that is received by this office, it is not always possible to respond in a timely fashion. However, I welcome the opportunity to address your concerns at this time.

It may interest you to know that using a hand-held device while driving, or texting while driving, can be prosecuted under existing provisions of the *Criminal Code* when this behaviour becomes “dangerous operation.” Dangerous operation is a hybrid *Criminal Code* offence punishable by a maximum term of 2 years less a day imprisonment when prosecuted by summary conviction, and a maximum term of 10 years imprisonment when prosecuted by indictment. The penalties are more severe when the conduct results in bodily harm or death to another person. For example, dangerous operation causing death is punishable by a maximum term of life imprisonment.

Furthermore, provincial and territorial legislatures can and do use their constitutional legislative authority for driver licensing and highway traffic laws to enact measures to address distracted driving, including the use of hand-held devices. For example, in Ontario, drivers caught using a hand-held device while driving face up to a \$1,000 fine for a first offence, three demerit points, and a 3-day licence suspension.

Please be assured that I am always looking for ways to improve the criminal justice system. For this reason, I appreciate the time you have taken to share your suggestion.

Thank you again for writing.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Lametti', with a stylized flourish at the end.

The Honourable David Lametti, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada

**Hamilton2026 Commonwealth Games Bid Corporation**

77 James Street North Suite 300 Hamilton, Ontario Canada L8R 2K3  
www.hamilton2026.ca

January 29, 2021

Via Email - [stephanie.paparella@hamilton.ca](mailto:stephanie.paparella@hamilton.ca)

General Issues Committee  
c/o Stephane Paparella  
Legislative Coordinator  
Office of the City Clerk

Dear Mayor and Members of the General Issues Committee:

**Re: 2026 Hamilton Commonwealth Games**

Let me begin by expressing our organizing committee's hope that you and your families are well.

Notwithstanding the continuing anxiety and challenges of the pandemic and the prolonged shut down which it has prompted, we felt it important to report on the status of our efforts to return the Games to Ontario prior to 2030.

As some may recall, leading up to the holiday period we had resolved to hold our efforts in abeyance having facilitated direct communication between the Commonwealth Games Federation and representatives of the Provincial Government with a view to their working to determine whether a hosting program in 2026 was viable. With the ending of the holiday break we enquired as to the status of those discussions with the Commonwealth Games Federation, Commonwealth Sport Canada and the Provincial Government. Having done so, we were informed earlier this week that the Province is working to make a decision on this offer imminently which they expect to convey to us in the near future.

Pending the Province's determination, and in light of recent media interest enquiring as to the status of our efforts, we felt it important to report to you first on these developments and to share our preliminary thoughts on the path ahead. First, it goes without saying that the pandemic and its impacts are continuing, and arguably worsening, beyond our expectations, which understandably complicates this effort considerably. And while to our minds, the deepening societal impact of the pandemic further underscores the rationale for a pandemic recovery initiative which incents heightened private and public investment in this region, especially around housing, we are of the view that the current emergency warrants our holding the matter in abeyance pending a clear affirmation of interest provincially and a credible direction to us to move forward. Without pre-judging the outcome of these recent deliberations, we wish to confirm that should the Province clearly express its reluctance to pursue a pre 2030 event (in '26 or '27) we will immediately cease our efforts in that regard. In the event that the province expresses a willingness to discuss the matter further when the crisis subsides, thereby permitting a more careful assessment of the recovery opportunity presented by the Games, we would be delighted to consider further activity.



**Hamilton2026 Commonwealth Games Bid Corporation**

77 James Street North Suite 300 Hamilton, Ontario Canada L8R 2K3  
www.hamilton2026.ca

Ultimately, whether or not there is a clear path to a pre 2030 Games, we are of the view that the reconsideration of our hosting proposal over the last several months, prompted by the pandemic, was invaluable. Owing to this effort, we are resolved to curate a much more economical and inclusive hosting plan focussed on social impact, sustainable development and health and wellness, as the centre piece of our bid for 2030 (if required). In that regard, while we acknowledge that all levels of government had communicated their support for our 2030 bid, and many of you expressed a preference for that opportunity over the certainty of hosting in 2026, the reality is that the cost and nature of the 2030 bid warrants further deliberation. This was made evident to us throughout our public consultation efforts and in feedback from community stakeholders. To be sure, this is a conversation to be taken up at a later date, but we think it important to signal our intention now.

Irrespective of the outcome of the province's continuing deliberations, we wish to say without equivocation and with great appreciation that our friends at the Commonwealth Games Federation and Commonwealth Sport Canada have remained encouraging and supportive of our efforts, caring partners, and organizations that will have our continuing support owing to their values and aspirations which we wholeheartedly share and embrace.

Our next writing will follow our receiving confirmation of a provincial position. Until then, we wish safety and good health to you and your families.

Sincerely,

A handwritten signature in blue ink, appearing to read "Louis A. Frapporti".

Louis A. Frapporti  
Chair  
**HAMILTON2026**

c: Honourable Lisa MacLeod, *Ministry of Heritage, Sport, Tourism and Culture Industries*  
Honourable Filomena Tassi, *Ministry of Labour*  
Honourable Steven Guilbeault, *Minister of Canadian Heritage*  
Richard Powers, President, *Commonwealth Sport Canada*  
Brian MacPherson, CEO, *Commonwealth Sport Canada*  
David Grevemberg GBE, CEO, *Commonwealth Games Federation*



**Ministry of Energy,  
Northern Development  
and Mines**

Office of the Minister

Office of the Associate Minister  
of Energy

77 Grenville Street, 10<sup>th</sup> Floor  
Toronto ON M7A 2C1  
Tel.: 416-327-6758

**Ministère de l'Énergie,  
du Développement du Nord  
et des Mines**

Bureau du ministre

Bureau du ministre associé  
de l'Énergie

77, rue Grenville, 10<sup>e</sup> étage  
Toronto ON M7A 2C1  
Tél. : 416 327-6758



Ontario

January 28, 2021

Dear Stakeholder:

We are writing today to inform you that our government is now soliciting feedback on Ontario's long-term energy planning framework through the Environmental Registry of Ontario (ERO). This posting will be open to comments for a period of 90 days, closing on April 27, and can be found at <https://ero.ontario.ca/notice/019-3007>.

Last year, we took the first step forward in our plan to reform Ontario's long-term energy planning process by revoking O. Reg. 311/17, the regulation that outlined timing requirements for publishing Long-Term Energy Plans. Now we are building on our commitment to promote transparency, accountability and effectiveness of energy planning and decision-making in order to increase investment certainty and to ensure the interests of ratepayers are protected.

A desired outcome of the new planning framework would be to empower expert technical planners, such as the Independent Electricity System Operator (IESO), to plan the most reliable and cost-effective system. To achieve this objective, the Ministry of Energy, Northern Development and Mines (ENDM) is considering revoking the provisions of the *Electricity Act, 1998* related to Long-Term Energy Plans, implementation directives and implementation plans.

ENDM is also considering whether the IESO and the Ontario Energy Board (OEB) have the appropriate mandates and authorities to undertake an expanded planning and resource acquisition role. This could include the development of a new approval process for certain types of policy-driven decisions.

As part of the ERO posting, and listed below, you will find an inexhaustive set of questions intended to help guide your feedback:

- How can we promote transparency, accountability and effectiveness of energy planning and decision-making under a new planning framework?
- What overarching goals and objectives should be recognized in a renewed planning framework?
- What respective roles should each of the government, IESO, and OEB hold in energy decision-making and long-term planning?

.../cont'd

- What kinds of decisions should be made by technical planners at the IESO and the OEB as regulators?
- What types of decisions should require government direction or approval?
- Are there gaps in the IESO and OEB's mandates and objectives that limit their ability to effectively lead long-term planning?
- Should certain planning processes or decisions by the IESO, OEB, or the government receive additional scrutiny, for example through legislative oversight or review by an expert committee?
- How often and in what form should government provide policy guidance and direction to facilitate effective long-term energy planning?
- How do we ensure effective and meaningful Indigenous participation in energy sector decision-making?

As we develop this new framework, we invite you and fellow energy sector participants, experts, Indigenous communities, and Ontario businesses and residents, to share your expertise, experience and ideas about how we can maximize transparency and accountability in our energy planning process.

This new framework, with your support, will ensure that future decisions are made with an eye to cost, and in the best interest of Ontario's electricity customers.

Our government, through ENDM, is committed to building a transparent long-term energy planning framework that is free from future political interference and prioritizes Ontario's energy consumers. With your support, we are confident we will achieve this.

Sincerely,



The Honourable Greg Rickford  
Minister of Energy, Northern  
Development and Mines



The Honourable Bill Walker  
Associate Minister of Energy

---

February 1, 2021

**Sent by E-mail**  
sylvia.jones@pc.ola.org

Honourable Sylvia Jones  
Solicitor General  
18<sup>th</sup> Floor - 25 Grosvenor St.  
Toronto, ON M7A 1Y6

**Re: Community Safety & Well-Being Plan - Extension Request**

---

Dear Solicitor General Jones,

The Township of Asphodel-Norwood is participating in a regional Community Safety & Well-Being Plan (CSWB) plan with the City of Peterborough and the eight (8) lower-tier municipalities located within the County of Peterborough. The decision to develop a joint plan was derived after consulting with our municipal neighbours. Our vision for a long-term tool that addresses the unique needs of our area while supporting safe, healthy, and sustainable communities by moving away from reactionary, incident-driven responses and re-focusing on proactive, collaborative initiatives to take the strain off the emergency response system is shared by all of our municipal partners; as the success of our community is dependent upon each and every individual's well-being.

Preparations are underway, but the response efforts needed to manage the COVID-19 outbreak have taken priority and an unprecedented amount of time, energy, and resources. A meaningful CSWB Plan requires extensive public consultation and engagement in order to prepare a document that is both comprehensive and in alignment with the legislative intent. Given the current political climate and the ongoing effects of the pandemic, a deadline extension for the completion and adoption of a CSWB Plan would be the most appropriate course of action. The Township appreciates the extension previously granted from January 1, 2021 to July 1, 2021, but humbly asks the Solicitor General consult with municipalities before prescribing a new deadline.

With that in mind, I put forward the following resolution for your consideration:

**WHEREAS** the Police Services Act, 1990, was amended on January 1, 2019 to mandate every municipality in Ontario to prepare and adopt a Community Safety and Well-Being (CSWB) Plan; and

**WHEREAS** the Ministry of Municipal Affairs and Housing introduced the Municipal Emergency Act, 2020 to assist municipal governments and local boards during the COVID-19 emergency; and

**WHEREAS** the protective measures municipalities have put in place to protect their communities, Councillors, and staff members include eliminating face-to-face meetings, closing municipal offices, and directing staff to work from home; and

**WHEREAS** Bill 189, Coronavirus (COVID-19) Support and Protection Act, 2020 was passed to amend various acts to support municipal, policing, and community partners during the pandemic;

**NOW THEREFORE, BE IT RESOLVED** that while these measures are imperative and necessary, they impose undue hardship on municipalities to meet provincial deadlines such as the completion and adoption of a Community Safety & Well-Being (CSWB) Plan prior to July 1, 2021. The Council of the Township of Asphodel-Norwood calls upon the Solicitor General to review the imposed deadline for municipalities to complete and adopt a Community Safety & Well-Being (CSWB) Plan in consultation with local governments to address the unique challenges facing individual regions.

Thank you in advance for your time and consideration of our request. Please do not hesitate to reach out should you require any further information.

Sincerely,



Candice White, CAO/Clerk/Treasurer  
Township of Asphodel-Norwood

Cc: Ministry of Community Safety and Correctional Services  
All Ontario Municipalities in Ontario



T 705-635-2272  
TF 1-877-566-0005  
F 705-635-2132

TOWNSHIP OF LAKE OF BAYS  
1012 Dwight Beach Rd  
Dwight, ON POA 1H0

February 3, 2021

Via email: [asimonian@augusta.ca](mailto:asimonian@augusta.ca)

Township of Augusta  
**Attention: Annette Simonian, Clerk**  
3560 County Road 26  
Prescott, ON  
K0E 1T0

Dear Ms. Simonian:

**RE: Correspondence – Ontario Fire College**

---

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted correspondence was presented at the last regularly scheduled meeting on February 2, 2021, and the following was passed.

**“Resolution #8(f)/02/02/21**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby supports the resolution from the Township of Augusta regarding their request for support for the Province of Ontario to reverse their decision to close the Ontario Fire College, dated January 25, 2021;**

**AND FURTHER THAT this resolution be forwarded to the Township of Augusta, the Honourable Doug Ford Premier of Ontario, the Honourable Sylvia Jones; Ontario Solicitor General, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Ontario Fire Marshal; Jon Pegg, and all Ontario Municipalities.**

**Carried.”**

Should you have any questions, please do not hesitate to contact our Municipal Office at 705-635-2272.

...2



**LAKE  
OF BAYS**  
• MUSKOKA •

**T** 705-635-2272  
**TF** 1-877-566-0005  
**F** 705-635-2132

**TOWNSHIP OF LAKE OF BAYS**  
1012 Dwight Beach Rd  
Dwight, ON P0A 1H0

*Page 2*

Sincerely,

Carrie Sykes, *Dipl. M.A., CMO, AOMC,*  
Director of Corporate Services/Clerk.  
CS/cw

Encl.

Copy to: Hon. Doug Ford, Premier of Ontario  
Hon. Sylvia Jones, Ontario Solicitor General  
Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Jon Pegg, Ontario Fire Marshal  
All Ontario Municipalities

# TOWNSHIP OF AUGUSTA

Moved By: TANYA HEURCY

Date: January 25, 2021

Seconded By: JEFF SHAWLEN

Resolution No: 4

**WHEREAS** the Ontario Fire College has been in existence since 1949; and

**WHEREAS** the Ontario Fire College is one of the primary sources of certified training for Ontario Firefighters; and

**WHEREAS** the Ontario Fire College has built a reputation of integrity, credibility, and reliability in providing some of the best training to our Fire Services within the Province of Ontario; and

**WHEREAS** the Ontario Fire College has been used to train and certify both Volunteer, Part-Time and Career firefighters throughout Ontario; and

**WHEREAS** the Ontario Fire College gives Ontario Firefighters another option other than Regional Training Centers to obtain National Fire Protection Association (NFPA) certifications; and

**WHEREAS** the Ontario Fire College is the most cost-effective method to certify Firefighters to NFPA Standards in Ontario; and

**WHEREAS** the Ontario Government enacted and revoked O. Reg. 379/18: Firefighter Certification in 2018; and

**WHEREAS** when the Ontario Government revoked O. Reg. 379/18: Firefighter Certification, it was made known by the Office of the Solicitor General that the act would be amended and brought back in the future; and

**THEREFORE, BE IT RESOLVED THAT** the Township of Augusta requests that the Province of Ontario reverse their decision to close the Ontario Fire College as the OFC is one of the best and most cost-effective methods for municipalities to train their firefighters which assists us in protecting our residents; and

**BE IT FURTHER RESOLVED THAT** this Resolution is forwarded to the Honourable Doug Ford Premier of Ontario, the Honourable Sylvia Jones; Ontario Solicitor General, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Ontario Fire Marshal; Jon Pegg, and all municipalities within the Province of Ontario.

**RECORDED VOTE:**

	<b>FOR</b>	<b>AGAINST</b>
Councillor Bowman	_____	_____
Councillor Henry	_____	_____
Mayor Malanka	_____	_____
Councillor Schapelhouman	_____	_____
Deputy Mayor Shaver	_____	_____

CARRIED: Donald  
MAYOR

DEFEATED: \_\_\_\_\_  
MAYOR

Declaration of pecuniary interest by: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

- Disclosed His/Her/Their Interest
- Vacated His/Her/Their Seat
- Abstained from discussion and did not vote on the question



**RECORDED VOTE:**

	<b>FOR</b>	<b>AGAINST</b>
Councillor Bowman	_____	_____
Councillor Henry	_____	_____
Mayor Malanka	_____	_____
Councillor Schapelhouman	_____	_____
Deputy Mayor Shaver	_____	_____

CARRIED:                       
MAYOR

DEFEATED: \_\_\_\_\_  
MAYOR

Declaration of pecuniary interest by: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

- Disclosed His/Her/Their Interest
- Vacated His/Her/Their Seat
- Abstained from discussion and did not vote on the question

Honourable Doug Ford, Premier of Ontario  
[doug.fordco@pc.ola.org](mailto:doug.fordco@pc.ola.org)

February 2, 2021

**RE: Significant Negative Impacts of Current Value Assessments in Perth County**

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Dear Premier Ford,

During the January 28<sup>th</sup>, 2021 Perth County Council meeting a resolution was passed directing staff to write a letter to the Province highlighting the concerns of assessment delays. The motion reads:

WHEREAS the property tax system is based on current value assessment;

AND WHEREAS the current delay in assessment does not utilize the Province's model of CVA,

THEREFORE, County Council direct staff to correspond with the Premier, the Finance Minister, the Minister of Municipal Affairs, Minister of Agriculture, Perth's MPP to move forward with implementing reassessment based on CVA, and that copies of the correspondence be sent to all Ontario municipalities.

**Primary Concerns:**

- The 2016 assessment valuation does not use the property tax model of Current Value Assessment (CVA). The assessment valuations in use are 5 years old.
- Assessment delays do not benefit all tax classes equally by shifting the assessment disproportionately between residential and farmland.
- Assessment delays create skepticism in the overarching framework of CVA and this skepticism causes citizens to question the Provincial model and process of CVAs.
- Current legislation restricts the ability for local government flexibility, as the ratio for residential tax class cannot be changed from a ratio of 1.00.

A further delay in reassessment continues to create challenges in how local government, along with tax policy, is ensuring the appropriate assessment values pay for their appropriate allotment of taxation levies. Local tax levies are developed within the constraints of the boundaries that provide the services to their communities. With property assessment valuations being 5 years past due, it causes citizens to question the validity of the system of property taxes that the Province of Ontario adheres to.

This is particularly exacerbated in a community such as Perth County that is a mix of urban and rural. The 2016 assessment valuation significantly shifted property taxes to the farmland class, which was phased in over the past 4 years. The shift was significant enough that the residential class has seen decreases in their portion of the overall municipal burden while the burden on farmland is disproportionately increasing.

Natural assessment valuation shifts do impact the tax policies of local governments with an urban-rural mix and more directly follow the overall property tax model of CVA. Equipping municipalities with the knowledge of the set dates related to reassessment and new valuation dates, provides the ability for key financial municipal departments to better plan for these assessment shifts that cannot be alleviated through tax ratio changes.

Below is some further information that outlines the significant impact on Perth County in particular:

- The overall tax burden on Perth County farmland increased from 21% in 2016 to 29% in 2020 of the overall levy. These percentages do include growth from 2017 to 2020. The amount of farmland would be higher in relation to phase in assessment amounts only. Based on 2020 without growth the percentage burden would have been higher than the 29%.
- The geography of Perth County is unique as it includes two urban center single tiers: The City of Stratford and The Town of St. Marys. This pushes the amount of farmland within the two-tiered structure of Perth County to greater than 90% of the total area covered by farmland.
- As they are single tier municipalities, The City of Stratford and The Town of St. Marys do not assist in subsidizing farmland as they would if they were part of a true two tiered structure. All of the Perth County's OMPF allocations are categorized as transitional, which is soon to be phased out completely. As of 2021, \$1,020,400 still remains to be phased out of the County's budget

In summary, Perth County is asking the province to update the CVA calculations to bring them in line with current property valuations and further to consider the impacts of the urban-rural mix of the region and the resultant impact causing residents to disproportionately carry the tax burden over citizens in neighbouring regions without the inclusion of single tier municipalities in their borders.

We look forward to hearing from you.

Sincerely,



Corey Bridges, Manager of Finance / Treasurer  
On behalf of Perth County Council

Cc:

Minister of Finance – Peter Bethlenfalvy  
Minister of Municipal Affairs and Housing – Steve  
Clark Minister of Agriculture – Ernie Hardeman  
Perth Wellington MPP – Randy Pettapiece  
All Ontario Municipalities



Hamilton

**SELECTION COMMITTEE  
REPORT 21-001**

**8:30 a.m.**

**Wednesday, January 20, 2021**

**Due to COVID-19 and the Closure of City Hall,  
this meeting was held virtually.**

**Present:** Councillors B. Johnson (Chair), N. Nann (Vice-Chair), C. Collins, J. Farr, L. Ferguson and M. Pearson

**Absent with  
Regrets:** Councillors B. Clark, S. Merulla and T. Whitehead – City Business

**THE SELECTION COMMITTEE PRESENTS REPORT 21-001 FOR INFORMATION:**

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

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

The agenda for the January 20, 2021 meeting of the Selection Committee was approved, as presented.

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

There were no declarations of interest.

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

**(i) December 9, 2019 (Item 3.1)**

The Minutes of the December 9, 2019 meeting of the Selection Committee were approved, as presented.

**(d) PRIVATE & CONFIDENTIAL (Item 4)**

The Committee deemed that a Closed Session discussion of Item 4.1 was not required, and approved the following in Open Session:

**Council – February 10, 2021**

**(i) Closed Session Minutes – December 9, 2019 (Item 4.1)**

The Closed Session Minutes dated November 6, 2019 were approved, as presented, and shall remain confidential.

The Committee moved into Closed Session for Item 4.2, respecting a Vacancy on the Advisory Committee for Persons with Disabilities, pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees.

**(ii) Vacancy on the Advisory Committee for Persons with Disabilities (Item 4.2)**

Staff were provided with direction in Closed Session.

**(e) ADJOURNMENT (Item 5)**

There being no further business, the Selection Committee adjourned at 8:44 a.m.

Respectfully submitted,

Councillor B. Johnson, Chair  
Selection Committee

Alicia Davenport  
Legislative Coordinator  
Office of the City Clerk



City of Hamilton  
**SPECIAL SOLE VOTING MEMBER  
 OF THE HAMILTON FARMERS' MARKET  
 REPORT 21-001**

1:30 p.m.

Monday, January 25, 2021

Due to COVID-19 and the closure of City Hall, this meeting was held virtually.

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**Present:** Deputy Mayor B. Clark (Chair)  
 Councillors M. Wilson, J. Farr, N. Nann, C. Collins, E. Pauls,  
 J.P. Danko, M. Pearson, B. Johnson, A. VanderBeek, J. Partridge

**Absent:** Mayor F. Eisenberger, Councillor L. Ferguson – Other City Business  
 Councillors T. Whitehead, S. Merulla, T. Jackson – Personal

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**THE SOLE VOTING MEMBER OF THE HAMILTON FARMERS' MARKET  
 PRESENTS REPORT 21-001, AND RESPECTFULLY RECOMMENDS:**

**1. Review of the Hamilton Farmers' Market Corporation Stallholder  
 Agreement Renewal Process (CM21001) (City Wide) (Item 8.1)**

That Report CM21001, respecting the Review of the Hamilton Farmers' Market Corporation Stallholder Agreement Renewal Process, be received.

**FOR INFORMATION:**

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

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

**13. PRIVATE & CONFIDENTIAL**

13.2 Review of the Hamilton Farmers' Market Corporation Stallholder Agreement Renewal Process (CM21001(a)) (City Wide)

Pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

The agenda for the January 25, 2021 special meeting of the Sole Voting Member of the Hamilton Farmers' Market was approved, as amended.

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

There were no declarations of interest.

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

**(i) November 23, 2020 (Item 3.1)**

The Minutes of the November 23, 2020 meeting of the Sole Voting Member of the Hamilton Farmers' Market were approved, as presented.

**(d) PRIVATE & CONFIDENTIAL (Item 13)**

**(i) Closed Session Minutes – November 23, 2020 (Item 13.1)**

- (a) The Closed Session Minutes of the November 23, 2020 General Issues Committee meeting, were approved, as presented; and,
- (b) The Closed Session Minutes of the November 23, 2020 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Item 13.2, pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

The following matter was put before Council for consideration at its special meeting of January 25, 2021:

**(i) Review of the Hamilton Farmers' Market Corporation Stallholder Agreement Renewal Process (CM21001(a)) (City Wide) (Item 13.2)**

That Report CM21001(a), regarding the Review of the Hamilton Farmers' Market Corporation Stallholder Agreement Renewal Process, remain confidential.

**(e) ADJOURNMENT (Item 14)**

There being no further business, the Sole Voting Member of the Hamilton Farmers' Market adjourned at 3:23 p.m.

Respectfully submitted,

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Deputy Mayor Brad Clark  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk





## PUBLIC WORKS COMMITTEE REPORT 21-002

1:30 p.m.  
Monday, February 1, 2021  
Council Chambers  
Hamilton City Hall  
71 Main Street West

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

**Absent with  
Regrets:** Councillor T. Whitehead – Personal

### THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 21-002 AND RESPECTFULLY RECOMMENDS:

#### 1. Intersection Control List (PW21001) (Wards 1, 8, 9 and 13) (Item 6.1)

That the appropriate By-law be presented to Council to provide traffic control as follows:

Intersection		Stop Control Direction		Class	Comments / Petition	Ward
Street 1	Street 2	Existing	Requested			
<b>Section "C" Flamborough</b>						
(a)	Rosebough Street	Oak Avenue	EB/WB	NB/SB	A	Sightline issues, converting to All-way 13
<b>Section "E" Hamilton</b>						
(b)	Davis Crescent	Kingsview Drive	NC	WB	A	Housekeeping, missing stop control 9

Intersection		Stop Control Direction		Class	Comments / Petition	Ward	
Street 1	Street 2	Existing	Requested				
(c)	Prince George Avenue	Churchill Avenue	NC	NB	A	Housekeeping, missing stop control	8
(d)	Paisley Avenue North	Dalewood Crescent	EB/WB	NB/SB	B	Road reconstruction	1

**Legend**

No Control Existing (New Subdivision) - **NC**

Intersection Class: **A** - Local/Local **B** - Local/Collector **C** - Collector/Collector

**2. Maintenance Standards for Municipal Highways Policy (PW18096(a)) (City Wide) (Item 9.1)**

That Appendix “A” to Public Works Committee Report 21-002, respecting Maintenance Standards for Municipal Highways Policy, be approved.

**3. Locke Street South Business Improvement Area (BIA) Lighting (Ward 1) (Item 10.1)**

WHEREAS, residents of Kirkendall and the Locke Street South BIA patrons previously enjoyed enhanced seasonal lighting on the hydro poles along Locke Street;

WHEREAS, the outlets were removed when Alectra replaced all hydro poles along Locke Street South in 2018; and,

WHEREAS, improvements to the lighting on the street increases activity and vitality to the neighbourhood and promotes a healthy and engaged community;

THEREFORE, BE IT RESOLVED:

- (a) That \$5,000 be provided to the Locke Street Business Improvement Area to help support the addition of outlets to the hydro poles from the Ward 1 Area Rating Capital Reinvestment Discretionary Fund (3301909100); and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**4. Inch Park Play Structure Improvements, 400 Queensdale Avenue East, Hamilton (Ward 7) (Item 10.2)**

WHEREAS, the play structure and safety surfacing located within Inch Park at 400 Queensdale Avenue, Hamilton has reached end of life;

WHEREAS, this community amenity is a valuable recreation opportunity for children, youth and families within the Inch Park neighbourhood and beyond, especially during the Covid 19 pandemic;

WHEREAS, the Hamilton Challenger Baseball Association has a long running and successful inclusive baseball program located in Inch Park;

WHEREAS, the Hamilton Challenger Baseball Association has partnered with the City of Hamilton, to fundraise and support the implementation of a fully inclusive play structure; and,

WHEREAS, a collaboration of Parks capital funding, Ward 7 Capital Infrastructure Reserve and fundraised dollars will provide opportunities for fully inclusive play equipment, accessible rubber surfacing, and shade provision options;

THEREFORE, BE IT RESOLVED:

- (a) That \$150,000 of funding be allocated from the Ward 7 Capital Infrastructure Reserve #108057, to support the implementation of a new inclusive Inch Park play structure, rubber surfacing and shade opportunities, be approved; and,
- (b) That the General Manager of Public Works, or their designate, be authorized and directed to approve and execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**5. Ferguson Avenue North Beautification (Ward 2) (Item 10.3)**

WHEREAS, following the considerable damage that was caused by the occupation of approximately 80 tents at Hamilton's largest encampment site during the summer of 2020, dozens of Ferguson Street residents participated in a walk-a-bout with the Ward Councillor in an effort to share their ideas on how we may restore and enhance their public realm;

WHEREAS, there is interest from Ward 2 residents for enhanced beautification on Ferguson Avenue North from Cannon Street East to Barton Street East;

WHEREAS, beautification in the form of planting beds and hanging baskets are appreciated by residents and visitors to the City of Hamilton;

WHEREAS, beautification increases the public profile of the City of Hamilton;  
and,

WHEREAS, there is currently no funding in the Horticulture Section for the  
proposed enhancement;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to install 5 perennial shrub beds on Ferguson Avenue North, from Cannon Street East to Barton Street East, at a cost of \$10,000 to be funded from Ward 2 Capital Infrastructure Reserve (#108052);
- (b) That hanging baskets be installed on existing light standards on Ferguson Avenue North, from Cannon Street East to Barton Street East, at a cost of \$8,000 to be funded from the Ward 2 Capital Infrastructure Reserve (#108052);
- (c) That \$19,050 and 0.16 FTE for the annual planting, irrigation and maintenance of perennial shrub beds and hanging baskets on Ferguson Avenue North, from Cannon Street East to Barton Street East, to be included in the Environmental Services Division's 2021 annual base operating budget, be approved; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents for the installation and annual maintenance of additional beautification to Ferguson Avenue North, with such terms and conditions in a form satisfactory to the City Solicitor.

**6. Montgomery Park Pedestrian Lighting Improvements (Ward 4) (Item 10.4)**

WHEREAS, Montgomery Park is an active community park in Ward 4 with pathways that promote active transportation through the community;

WHEREAS, parks provide local opportunities for physical fitness and recreation, throughout the year;

WHEREAS, pedestrian pathway lighting exists in a portion of Montgomery Park, supporting commuters and park users, and is in need of lifecycle replacement;  
and,

WHEREAS, the northern pathway loop and southern pathway loop area of Montgomery Park pathway is not currently lit and park users would benefit with the addition of pedestrian pathway lighting;

THEREFORE, BE IT RESOLVED:

- (a) That \$194,577 be allocated from the Ward 4 Special Capital Re-Investment Reserve, to implement new pedestrian pathway lighting along the north and south pathway loops of Montgomery Park and that the existing pathway lights be replaced;
- (b) That \$4,500 for the annual cost of electricity and maintenance for Montgomery Park pedestrian lighting improvements, to be added to the Parks and Cemeteries Section's 2021 annual base operating budget, be approved; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**7. Father Sean O'Sullivan Memorial Park Improvements, 1139 Greenhill Avenue, Hamilton (Ward 5) (Item 10.5)**

WHEREAS, the play structure located at Father Sean O'Sullivan Memorial Park, 1139 Greenhill Avenue, Hamilton was originally installed in the early 1990s; and,

WHEREAS, the play structure has surpassed its useful life span and needs to be replaced;

THEREFORE, BE IT RESOLVED:

- (a) That a play structure and safety surfacing be installed at Father Sean O'Sullivan Memorial Park, 1139 Greenhill Avenue, Hamilton, at an estimated cost of \$120,000 to be funded from the Ward 5 – Capital Infrastructure Reserve #108055; and,
- (b) That the General Manager of Public Works, or their designate, be authorized and directed to approve and execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**8. Dover Park Improvements, 66 Dover Drive, Hamilton (Ward 5) (Item 10.6)**

WHEREAS, the Hamilton Wentworth District School Board ordered the removal of the City owned play structure at Sir Isaac Brock School, 130 Greenford Drive, Hamilton;

WHEREAS, the City owns Dover Park at 66 Dover Drive, Hamilton, which is adjacent to Sir Isaac Brock School; and,

WHEREAS, residents have requested the installation of a replacement play structure at Dover Park;

THEREFORE, BE IT RESOLVED:

- (a) That a play structure and safety surfacing be installed at Dover Park, 66 Dover Drive, Hamilton, at an estimated cost of \$100,000 to be funded from the Ward 5 Capital Infrastructure Reserve #108055; and,
- (b) That the General Manager of Public Works, or their designate, be authorized and directed to approve and execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**9. Red Hill Neighbourhood Park Improvements, 320 Albright Road, Hamilton (Ward 5) (Item 10.7)**

WHEREAS, the Hamilton Wentworth District School Board has sold the former Red Hill School at 300 Albright Road which is adjacent to the City's Red Hill Neighbourhood Park;

WHEREAS, the Hamilton Wentworth District School Board has also indicated the pending closure of Elizabeth Bagshaw School at 350 Albright Road, which is also adjacent to the Red Hill Neighbourhood Park; and,

WHEREAS, the sale and pending sale of these properties has and will result in a loss of green space and recreation opportunities in the area;

THEREFORE, BE IT RESOLVED:

- (a) That a play structure and safety surfacing be installed at Red Hill Neighbourhood Park, 320 Albright Road, Hamilton, at an estimated cost of \$100,000 to be funded from the Ward 5 Capital Infrastructure Reserve #108055;
- (b) That \$8,900 and 0.03 FTE for the annual cost of maintenance and contribution to the Capital Reserve for replacement, to be included in the Parks and Cemeteries Section's 2021 annual base operating budget, be approved; and,
- (c) That the General Manager of Public Works, or their designate, be authorized and directed to approve and execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

- 10. Road Resurfacing and Sidewalk Replacement on Oakland Drive (between Kentley Drive and Ellingwood Avenue) and Ellingwood Avenue, Hamilton (Ward 5) (Added Item 10.8)**
- (a) That Public Works staff be authorized and directed to resurface the roads and replace the sidewalks on Oakland Drive, Hamilton, between Kentley Drive and Ellingwood Avenue, at an estimated cost of \$590,000 to be funded from the Ward 5 Area Rating Reserve Account (#108055);
  - (b) That Public Works staff be authorized and directed to resurface the roads and replace the sidewalks on Ellingwood Avenue, Hamilton, at an estimated cost of \$410,000, to be funded from the Ward 5 Area Rating Reserve Account (#108055); and,
  - (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**FOR INFORMATION:**

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

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

**7. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS**

- 7.1 Timothy Taylor and Tiffany Bound-Koocher respecting a Petition to Lower the Speed Limit on Upper Gage Avenue between Stone Church Road East and Rymal Road East (Ward 6) (approved on January 11, 2021)

7.1(a) Added Petition

**11. NOTICES OF MOTION (Item 11)**

- 11.1 Road Resurfacing and Sidewalk Replacement on Oakland Drive (between Kentley Drive and Ellingwood Avenue) and Ellingwood Avenue, Hamilton (Ward 5)

The agenda for the February 1, 2021 Public Works Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) January 11, 2021 (Item 3.1)**

The Minutes of the January 11, 2021 meeting of the Public Works Committee were approved, as presented.

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

**(i) Timothy Taylor and Tiffany Bound-Koocher respecting a Petition to Lower the Speed Limit on Upper Gage Avenue between Stone Church Road East and Rymal Road East (Ward 6) (approved on January 11, 2021) (Item 7.1)**

Timothy Taylor addressed the Committee respecting a Petition (Added Item 7.1(a)) to Lower the Speed Limit on Upper Gage Avenue between Stone Church Road East and Rymal Road East (Ward 6).

Councillor Jackson was granted an extension to the five minute time limit.

The delegation from Timothy Taylor, respecting a Petition (Added Item 7.1(a)) to Lower the Speed Limit on Upper Gage Avenue between Stone Church Road East and Rymal Road East (Ward 6), was received and referred to Transportation Operations & Maintenance staff for appropriate action.

**(ii) Peter Nielsen respecting the Trillium Open Space - Erosion Protection Plan (approved on January 11, 2021) (Item 7.1)**

Peter Nielsen addressed the Committee respecting the Trillium Open Space - Erosion Protection Plan, with the aid of a presentation.

The delegation from Peter Nielsen, respecting the Trillium Open Space - Erosion Protection Plan, was received and referred to appropriate staff for review and a report back to the Public Works Committee.

**(e) NOTICES OF MOTION (Item 11)**

**(i) Road Resurfacing and Sidewalk Replacement on Oakland Drive (between Kentley Drive and Ellingwood Avenue) and Ellingwood Avenue, Hamilton (Ward 5) (Added Item 11.1)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Road Resurfacing and Sidewalk Replacement on Oakland Drive (between Kentley Drive and Ellingwood Avenue) and Ellingwood Avenue, Hamilton (Ward 5).



For further disposition of this matter, refer to Item 10.

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

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

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

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

- (i) Redevelopment / Reuse of the former King George School Site, at 77 Gage Avenue North  
Item on OBL: V  
Current Due Date: March 22, 2021  
Proposed New Due Date: June 14, 2021
- (ii) Certificate of Recognition (COR™) Program  
Item on OBL: AQ  
Current Due Date: Q1 2021  
Proposed New Due Date: June 14, 2021
- (iii) Wastewater Treatment Plant Bypass and Combined Sewer Overflow Reporting  
Item on OBL: AAM  
Current Due Date: December 7, 2020  
Proposed New Due Date: May 3, 2021
- (iv) City of Hamilton's Cemeteries Business Plan  
Item on OBL: AAO  
Current Due Date: February 19, 2021  
Proposed New Due Date: March 22, 2021
- (v) Municipal Class Environmental Assessment and Conceptual Design of Ancaster Elevated Water Reservoir  
Item on OBL: AAP  
Current Due Date: Q1 2021  
Proposed New Due Date: June 14, 2021
- (vi) Enhanced Inspections and Monitoring - Hamilton Water and Wastewater  
Item on OBL: ABB  
Current Due Date: Q2 2021  
Proposed New Due Date: June 14, 2021

- (vii) Correspondence from Jim MacLeod, Vice President, Ancaster Village Heritage Community requesting the creation of a Community Safety Zone (CSZ)  
Item on OBL: ABH  
Current Due Date: February 19, 2021  
Proposed New Due Date: September 20, 2021
- (viii) Stormwater Gap Evaluation  
Item on OBL: ABM  
Current Due Date: Q1 2021  
Proposed New Due Date: March 22, 2021

(b) Items Considered Complete and Needing to be Removed:

- (i) Minimum Maintenance Standards Changes  
Addressed as Item 2 on today's agenda - Report PW18096(a)  
Item on OBL: AC

**(g) ADJOURNMENT (Item 14)**

There being no further business, the Public Works Committee was adjourned at 2:31 p.m.

Respectfully submitted,

Councillor A. VanderBeek  
Chair, Public Works Committee

Alicia Davenport  
Legislative Coordinator  
Office of the City Clerk

<b>Public Works Department Policy</b>	 Hamilton	Content Updated: Feb 2021
Maintenance Standards for Municipal Highways		
Policy No: PW-TOM-Y-026		Version No: 1
Page 1 of 5		Approval: February 2021

## ***Maintenance Standards for Municipal Highways Policy***

<b>POLICY STATEMENT</b>	<p>Part III of the <i>Municipal Act, 2001 S.O. 2001, Chapter 25</i>, gives municipalities jurisdiction over highways and provides for the municipality to keep the highway or bridge in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge, 2001, c. 25, s. 44(1).</p> <p>In addition, the Minister of Transportation may make regulations establishing minimum standards of repair for highways and bridges or any class of them, 2001, c. 25, s. 44(4).</p> <p>The Minister made Ontario Regulation 239/02, amended by Ontario Regulation 366/18, filed on May 3, 2018 which provides for Minimum Maintenance Standards for Municipal Highways and is the foundation for the highway maintenance program.</p> <p>The City of Hamilton is committed to providing a safe, accessible and efficient transportation system for the movement of people, goods and services across the City in keeping with applicable provincial legislation, accepted standards, and Council approved service levels. This Policy outlines the City's approach to maintenance of its municipal highways.</p>
<b>PURPOSE</b>	<p>The purpose of this policy is to clarify that the City of Hamilton will reference the Minimum Maintenance Standards for Municipal Highways (O. Reg. 239/02 as amended) as a guideline for delivering a level of service for maintenance operations.</p> <p>This policy will provide the Road Authority with clear direction from Council on the level of maintenance effort as it relates to the different classification of municipal highways.</p> <p>The provisions and standards in this policy should be followed to manage the City's liability and risk to keep its highway infrastructure, including sidewalks in a good state of repair.</p>
<b>SCOPE</b>	<p>This policy shall apply to all highways assumed and maintained as public highways by the City of Hamilton. Notwithstanding the foregoing, neither the City of Hamilton nor its officials or employees make any promise, assurance or guarantee that the services provided by the Road Authority will be in excess of the minimum standard, as required by regulation and detailed herein. Inherent within the standard is the expectation that drivers will act responsibly and will operate their vehicles, at all times, reasonably</p>

<b>Public Works Department Policy</b>	 Hamilton	Content Updated: Feb 2021
Maintenance Standards for Municipal Highways		Version No: 1
Policy No: PW-TOM-Y-026		Approval: February 2021
Page 2 of 5		

	<p>with due regard for the prevailing weather and roadway conditions.</p> <p>The Minimum Maintenance Standards in O. Reg. 239/02 (MMS) identifies road classifications, levels of maintenance and service frequencies for various highway components. The standards apply to a range of infrastructure elements including but not limited to:</p> <ul style="list-style-type: none"> <li>• Pavement surface</li> <li>• Street Light Luminaires</li> <li>• Signs</li> <li>• Traffic Control</li> <li>• Winter maintenance</li> <li>• Monitoring</li> </ul> <p>In the MMS, municipally owned highways are classified based on their average daily traffic and posted speed limits. Based on the classification, the MMS defines minimum levels of inspection and repair.</p> <p>Associated maintenance activities will be established to protect the quality, integrity and safety of the transportation infrastructure.</p>
<p><b>PRINCIPLES</b> (if applicable)</p>	<p>The following principles apply to this Policy:</p> <ol style="list-style-type: none"> <li>1. Operational activities of the Road Authority shall be directed to maintain the City of Hamilton's public highways to the prescribed standards herein. Care shall be taken first to assure that the minimum standards are maintained and secondly that such services are efficiently and effectively rendered.</li> <li>2. Neither the City nor its officials make any promises or assurance that public highways or any public highway in particular will be maintained in excess of the minimum standards herein defined now or in the future. The fact that the City may exceed those standards, when the resources available permit it to do so, does not change the minimum standards prescribed herein.</li> <li>3. The Maintenance Standards Policy is based on the assumption that not all infrastructure need be maintained at the same level of service but depends on its role in the total transportation network and on other various services the City provides, be they emergency or non-emergency.</li> <li>4. This policy uses the MMS as a guide to set out the level of</li> </ol>

<b>Public Works Department Policy</b>		Content Updated: Feb 2021
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	<p>service for maintenance of highways, with the exception of winter maintenance and streetlighting, which is a higher Council approved level of service.</p> <p>5. That where situations arise or applications be made which fall outside of the scope of standards, the Road Authority shall respond in a manner that is appropriate with respect to budgetary constraint and reasonable best practice.</p> <p>6. This policy will promote environmental stewardship by managing lifecycle costs of asset ownership and making use of acceptable recycled materials.</p> <p>7. The standards will assist in inform preparing budgets and decisions prioritizing resources.</p>
<b>TERMS &amp; CONDITIONS</b>	<p>The following terms and conditions apply to this Policy:</p> <p>(From the <i>Highway Traffic Act</i>, R.S.O. 1990, c. H.8)  <b>Highway</b> – includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof</p> <p><b>Roadway</b> – means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively</p> <p>(From the Minimum Maintenance Standards for Municipal Highways, O. Reg. 239/02 as amended)</p> <p><b>Classification of Highways</b> – every highway or part of a highway under the jurisdiction of a municipality in Ontario is classified as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the speed limit applicable to it and the average daily traffic on it. O. Reg. 239/02, s. 1 (2); O. Reg. 366/18, s. 1 (3).</p> <p>(From the <i>Public Transportation and Highway Improvement Act</i>, R.S.O. 1990, c. P.50)</p> <p><b>Road Authority</b> – means a body having jurisdiction and control of a highway.</p>

<b>Public Works Department Policy</b>		Content Updated: Feb 2021
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	<p><b>Maintenance</b> – includes repair.</p>
<b>COMPLIANCE</b>	<p>The City is required to maintain all highways and sidewalks within its jurisdiction in a reasonable state of repair.</p> <p>The City must keep records to prove that at the time an action arose the alleged default was covered by the standard and that the service provided by the municipality met or exceeded the standard.</p> <p>The policy recognizes that operational decisions during the winter season will need to be made based on local conditions in the field depending upon the extent and severity of a winter storm event, and as a result, there may need to be some reasonable deviations from this policy. Under such circumstances, the City will endeavour to recover winter maintenance operations in accordance with the level of service as soon as practicable.</p> <p>This policy is based on normal circumstances (e.g. winter weather conditions), reliability and availability of resources both human and physical. The City does not guarantee a level of service under abnormal, emergency, or extreme winter conditions nor in the event of a work stoppage.</p> <p>It is acknowledged that conditions may occur which temporarily prevent achieving levels assigned. In such cases, efforts will be made to keep roads open and in a reasonable state, consistent with available resources.</p>
<b>RELATED</b>	<p>The following documents are related to the Maintenance Standards for Municipal Highways Policy and employees must be aware and abide by these as well:</p> <ul style="list-style-type: none"> <li>• City of Hamilton Maintenance Guidelines for Levels of Service for Highways</li> <li>• By-Law 03-296, the Snow Removal By-Law</li> <li>• Strategic Asset Management Policy</li> <li>• <i>Municipal Act 2001, S. O. 2001, c. 25</i></li> <li>• Minimum Maintenance Standards for Municipal Highways (O. Reg. 239/02 as amended)</li> <li>• <i>Highway Traffic Act, R.S.O. 1990, c. H.8</i></li> <li>• Standards for Bridges (O. Reg. 104/97)</li> <li>• Ontario Traffic Manual, Book 11</li> </ul>
<b>HISTORY</b>	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p>

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	<p>Public Works Department, Transportation Operations &amp; Maintenance Division – Roadway Maintenance Section, Transportation Operations Section</p> <p>Public Works Department, Engineering Services Division – Asset Management Section</p> <p>Planning and Economic Development Department - Transportation Planning and Parking Division</p> <p>Corporate Services Department, Legal &amp; Risk Management Services Division – Legal Services Section, Risk Management Section</p>
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**PLANNING COMMITTEE  
REPORT  
21-002**

February 2, 2021

9:30 a.m.

**Council Chambers, Hamilton City Hall  
71 Main Street West**

**Present:** Councillors J.P. Danko (Chair)  
B. Johnson (1<sup>st</sup> Vice Chair), J. Farr (2<sup>nd</sup> Vice Chair), C. Collins,  
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

**Also in Attendance:** Councillor N. Nann

**THE PLANNING COMMITTEE PRESENTS REPORT 21-002 AND RESPECTFULLY RECOMMENDS:**

1. **To Incorporate City Lands into Greenravine Drive by By-Law (PED21019) (Ward 12) (Item 7.1)**
  - (a) That the following City Lands designated as Parts 1 and 2 on Plan 62R-20006 be established as a public highway to form part of Greenravine Drive;
  - (b) That the By-Law to incorporate the City lands to form part of Greenravine Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council.
2. **Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21023) (City Wide) (Item 7.2)**

That Report PED21023 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.
3. **Hamilton Municipal Heritage Committee Report 21-001 (Added Item 7.3)**
  - (a) **Ancaster Pre-Confederation Inventory (PED21031) (Ward 12) (Added Item 10.1)**
    - (i) That staff be directed to list the properties identified in Appendix "A", (attached as Appendix "A" to Planning Committee Report 21-



002) as amended by removing 157 Butter Road East; 259 Filman Road; 1157 Garner Road East; 5282 Governors Road; 34 Lloyminn Avenue; 1719 Powerline Road West and 4237 Powerline Road West, to Hamilton Municipal Heritage Committee Report 21-001, on the Municipal Heritage Register (Register) as non-designated properties of heritage interest in accordance with Section 27 of the Ontario Heritage Act.

- (ii) That staff be directed to add the properties identified in Appendix “B”, (attached as Appendix “B” to Planning Committee Report 21-002) as amended by removing 38 Academy Street; 1719 Powerline Road West and 34 Lloyminn Avenue, to Hamilton Municipal Heritage Committee Report 21-001, to the work plan for Designation under Part IV of the Ontario Heritage Act as low priorities.

**(b) Inventory and Research Working Group Meeting Notes - December 7, 2020 (Added Item 10.2)**

- (i) Former Mount Hamilton Hospital, 711 Concession Street, Hamilton

That the 1932 Maternity Wing of the Former Mount Hamilton Hospital, 711 Concession Street, Hamilton be added to the Municipal Register of Properties of Cultural Heritage Value or Interest and to the staff work plan for heritage designation under the *Ontario Heritage Act*.

**4. Integrating Health & Environmental Requirements to Demolition Permits (Item 11.1)**

WHEREAS, the City of Hamilton has declared a climate emergency and all matters related to the quality of the air we breathe ought to be prioritized;

WHEREAS, neither a demolition permit applicant, nor the Ministry of the Environment, Conservation and Parks (MECP), nor any Municipal Authority are required to notify neighbouring residents or businesses of a demolition before it occurs nor provide a forum to ask questions about potential impacts;

WHEREAS, the current practice for the City of Hamilton’s demolition permit notices is that they are auto-generated and forwarded by email to Councillors and do not contain substantive information about demolitions, requiring instead that Councillors contact demolition permit applicants directly should they have concerns about impacts to neighbouring residents and businesses;

WHEREAS, demolition permit applicants are not obligated to respond to requests for information, such as date of demolition, scale of demolition, method of demolition, potential for contaminant emissions, potential of fugitive dust impacts

and relevant dust mitigation plans, excessive noise impacts, emergency preparedness and disaster contingencies, etc.;

WHEREAS, demolition activities, and subsequent clean-up efforts, may impact not just air quality but can lead to pollutants being released to the stormwater system or demolition debris left in surface soil;

WHEREAS, the current demolition permit application does not require an applicant to do more than check a box indicating that they have followed MECP guidelines regarding contaminants;

WHEREAS, the current demolition permit application does not provide detailed information about potential pollutants or other harmful substances that may be released to air, land or water systems;

WHEREAS, in other Ontario Cities, such as the City of London, it is a requirement that Public Health be contacted to determine whether a Health Hazards Evaluation is required prior to demolition, depending on prior use of a structure to be demolished;

WHEREAS, the current permit application procedure does not require that the applicant's adherence to MECP guidelines regarding contaminant control be verified prior to issuance by the City of Hamilton's Building Division;

WHEREAS, it is irresponsible to assume that every demolition will be done well and in good faith;

WHEREAS, there is currently no way for the City of Hamilton to hold a company accountable when a demolition does go wrong: there is no requirement for post-demolition clean up, compensation to neighbours who experience property damage or loss, etc.;

WHEREAS, on September 30<sup>th</sup>, 2019, an errant demolition by Delsan, a division of American Iron and Metal (AIM), at 319 Sherman Ave. N, negatively impacted the neighbouring residential, commercial and industrial neighbours and properties;

WHEREAS, in the interest of providing an organized and informed community response to the Delsan-AIM demolition, the Ward 3 Councillor and staff established contact with the company in order to determine the cause of the particulate dust plume and improper demolition and their remedial action plan;

WHEREAS, in the absence of documentation detailing potentially harmful substances contained in the building that was demolished, the Ward 3 Councillor and staff had to work with MECP representatives and City of Hamilton's Public Health team to uncover this information and expedite disseminating this information to concerned residents.

THEREFORE BE IT RESOLVED:

- (a) That the General Manager of Planning and Economic Development draft a letter to the Ministry of Municipal Affairs and Housing requesting demolition requirements, under the Ontario Building Code be expanded to include a mandatory notification to all neighbouring properties, in writing, of the date and time that a commercial or industrial demolition is to take place which includes:
  - (i) the previous use of the site to be demolished;
  - (ii) a list of any potential contaminants which could become airborne or enter Hamilton's waterways or soil;
  - (iii) the potential human health impacts of contamination; and,
  - (iv) a detailed action plan to mitigate all potential impacts to human health, air quality and waterways or soil.
- (b) That Public Health Services work with the Building Division to:
  - (i) determine the size, scope, building-types of commercial and industrial demolitions that present the highest risk to human health;
  - (ii) determine application requirements for permit approval for any higher risk demolitions that qualify, such as:
    - (1) ensure that a designated substances survey (DSS), as defined within the Occupational Health And Safety Act, has been completed prior to demolition;
    - (2) an appropriate dust management plan will be implemented during demolition; and,
    - (3) inform mitigation requirements of human health impacts
  - (iii) review the dust mitigation plan with the Building Division before final approval;
- (c) That the Building Division be directed to:
  - (i) review the current demolition permitting process of other Ontario Municipalities which account for human health and environmental impacts and make relevant adjustments in accordance with the Ontario Building Code including but not limited to the above; and,

- (ii) report back with final recommended revisions to the City of Hamilton Building & Demolition Permit.

**5. Potential Donation to Hamilton Habitat for Humanity – 3 North Park Avenue, Hamilton (Item 11.2)**

WHEREAS, the Municipal Act requires municipalities to enact a by-law pursuant to and in accordance with the requirements of the Act, to establish procedures for the sale of real property owned by the municipality;

WHEREAS, before selling any land, the Council of the City of Hamilton shall, by by-law or resolution, declare the lands to be surplus;

WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property;

WHEREAS City Council on March 6, 2002 in adopting Item 21 of Report 02-008 of the Committee of the Whole, declared Lot 34 on Registered Plan 376, in the City of Hamilton surplus to the needs of the City of Hamilton;

WHEREAS Hamilton Habitat for Humanity, a non-profit organization, has requested the acquisition of Lot 34, Registered Plan 376, municipally known as 3 North Park Avenue for nominal consideration of \$2.00;

WHEREAS Habitat for Humanity Hamilton is a vital partner with the City of Hamilton and will continue to play a large role in helping to build more affordable housing within the City for years to come;

WHEREAS the deemed offer price of \$2.00 for the subject property is below the range of the fair market value as determined through an in-house appraisal of the subject's fair market value estimated at \$220,000; and,

WHEREAS the proceeds that were to be realized for the sale of Lot 34, Registered Plan 376, in the City of Hamilton, were to be credited to the City's Reserve – Hamilton Beach account and that the monetary loss from the sale be reflected with the City's Reserve-Hamilton Beach account.

THEREFORE BE IT RESOLVED:

- (a) That the Real Estate Section be directed to dispose of Lot 34 on Registered Plan 376, municipally known as 3 North Park Avenue, on an "as is, where is" basis, for a nominal fee of \$2;

- (b) That the Real Estate Section be directed to prepare an Offer to Purchase for the sale of Lot 34 on Registered Plan 376, being all of PIN 17569-0598(LT), in the City of Hamilton, municipally known as 3 North Park Avenue, on an “as is, where is” basis for a nominal fee of \$2; and,
- (c) That the City Solicitor be directed to complete this real estate transaction on the terms and conditions set out herein.

**6. City Ambassadors on the Waterfront Trail (Item 11.3)**

WHEREAS, the use of the Waterfront Trail has become popular with out of town cyclists many of whom are travelling at unsafe speeds, creating daily safety concerns for other trail users; and,

WHEREAS, the use of e-bikes, e-scooters and other electric powered devices are increasingly used on the waterfront trail, contrary to the City’s by-law, and,

WHEREAS, Licensing and By-law Services has previously hired summer students to act as Waterfront Trail Ambassadors as part of a pilot program in 2020 to educate the public and enforce City By-laws; and,

WHEREAS, the Waterfront Trail Ambassador program was considered a success and well received by trail users and Beach Neighbourhood residents,

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be directed to hire two summer students to act as City Ambassadors on the Waterfront Trail for the months of May through August at a cost of approximately \$27,522 to be funded by the Hamilton Beach Reserve Account 108037.

**FOR INFORMATION:**

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

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

**1. CONSENT ITEMS (Item 7)**

7.3 Hamilton Municipal Heritage Committee Report 21-001

7.3 (a) Amendments to the Ancaster Pre-Confederation Inventory Recommendations (Amending Motion)

**2. OTHER BUSINESS / GENERAL INFORMATION (Item 13)**

13.1 Outstanding Business List

(b) Items Requiring New Due Dates

12B - Request to Designate 437 Wilson Street East  
Current Due Date: December 8, 2020  
Proposed New Due Date: June 15, 2021

14A - Adding 206, 208, 210 King St E to the Register of  
Property of Cultural Heritage Value or Interest  
Current Due Date: December 8, 2020  
Proposed New Due Date: May 18, 2021

17E - Family Friendly Housing Policy  
Current Due Date: January 12, 2021  
Proposed New Due Date: April 30, 2021

18E - 2018 Development Fee Review  
Current Due Date: Q2 2021  
Proposed Due Date: May 18, 2021

18F - Hamilton Airshed Modelling System  
Current Due Date: February 16, 2021  
Proposed New Due Date: June 15, 2021

18I - Designation of 378 Main Street East  
Current Due Date: December 8, 2020  
Proposed Due Date: June 15, 2021

18L - Review of C6 and C7 Zoning Regulations  
Current Due Date: March 2021  
Proposed Due Date: June 15, 2021

19G - Residential Care Facilities & Group Homes - Human  
Rights and Zoning By-law Discussion Paper  
Current Due Date: December 8, 2020  
Proposed Due Date: May 18, 2021

19Q - Zoning By-law Amend. for 116 and 120 Barnesdale Ave N  
Current Due Date: October 20, 2020  
Proposed Due Date: February 16, 2021

19U - Heritage Designation Process and Delegated Authority to  
Consent to Heritage Permits  
Current Due Date: December 8, 2020  
Proposed Due Date: September 21, 2021

19Y - Construction Hoarding  
Current Due Date: Q1 2021  
Proposed Due Date: September 21, 2021

19BB - Parking Fee Review  
Current Due Date: November 17, 2020  
Proposed Due Date: March 23, 2021

19CC - Feasibility of Glanbrook Sports Park Included in  
Binbrook Village Urban Boundary  
Current Due Date: Q3 2021  
Proposed Due Date: August 10, 2021

19DD - 2070 Rymal Road East (Delegation A. Longo)  
Current Due Date: Q1 2021  
Proposed Due Date: March 23, 2021

19EE - A. Riley - Request for a Taxi Stand  
Current Due Date: Q2 2021  
Proposed Due Date: June 15, 2021

19FF - Support of Private Member's Bill to Reverse Pit Bull Ban  
in Ontario  
Current Due Date: December 8, 2020  
Proposed Due Date: June 1, 2021

20A - Property Standards By-law - Rental Properties and  
Apartments  
Current Due Date: November 17, 2020  
Proposed Due Date: March 23, 2021

20B - Review of Problems Associated with Increased Visitors to  
Waterfalls  
Current Due Date: December 8, 2020  
Proposed Due Date: April 6, 2021

20G - Second Dwelling Units - Options to Increase Housing  
Supply in Hamilton's Existing Low Density Housing Stock  
Current Due Date: TBD  
Proposed Due Date: March 23, 2021

20H - 2069 Binbrook Road - Rural OPA and Zoning By-law  
amendments  
Current Due Date: TBD  
Proposed Due Date: February 16, 2021

20i - Site Plan Fees for Lapsed Applications  
Current Due Date: TBD  
Proposed Due Date: May 4, 2021

20J - Draft Urban Forest Strategy  
Current Due Date: TBD  
Proposed Due Date: December 7, 2021

20M - Appeal for lack of Decision to LPAT re 73-89 Stone  
Church Rd W and 1029 West 5th Street  
Current Due Date: TBD  
Proposed Due Date: February 16, 2021

The agenda for the February 2, 2021 meeting was approved, as amended.

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

None declared.

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

**(i) January 12, 2021 (Item 4.1)**

The Minutes of the January 12, 2021 meeting were approved, as presented.

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

**(i) Hamilton Municipal Heritage Committee Report 21-001 (Added Item 7.3)**

**(a) Ancaster Pre-Confederation Inventory (PED21031) (Ward 12) (Added Item 10.1)**

- (i) That staff be directed to list the properties identified in Appendix "A" to Hamilton Municipal Heritage Committee Report 21-001, on the Municipal Heritage Register (Register) as non-designated properties of heritage interest in accordance with Section 27 of the Ontario Heritage Act.
- (ii) That staff be directed to add the properties identified in Appendix "B" to Hamilton Municipal Heritage Committee Report 21-001, to the work plan for Designation under Part IV of the Ontario Heritage Act as low priorities



**(b) Inventory and Research Working Group Meeting Notes -  
December 7, 2020 (Added Item 10.2)**

- (i) Former Mount Hamilton Hospital, 711 Concession Street,  
Hamilton

That the 1932 Maternity Wing of the Former Mount Hamilton Hospital, 711 Concession Street, Hamilton be added to the Municipal Register of Properties of Cultural Heritage Value or Interest and to the staff work plan for heritage designation under the Ontario Heritage Act.

WHEREAS, the Ancaster Pre-Confederation Inventory project has proactively identified 62 properties of heritage interest worthy of heritage recognition and protection, as outlined in Report PED21031 and included in HMHC Report 21-001;

WHEREAS, several property owners have provided written correspondence or delegated virtually at the Hamilton Municipal Heritage Committee voicing their opposition to the recommendations;

WHEREAS, any properties removed from the Ancaster Pre-Confederation Inventory recommendations will be reviewed at a future date as part of the City-initiated Built Heritage Inventory Strategy Work Plan, or as part of the regular *Planning Act* development application process;

THEREFORE BE IT RESOLVED:

- (a) That the following properties be removed from the list of Ancaster Pre-Confederation Inventory Register Recommendations, attached as Appendix "A" to Hamilton Municipal Heritage Committee Report 21-001;

- 157 Butter Road East;
- 259 Filman Road;
- 1157 Garner Road East;
- 5282 Governors Road;
- 34 Lloyminn Avenue;
- 1719 Powerline Road West; and,
- 4237 Powerline Road West.

- (b) That the following properties be removed from the list of Ancaster Pre-Confederation Inventory Designation Candidates, attached as Appendix "B" to Hamilton Municipal Heritage Committee Report 21-001.

- 38 Academy Street;

- 1719 Powerline Road West; and,
- 34 Lloyminn Avenue.

For disposition of this matter, refer to Item 3.

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

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

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

**(i) Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Item 8.1)**

Sean Stewart, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Michael Barton with MB1 Development Consulting Inc., the Agent was in attendance and indicated they were in support of the staff report.

The delegation from Michael Barton with MB1 Development Consulting Inc., was received.

The following Registered Delegations were received:

- (i) Jesse Razaqpur – Concerns with the proposal
- (ii) Sheila Strong – Concerns with the proposal

The public meeting was closed.

Report PED21024 respecting the Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton, was DEFERRED to the February 16, 2021 Planning Committee meeting to allow the Ward Councillor and residents an opportunity to have further consultation with the Developer.

(f) **MOTIONS (Item 11)**

(i) **Integrating Health & Environmental Requirements to Demolition Permits (Item 11.1)**

Sub-sections (a) and (b) to the Motion respecting Integrating Health & Environmental Requirements to Demolition Permits **were amended**, by adding '**commercial or industrial**', as follows:

- (a) That the General Manager of Planning and Economic Development draft a letter to the Ministry of Municipal Affairs and Housing requesting demolition requirements, under the Ontario Building Code be expanded to include a mandatory notification to all neighbouring residential properties, in writing, of the date and time that a **commercial or industrial** demolition is to take place which includes:
- (b) That Public Health Services work with the Building Division to:
  - (i) determine the size, scope, building-types of **commercial and industrial** demolitions that present the highest risk to human health;

For disposition of this matter, refer to Item 4.

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

(i) **Outstanding Business List (Item 13.1)**

The following changes to the Outstanding Business List were approved:

(a) **Items to Be Removed:**

19J - Zoning By-law Amendment for 1400 Baseline Road  
(Addressed as Item 8.2 on the January 12 agenda)

(b) **Items Requiring New Due Dates:**

12B - Request to Designate 437 Wilson Street East  
Current Due Date: December 8, 2020  
Proposed New Due Date: June 15, 2021

14A - Adding 206, 208, 210 King St E to the Register of Property of Cultural Heritage Value or Interest  
Current Due Date: December 8, 2020  
Proposed New Due Date: May 18, 2021

17E - Family Friendly Housing Policy  
Current Due Date: January 12, 2021  
Proposed New Due Date: April 30, 2021

18E - 2018 Development Fee Review  
Current Due Date: Q2 2021  
Proposed Due Date: May 18, 2021

18F - Hamilton Airshed Modelling System  
Current Due Date: February 16, 2021  
Proposed New Due Date: June 15, 2021

18i - Designation of 378 Main Street East  
Current Due Date: December 8, 2020  
Proposed Due Date: June 15, 2021

18L - Review of C6 and C7 Zoning Regulations  
Current Due Date: March 2021  
Proposed Due Date: June 15, 2021

19G - Residential Care Facilities & Group Homes - Human Rights  
and Zoning By-law Discussion Paper  
Current Due Date: December 8, 2020  
Proposed Due Date: May 18, 2021

19Q - Zoning By-law Amend. for 116 and 120 Barnesdale Ave N  
Current Due Date: October 20, 2020  
Proposed Due Date: February 16, 2021

19U - Heritage Designation Process and Delegated Authority to  
Consent to Heritage Permits  
Current Due Date: December 8, 2020  
Proposed Due Date: September 21, 2021

19Y - Construction Hoarding  
Current Due Date: Q1 2021  
Proposed Due Date: September 21, 2021

19BB - Parking Fee Review  
Current Due Date: November 17, 2020  
Proposed Due Date: March 23, 2021

19CC - Feasibility of Glanbrook Sports Park Included in Binbrook  
Village Urban Boundary  
Current Due Date: Q3 2021  
Proposed Due Date: August 10, 2021

19DD - 2070 Rymal Road East (Delegation A. Longo)

Current Due Date: Q1 2021

Proposed Due Date: March 23, 2021

19EE - A. Riley - Request for a Taxi Stand

Current Due Date: Q2 2021

Proposed Due Date: June 15, 2021

19FF - Support of Private Member's Bill to Reverse Pit Bull Ban in Ontario

Current Due Date: December 8, 2020

Proposed Due Date: June 1, 2021

20A - Property Standards By-law - Rental Properties and Apartments

Current Due Date: November 17, 2020

Proposed Due Date: March 23, 2021

20B - Review of Problems Associated with Increased Visitors to Waterfalls

Current Due Date: December 8, 2020

Proposed Due Date: April 6, 2021

20G - Second Dwelling Units - Options to Increase Housing Supply in Hamilton's Existing Low Density Housing Stock

Current Due Date: TBD

Proposed Due Date: March 23, 2021

20H - 2069 Binbrook Road - Rural OPA and Zoning By-law amendments

Current Due Date: TBD

Proposed Due Date: February 16, 2021

20i - Site Plan Fees for Lapsed Applications

Current Due Date: TBD

Proposed Due Date: May 4, 2021

20J - Draft Urban Forest Strategy

Current Due Date: TBD

Proposed Due Date: December 7, 2021

20M - Appeal for lack of Decision to LPAT re 73-89 Stone Church Rd W and 1029 West 5th Street

Current Due Date: TBD

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

**(i) Closed Session Minutes – January 12, 2021 (Item 14.1)**

The Closed Session Minutes – January 12, 2021 were approved, as presented, and are to remain confidential.

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

There being no further business, the Planning Committee was adjourned at 12:10 p.m.

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Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator

## Register Recommendations

	<b>Address</b>	<b>Community</b>	<b>Classification</b>
11	ACADEMY ST	Ancaster	Character-Supporting Resource
20	ACADEMY ST	Ancaster	Character-Supporting Resource
38	ACADEMY ST	Ancaster	Significant Built Resource
74	ACADEMY ST	Ancaster	Character-Supporting Resource
518	ALBERTON RD	Ancaster	Character-Supporting Resource
579	ALBERTON RD	Ancaster	Character-Supporting Resource
451	BOOK RD E	Ancaster	Character-Supporting Resource
360	BOOK RD W	Ancaster	Character-Supporting Resource
450	BOOK RD W	Ancaster	Character-Supporting Resource
157	BUTTER RD E	Ancaster	Character-Supporting Resource
185	BUTTER RD W	Ancaster	Character-Supporting Resource
137	CARLUKE RD W	Ancaster	Character-Supporting Resource
65	CENTRAL DR	Ancaster	Significant Built Resource
105	FILMAN RD	Ancaster	Significant Built Resource
259	FILMAN RD	Ancaster	Character-Supporting Resource
1157	GARNER RD E	Ancaster	Character-Supporting Resource
48	GARNER RD W	Ancaster	Character-Defining Resource
3276	GOVERNORS RD	Ancaster	Character-Supporting Resource
4012	GOVERNORS RD	Ancaster	Character-Supporting Resource
4016	GOVERNORS RD	Ancaster	Character-Supporting Resource
4036	GOVERNORS RD	Ancaster	Character-Supporting Resource
5282	GOVERNORS RD	Ancaster	Character-Supporting Resource
3819	INDIAN TRAIL	Ancaster	Significant Built Resource
1110	JERSEYVILLE RD W	Ancaster	Character-Supporting Resource
2283	JERSEYVILLE RD W	Ancaster	Character-Defining Resource
2480	JERSEYVILLE RD W	Ancaster	Character-Supporting Resource
2572	JERSEYVILLE RD W	Ancaster	Character-Supporting Resource
2577	JERSEYVILLE RD W	Ancaster	Character-Supporting Resource
2600	JERSEYVILLE RD W	Ancaster	Character-Supporting Resource
2605	JERSEYVILLE RD W	Ancaster	Character-Supporting Resource
2614	JERSEYVILLE RD W	Ancaster	Character-Defining Resource
2631	JERSEYVILLE RD W	Ancaster	Character-Supporting Resource
3226	JERSEYVILLE RD W	Ancaster	Character-Supporting Resource
3304	JERSEYVILLE RD W	Ancaster	Character-Defining Resource
3513	JERSEYVILLE RD W	Ancaster	Significant Built Resource
34	LLOYMINN AVE	Ancaster	Significant Built Resource
228	LOVERS LANE	Ancaster	Character-Supporting Resource
1032	LOWER LIONS CLUB	Ancaster	Significant Built Resource
644	MILL ST	Ancaster	Character-Supporting Resource

**Appendix "A" to Item 3 of Planning Committee Report 21-002**

	<b>Address</b>	<b>Community</b>	<b>Classification</b>
124	MISNER RD	Ancaster	Character-Supporting Resource
535	OLD DUNDAS RD	Ancaster	Character-Supporting Resource
662	OLD DUNDAS RD	Ancaster	Character-Supporting Resource
713	OLD DUNDAS RD	Ancaster	Significant Built Resource
1341	POWERLINE RD	Ancaster	Character-Supporting Resource
1399	POWERLINE RD	Ancaster	Character-Defining Resource
1686	POWERLINE RD	Ancaster	Character-Supporting Resource
1719	POWERLINE RD	Ancaster	Significant Built Resource
2012	POWERLINE RD	Ancaster	Character-Supporting Resource
2059	POWERLINE RD	Ancaster	Significant Built Resource
2224	POWERLINE RD	Ancaster	Significant Built Resource
2959	POWERLINE RD	Ancaster	Character-Supporting Resource
4237	POWERLINE RD	Ancaster	Character-Supporting Resource
54	ROUSSEAU ST	Ancaster	Character-Supporting Resource
74	ROUSSEAU ST	Ancaster	Character-Supporting Resource
76	ROUSSEAU ST	Ancaster	Character-Supporting Resource
1376	SHAVER RD	Ancaster	Character-Supporting Resource
26	VANDERLIP RD	Ancaster	Character-Supporting Resource
219	WILSON ST E	Ancaster	Character-Supporting Resource
1260	WILSON ST E	Ancaster	Character-Supporting Resource
2330	WILSON ST W	Ancaster	Character-Supporting Resource
2462	WILSON ST W	Ancaster	Character-Supporting Resource
2513	WILSON ST W	Ancaster	Character-Supporting Resource



**Designation Candidates**

	<b>Address</b>	<b>Community</b>	<b>Classification</b>
<b>38</b>	<b>ACADEMY ST</b>	<b>Ancaster</b>	<b>Significant Built Resource</b>
65	CENTRAL DR	Ancaster	Significant Built Resource
105	FILMAN RD	Ancaster	Significant Built Resource
3819	INDIAN TRAIL	Ancaster	Significant Built Resource
3513	JERSEYVILLE RD W	Ancaster	Significant Built Resource
<b>34</b>	<b>LLOYMINN AVE</b>	<b>Ancaster</b>	<b>Significant Built Resource</b>
1032	LOWER LIONS CLUB	Ancaster	Significant Built Resource
713	OLD DUNDAS RD	Ancaster	Significant Built Resource
<b>1719</b>	<b>POWERLINE RD</b>	<b>Ancaster</b>	<b>Significant Built Resource</b>
2059	POWERLINE RD	Ancaster	Significant Built Resource
2224	POWERLINE RD	Ancaster	Significant Built Resource



## **GENERAL ISSUES COMMITTEE REPORT 21-003**

9:30 a.m.

Wednesday, February 3, 2021

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

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

**Absent:** Councillors T. Whitehead – Personal

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-003, AND RESPECTFULLY RECOMMENDS:**

**1. Correspondence from the Hamilton Police Services Board, respecting  
Business Improvement Area Crime Statistics (Item 4.1)**

That the correspondence from the Hamilton Police Services Board, respecting Business Improvement Area Crime Statistics, be received and referred to the Business Improvement Area Advisory Committee for information.

**2. Stoney Creek Business Improvement Area (BIA) Revised Board of  
Management (PED21026) (Ward 5) (Item 6.1)**

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

- (i) Sandy Pavao; and,
- (ii) Natasha Guidi.

- 3. Advisory Committee for Persons with Disabilities Report 20-007, December 8, 2020 (Item 9.1)**
- (a) That Items 1 to 3 and 8, of the Advisory Committee Report 20-007, respecting the following, be approved:
    - (i) Appointment of Committee Chair and Vice-Chair for 2021 (Item 1);
    - (ii) Reduction in the Advisory Committee for Persons with Disabilities' Transportation Working Group and Built Environment Working Group Memberships (Item 2);
    - (iii) Housing Issues Working Group Work Plan (Item 3); and,
    - (iv) Strategic Planning Working Group Update (Item 8);
  
  - (b) That Item 4 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting Accessible Housing, be referred to the General Manager of the Healthy and Safe Communities Department, for a report back to the Emergency and Community Services Committee;
  
  - (c) That Item 5 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property, be referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations;
  
  - (d) That Item 6 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting HSR / ATS / DARTS Passenger Policies for Persons with Disabilities, be referred to the General Manager of Public Works, for a report back to the Public Works Committee; and,
  
  - (e) That Item 7 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting Acoustic Vehicle Alerting System Requirement for Electric Scooters be referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations.

**4. Funding to Backfill the Administrative Staff Position in Ward 6 (Item 10.1)**

WHEREAS, the Ward budgets do not reflect the funding required to backfill for administrative staff on maternity leave;

WHEREAS, at its meeting of April 8, 2020, Council approved \$30,300; \$25,000 from the General Legislative Budget (300100) and \$5,300 from the Tax Stabilization Reserve (110046), to backfill the administrative staff position in Ward 6 during a maternity leave in 2020; and,

WHEREAS, in 2021, Ward 6 is required to backfill the same administrative staff position, for a temporary length of time, to cover the balance of that maternity leave;

THEREFORE, BE IT RESOLVED:

That funding, to an upset limit of \$3,500, to backfill the administrative staff position in Ward 6, during the balance of a maternity leave in 2021, to be funded from the Contingency fund in the General Legislative Budget (300100), be approved.

**5. Ombudsman's Inquiry (FCS21019/LS21004) (City Wide) (Item 13.2)**

- (a) That the direction provided to staff in Closed Session, respecting Report FCS21019/LS21004 - Ombudsman's Inquiry, be approved; and,
- (b) That Report FCS21019/LS21004 - Ombudsman's Inquiry, remain confidential.

**FOR INFORMATION:**

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

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

**13. PRIVATE & CONFIDENTIAL**

**13.2 Ombudsman's Inquiry (FCS21019 / LS21004) (City Wide)**

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to advice that is

subject to solicitor-client privilege, including communications necessary for that purpose; Section 239(3)(b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman, appointed under the *Ombudsman Act*, and, to Section 239(3)(b) of the *Ontario Municipal Act*, 2001, as amended, Section 113.14(1) – Investigation - every investigation by the Ombudsman shall be conducted in private.

The agenda for the February 3, 2021 General Issues Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) January 13, 2021 (Item 3.1)**

The Minutes of the January 13, 2021 General Issues Committee meeting were approved, as presented.

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

Communication Items 4.2.a to 4.2.e. were approved, as follows:

- (i) Correspondence respecting Rent Relief for the Hamilton Farmers' Market Stallholders (Item 4.2)
  - 1. Liz Lamb (Item 4.2.a.)
  - 2. Charlie Chiarelli, CC Produce, Hamilton Farmers' Market Stallholder (Item 4.2.b.)
  - 3. Katie McCrindle (Item 4.2.c.)
  - 4. Ron Jepson, Jepson's Fresh Meats, Hamilton Farmers' Market Stallholder (Item 4.2.d.)

5. Sheri Adams Selway (Item 4.2.e.)

Recommendation: Be received.

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

The Delegation Requests, Items 5.1 to 5.3, were approved, as follows:

- (i) Ian Hamilton, Hamilton Oshawa Port Authority, respecting the Hamilton Oshawa Port Authority Ports Update (For the March 24, 2021 GIC) (Item 5.1)
- (ii) Shane Coleman, Hamilton Farmers' Market Stallholders' Association, requesting Rent Relief for the Hamilton Farmers' Market (For the February 17, 2021 GIC) (Item 5.2)
- (iii) Jennifer Hompoth, Friends of the Hamilton Farmers' Market, respecting the Well-Being of the Hamilton Farmers' Market (For the February 17, 2021 GIC) (Item 5.3)

**(f) STAFF PRESENTATIONS (Item 8)**

**(i) COVID-19 Verbal Update (Item 8.1)**

Paul Johnson, General Manager of the Healthy and Safe Communities Department; and, Dr. Elizabeth Richardson, Medical Officer of Health, provided Committee with a verbal update respecting COVID-19.

The verbal update respecting COVID-19 was received.

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

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

The amendments to the General Issues Committee's Outstanding Business List were approved, as follows:

- 1. Proposed New Due Dates (12.1.a.)
  - (aa) Multi-Purpose Community Hub for Diverse and Marginalized Communities - Business Case (Item 12.1.a.a.)

Current Due Date: December 9, 2020  
Proposed New Due Date: June 16, 2021

- (bb) Community Benefits Protocol Advisory Committee (Item 12.1.a.b.)

Current Due Date: November 20, 2020  
Proposed New Due Date: September 24, 2021

- (cc) Feasibility of Developing a Hamilton Biodiversity Action Plan (Item 12.1.a.c.)

Current Due Date: December 9, 2020  
Proposed New Due Date: April 7, 2021

- (dd) Grant or Low-Interest Loans from FCM (Item 12.1.a.d.)

Current Due Date: November 4, 2020  
Proposed New Due Date: December 8, 2021

- (ee) Parkland Acquisition Strategy (Item 12.1.a.e.)

Current Due Date: December 8, 2021  
Proposed New Due Date: June 15, 2022

- 2. Items to be removed (Item 12.1.b.)

Results of the Public Consultation of the Draft Employment Land Review Report, in addition to other GRIDS 2 and MCR Intensification and Density Targets (Item 12.1.b.a.)

(Addressed at the December 14, 2020 Special GIC as Item 6.1 - Report PED17010(g); and, Item 8.1 - Report PED17010(h))

**(h) PRIVATE & CONFIDENTIAL (Item 13)**

**(i) Closed Session Minutes – January 13, 2021 (Item 13.1)**

- (a) The Closed Session Minutes of the January 13, 2021 General Issues Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the January 13, 2021 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Item 13.2, pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; Section 239(3)(b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman, appointed under the *Ombudsman Act*, and, to Section 239(3)(b) of the *Ontario Municipal Act*, 2001, as amended, Section 113.14(1) – Investigation - every investigation by the Ombudsman shall be conducted in private.

**(i) ADJOURNMENT (Item 14)**

There being no further business, the General Issues Committee adjourned at 12:50 p.m.

Respectfully submitted,

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Deputy Mayor Maureen Wilson  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk





## AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-002

9:30 a.m.  
February 4, 2021  
Council Chambers  
Hamilton City Hall

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

### THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 21-001 AND RESPECTFULLY RECOMMENDS:

**1. Citizen Committee Report - Hamilton Status of Women Advisory Committee - Donation of Remaining 2020 Budget Allocation (Item 9.1)**

- (a) That the Advisory Committee Funding Structure be referred to staff for a report back to the Governance Review Sub-Committee.
- (b) That the Citizen Committee Report from the Hamilton Status of Women Advisory Committee respecting the Donation of their Remaining 2020 Budget Allocation, be referred back to staff to be included in the Tax and Rate Operating Budget Variance Report – Budget Control Policy Transfers to the Audit, Finance and Administration Committee.

**2. 2020 City Enrichment Fund Update (GRA21001) (City Wide) (Item 9.2)**

That the overall 2020 City Enrichment Fund surplus (attached as Appendix “A” to Audit, Finance & Administration Report 21-002), in the amount of \$732,342 be transferred to the City Enrichment Fund Reserve #112230, be approved.

**3. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - All Advisory Committee Event (Item 9.3)**

That the request from the Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee to host a virtual All Advisory Committee Event to be held in 2021, be referred back to Clerk's staff to develop a format for an All Advisory Committee Event and report back to the Audit, Finance & Administration Committee on April 8th, 2021.

**4. Governance Review Sub-Committee Report 21-001 - January 25, 2021 (Item 9.4)**

**(a) 2020 Review of the City's Procedural By-law Amendments (FCS21004 / LS21001) (Item 9.1)**

- (a) That the Summary of the Proposed Revisions, as detailed in Appendix 'B' to Audit, Finance & Administration Committee Report 21-002, as amended, be approved;
- (b) That By-law 18-270, the Council Procedural By-law, and it's amending By-laws 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184, be repealed; and,
- (c) That the Council Procedural By-law attached as Appendix 'C' to Audit, Finance & Administration Committee Report 21-002, as amended, be enacted by Council.

**(b) Civil Marriage Solemnization Update (CL19012(b)) (City Wide) (Item 9.2)**

That Report CL19012(b) respecting Civil Marriage Solemnization Update, be received.

**(c) Legal Advice on Contract Terms (Item 13.1)**

That the direction provided to staff in Closed Session respecting Legal Advice on Contract Terms, be approved and remain confidential.

**5. Commercial Relationship between the City of Hamilton and 1389797 Ontario Inc. o/a Medical Centre Optical (FCS11020(a) / LS11001(a)) (City Wide) (Item 13.1)**

That Report FCS11020(a) / LS11001(a) respecting the Commercial Relationship between the City of Hamilton and 1389797 Ontario Inc. o/a Medical Centre Optical, be received and remain confidential.

**FOR INFORMATION:**

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

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

**4. COMMUNICATIONS**

- 4.2 Correspondence from Joey Coleman, respecting a proposed bylaw banning letters critical of Council behaviour from being submitted as public correspondence

Recommendation: Be received and referred to consideration of Item 9.4 - Governance Review Sub-Committee Report 21-001.

The agenda for the February 4, 2021 Audit, Finance and Administration Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) January 14, 2021 (Item 3.1)**

The Minutes of the January 14, 2021 meeting of the Audit, Finance and Administration Committee were approved, as presented.

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

Communication Items 4.1 and 4.2, were received and referred to consideration of Item 9.4 – Governance Review Sub-Committee Report 21-001:

**(i) Correspondence from Cameron Kroetsch, respecting suggested changes to consolidated Procedural By-law 18-270 (Item 4.1)**

**(ii) Correspondence from Joey Coleman, respecting a proposed bylaw banning letters critical of Council behaviour from being submitted as public correspondence (Added Item 4.2)**

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

**(i) Sanaullah Chaudhry, respecting a water bill totaling \$2,193.34 (for October 18 - Dec. 18th through Alectra-Bill) (Approved January 14, 2021) (Item 7.1)**

Sanaullah Chaudhry when called upon experienced technical difficulties, therefore, the Chair called upon the next delegation until the technical difficulties could be resolved.

For further disposition of this matter refer to Item (e)(iv).

**(ii) Robert Ridley, on behalf of Olympia Gerl, respecting a Water Billing Charge Anomaly (Approved January 14, 2021) (Item 7.2)**

Robert Ridley experienced technical difficulties and was unable to rejoin the meeting.

The delegation from Robert Ridley, on behalf of Olympia Gerl, respecting a water billing charge anomaly, was deferred to the February 18, 2021 Audit, Finance & Administration Committee meeting.

**(iii) Staff Supporting Documentation – Robert Ridley (Item 7.2(a))**

The staff supporting documentation respecting Robert Ridley’s delegation, was deferred to the February 18, 2021 Audit, Finance & Administration Committee meeting.

**(iv) Sanaullah Chaudhry, respecting a water bill totaling \$2,193.34 (for October 18 - Dec. 18th through Alectra-Bill) (Approved January 14, 2021) (Item 7.1) (Continued)**

Sanaullah Chaudhry addressed the Committee respecting a water bill totaling \$2,193.34.

The delegation from Sanaullah Chaudhry, respecting a water bill totaling \$2,193.34, was received.

**(ii) Staff Supporting Documentation - Sanaullah Chaudhry (Item 7.1(a))**

The staff supporting documentation respecting Sanaullah Chaudhry’s delegation, was received.

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

**(i) Governance Review Sub-Committee Report 21-001 – January 25, 2021 (Item 9.4)**

The Chair advised that public notice was given for the 2020 Review of the City's Procedural By-law Amendments (FCS21004 / LS21001), Item 1 of the Governance Review Sub-Committee Report 21-001, inviting interested parties to make virtual representations at today’s meeting. There were no registered speakers.

**(a) 2020 Review of the City's Procedural By-law Amendments (FCS21004 / LS21001) (Item 9.1)**

- (i) That the Summary of the Proposed Revisions, as detailed in Appendix ‘B’ attached to Governance Review Sub-Committee Report 21-001, be approved;
- (ii) That By-law 18-270, the Council Procedural By-law, and it’s amending By-laws 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184, be repealed; and,
- (iii) That the Council Procedural By-law attached as Appendix ‘A’ to Governance Review Sub-Committee Report 21-001, as amended, be enacted by Council.

**(b) Civil Marriage Solemnization Update (CL19012(b)) (City Wide)  
(Item 9.2)**

That Report CL19012(b) respecting Civil Marriage Solemnization Update, be received.

**(c) Legal Advice on Contract Terms (Item 13.1)**

That the direction provided to staff in Closed Session respecting Legal Advice on Contract Terms, be approved and remain confidential.

Councillor Clark relinquished the Chair to Councillor Johnson in order to introduce amendments to this item.

(1) That subsection (c) to Item 1 of the Governance Review Sub-Committee Report 21-001, be **amended**, as follows:

(i) That Sections 3.10 (5) and 5.14 (6) respectively, **be amended**, to read as follows:

Communication Items shall not contain the Personal Information **without their express consent**, with the exception of the author's name. Any Personal Information found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.

(ii) That Sections 3.7 (5) and 5.4 (5) respectively, **be amended** to include '**the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained,**' to read as follows:

3.7 (5) **INP** If Quorum cannot be maintained during an IN-PERSON Council meeting, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost **the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained**, the decision to continue the meeting will rest with the Mayor or Deputy Mayor. During the absence of quorum, no decisions may be approved.

5.4 (5) **INP** If Quorum cannot be maintained during an IN-PERSON Committee meeting, the Clerk will

advise the Chair that quorum is lost ***the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained***, the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.

- (2) WHEREAS, Council has an obligation to be transparent and receive communications in good faith acknowledging the public interest under Common Law and the *Municipal Act, 2001*;

WHEREAS, the role of the Integrity Commissioner is to help ensure that Members of Council perform their functions in accordance with the Code of Conduct, and other applicable procedures, rules and policies governing ethical behavior (*Integrity Commissioner By-Law No. 16-288*);

WHEREAS, the violations of the Code of Conduct apply to Key Statements of General Principle Underlying the Code; Gifts and Benefits; Confidentiality; Use of City Property, Services and Other Resources; Election Campaign Work; Conduct in Office, Including at Council and Committees; Representing the City; Improper Use of Influence; Conduct Respecting City Employees; Respect for the City and Its By-laws and Queries and Complaints Under this Code of Conduct (Code of Conduct for Members of Council By-law 16-290, as amended);

WHEREAS, the Ontario Ombudsman recommends that any communication regarding behaviour of a Member of Council is forwarded to the member and the author is informed of the Integrity Commissioner web page and process, as an option if they wish to file a formal complaint;

WHEREAS, an appeal process was omitted from the proposed Council Procedural By-law for a member(s) of Council to appeal the Mayor's or the Chair's order for a member(s) of Council to vacate the place the meeting is being held should they persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1; and

WHEREAS, consistency in the proposed Council Procedural By-law is paramount, respecting the type of vote required for an appeal/challenge of the Mayor's or the Chair's ruling.

THEREFORE BE IT RESOLVED:

That subsection (c) to Item 1 of the Governance Review Sub-Committee Report 21-001, be **further amended**, as follows:

- (i) That Sections 3.10 (10) and 5.14 (10) respectively, **be amended** to read as follows:

***Communications which are in substance an allegation of a violation of the Code of Conduct or the Municipal Conflict of Interest Act by a member of Council or any member of a local board will not be placed on a Council (or Committee) agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.***

- (ii) That Section 8.4, **be amended** to read as follows:

**8.4 *Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held:***

***(i) If the Member of Council apologizes, they may, by two-thirds majority vote of the Council or Committee members, be permitted to remain at the meeting; and***

***(ii) Any Member of Council other than the member ordered to vacate the place the meeting is being held may appeal the Mayor's or Chair's ruling, and Council or Committee may overturn the Chair's ruling by two-thirds majority vote of the Council or Committee members. An appeal is not in order once a vote under section 8.4 (i) has taken place.***

- (iii) That Section 12.7, **be amended** to read as follows:

**12.7** The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council or Committee. The Clerk shall take a vote of the challenge for Members of Council or Committee in favour or opposed to the ruling. The ruling fails when there is a **two-thirds** majority vote in favour of the challenge.

Councillor Johnson introduced the following amendment to the amendment:

- (3) That subsection (c) to Item 1 of the Governance Review Sub-Committee Report 21-001, be **further amended**, to include **'(excluding the member of Council or Committee in question)'** as follows:

**8.4 Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Council or Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held:**

- (i) If the Member of Council apologizes, they may, by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question), be permitted to remain at the meeting; and,**
- (ii) Any Member of Council other than the member ordered to vacate the place the meeting is being held may appeal the Mayor's or Chair's ruling, and Council or Committee may overturn the Chair's ruling by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question). An appeal is not in order once a vote under section 8.4 (i) has taken place.**

**Amendment, As Amended**, to read as follows:

WHEREAS, Council has an obligation to be transparent and receive communications in good faith acknowledging the public interest under Common Law and the *Municipal Act, 2001*;

WHEREAS, the role of the Integrity Commissioner is to help ensure that Members of Council perform their functions in accordance with the Code of Conduct, and other applicable procedures, rules and policies governing ethical behavior (*Integrity Commissioner By-Law No. 16-288*);

WHEREAS, the violations of the Code of Conduct apply to Key Statements of General Principle Underlying the Code; Gifts and Benefits; Confidentiality; Use of City Property, Services and Other Resources; Election Campaign Work; Conduct in Office, Including at Council and Committees; Representing the City; Improper Use of Influence; Conduct Respecting City Employees; Respect for the City and Its By-laws and Queries and Complaints Under this Code of Conduct (Code of Conduct for Members of Council By-law 16-290, as amended);



WHEREAS, the Ontario Ombudsman recommends that any communication regarding behaviour of a Member of Council is forwarded to the member and the author is informed of the Integrity Commissioner web page and process, as an option if they wish to file a formal complaint;

WHEREAS, an appeal process was omitted from the proposed Council Procedural By-law for a member(s) of Council to appeal the Mayor's or the Chair's order for a member(s) of Council to vacate the place the meeting is being held should they persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1; and

WHEREAS, consistency in the proposed Council Procedural By-law is paramount, respecting the type of vote required for an appeal/challenge of the Mayor's or the Chair's ruling.

THEREFORE BE IT RESOLVED:

That subsection (c) to Item 1 of the Governance Review Sub-Committee Report 21-001, be **further amended**, as follows:

- (i) That Sections 3.10 (10) and 5.14 (10) respectively, **be amended** to read as follows:

***Communications which are in substance an allegation of a violation of the Code of Conduct or the Municipal Conflict of Interest Act by a member of Council or any member of a local board will not be placed on a Council (or Committee) agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.***

- (ii) That Section 8.4, **be amended** to read as follows:

**8.4 *Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Council or Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held:***

- (i) If the Member of Council apologizes, they may, by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question), be permitted to remain at the meeting; and,***
- (ii) Any Member of Council other than the member ordered to vacate the place the meeting is being held may appeal the Mayor's or Chair's ruling, and Council or Committee may overturn the Chair's ruling by two-thirds majority vote of the Council or Committee members (excluding the member of***

***Council or Committee in question). An appeal is not in order once a vote under section 8.4 (i) has taken place.***

(iii) That Section 12.7, ***be amended*** to read as follows:

**12.7** The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council or Committee. The Clerk shall take a vote of the challenge for Members of Council or Committee in favour or opposed to the ruling. The ruling fails when there is a ***two-thirds*** majority vote in favour of the challenge.

Councillor Clark assumed the Chair.

For further disposition of this matter refer to Item 4.

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

Committee moved into Closed Session respecting Item 13.1, pursuant to Section 8.1, Sub-section (f) of the City's Procedural Bylaw 18-270, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**(i) Commercial Relationship Between the City of Hamilton and 1389797 Ontario Inc. o/a Medical Centre Optical (FCS11020(a) / LS11001(a)) (City Wide) (Item 13.1)**

For disposition of this matter refer to Item 5 and (h)(a)(i).

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

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

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

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

- (i) 10 Year Review of Medical Centre Optical – Bids, Proposals or Quotation  
Added: February 7, 2011 at AF&A  
Completed: February 4, 2021 AF&A - Item 13.1  
OBL Item: A

**(i) ADJOURNMENT (Item 14)**

There being no further business, the Audit, Finance and Administration Committee adjourned at 1:17 p.m.

Respectfully submitted,

Councillor Clark, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

## 2020 City Enrichment Fund SUMMARY

Category	Total Applications	2020 Approved Budget	2020 Total Approved Funding *	2020 Total Payment	Variance (Budget vs Payment)
Community Services Total	107	\$ 2,164,360	\$ 2,102,033	\$ 2,102,033	\$ 62,327
Agriculture Total	18	\$ 143,360	\$ 78,658	\$ 78,658	\$ 64,702
Environment Total	14	\$ 146,390	\$ 146,390	\$ 146,390	\$ -
Sport and Active Lifestyles Total	44	\$ 245,990	\$ 143,055	\$ 127,646	\$ 118,344
Arts Total	82	\$ 2,770,540	\$ 2,701,910	\$ 2,696,275	\$ 74,265
CCH Total	69	\$ 567,700	\$ 212,017	\$ 202,255	\$ 365,445
<b>Total Traditional Grant Categories</b>	<b>334</b>	<b>\$ 6,038,340</b>	<b>\$ 5,384,063</b>	<b>\$ 5,353,257</b>	<b>\$ 685,083</b>
CEF Administration		\$ 50,000	\$ 50,000	\$ 2,741	\$ 47,259
<b>Total City Enrichment Fund</b>	<b>334</b>	<b>\$ 6,088,340</b>	<b>\$ 5,434,063</b>	<b>\$ 5,355,998</b>	<b>\$ 732,342</b>

\* Funds were approved in 4 phases:

Phase 1	2,541,713
Phase 2	2,640,836
Phase 3	84,663
Phase 4	166,851
	5,434,063

## **Summary of the Proposed Revisions**

### **Throughout the by-law:**

The terms IN-PERSON / VIRTUAL / HYBRID have been added to refer to the various ways the City of Hamilton could be conducting their meetings.

The term 'regularly scheduled meetings' has been amended to 'scheduled meetings'.

The contents of Appendices J, K and L attached to By-law 18-270, as amended, which were appendices that addressed the holding of Electronic meetings, have been incorporated into the proposed Procedural By-law, in order to keep the reference in the by-law to one area, rather than 4 (four) areas in some cases (i.e. sub-section 2.1 could be found in the by-law as well as Appendices J, K and L.

### **SECTION 1 - DEFINITIONS**

- *Added the following definitions, in order to define the new terms when they appear in the by-law:*

**"ELE"** means Electronic meeting procedures and applies to Virtual and Hybrid meetings during an emergency and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

**"Hybrid"** means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings during an emergency.

**"INP"** means In-Person meeting procedures and applies only when the procedures for In-Person meetings differs from Electronic (ELE) meeting procedures.

**"In-Person"** means a proceeding where members participate In-Person at Council and Committee meetings.

**"Virtual"** means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings during an emergency.

- *Revised the following definitions to enhance their meanings for better understanding:*

**"Point of Order"** means a question raised by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business.

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“**Point of Privilege**” means a matter that affects the credibility, reputation, and dignity of a Member individually or that Council or Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely; a need for assistance, to be excused for illness or a personal emergency.

**SECTION 3 – COUNCIL MEETINGS**

**3.5 Meetings of Council for Emergencies**

- *Added Section 3.5(5), to ensure that Council, has the ability to meet in an adjacent municipality, when necessary during an emergency:*

(5) In the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality, and such meetings may be held as IN-PERSON / VIRTUAL / HYBRID meetings, with the details posted on the City’s website.

**3.7 Quorum**

- *Section 3.7(5), has been divided into 2 sections, to address quorum for in IN-PERSON and VIRTUAL / HYBRID meetings and amended to reflect a recess of 15 minutes to allow for members to return to an IN-PERSON meeting as per the VIRTUAL / HYBRID meeting:*

(5) **INP** If Quorum cannot be maintained during an IN-PERSON Council meeting, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained, the decision to continue the meeting will rest with the Mayor or Deputy Mayor. During the absence of quorum, no decisions may be approved.

**ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Council meeting, due to a loss of members’ electronic connection, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the meeting will be recessed for up to 15 minutes or until the members’ electronic connection is resumed, which could result in a delay to the next available business day. the Clerk will ensure that the proper messaging respecting the continuation of a Council meeting to the following day or next available day is on the City’s website.

**3.10 Communication Items**

- *Sections 3.10(1), 3.10(2) and 3.10(4) have been amended to reflect ‘Communication Items.....’.*

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- *Added Section 3.10(5) to apprise those who send in communication items for inclusion on Council agendas that reference another person or staff member will be redacted as per the relevant legislation and to add 'without their express consent':*
  - (5) Communication Items shall not contain the Personal Information without their express consent, with the exception of the author's name. Any Personal Information found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- *Section 3.10(10) has been amended to include 'or any member of a body subject to review by the Integrity Commissioner' and to refer to communications respecting allegations of a violation of the Code of Conduct or the Municipal Conflict of Interest Act:*
  - (10) Communications which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Council agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.

### **3.11 Order of Business**

- *Added a note on Item (c), Ceremonial Activities, to address the format of Ceremonial Activities at electronic meetings; and 'Council Communication Updates' as per the addition of Section 3.17 (below):*

The Order of Business for scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless amended by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Ceremonial Activities (**ELE** – During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Committee Reports
- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)

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- (j) Council Communication Updates
- (k) Private and Confidential
- (l) By-laws and Confirming By-law
- (m) Adjournment

**3.17 Council Communication Updates**

- *Added Section 3.17, Council Communication Updates, to initiate the preparation and distribution of a package that contains the Communication Updates forwarded to Council in a two-week time period, as follows:*
  - (1) All staff Communication Update documents sent to Council and posted on the website will be published by the Clerk on the Council agenda for receipt into the public record.
  - (2) A member may refer any of the items listed within the Council Communication Updates to a Standing Committee by contacting the Clerk and any item so referred shall be placed on the next available agenda of the respective Standing Committee.
- *Sections 3.12 (Rules of Debate); 3.13 (Voting Procedures) and 3.14 (Motion Procedures) have been moved to their own section (Section 6), as they apply to both Council and Committees.*

**3.15 Conflict of Interest Declarations**

- *Section 3.15(1) has been amended to remove the reference to the Conflict of Interest Act, 1990:*
  - (1) Where a member has disclosed a conflict of interest at a meeting, the member, shall file a written statement with the Clerk.

**SECTION 4 - COMMITTEE OF THE WHOLE**

- *Added 'and the Reports of Committees who report directly to Council', as we have and have had several Committees who report directly to Council:*

**4.1 Council may, by resolution:**

- (a) move into Committee of the Whole to consider, including debate, Standing Committee Reports; Selection Committee Reports and the Reports of Committees who report directly to Council on the Council meeting agenda; and



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- 4.2** During the consideration of Reports a member may lift an item from the Information Section with the approval of a majority of the members present, for the matter:
- 4.3** An information item that is lifted from a Report and amended, will be given an item number and added to the appropriate section of the Standing Committee Report Selection Committee Report or the Report of Committee who reports directly to Council.

**SECTION 5 – COMMITTEE MEETINGS**

- *The title of Section 5, as well as any references to ‘Standing’ Committee throughout the section has been removed as this section applies to all Committees, unless the sub-section is specific to only ‘Standing’ Committees:*

**5.2 Appointment of Committee Chairs and Vice Chairs**

- *Section 5.2(4) has been amended to reflect that each Sub-Committee, Advisory Committee and Task Force recommends to Council the appointment of a Chair and Vice-Chair:*

- (4) Each Sub-Committee, Advisory Committee and Task Force shall recommend to Council the appointment of a Chair and Vice Chair. The Chair or Vice-Chair of a Sub-Committee, Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

**5.4 Quorum**

- *Section 5.4(4) has been amended to reflect the loss of quorum with the exception of sections 5.4(6) and 5.4(7):*

- (4) If a quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next scheduled Committee meeting or another meeting may be called in accordance with the provisions of this By-law, except as provided for in 5.4(6) and 5.4(7).

- *Section 5.4(5) has been divided into 2 sections, to address quorum for in IN-PERSON and VIRTUAL / HYBRID meetings and amended to reflect a recess of 15 minutes to allow for members to return to an IN-PERSON meeting as per the VIRTUAL / HYBRID meeting:*

- (5) **INP** If Quorum cannot be maintained during an IN-PERSON Committee meeting, the Clerk will advise the Chair that quorum is lost the meeting will be recessed for up to 15 minutes to allow members to

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return. Following the recess, if quorum is not regained, the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.

**ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Standing Committee meeting, due to a loss of members' electronic connection, the Clerk will advise the Chair that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Standing Committee meeting is on the City's website. Where Quorum during a VIRTUAL/HYBRID Standing Committee meeting is lost for any other reason the INP procedure shall apply.

- *Section 5.4(6), reflects the continuation of a meeting without quorum to address when the Committee has an outside consultant; organization, etc., who is in attendance at meeting where quorum isn't achieved, it permits the Chair to decide to proceed with hearing the scheduled presentation without making any decisions:*

(6) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Chair may decide to proceed informally to hear scheduled presentations. Ratification of any decisions will be postponed to a future meeting.

- *Section 5.4(7), reflects the continuation of a meeting without quorum to address when the Committee members who are in attendance at a meeting where quorum isn't achieved, want to talk informally on a matter of interest without making any decisions:*

(7) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of a Committee, the Chair may allow the Committee to discuss items of interest. Ratification of any decisions will be postponed to a future meeting.

- *Section 5.5 was added to include a section on the location of Committee meetings:*

## **5.5 Location of Meetings**

- (1) IN-PERSON / VIRTUAL / HYBRID Standing Committee Meetings shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

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**5.8 Committee Reports**

- *Added 'and other Committees that report directly to Council', as we have and have had several Committees who report directly to Council:*
  - (1) Each Standing Committee, the Selection Committee, and other Committees that report directly to Council shall make recommendations to Council.
  - (2) A minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review. Every effort will be made for Standing Committee and/or Selection Committee Reports to be released at an earlier date.

**5.9 Rules of Procedure**

- *The original Section 5.9(1) has been removed as Section 2.1 (below) addresses the rules of procedure for all Committees:*
  - ~~(1) The rules governing the procedure of the Council at Council meetings shall be observed at Committee meetings, so far as they are applicable.~~
  - 2.1** The rules of procedure shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.
- *5.9 (3) was amended at Governance Review Sub-Committee to remove "when a subject matter directly affects their Ward" to permit a member to attend a Standing Committee meeting on any matter of interest:*
  - (3) A Member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate, provided that the Member of Council shall:
    - (a) not be counted for quorum purposes, and;
    - (b) not move any motion or vote on any matter.

**5.10 Order of Business**

- *Section 5.10 has been amended, so that the Committees hear the staff presentations prior to hearing from delegations; and*
- *Added a note on Item (c), Ceremonial Activities, to address the format of Ceremonial Activities at electronic meetings:*

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- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
- (a) Ceremonial Activities (**ELE**- During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
  - (b) Approval of Agenda
  - (c) Declarations of Interest
  - (d) Approval of Minutes of Previous Meeting
  - (e) Communications
  - (f) Delegation Requests
  - (g) Consent Items
  - (h) Staff Presentations
  - (i) Public Hearings/ Delegations
  - (j) Discussion Items
  - (k) Motions
  - (l) Notice of Motions
  - (m) General Information/Other Business
  - (n) Private and Confidential
  - (o) Adjournment

## **5.12 Delegations**

- *Section 5.12(1) has been divided into 2 sections, to address delegation for in IN-PERSON and VIRTUAL / HYBRID meetings:*
  - (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee
  - ELE** Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee
- *Sections 5.12(11) and 5.12(12) have been included based on the feedback received from the Committee Chairs:*
  - (11) Delegates appearing IN-PERSON or VIRTUALLY will adhere to Section 8, Order and Decorum of this by-law.
  - (12) Members of Committees can ask questions of the delegations for clarification purposes only and not for debate.

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- *The title of Section 5.13, has been amended to reflect 'at Standing Committees':*

**5.13 Public Hearings at Standing Committees**

- *Section 5.13(3)(c) has been divided into 2 sections, to address public hearing delegations for in IN-PERSON and VIRTUAL / HYBRID meetings:*

(3) Public Hearings shall commence with:

- (a) an introduction of the subject matter by the Chair or by staff;
- (b) the staff presentation, if any and if not waived by the members of the Standing Committee; and
- (c) **INP** The signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).

**ELE** Presentations by delegations who have registered to attend VIRTUALLY, will be heard.

- *Section 5.13(5) has been divided into 2 sections, to address public hearing delegations for in IN-PERSON and VIRTUAL / HYBRID meetings:*

(5) **INP** Notwithstanding subsection 5.13(4), Standing Committee shall hear oral representations from any person in attendance at a Public Hearing, whether or not a request was made in advance.

**ELE** Notwithstanding subsection 5.13(4), Standing Committee shall only hear oral representations from persons who have registered to attend VIRTUALLY.

- *Section 5.13(6) has been amended to state a 5 minute limit, as there is nothing within the legislation that provides a delegation with unlimited time to speak at a public hearing:*

(6) IN-PERSON or VIRTUAL delegations made at a Public Hearing shall be limited to an oral presentation of not more than five minutes.

- *Section 5.13(7) has been amended to reflect a concern raised by the Governance Review Sub-Committee respecting the number of copies a delegation is to bring to a meeting:*

(7) Where a delegation wishes to provide written material to become part of the public record to the members of the Standing Committee at a Public Hearing, the delegation shall:

- (a) comply with subsection 5.12(8); or

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- (b) if after the deadline, provide a copy of the written material to the Clerk at the IN-PERSON meeting for distribution after the meeting; or
- (c) if after the deadline, provide a copy of the written material to the Clerk via email at a VIRTUAL / HYBRID meeting for distribution after the meeting.

**5.14 Communication Items**

- *Sections 5.14(1), 5.14(2) and 5.14(5) have been amended to reflect 'Communication Items.....'.*
- *Added Section 5.14(6) to apprise those who send in communication items for inclusion on Council agendas that reference another person or staff member will be redacted as per the relevant legislation or procedure and to add 'without their express consent':*

(6) Communication Items shall not contain the Personal Information without their express consent, with the exception of the author's name. Any Personal Information found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.

- *Section 5.14(10) has been amended to include 'or any member of a body subject to review by the Integrity Commissioner' and to refer to communications respecting allegations of a violation of the Code of Conduct or the Municipal Conflict of Interest Act:*

(10) Communications which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.

**5.15 Reconsideration of a Matter Decided Within a Standing Committee Meeting**

- The original Section 5.15(2) (in italics), has been incorporated into Section 5.15(1):
  - (1) At any Standing Committee Meeting, after a matter has been decided by the Standing Committee, including both successful or failed motions, a Member of the Standing Committee who voted in the majority, may present a Motion to reconsider the matter prior to the adjournment of the meeting. *The Chair may ask the Member of the Standing Committee to confirm that they voted with the majority on the issue in question.*

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**5.16 Conflict of Interest Declarations**

- *Section 5.16(1) has been amended to remove the reference to the Conflict of Interest Act, 1990:*

(1) Where a member has disclosed a conflict of interest at a meeting, the member, shall file a written statement with the Clerk.

**SECTION 6- RULES OF DEBATE, VOTING PROCEDURES  
AND MOTION PROCEDURES**

- *Sections 6.1 formerly 3.12 (Rules of Debate); 6.2 formerly 3.13 (Voting Procedures) and 6.3 formerly 3.14 (Motion Procedures) have been moved from Section 3 and have formed a new section, as they apply to Council and all Committees.*
- *Throughout Sections 6.1, 6.2 and 6.3, the wording has been amended to include 'the Mayor and/or the Chair' and 'Council and/or Committee' where it was omitted.*

**6.2 Voting Procedures**

- *Sections 6.2(3) and 6.2(9) have been divided into 2 sections, to address voting procedures for in IN-PERSON and VIRTUAL / HYBRID meetings:*

(3) **INP** When an electronic voting system is available at an IN-PERSON meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically excluding those motions referred to in (i) and (ii) below which shall be by show of hands:

- (i) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
- (ii) Consent Items.

**ELE** When an electronic voting system is available at a VIRTUAL / HYBRID meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically.

(9) **INP** When a Member of Council at an IN-PERSON meeting of Council or Committee does not disclose a pecuniary interest, and does not vote on a Motion, the member will be deemed as having voted in the negative and when an electronic voting system is in use the recusal will be displayed and noted in the proceedings.

**ELE** When a Member of Council at a VIRTUAL / HYBRID meeting of Council or Committee does not disclose a pecuniary interest, and does not vote electronically on a Motion, the Mayor/Chair will call on

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the member to vote 3 (three) times, if the member doesn't respond the member will be noted as being 'Not Present' during the vote.

- *Sections 6.2(6) and 6.2(7), have been amended for better understanding:*
  - (6) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error immediately following and prior to the taking of another vote, the vote will be considered void and a new electronic vote will be retaken immediately.
  - (7) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error following the taking of another vote, the member's request will be considered through a vote to reconsider the matter:
    - (i) If a two-thirds majority vote to reconsider is decided in the affirmative, the electronic vote will be retaken immediately;
    - (ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.
- *Section 6.2(17) has been included to address the voting rights of members of Council who are representatives on an Advisory Committee, when attending an Advisory Committee meeting, as members of Council have their opportunity to vote on these matters at Standing Committee and Council:*
  - (17) Members of Council who are appointed as representatives of an Advisory Committee, do not have voting rights while attending an Advisory Committee meeting.

**SECTION 8 - ORDER AND DECORUM**

- *Section 8.4 has been amended to provide for an appeal process in the event a member is ordered to vacate the place the meeting is being held:*
  - 8.4** Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held:
    - (i) If the Member of Council apologizes, they may, by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question), be permitted to remain at the meeting; and
    - (ii) Any Member of Council other than the member ordered to vacate the place the meeting is being held may appeal the Mayor's or Chair's ruling, and Council or Committee may overturn the Chair's ruling by two-thirds majority vote of the Council or Committee members (excluding the



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member of Council or Committee in question). An appeal is not in order once a vote under section 8.4 (i) has taken place.

**SECTION 9 – MEETINGS CLOSED TO THE PUBLIC**

- *Section 9.1 has been amended to reflect the content of Section 239(2) 'or a local board' where it was omitted:*

- 9.1** No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:
- (a) the security of the property of the City or a local board;
  - (b) personal matters about an identifiable individual, including City or a local board employees;
  - (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
  - (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which Council or a Committee may hold a closed meeting under an Act other than the *Municipal Act, 2001*;
  - (h) information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them;
  - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value; or
  - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.

**SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL  
AND/OR COMMITTEE MEETINGS**

- *Section 10, has been amended to reflect 'virtual' participation at Council and/or Committee meetings rather than 'electronic' participation.*

**Appendix B to Item 4 of Audit, Finance & Administration Report 21-002  
as amended by AF&A on February 4, 2021**

- *Added Section 11, to provide for virtual meetings during an emergency:*

**SECTION 11 – VIRTUAL MEETINGS DURING AN EMERGENCY**

- 11.1** All VIRTUAL / HYBRID Council and Committee meetings shall be streamed live.
- 11.2** Upon being apprised that a virtual meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.
- 11.3** If the live feed of a Virtual meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned. The Council/ Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.
- 11.4** If the Virtual meeting is interrupted and its live feed cannot be resumed, the names of the Council/Committee members present and any decisions of Council/ Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting.

**SECTION 12 - ROLE OF CLERK**

- *Sections 12.1 and 12.2 have been amended to provide for the electronic distribution of agendas:*
- 12.1** The Clerk shall make the agendas of Council and Committee meetings available to members of Council and Senior Leadership Team electronically at least 5 days prior to the scheduled meetings.
- 12.2** The Clerk shall make the agendas of Council and Committee meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 12.1 on the City's website.
- *Section 12.7 has been amended to ensure consistency respecting the type of vote required for an appeal/challenge of the Mayor's or the Chair's ruling:*
- 12.7** The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council or Committee. The Clerk shall take a vote of the challenge for Members of Council or Committee in favour or opposed to the ruling. The ruling fails when there is a two-thirds majority vote in favour of the challenge.

**Appendices**

**Appendix B to Item 4 of Audit, Finance & Administration Report 21-002  
as amended by AF&A on February 4, 2021**

**Appendix A - GENERAL ISSUES COMMITTEE**

- *Added “Upper Levels of Government Funding Matters” to the Mandate; and*
- *Added “all matters having definite litigation” to Legal Services to the Mandate.*

**Appendix B, C, D, E and F – OTHER STANDING COMMITTEES**

- *Added “Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee”, under Specific duties shall include:*

**Appendix J - HEARING PROCEDURES FOR DEVELOPMENT CHARGE COMPLAINTS  
– SECTION 20**

- *Appendix J has been added to address the Hearing Procedures for Development Charge Complaints – Section 20*

**Appendix C to Item 4 of Audit, Finance & Administration Report 21-002  
as amended at AF&A on February 4, 2021**

**Authority:** Item \_\_\_\_, Audit, Finance &  
Administration Committee Report  
21-0\_\_ (Governance Review Sub-  
Committee Report 21-\_\_\_\_)  
Date: \_\_\_\_\_, 2021

**Bill No.** | \_\_\_\_

**CITY OF HAMILTON**

**BY-LAW NO. 21-\_\_\_\_**

**A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL  
AND COMMITTEES OF COUNCIL**

**WHEREAS** Section 238 of the *Municipal Act, 2001* requires that Council of the City of Hamilton adopt, by By-law, procedures governing the calling, place, and proceedings of meetings; and

**WHEREAS**, the Council of the City of Hamilton, in adopting Item \_\_\_\_ of Audit, Finance & Administration Committee Report 21-\_\_\_\_ on \_\_\_\_\_, 2021 recommended that By-laws 18-270, 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184 be repealed and replaced;

**NOW THEREFORE, BE IT RESOLVED**, the Council of the City of Hamilton enacts as follows:

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**SECTION 1 - DEFINITIONS**

**1.1** In this By-law,

“**Act**” means the *Municipal Act, 2001*.

“**Amend**” means to alter or vary the terms of a main motion without materially changing its purpose, and amendment has a corresponding meaning.

“**Approve**” means to support or endorse the action, report or document.

“**Bill**” means a proposed form of By-law.

“**By-law**” means a Bill, in a form approved by Council, passed for the purpose of giving general effect to a previous decision or proceedings of Council.

“**Chair**” means the member presiding at any meeting of Council or Committee.

“**Challenge**” means to appeal a ruling of the Chair.

“**City**” means the geographical area of the City of Hamilton or the municipal corporation as the context requires.

“**Clerk**” means the City Clerk, or their designate.

“**Closed Meeting**” means a meeting, or part of a meeting, which is closed to the public as permitted by the Act, also referred to as an “in-camera meeting”.

**“Committee”** means a Standing Committee, Sub-Committee, Selection Committee or an Advisory Committee or Task Force established by Council from time to time.

**“Committee of the Whole”** means a Committee comprised of all Members of Council that directly reports to Council.

**“Confirming By-law”** means a by-law to confirm and ratify the actions of Council.

**“Consent Items”** means those items on an agenda of a Standing Committee; Sub-Committee or Advisory Committee that may be approved by Committee without debate.

**“Council”** means the City Council.

**“Defer”** means to delay consideration of a matter by Council or a Committee until a specified time or event.

**“Deputy Mayor”** means a Member of Council who is appointed for a one month period from amongst members of Council on a rotation basis determined by the Clerk at the beginning of the term of Council:

- (a) to assist the Mayor; and
- (b) to act from time to time in the place of the Mayor, with:
  - (i) all the rights, powers and authority of the Mayor when the Mayor is absent from the City or the office of Mayor is vacant; and
  - (ii) subject to paragraph (i), those rights, powers and authority of the Mayor that:
    - 1. the Mayor is unable to act for the time being due to illness, incapacity or other reason, including acting in the place of the Mayor at any Council or Committee meeting when the Mayor is absent; or,
    - 2. the Mayor refuses to act;

**“ELE”** means Electronic meeting procedures and applies to Virtual and Hybrid meetings during an emergency and used only when the procedures for Electronic meetings differ from In-Person (INP) procedures.

**“Emergency”** means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not.

**“Ex-officio”** means by virtue of the office or position and the Mayor is an ex officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purposes of the Standing Committee’s quorum as such quorum is set out in subsection 5.4 of this By-law.

**“Friendly Amendment”** means an amendment made to the motion under debate with the consent of the mover and seconder, and without the requirement for an amending motion to be made.

**“Hybrid”** means a proceeding where some members participate virtually and some members participate in-person at Council and Committee meetings during an emergency.

**“INP”** means In-Person meeting procedures and applies only when the procedures for In-Person meetings differs from Electronic (ELE) meeting procedures.

**“In-Person”** means a proceeding where members participate In-Person at Council and Committee meetings.

**“Majority”** for the purposes of voting, means more than half the total of members of Council or Committee present and not prohibited by statute from voting.

**“Mayor”** means the Head of the Council and in this By-law means the Deputy Mayor when the Deputy Mayor is acting in place and stead of the Mayor.

**“Meeting”** means any scheduled, special or other meeting of a Council, local board or of a committee of either of them, where, a quorum of members is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

**“Member of Council”** is a person who has been elected to City Council.

**“Motion”** means a proposal by a member for the consideration of Council or a Committee included in the published agenda, that is moved by a member and seconded by another member.

**“Notice of Motion”** means advanced, written notice, given by a member and received by the Clerk, advising Council or Committee that a Motion will be brought forward at a future Meeting of Council or Committee that may be included in the published agenda or in the addendum.

**“Point of Order”** means a question raised by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business.

**“Point of Privilege”** means a matter that affects the credibility, reputation, and dignity of a Member individually or that Council or Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely; a need for assistance, to be excused for illness or a personal emergency.

**“Public Hearing”** means a Meeting or portion of a Meeting held pursuant to the requirements of a statute, regulation or by-law to hold a public meeting to hear representations on a matter from any person who attends the public meeting.



**“Question”** means an issue before a meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.

**“Quorum”** means the number of members required to be present at a meeting to validate the transactions of its business.

**“Receive”** means to acknowledge the receipt of information and to include it in the official record.

**“Recess”** means a short intermission in a meeting’s proceedings, which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was stopped.

**“Recorded Vote”** means a written record of the name and vote of each member of Council or a Committee who votes on a question and of each member present who does not vote.

**“Refer”** means to send a matter currently under consideration to an individual; a department; a Committee or Council for their consideration.

**“Rules of Procedure”** means the rules and procedures set out in this By-law, for the calling, place and proceedings of the meetings of Council and its Committees.

**“Selection Committee”** means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council.

**“Senior Leadership Team”** means the City Manager and General Managers appointed by Council and anyone designated by the City Manager.

**“Standing Committee”** means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council, and that reports directly to Council.

**“Time Sensitive”** means useful for a specific amount of time only or has to be used or completed by a specific time.

**“Virtual”** means a proceeding where members participate online or on a computer screen, rather than In-Person during Council and Committee meetings during an emergency.

**“Website”** means the official City website.

## **SECTION 2 - APPLICATION**

- 2.1** The rules of procedure shall be observed in all IN-PERSON / VIRTUAL / HYBRID proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.
- 2.2** All matters relating to the IN-PERSON / VIRTUAL / HYBRID proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot's Rules of Order*, Geoffrey H. Stanford, Fourth Edition.

## **SECTION 3 – COUNCIL MEETINGS**

### **3.1 First Council Meeting**

- (1) The First Meeting of Council shall be held on the first Monday of December in an election year at 5:00 p.m.
- (2) The IN-PERSON / VIRTUAL / HYBRID Proceedings of the First Meeting of Council shall include:
- (a) Ceremonial - special address by guests;
  - (b) Filing of Declarations of Office in accordance with the provisions of the Act;
  - (c) Council appointments to Committees, boards and agencies; and
  - (d) Confirming By-law.

### **3.2 Regular Council Meeting Times**

- (1) Unless otherwise decided by Council, Regular Council meetings shall be held:
- (a) in January:  
on the fourth Wednesday of the month, commencing at 9:30 a.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;
  - (b) in February, April, May, June, September, October and November:  
every second and fourth Wednesday of each month, commencing at 9:30 a.m., unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;
  - (c) in March:  
on the fourth Wednesday of the month, commencing at 9:30 a.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;
  - (d) in July and August:  
on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (e) in December:  
on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or
  - (f) in accordance with the schedule approved by Council.
- (2) That, from time to time, there may be a need for Special Council Meeting at 5:00 p.m. to accommodate a Ceremonial Activity where the individuals being recognized are unable to attend a meeting during the day; and
  - (3) Advance notice of meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at [www.hamilton.ca](http://www.hamilton.ca) .

### **3.3 Location of Meetings**

- (1) IN-PERSON / VIRTUAL / HYBRID Meetings of Council shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

### **3.4 Special Meetings of Council**

- (1) In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.
- (3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 2 days before the time appointed for such meeting by:
  - (a) delivering a written notice personally;
  - (b) delivering such notice at their residence or place of business; or
  - (c) facsimile transmission or electronic mail to such residence or place of business.
- (4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no business other than that which is stated in the notice shall be considered at such meeting.

- (5) Notwithstanding subsection 3.4(4), other business may be considered at a special meeting with at least two-thirds of the Members of Council present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.

### **3.5 Meetings of Council for Emergencies**

- (1) Despite any other provisions of this By-law, a meeting of Council for an emergency may be called by the Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members of Council about the meeting as soon as possible and in the most expedient manner available.
- (2) The only business to be dealt with at a meeting of Council for an emergency shall be business dealing directly with the emergency.
- (3) The lack of receipt of a notice of, or an agenda for, a meeting of Council for an emergency by any Member of Council shall not affect the validity of the meeting or any action taken at such meeting.
- (4) The Clerk shall prepare the Order of Business for an emergency meeting of Council with the appropriate selection of agenda categories from subsection 3.11.
- (5) In the case of an emergency, Council may hold its meetings at any convenient location within or outside the municipality, and such meetings may be held as IN-PERSON / VIRTUAL / HYBRID meetings, with the details posted on the City's website.

### **3.6 Cancellation of a Council Meeting**

- (1) The Clerk may cancel a Council meeting in consultation with the Mayor or the Deputy Mayor in the Mayor's absence.
- (2) The Clerk shall give each Member of Council, or their designated staff, notice of a cancellation of a meeting of Council at least 2 days prior to the time appointed for such meeting by:
  - (a) delivering a written notice personally;
  - (b) delivering such notice at their residence or place of business; or
  - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 3.6(2) shall state the reason for the cancellation of the meeting.

- (4) The Clerk shall ensure that the meeting cancellation information is posted to the Committee and Council Meeting Calendar on the City's website at [www.hamilton.ca](http://www.hamilton.ca).

### 3.7 Quorum

- (1) As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the meeting to order.
- (2) A majority of Members of Council is necessary to constitute a quorum of Council.
- (3) If the Mayor does not attend within 15 minutes of the time appointed for a Council meeting and a quorum of Council is present, the Deputy Mayor shall take the chair and call the meeting to order and will preside until the arrival of the Mayor.
- (4) If a quorum is not achieved within 30 minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next scheduled Council meeting or other meeting called in accordance with the provisions of this By-law.
- (5) **INP** If Quorum cannot be maintained during an IN-PERSON Council meeting, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained, the decision to continue the meeting will rest with the Mayor or Deputy Mayor. During the absence of quorum, no decisions may be approved.
- ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Council meeting, due to a loss of members' electronic connection, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Council meeting is on the City's website. Where Quorum during a VIRTUAL/HYBRID Council meeting is lost for any other reason the INP procedure shall apply.

### 3.8 Remedy for Lack of Quorum

#### *Municipal Conflict of Interest Act*

Where the number of Members of Council who, by reason of provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that at that meeting the remaining Members of Council are not of sufficient number to constitute a quorum, then, the remaining number of Members of Council shall be deemed to constitute a quorum, provided such number is not less than 2.

### 3.9 Delegations

Delegations are not permitted at meetings of Council.

### 3.10 Communication Items

- (1) Communication Items shall be addressed to the Mayor and Members of Council or the City Clerk and shall be presented to Council for consideration.
- (2) Communication Items shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Wednesday of the week prior to the City Council meeting for inclusion in the printed Council Agenda.
- (3) Communication Items not received for inclusion in the Agenda package, shall be introduced under Changes to the Council Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Council meeting.
- (4) Communication Items shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.
- (5) Communication Items shall not contain the Personal Information without their express consent, with the exception of the author's name. Any Personal Information found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- (6) Debate on Council communications shall be limited to the recommended disposition, or limited to reason for or against the referral of the matter to an appropriate Standing Committee.
- (7) Resolutions from other municipalities requesting support will be included on the Council Agenda to be received, unless otherwise directed by a Member of Council.
- (8) Receipt of resolutions from other municipalities by City Council shall not be construed as endorsement by the City of any recommendations or actions contained therein.
- (9) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Council Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
- (10) Communications which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Council

agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.

- (11) Notwithstanding subsections 3.10(9) and 3.10(10) Council may add any communication item to a Council Agenda.

### **3.11 Order of Business**

The Order of Business for scheduled IN-PERSON / VIRTUAL / HYBRID meetings of Council, unless amended by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Ceremonial Activities (**ELE** – During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
- (d) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Committee Reports
- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)
- (j) Council Communication Updates
- (k) Private and Confidential
- (l) By-laws and Confirming By-law
- (m) Adjournment

### **3.12 Bills and By-laws**

- (1) All Bills coming before Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any statute or regulation and shall be complete with the exception of the number and date.
- (2) All Bills coming before Council shall receive one reading, unless otherwise requiring more than one reading, pursuant to a Provincial or Federal statute or regulation.
- (3) Every Bill shall be introduced upon motion by a Member of Council, and any number of Bills may be introduced together in one motion, but Council may at the request of a Member of Council, deal separately with any Bill. If Council deals separately with a Bill:
  - (a) all amendments or debate on the content of the Bill shall be held in committee of the whole;

- (b) Council will move into committee of the whole for discussion on any Bill following a successful verbal motion to go into committee of the whole;
  - (c) all amendments made in committee of the whole shall be reported by the Mayor to Council, which shall receive the same forthwith, and after the report has been received, a vote on the motion to pass the Bill shall be taken;
  - (d) every By-law passed by Council shall be numbered and dated and shall be sealed with the seal of the municipality and signed by the Mayor and Clerk.
- (4) No Bill or By-law may be defeated on the floor of Council without reconsideration of the original motion which gave rise to the consideration of the Bill or By-law.

### **3.13 Editorial and Other Changes**

- (1) The Clerk may make changes to By-laws or resolutions to:
- (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
  - (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
  - (c) Replace a description of a date or time with the actual date or time.
  - (d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.
  - (e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.
  - (f) Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.
  - (g) If a provision of a transitional nature is contained in a By-law, make any changes that are required as a result.
  - (h) Make a correction, if it is patent both that an error has been made and what the correction should be.
- (2) The Clerk:
- (a) may provide notice of the changes made under subsections 3.13(1)(a) to 3.13(1)(c) inclusive in the manner that they consider appropriate.
  - (b) shall provide notice of the changes made under subsections 3.13(1)(d) to 3.13(1)(h) inclusive in the manner that they consider appropriate.
  - (c) in determining whether to provide notice under subsection 3.13(2)(a), shall consider:



- (i) the nature of the change; and
  - (ii) the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
- (d) in providing notice under subsection 3.13(2)(a) or 3.13(2)(b), shall state the change or the nature of the change.
- (3) No legal significance shall be inferred from the timing of the exercise of a power under this section.
- (4) Regardless of when a change is made to a By-law under this section, the change may be read into the By-law as of the date it was enacted if it is appropriate to do so.

### **3.14 Shareholder and Board of Director Meetings**

Where Council acts as the Shareholder or the Board of Directors, or both, of a corporation:

- (a) Council shall meet as the Shareholder or the Board of Directors as necessary to complete such business as would normally be completed by the Shareholder or Board of Directors and as required by the corporation's by-laws and resolutions and any laws that govern the corporation; and
- (b) the Mayor and Clerk are authorized, upon approval by Council, to sign any necessary resolutions.

### **3.15 Conflict of Interest Declarations**

- (1) Where a member has disclosed a conflict of interest at a meeting, the member, shall file a written statement with the Clerk.
- (2) Where a member, has disclosed an interest and filed a written statement with the Clerk, as required by subsection 3.15(1), the Clerk, shall:
  - (a) file the written statement by the member in the Conflict of Interest Registry;
  - (b) record the interest in the minutes of the meeting;
  - (c) file a record of the interest recorded in the minutes of the meeting in the Conflict of Interest Registry; and
  - (d) make the Conflict of Interest Registry available for public inspection.

### **3.16 Provisional Governance Committee During a Declared Emergency**

- (1) The Provisional Governance Committee may carry out the duties and responsibilities of the Council only at such times when, to the satisfaction of at least 5 Members of Council attending a properly scheduled meeting of Council, at least 8 Members of Council are not able to attend such meeting due to death, illness or circumstances attributable to an emergency which has been declared by the Mayor or their designate in accordance with the City's Emergency Plan.

- (2) The Provisional Governance Committee shall be comprised of eight Members of Council and shall elect its own Chair from amongst the attending Members.
- (3) The Provisional Governance Committee shall have all the powers and duties that may legally be delegated to the Provisional Governance Committee pursuant to the Act, or any other applicable Provincial or Federal legislation, subject to the following conditions and restrictions:
  - (a) the delegation shall be effective only during the times specified; and
  - (b) the Provisional Governance Committee shall conduct its meetings in accordance with this By-law, providing that the quorum for the constitution of a valid meeting of the Provisional Governance Committee shall be 5 Members of Council.

### **3.17 Council Communication Updates**

- (1) All staff Communication Update documents sent to Council and posted on the website will be published by the Clerk on the Council agenda for receipt into the public record.
- (2) A member may refer any of the items listed within the Council Communication Updates to a Standing Committee by contacting the Clerk and any item so referred shall be placed on the next available agenda of the respective Standing Committee.

## **SECTION 4 - COMMITTEE OF THE WHOLE**

### **4.1 Council may, by resolution:**

- (a) move into Committee of the Whole to consider, including debate, Standing Committee Reports; Selection Committee Reports and the Reports of Committees who report directly to Council on the Council meeting agenda; and
- (b) move out of Committee of the Whole to report to Council.

### **4.2 During the consideration of Reports a member may lift an item from the Information Section with the approval of a majority of the members present, for the matter:**

- (a) to be voted upon by Council; or
- (b) to be debated and/or amended by Council.

### **4.3 An information item that is lifted from a Report and amended, will be given an item number and added to the appropriate section of the Standing Committee Report, Selection Committee Report, or the Report of Committee who reports directly to Council.**

## **SECTION 5 – COMMITTEE MEETINGS**

### **5.1 Standing Committees**

The Standing Committees that report directly to Council shall be as follows:

- (a) General Issues Committee
- (b) Board of Health
- (c) Public Works Committee
- (d) Planning Committee
- (e) Emergency & Community Services Committee
- (f) Audit, Finance & Administration Committee

### **5.2 Appointment of Committee Chairs and Vice Chairs**

- (1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice Chair and, where applicable, 2<sup>nd</sup> Vice Chair for the required term.
  - (a) The term of the Chair, Vice Chair and 2<sup>nd</sup> Vice Chair shall be for a calendar year, or part of a calendar year in an election year.
  - (b) No Member of Council may serve as Chair, Vice Chair or 2<sup>nd</sup> Vice Chair of the same Standing Committee for more than one year in a Council term.
  - (c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors.
- (2) Despite subsection 5.2(1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the Board of Health.
- (3) The Board of Health shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the Board of Health.
- (4) Each Sub-Committee, Advisory Committee and Task Force shall recommend to Council the appointment of a Chair and Vice Chair. The Chair or Vice Chair of a Sub-Committee, Advisory Committee or Task Force established by Council may serve for more than one year in a Council term.

### **5.3 Standing Committee Membership**

- (1) General Issues Committee and Board of Health shall be comprised of all Members of Council.
- (2) Public Works Committee shall be comprised of a minimum of 8 Members of Council.
- (3) Planning Committee shall be comprised of a minimum of 7 Members of Council.

- (4) Emergency & Community Services Committee shall be comprised of a minimum of 5 Members of Council.
- (5) Audit, Finance & Administration Committee shall be comprised of a minimum of 7 members of Council.
- (6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the Board of Health and General Issues Committee.
- (7) Membership on Standing Committees shall be for the duration of the term of Council.
- (8) The Mayor is an ex-officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purpose of the Standing Committee's quorum as set out in subsection 5.4.

#### **5.4 Quorum**

- (1) The quorum for all Committees shall be a half of the membership rounded up to the nearest whole number.
- (2) As soon as there is a quorum after the time set for the meeting, the Chair shall take the chair and call the meeting to order.
- (3) If the Chair does not attend within 15 minutes of the time appointed for a Committee meeting and a quorum of Committee is present, the Vice Chair shall take the chair and call the meeting to order and will preside until the arrival of the Chair.
- (4) If a quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next scheduled Committee meeting or another meeting may be called in accordance with the provisions of this By-law, except as provided for in 5.4(6) and 5.4(7).
- (5) **INP** If Quorum cannot be maintained during an IN-PERSON Committee meeting, the Clerk will advise the Chair that quorum is lost the meeting will be recessed for up to 15 minutes to allow members to return. Following the recess, if quorum is not regained, the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.
- ELE** If Quorum cannot be maintained during a VIRTUAL / HYBRID Standing Committee meeting, due to a loss of members' electronic connection, the Clerk will advise the Chair that quorum is lost and the meeting will be recessed for up to 15 minutes to allow for the member's electronic connection to be restored. If quorum cannot be restored within 15 minutes the meeting will be recessed to the next available business day. The Clerk will ensure that details regarding the time of the continuation of the Standing Committee meeting is on

the City's website. Where Quorum during a VIRTUAL/HYBRID Standing Committee meeting is lost for any other reason the INP procedure shall apply.

- (6) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of Committee, the Chair may decide to proceed informally to hear scheduled presentations. Ratification of any decisions will be postponed to a future meeting.
- (7) If quorum is not achieved within 30 minutes after the time appointed for an IN-PERSON / VIRTUAL / HYBRID meeting of a Committee, the Chair may allow the Committee to discuss items of interest. Ratification of any decisions will be postponed to a future meeting.

## **5.5 Location of Meetings**

- (1) IN-PERSON / VIRTUAL / HYBRID Standing Committee Meetings shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

## **5.6 Standing Committee Meeting Times**

- (1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:
  - (a)
    - (i) General Issues Committee shall meet at least once per month on a Wednesday commencing at 9:30 a.m.;
    - (ii) Board of Health shall meet at least once per month commencing at 9:30 a.m.;
    - (iii) Public Works Committee shall meet at least once per month commencing at 1:30 p.m.;
    - (iv) Planning Committee shall meet at least once per month on a Tuesday commencing at 9:30 a.m.;
    - (v) Audit, Finance & Administration Committee shall meet at least once per month on a Thursday commencing at 9:30 a.m.;
    - (vi) Emergency & Community Services Committee shall meet at least once per month on a Thursday commencing at 1:30 p.m.;
  - (b) In the event a meeting date, as shown in subsections 5.6(1)(a)(i) to 5.6(1)(a)(vi) falls on a day which is a public or civic holiday, an alternate date and time will be selected;
  - (c) In accordance with the schedule approved by Council.

- (2) In addition to scheduled Standing Committee meetings, a special meeting of a Standing Committee may be scheduled when required, at the call of the Chair, at locations and times to permit convenient access for members of the public most affected by such a matter with at least 2 days notice, delivering notice in accordance with subsections 5.17(3) and 5.17(4).
- (3) Advance notice of Committee meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at [www.hamilton.ca](http://www.hamilton.ca) .

### **5.7 Cancellation of a Committee Meeting**

- (1) The Clerk may cancel a Committee meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The Clerk shall give each Member of the Committee, or their designated staff, notice of a cancellation of a Committee meeting at least 2 days prior to the time appointed for such meeting by:
  - (a) delivering a written notice personally;
  - (b) delivering such notice at their residence or place of business; or
  - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.7(2) shall state the reason for the cancellation of the meeting.
- (4) The Clerk shall ensure that the meeting cancellation information is posted to the Committee and Council Meeting Calendar on the City's website at [www.hamilton.ca](http://www.hamilton.ca).

### **5.8 Committee Reports**

- (1) Each Standing Committee, the Selection Committee, and other Committees that report directly to Council shall make recommendations to Council.
- (2) A minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review. Every effort will be made for Standing Committee and/or Selection Committee Reports to be released at an earlier date.
- (3) Despite subsection 5.8(2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

## 5.9 Rules of Procedure

- (1) No member of Council shall speak more than once, until every member of a Standing Committee, followed by every Member of Council who is not a member of the Standing Committee, has spoken, and then only to provide information or seek clarification from the Chair, other Members of Council or staff.
- (2) A Member of Council may place an item on a future agenda of a Standing Committee meeting by delivering a Notice of Motion as set out in subsection 6.3(1) to the Chair of the Standing Committee and to the Committee Legislative Coordinator.
- (3) A Member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate, provided that the Member of Council shall:
  - (a) not be counted for quorum purposes, and;
  - (b) not move any motion or vote on any matter.

## 5.10 Duties of Standing Committees

The duties of the Standing Committees shall be as set out in Appendices A to F inclusive.

## 5.11 Order of Business

- (1) The general Order of Business for the IN-PERSON / VIRTUAL / HYBRID scheduled meetings of Committees, unless amended by the Committee in the course of the meeting, shall be as follows:
  - (a) Ceremonial Activities (**ELE**- During a VIRTUAL/HYBRID meeting ceremonial activities shall only be permitted to take place Virtually)
  - (b) Approval of Agenda
  - (c) Declarations of Interest
  - (d) Approval of Minutes of Previous Meeting
  - (e) Communications
  - (f) Delegation Requests
  - (g) Consent Items
  - (h) Staff Presentations
  - (i) Public Hearings/ Delegations
  - (j) Discussion Items
  - (k) Motions

- (l) Notice of Motions
  - (m) General Information/Other Business
  - (n) Private and Confidential
  - (o) Adjournment
- (2) The Clerk may prepare the Order of Business for the scheduled meetings of Committees with slight adjustments to the general Order of Business when deemed necessary.

## 5.12 Delegations

- (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee
- ELE** Persons who wish to appear as a delegation at a VIRTUAL/HYBRID meeting will appear virtually to address a Committee
- (a) Persons wishing to delegate on a matter that is not listed on a Committee agenda, shall make a request in writing to the Clerk and the Clerk shall list the delegation request on the respective Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Committee's Report.
  - (b) Persons wishing to delegate on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as a delegation to the Clerk no later than 12:00 noon the business day before the meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday before.
  - (c) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at <https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>).
- (2) A request to attend IN-PERSON or VIRTUALLY as a delegation shall include the person's name, reason(s) for the delegation, and if applicable the name, address and telephone number of any person, corporations or organizations which they represent.
- (3) Upon receipt of a request to attend IN-PERSON or VIRTUALLY as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Committee and the decision whether or not to entertain the delegation will be made by the Committee.
- (4) When a person is listed as a delegation on a Committee agenda and such person, without notification to the Clerk, does not attend said meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections 5.12(1) and 5.12(2).



- (5) An IN-PERSON or VIRTUAL delegation of one or more persons, shall be limited to an oral presentation of not more than five minutes.
- (6) Notwithstanding subsection 5.12(5), an extension of a specific allotment of time to the five-minute restriction may be granted with the approval of a majority of the members of the Committee present.
- (7) Delegations are encouraged to provide a written brief of their presentation to the Clerk, at least 5 days in advance, which will be provided to the members of the Committee and become part of the public record.
- (8) An IN-PERSON or VIRTUAL delegation may provide additional written material regarding the subject matter, for the public record, by providing a copy of such written material to the Clerk at least 5 days in advance of the meeting.
- (9) Except as required by by-law, any IN-PERSON or VIRTUAL delegations who have previously appeared before a particular Committee on a subject matter shall be limited to providing only new information in their second and subsequent appearances at that Committee.
- (10) Notwithstanding subsection 5.12(9), a Committee member may add the delegation on a Committee Agenda.
- (11) Delegates appearing IN-PERSON or VIRTUALLY will adhere to Section 8, Order and Decorum of this by-law.
- (12) Members of Committees can ask questions of the delegations for clarification purposes only and not for debate.

### **5.13 Public Hearings at Standing Committees**

- (1) Public Hearings shall be held at Standing Committee meetings.
- (2) Advertising or notice of a Public Hearing shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.
- (3) Public Hearings shall commence with:
  - (a) an introduction of the subject matter by the Chair or by staff;
  - (b) the staff presentation, if any and if not waived by the members of the Standing Committee; and
  - (c) **INP** The signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).

**ELE** Presentations by delegations who have registered to attend VIRTUALLY, will be heard.

- (4) Persons who wish to appear as a delegation IN-PERSON or VIRTUALLY to address Standing Committee on a matter that is the subject of a Public Hearing may make a delegation in accordance with section 5.12.
- (5) **INP** Notwithstanding subsection 5.13(4), Standing Committee shall hear oral representations from any person in attendance at a Public Hearing, whether or not a request was made in advance.  
**ELE** Notwithstanding subsection 5.13(4), Standing Committee shall only hear oral representations from persons who have registered to attend VIRTUALLY.
- (6) IN-PERSON or VIRTUAL delegations made at a Public Hearing shall be limited to an oral presentation of not more than five minutes.
- (7) Where a delegation wishes to provide written material to become part of the public record to the members of the Standing Committee at a Public Hearing, the delegation shall:
  - (a) comply with subsection 5.12(8); or
  - (b) if after the deadline, provide a copy of the written material to the Clerk at the IN-PERSON meeting for distribution after the meeting; or
  - (c) if after the deadline, provide a copy of the written material to the Clerk via email at a VIRTUAL / HYBRID meeting for distribution after the meeting.

#### **5.14 Communication Items**

- (1) Communication Items shall be addressed to the Chair and Members of Committee or the City Clerk and shall be presented to the Standing Committee for consideration if the matter is being considered at the Standing Committee meeting.
- (2) Communication Items shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Monday two weeks prior to the Standing Committee meeting for inclusion in the printed Standing Committee Agenda.
- (3) When the date described in subsection 5.14(2) is a public or civic holiday, the communication item shall be forwarded to the Office of the City Clerk no later than 12 Noon on the last business day prior to the date as set out in subsection 5.14(2), for inclusion in the printed Standing Committee Agenda.
- (4) Communication Items not received for inclusion in the Standing Committee Agenda package, shall be introduced under Changes to the Agenda, provided that they are received in the Office of the City Clerk no later than 12 Noon on the business day prior to the Standing Committee meeting.
- (5) Communication Items shall not be anonymous or contain any defamatory, obscene, offensive, indecent, improper, rude or vulgar language.

- (6) Communication Items shall not contain the Personal Information without their express consent, with the exception of the author's name. Any Personal Information found in the communication will be redacted pursuant to the obligations of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), this Procedural By-law and other relevant legislation or procedure.
- (7) Communication Items that are relevant to a matter that appears on the Standing Committee Agenda, will be received and referred to the consideration of that matter.
- (8) Communication Items received after the prescribed deadline as set out in subsection 5.14(4) will be included on the Council Agenda, to be received and referred to the consideration of that matter within the Standing Committee Report.
- (9) Communications respecting labour relation matters, conduct of a member(s) of staff and matters before another body (i.e. Police Services Board) will not be placed on the Standing Committee Agenda and will be forwarded forthwith by the City Clerk to the relevant City Department or body for consideration and appropriate action.
- (10) Communications which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a member of Council or any member of a local board will not be placed on a Committee agenda but will be returned to the author who will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
- (11) Notwithstanding subsections 5.14(9) and 5.14(10) a Standing Committee member may add any communication item to a Standing Committee Agenda.

#### **5.15 Reconsideration of a Matter Decided Within a Standing Committee Meeting**

- (1) At any Standing Committee Meeting, after a matter has been decided by the Standing Committee, including both successful or failed motions, a Member of the Standing Committee who voted in the majority, may present a Motion to reconsider the matter prior to the adjournment of the meeting. The Chair may ask the Member of the Standing Committee to confirm that they voted with the majority on the issue in question.
- (2) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Standing Committee members present.
- (3) No motion to reconsider may, itself, be the subject of a motion to reconsider.
- (4) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.

- (5) The following motions cannot be reconsidered:
  - (a) to adjourn;
  - (b) to recess; and
  - (c) to suspend the rules of procedure.

#### **5.16 Conflict of Interest Declarations**

- (1) Where a member has disclosed a conflict of interest at a meeting, the member shall file a written statement with the Clerk.
- (2) The Clerk shall establish and maintain a registry in which shall be kept,
  - (a) a copy of each statement filed under section 5.16(1); and
  - (b) a copy of each declaration recorded in the minutes of the meeting.
- (3) The Clerk shall make the Conflict of Interest Registry available for public inspection.

#### **5.17 Special Meetings of a Standing Committee**

- (1) In addition to scheduled Standing Committee meetings, the Mayor or the Standing Committee Chair may, at any time, summon a special meeting of a Standing Committee by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of a Standing Committee when requested to do so in writing by a majority of Members of the Standing Committee.
- (3) The Clerk shall give each Member of the Standing Committee or their designated staff, notice of a special meeting of a Standing Committee at least 2 days before the time appointed for such meeting by:
  - (a) delivering a written notice personally;
  - (b) delivering such notice at their residence or place of business; or
  - (c) facsimile transmission or electronic mail to such residence or place of business.
- (4) The written notice to be given under subsection 5.17(3) shall state the nature of the business to be considered at the special meeting of a Standing Committee and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 5.17(4), other business may be considered at a special meeting with at least two-thirds of the Standing Committee members present and voting in the affirmative.
- (6) The Clerk shall prepare the Order of Business for a special meeting of a Standing Committee with the appropriate selection of agenda categories from subsection 5.11.

### **5.18 Change to a Scheduled Committee Meeting**

- (1) The Clerk may change the time or location of a Committee meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The Clerk shall give each Member of the Committee, or their designated staff, notice of the change to the Committee meeting at least 2 days prior to the time appointed for such meeting by:
  - (a) delivering a written notice personally;
  - (b) delivering such notice at their residence or place of business; or
  - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.18(2) shall state the reason for the change to the meeting.
- (4) The Clerk shall ensure that the change to the Committee meeting is posted to the Committee and Council Meeting Calendar on the City's website at [www.hamilton.ca](http://www.hamilton.ca).

## **SECTION 6- RULES OF DEBATE, VOTING PROCEDURES AND MOTION PROCEDURES**

### **6.1 Rules of Debate**

- (1) No Member of Council shall be deemed to have precedence or seniority over any other Member of Council.
- (2) Before speaking to a question or motion, a Member of Council shall be recognized by the Mayor or the Chair and be placed on the speakers' list.
- (3) When a Member of Council is speaking, no other Member of Council shall pass between that Member of Council and the Mayor or the Chair or interrupt that Member of Council except to raise a point of order or privilege.
- (4) A Member of Council may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member of Council who is speaking.
- (5) A Member of Council may not speak on any matter other than the matter being debated.
- (6) All Members of Council are restricted to a five minute time limit when asking a question and/or making a statement during Council and Committee meetings.

- (7) Notwithstanding subsection 6.1(6), an extension of a specific allotment of time to the five minute speaking restriction may be granted with the approval of a majority of the members of the Council or Committee present.
- (8) The following matters may be introduced orally without written notice and without leave:
- (a) a point of order
  - (b) a point of privilege
  - (c) a motion to adjourn
  - (d) a motion to call the question
  - (e) a motion to go into committee of the whole
  - (f) a motion to recess
  - (g) a motion to refer
  - (h) a motion to defer
  - (i) a motion to go into a closed meeting
  - (j) a motion to suspend the rules of procedure
  - (k) a motion to lift

(9) **Relinquishing the Chair**

The Mayor or the Chair may designate another Member as acting Chair during any part of a meeting and while presiding, such Member shall have all the powers of the Mayor or the Chair with respect to chairing the meeting.

## 6.2 Voting Procedures

- (1) Once a motion is moved and seconded it shall be deemed to be in the possession of Council or Committee.
- (2) Where a Member of Council present at a meeting of Council or Committee is prohibited from voting by statute, the Clerk shall record the name of the Member of Council and the reason that they are prohibited from voting.
- (3) **INP** When an electronic voting system is available at an IN-PERSON meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically excluding those motions referred to in (i) and (ii) below which shall be by show of hands:
- (i) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
  - (ii) Consent Items.
- ELE** When an electronic voting system is available at a VIRTUAL / HYBRID meeting every Member of Council or Committee present and participating in a vote on a motion, shall vote electronically.

- (4) When an electronic voting system is available for a vote, the results will be displayed and recorded in the proceedings.
- (5) When an electronic voting system is not available every Member of Council or Committee present shall vote by a show of hands.
- (6) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error immediately following and prior to the taking of another vote, the vote will be considered void and a new electronic vote will be retaken immediately.
- (7) When an electronic vote is taken and a member advises the Mayor or the Chair of a point of privilege with respect to their vote being omitted or in error following the taking of another vote, the member's request will be considered through a vote to reconsider the matter:
  - (i) If a two-thirds majority vote to reconsider is decided in the affirmative, the electronic vote will be retaken immediately;
  - (ii) If a two-thirds majority vote to reconsider is decided in the negative, the original electronic vote stands.
- (8) When a vote is taken and a tie results, a question is deemed to be lost.
- (9) **INP** When a Member of Council at an IN-PERSON meeting of Council or Committee does not disclose a pecuniary interest, and does not vote on a Motion, the member will be deemed as having voted in the negative and when an electronic voting system is in use the recusal will be displayed and noted in the proceedings.  
  
**ELE** When a Member of Council at a VIRTUAL / HYBRID meeting of Council or Committee does not disclose a pecuniary interest, and does not vote electronically on a Motion, the Mayor/Chair will call on the member to vote 3 (three) times, if the member doesn't respond the member will be noted as being 'Not Present' during the vote.
- (10) When an electronic voting system is not available and a recorded vote is requested by a Member of Council or Committee immediately before or after a question is put, the Clerk shall record the name and vote of every Member of Council or Committee on the question.
- (11) When the Mayor or the Chair calls for a vote on a question, each Member of Council or Committee shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Mayor or the Chair, and during such time no Member of Council or Committee shall walk across the room or speak to any other Member of Council or Committee or make any noise or disturbance.
- (12) After a question is put by the Mayor or the Chair, no Member of Council or Committee shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

- (13) No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect, except where permitted by statute.
- (14) Despite subsection 6.2(13), a meeting may be closed to the public during a vote if:
  - (a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 9 (Meetings Closed to the Public) of this By-law; and
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.
- (15) The Mayor or the Chair shall, upon request of a Member of Council or Committee, divide a question, if the question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.
- (16) If a Member of Council or Committee disagrees with the announcement of the Mayor or the Chair that a question is Carried or Lost on a vote by show of hands, they may immediately after the declaration by the Mayor or the Chair, object to the Mayor's or the Chair's declaration and require that a recorded vote be taken.
- (17) Members of Council who are appointed as representatives of an Advisory Committee, do not have voting rights while attending an Advisory Committee meeting.

### **6.3 Motion Procedures**

#### **(1) Notice of Motion**

- (a) Notice of all new motions, except motions listed in subsection 6.1(8) shall be given in writing:
  - (i) at a meeting of Council or Committee, but shall not be debated until the next meeting of Council or Committee; or
  - (ii) delivered to the Clerk at any time before noon on the last business day preceding the date of the meeting at which the notice of motion is to be introduced.
- (b) Where a Member of Council's or Committee's motion has been called by the Mayor or the Chair at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council or Committee decides otherwise.
- (c) Where Council or Committee has determined not to drop a motion from the agenda, and at the second meeting such motion is called by the Mayor or the Chair and not proceeded with, it shall be deemed to have been withdrawn.



(2) **Dispensing with Notice**

Where a matter is time sensitive or is an emergency, the Motion may be introduced without notice if Council or Committee, without debate, dispenses with notice on the affirmative vote of two-thirds of the Members of Council or Committee present and voting.

(3) **Motion to Withdraw**

After a motion is moved and seconded it shall be deemed to be in possession of Council or Committee and may be withdrawn by the mover at any time before decision or amendment.

(4) **Motion to Amend**

(a) A motion to amend:

- (i) shall be presented in writing, duly moved and seconded;
- (ii) shall be made only to a previous question or to amend an amendment to the question;
- (iii) shall be relevant to the question to be decided; shall not be received if, in essence it constitutes a rejection of the main question;
- (iv) shall be put to a vote in the reverse order to that which it is moved.

(b) If the amendment is not considered a “Friendly Amendment”, then the motion to amend:

- (i) If more than one, will be put to a vote in the reverse order to that in which they were moved;
- (ii) Will be decided upon or withdrawn before the main motion is put to the vote;
- (iii) Will not be amended more than once, provided that further amendments may be made to the main motion; and,
- (iv) Will not be directly contrary to the main motion.

(5) **Motion to Defer**

A motion to defer a question:

- (a) is debatable; and
- (b) shall include the date when the question is to be considered.

**(6) Motion to Refer**

- (a) A motion to refer the question:
  - (i) shall include the name of the individual or body to whom the question is to be referred;
  - (ii) may include instructions respecting the terms upon which the question is to be referred;
- (b) A motion to refer a question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A motion to refer a question may be amended in accordance with subsection 6.3(4).
- (d) When a motion to refer a question to Council is defeated by a Standing Committee, the Chair of the Standing Committee shall call the question on the matter.
- (e) A member who has spoken to the motion under debate shall not be permitted to move a motion to refer a question.
- (f) A motion to refer a question is only in order after all first time speakers have been heard.

**(7) Motion to Adjourn**

A motion to adjourn a Council or Committee meeting shall always be in order except:

- (a) when a Member of Council or Committee is speaking or during the taking of a vote;
- (b) immediately following the affirmative resolution of a motion that a vote on the question now be taken;
- (c) when a Member of Council or Committee has already indicated to the Mayor or the Chair, that they desire to speak on the question;
- (d) when decided in the negative, cannot be made again until Council or Committee has conducted further proceedings.

**(8) Motion to Call the Question**

A motion to call the question shall be in order except when a Member of Council or Committee is speaking or before the first-time speakers' list is exhausted.

**(9) Motion to Reconsider a Matter Decided by Council**

- (a) At any Council Meeting, after a matter has been decided by Council, including both successful or failed motions, a Member of Council who voted in the majority, may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of Council to confirm that they voted with the majority on the issue in question. Such Notice of Motion shall be referred to the next scheduled meeting of Council and shall be included on the agenda under "Motions".

- (b) No decided matter shall be reconsidered more than once during the term of Council.
- (c) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.
- (d) It is not in order to reconsider a decided matter when the motion has been implemented, resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.
- (e) No motion to reconsider may, itself, be the subject of a motion to reconsider.
- (f) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.
- (g) The following motions cannot be reconsidered:
  - (i) to adjourn;
  - (ii) to recess; and
  - (iii) to suspend the rules of procedure.
- (h) Subsections 6.3(9)(a) to (f) do not apply when:
  - (i) a motion pertains to a decision of a previous Council;
  - (ii) a motion that, while pertaining to a previously decided motion, does not alter the core purpose or intent of the previously decided motion;
  - (iii) a motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or
  - (iv) a motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

#### **(10) Order of Procedural Motions**

The following motions are procedurally in order in the following sequence:

- (a) to adjourn;
- (b) to recess;
- (c) to request information;
- (d) to call the question;
- (e) to defer;
- (f) to refer;
- (g) to amend.

**(11) Non-Debatable Motions**

The following motions/actions are not debatable:

- (a) a motion to adjourn;
- (b) a motion to refer (except where instructions are included, in which case, only the instructions shall be debatable);
- (c) a motion to suspend the rules of procedure;
- (d) a point of order; and
- (e) a point of privilege.

**(12) Motion to Suspend the Rules of Procedure**

The rules governing the procedure of the Council or Committee at Council or Committee meetings may be suspended and shall require the approval of at least two-thirds of members present.

**(13) Motions Beyond Jurisdiction of Council**

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

**SECTION 7 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES**

- 7.1** Council may from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters requiring immediate or long term attention.
- 7.2** When Council approves of the formation of the Advisory Committee or Task Force the procedures as outlined in Appendix H shall be followed.
- 7.3** When an Advisory Committee or Task Force has completed its mandate, the Standing Committee to which the Advisory Committee or Task Force reports shall dissolve it by motion.

**SECTION 8 - ORDER AND DECORUM**

- 8.1** No Person in attendance IN-PERSON or VIRTUALLY at a Council or Committee meeting shall:
  - (a) be disrespectful or disrupt the Meeting in any manner;
  - (b) bring food or beverages, water excepted, into the Council Chamber when an IN-PERSON meeting is being held;
  - (c) address remarks to anyone but the Chair;
  - (d) interrupt a person who has the floor;
  - (e) applaud participants in debate.

- 8.2** Should a person persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or a Chair of a Committee, the Mayor or a Chair of a Committee may expel that person and may request the assistance of security and/or Police in doing so.
- 8.3** Notwithstanding subsection 8.2, in the event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the meeting, they shall be removed from the meeting, without warning.
- 8.4** Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held:
- (i) If the Member of Council apologizes, they may, by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question), be permitted to remain at the meeting; and
  - (ii) Any Member of Council other than the member ordered to vacate the place the meeting is being held may appeal the Mayor's or Chair's ruling, and Council or Committee may overturn the Chair's ruling by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question). An appeal is not in order once a vote under section 8.4 (i) has taken place.
- 8.5** No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk, shall:
- (a) be allowed on the floor while an IN-PERSON meeting is being held, namely where members of Council or Committee, the Clerk, and officials authorized by the Clerk are seated and from which they speak;
  - (b) before or during an IN-PERSON meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.
- 8.6** Signs or placards are permitted at Council and Committee Meetings, provided:
- (a) they do not contain disrespectful or offensive language;
  - (b) they do not disrupt the Meeting;
  - (c) they do not disrupt an attendee's ability to view the proceedings; and
  - (d) they do not contain solid handles or hard backings.
- 8.7** Electronic devices at IN-PERSON / VIRTUAL / HYBRID meetings:
- (a) Every person shall have all electronic devices, including but not limited to phone, computers, and similar electronic devices, etc. switched to a non-audible function during Council and Committee meetings.
  - (b) The use of electronic devices at IN-PERSON / VIRTUAL / HYBRID Closed Meetings is strictly prohibited.
  - (c) Staff from the Office of the City Clerk are exempted from subsection 8.7(b) when using electronic devices for record-keeping purposes.

## **SECTION 9 – MEETINGS CLOSED TO THE PUBLIC**

*For the purposes of this section, “Committee” means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.*

- 9.1** No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:
- (a) the security of the property of the City or a local board;
  - (b) personal matters about an identifiable individual, including City or a local board employees;
  - (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which Council or a Committee may hold a closed meeting under an Act other than the *Municipal Act, 2001*;
  - (h) information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them;
  - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value; or
  - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.
- 9.2** A meeting of Council shall be closed to the public if the subject matter relates to the consideration of:
- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council is designated as head of the institution for the purposes of that Act; and
  - (b) an ongoing investigation respecting the City or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.
- 9.3** A meeting of Council or a Committee may be closed to the public if:

- (a) it is held for the purposes of educating or training Council members; and
  - (b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.
- 9.4** Before holding a meeting or part of a meeting that is to be closed to the public, a Council or Committee shall:
- (a) state specifically by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;
  - (b) state specifically that members of the public will be invited to return to hear any further deliberations when Council or Committee reconvenes in Open Session, indicated by the removal of the frosting on the windows and the elimination of the white noise; and
  - (c) Council or Committee will, in the event they are in Closed Session for more than 30 minutes, wait up to 5 minutes upon reconvening in Open Session before proceeding with the meeting, to provide members of the public and the media time to return to the meeting room.

#### **SECTION 10 – VIRTUAL PARTICIPATION AT COUNCIL AND/OR COMMITTEE MEETINGS**

- 10.1** Virtual participation is prohibited at Council and/or Committee meetings, except where permitted during an Emergency as set out in subsection 10.2.
- 10.2 Virtual Participation During an Emergency**
- (1) Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings during an emergency when attending in-person is not possible.
  - (2) Virtual participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by Citizen Committee members at Committee meetings during an emergency when attending in-person is not possible.
  - (3) Virtual participation, that is consistent with the obligation to hold public meetings in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, or at a Standing Committee of Council is permitted by members of the public at Committee meetings.

#### **SECTION 11 – VIRTUAL MEETINGS DURING AN EMERGENCY**

- 11.1** All VIRTUAL/ HYBRID Council and Committee meetings shall be streamed live.
- 11.2** Upon being apprised that a virtual meeting is interrupted and cannot proceed with its live feed, due to loss of connection, sound or video, the meeting will be recessed for up to 15 minutes.

- 11.3** If the live feed of a Virtual meeting cannot be resumed within 15 minutes, the meeting will be considered adjourned. The Council/ Committee meeting will be rescheduled to another day or the next regularly scheduled meeting date.
- 11.4** If the Virtual meeting is interrupted and its live feed cannot be resumed, the names of the Council/Committee members present and any decisions of Council/ Committee up to the point in time of the interruption shall be recorded in the minutes of the meeting.

### **SECTION 12 - ROLE OF CLERK**

- 12.1** The Clerk shall make the agendas of Council and Committee meetings available to members of Council and Senior Leadership Team electronically at least 5 days prior to the scheduled meetings.
- 12.2** The Clerk shall make the agendas of Council and Committee meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 12.1 on the City's website.
- 12.3** The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.
- 12.4** The Clerk shall submit for confirmation the minutes of the previous Council or Committee meeting. Upon approval of the majority of the members of Council or Committee, the Mayor or Chair and Clerk shall sign the minutes as confirmed or as amended.
- 12.5** The Clerk shall advise the Mayor or Chair, if in their opinion, a matter or portion of a matter being discussed in a meeting that is closed to the public is not procedurally appropriate in accordance with section 239 of the Act and section 9 of this By-law.
- 12.6** The Mayor or Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Mayor or Chair will announce their ruling.
- 12.7** The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council or Committee. The Clerk shall take a vote of the challenge for Members of Council or Committee in favour or opposed to the ruling. The ruling fails when there is a two-thirds majority vote in favour of the challenge.

### **SECTION 13 – GENERAL**

- 13.1** This By-law shall not be amended or repealed except by a majority vote of all Members of Council.
- 13.2** General guidelines describing the respective roles and responsibilities of Council, the Mayor and the Chair of a Committee are set out in Appendix G to this By-law.
- 13.3** This By-law comes into force on the date on which it is passed.



- 13.4** The short title of this By-law is the Procedural By-law or the Council Procedural By-law.
- 13.5** By-law Nos. 18-270, 19-090, 19-212, 19-308, 20-042, 20-055, 20-103, 20-129, 20-145, 20-146, 20-151, 20-184, governing and amending the rules and procedures of Council of the City of Hamilton are repealed.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

## **GENERAL ISSUES COMMITTEE**

### **COMPOSITION**

The General Issues Committee shall be comprised of all 16 members of Council.

### **MANDATE**

*General:*

To report and make recommendations to Council on matters relating to:

- Council Strategic Plan
- Corporate Strategic Plan
- Municipal Benchmarking Network Canada (MBNC)
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- Growth Related Integrated Development Strategy (GRIDS)
- Vision 20/20
- Upper Levels of Government Funding Matters
- Department Work Programs: Planning and Economic Development
- Legal Services – all matters having definite litigation
- Human Resources – labour negotiations
- Departmental Organizational Structure Changes
- Boards and Agencies
- Hamilton Utilities Corporation
- Climate Change
- any and all other matters which Council chooses to refer to the General Issues Committee for consideration

*Specific duties shall include:*

- To review and monitor the City's and Council's Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies
- To consider and recommend to Council on matters relating to Business Development, the Small Business Enterprise Centre, Incentive Loans/Grants programs and approvals, BIA initiatives, the Hamilton Incubator of Technology and Tourism
- To consider and recommend to Council on matters relating to GRIDS
- To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters
- To receive information on labour negotiations and provide direction to the Director of Labour Relations

**Appendix A**

- To consider and make recommendations to Council on matters regarding Boards and Agencies
- To Meet as Shareholders and/or Board of Directors of a corporation when required.
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

## **BOARD OF HEALTH**

### **COMPOSITION**

The Board of Health shall be comprised of all 16 members of Council.

### **MANDATE**

*General:*

To ensure the City of Hamilton meets or exceeds its obligations as a Board of Health under the *Health Protection and Promotion Act*, and in all matters relating to Public Health in order to promote well-being and create opportunities to enhance the quality of life in our community.

*Specific duties shall include:*

- To consider and recommend to Council on policy matters and emerging issues related to Public Health
- To provide advice and guidance to the Public Health Services including input to Strategic Planning initiatives to ensure alignment with Council's Mission, Vision, Values and Goals
- To receive delegations from the public and conduct public hearings as required by statute and Council
- To consider and recommend to Council the overall service levels in relation to the delivery of Public Health programs
- To consider and recommend to Council policies governing service delivery of the Public Health Services
- To consider and monitor program implementation and performance through staff reports
- To consider the public health needs of the community and recommend advocacy by Council to address these needs
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

## **PUBLIC WORKS COMMITTEE**

### **COMPOSITION**

The Public Works Committee shall be comprised of a minimum of 8 Members of Council, plus the Mayor as ex-officio.

### **MANDATE**

*General:*

To report and make recommendations to Council on matters relating to:

- Water & Wastewater (Collection/Distribution, Treatment, and Compliance)
- Waste Management (Solid Waste Planning, Collection, and Disposal)
- Operations & Maintenance (Roads, Traffic, Forestry & Beautification, Parks & Cemeteries, and Trails)
- Transit (Operations and Transit Fleet, Accessible Transportation Services (ATS))
- Fleet and Facilities (Central Fleet, Corporate Buildings, Energy Office)
- Capital Planning and Implementation (Strategic and Environmental Planning, Asset Management, Design and Construction, Open Space Planning)
- Major road construction projects

*Specific duties shall include:*

- To consider and recommend to Council, Service Programs and Service Levels for all direct and indirect services provided by the Department (i.e. business plans, management plans, operating plans, and other relevant plans)
- To consider and recommend to Council, Policies, By-laws, and procedures governing service delivery implemented by the Department
- To consider and recommend to Council, Asset Management Plans and Forecasts for all infrastructure managed by the Department
- To consider and monitor program implementation and performance through staff reports and make recommendations to Council respecting program management initiatives (i.e. continuous improvement, budget performance, revenue generation and other relevant issues)
- To consider and recommend to Council, procurement in accordance with corporate policies
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Public Works Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

**PLANNING COMMITTEE****COMPOSITION**

The Planning Committee shall be comprised of a minimum of 9 Members of Council, plus the Mayor as ex-officio.

**MANDATE***General:*

To report and make recommendations to Council on matters relating to:

- Long Range Planning, land use management, development planning and engineering, transportation planning and downtown planning and implementation
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues

*Specific duties shall include:*

To consider and recommend to Council on:

- the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws
- all matters related to the *Planning Act*, the *Ontario Heritage Act*, the *Municipal Act, 2001*, the *Niagara Escarpment Act* and other applicable legislation regarding planning, development engineering, by-law enforcement and licensing and downtown planning issues
- the City's Official Plan and Zoning By-laws and amendments thereto, pursuant to the *Planning Act*, and to conduct such related public meetings as may be required
- applications for subdivision and condominium approval pursuant to the *Planning Act* and *Condominium Act*, as applicable
- matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
- matters relating to Parking Operations and Enforcement
- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the *Planning Act*, including possible City participation at any Local Planning Appeal Tribunal (LPAT) Hearings to consider the appeal of Committee of Adjustment decisions
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Planning Committee
- To receive delegations for the public and conduct public hearings as required by statute and Council, specific to the mandate of this committee on matters under the Standing Committee
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

## **EMERGENCY & COMMUNITY SERVICES COMMITTEE**

### **COMPOSITION**

The Emergency & Community Services Committee shall be comprised of a minimum of 5 members of Council, plus the Mayor as ex-officio.

### **MANDATE**

*General:*

To report and make recommendations to Council on matters relating to:

- Children's Services
- Ontario Works
- Neighbourhood Development
- Housing Services
- Lodges: Macassa Lodge and Wentworth Lodge
- Recreation
- Fire Services
- Paramedic Services
- Advisory Committees that report to the Emergency & Community Services Committee

*Specific duties shall include:*

To consider and recommend to Council on:

- service levels for all direct and indirect services provided by the Department
- policies governing service delivery implemented by the Department
- procurement in accordance with corporate policies
- plans for community facility infrastructure
- the delivery of protective services including fire operations, fire prevention, corporate emergency management, and corporate radio communications
- the delivery of emergency medical (paramedic) services
- To consider and monitor program implementation and performance through staff reports
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Emergency & Community Services Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.

## **AUDIT, FINANCE & ADMINISTRATION COMMITTEE**

### **COMPOSITION**

The Audit, Finance & Administration Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

### **MANDATE**

*General:*

To report and make recommendations to Council on matters relating to:

- Internal/external audits;
- Oversight of internal control, financial reporting;
- Human Resources – programs and services;
- Programs related to Financial Planning and Policy, Treasury Services, Customer Service, Information Technology, Legislative Services, Records Management, Legal Services, Procurement and Risk Management Access & Equity; and
- To hold hearing on complaints made pursuant to Section 20 of the *Development Charges Act, 1997*

*Specific duties shall include:*

To consider and make recommendations to Council on:

- matters of policy respecting human resources, including health and safety, union/management relations, organizational planning and development and compensation administration
- matters of policy involving communications issues
- matters of policy and oversight involving financial management, investment, reserves, debt, procurement and risk management
- matters of policy involving general policies and procedures and administrative By-laws
- all audit matters, including promoting an appropriate environment for the management of public funds and the economy, efficiency and effectiveness of operations and a high level of accountability. Ensure compliance with laws, regulations, policies and support high standard of ethical conduct
- matters of policy and direction related to Access and Equity, including the annual corporate accessibility plan
- To act as liaison to the Access & Equity volunteer advisory committees (with the exception of the Advisory Committee for Persons with Disabilities reporting to the General Issues Committee)
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the Audit, Finance & Administration Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
- Schedule F1 – Office of the City Auditor Charter
- Matters that have the potential of litigation and are under the mandate of this Standing Committee; with all matters having definite litigation going to the General Issues Committee.



**Schedule F1 to Appendix F****CITY OF HAMILTON  
OFFICE OF THE CITY AUDITOR CHARTER****INTRODUCTION**

The Office of the City Auditor provides independent, objective audit assurance and consulting services designed to add value and improve the City of Hamilton's operations. The Office of the City Auditor (OCA) brings a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.

In the capacity of Auditor General, the City Auditor assists City Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in City operations.

**SCOPE**

The Office of the City Auditor completes the following types of work:

- Compliance Auditing
- Value for Money Auditing
- Special Investigations (Fraud and Waste, Whistleblower)
- Risk assessments
- Consulting

The first three activities are conducted by the Office in its capacity as Auditor General.

**Audit Assurance and Special Investigations**

Audit and Assurance work includes the examination and evaluation of the adequacy and effectiveness of the City's governance, risk management process, systems of internal control and the quality of performance in carrying out assigned responsibilities to achieve the organization's goals and objectives. This includes both compliance and value for money audits. The City's processes should function in a manner that ensures:

- Risks are appropriately identified and managed.
- Significant financial, managerial, and operating information is accurate, reliable and timely.
- Actions are in compliance with policies, standards, procedures, and applicable laws and regulations.
- Resources are acquired economically, used efficiently and are adequately protected.
- Programs, plans and objectives are achieved.
- Significant legislative and regulatory issues impacting the City are recognized and addressed properly.

**Schedule F1 to Appendix F**

- Quality and continuous improvement are fostered in the organization's internal control processes.

In addition to audits, special investigations may be undertaken by the OCA pursuant to Council having given that authority under the Whistleblower By-law (19-181) and the City of Hamilton's Fraud Policy and Protocol. These include reviews or investigations of matters of alleged or suspected wrongdoing, per the Whistleblower By-law or fraud, waste or other similar activities reported by employees or residents through the Fraud and Waste Hotline or other mechanisms.

The City Auditor has been appointed by By-law 19-180 (City Auditor By-law) as an Auditor General under Section 223.19 of the *Municipal Act, 2001*, with the responsibilities, including the powers, duties and protections, under Sections 223.19 to 223.23 of the *Municipal Act, 2001*. These responsibilities apply to the extent authorized by these sections of the *Municipal Act, 2001*. The powers and protections provided to the City Auditor (by appointment as an Auditor General) strengthens the position of independence and institutional authority of the City Auditor while providing information to Council for its oversight role.

### Consulting and Risk Assessment

In addition to audit engagements, the Office of the City Auditor provides advisory or other consulting services, as planned, or at the request of Council or senior management. These types of services may include:

- Risk assessments and related workshops;
- Performing research;
- Providing education/training on audit related topics such as risk management, fraud awareness, performance measurement and internal controls;
- Performing Lessons Learned/Opportunities Assessments on project/program implementations that have experienced difficulties or challenges; and
- Providing counsel or advice (e.g. on the adequacy of draft procedures).

### AUTHORITY

The Office of the City Auditor is granted full, free and unrestricted access to any and all records, property and personnel relevant to any function under review. Access to personal information is provided for under the *Municipal Freedom of Information and Protection of Privacy Act* (in particular, Subsections 31(c) and 32(d)).

The OCA has the authority to conduct audits and reviews of all City departments, Members of Council, agencies, boards and commissions, as well as other entities the City is related to or has an interest in.

**Schedule F1 to Appendix F**

All employees will assist the OCA in fulfilling its objectives.

As an Auditor General, the OCA has the responsibilities, including the powers, duties and protections, under Sections 223.19 to 223.23 of the *Municipal Act, 2001* for:

- City Departments;
- Members of Council;
- Local boards (not including the Board of Health, the Hamilton Public Library Board, the Police Services Board or other local boards in accordance with the current definition of “local board” under Section 223.1 of the *Municipal Act, 2001*);
- Municipally-controlled corporations (a corporation that has 50 per cent or more of its issued and outstanding shares vested in the City or that has the appointment of a majority of its board of directors made or approved by the City, not including a corporation established in accordance with Section 203 of the *Municipal Act, 2001*); and
- Grant recipients (as currently defined under Section 223.1 of the *Municipal Act, 2001* as “a person or entity that receives a grant directly or indirectly from the municipality, a local board or a municipally-controlled corporation”);

These responsibilities under Section 223.19 to 223.23 of the *Municipal Act, 2001* include the powers to access information and to examine persons under Section 33 of the *Public Inquiries Act, 2009*; the duty to preserve secrecy with respect to all matters that come to its knowledge in the course of performing its functions; and the protection of not being a competent or compellable witness in a civil proceeding.

The relevant excerpts from the *Municipal Act* (accessed on July 16, 2019 at <https://www.ontario.ca/laws/statute/01m25#BK272>) are included below for reference:

*Auditor General*

**223.19** (1) *Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Auditor General who reports to council and is responsible for assisting the council in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations. 2006, c. 32, Sched. A, s. 98.*

*Same*

(1.1) *The Auditor General shall perform his or her responsibilities under this Part in an independent manner. 2009, c. 33, Sched. 21, s. 6 (11).*

*Exceptions*

(2) *Despite subsection (1), the responsibilities of the Auditor General shall not include the matters described in clauses 296 (1) (a) and (b) for which the municipal auditor is responsible. 2006, c. 32, Sched. A, s. 98.*

**Schedule F1 to Appendix F**Powers and duties

(3) Subject to this Part, in carrying out his or her responsibilities, the Auditor General may exercise the powers and shall perform the duties as may be assigned to him or her by the municipality in respect of the municipality, its local boards and such municipally-controlled corporations and grant recipients as the municipality may specify. 2006, c. 32, Sched. A, s. 98.

Grant recipients

(4) The authority of the Auditor General to exercise powers and perform duties under this Part in relation to a grant recipient applies only in respect of grants received by the grant recipient directly or indirectly from the municipality, a local board or a municipally-controlled corporation after the date on which this section comes into force. 2006, c. 32, Sched. A, s. 98.

Delegation

(5) The Auditor General may delegate in writing to any person, other than a member of council, any of the Auditor General's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(6) The Auditor General may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.

**Status**

(7) The Auditor General is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 98.

**Duty to furnish information**

**223.20** (1) The municipality, its local boards and the municipally-controlled corporations and grant recipients referred to in subsection 223.19 (3) shall give the Auditor General such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

Access to records

(2) The Auditor General is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality, the local board, the municipally-controlled corporation or the grant recipient, as the case may be, that the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.

No waiver of privilege

(3) A disclosure to the Auditor General under subsection (1) or (2) does not constitute a waiver of solicitor-client privilege, litigation privilege or settlement privilege. 2006, c. 32, Sched. A, s. 98.

**Schedule F1 to Appendix F**Powers re examination

**223.21** (1) *The Auditor General may examine any person on oath on any matter pertinent to an audit or examination under this Part. 2006, c. 32, Sched. A, s. 98.*

Application of Public Inquiries Act, 2009

(2) *Section 33 of the Public Inquiries Act, 2009 applies to an examination by the Auditor General. 2009, c. 33, Sched. 6, s. 72 (3).*

Duty of confidentiality

**223.22** (1) *The Auditor General and every person acting under the instructions of the Auditor General shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 32, Sched. A, s. 98.*

Same

(2) *Subject to subsection (3), the persons required to preserve secrecy under subsection (1) shall not communicate information to another person in respect of any matter described in subsection (1) except as may be required,*  
(a) *in connection with the administration of this Part, including reports made by the Auditor General, or with any proceedings under this Part; or*  
(b) *under the Criminal Code (Canada). 2006, c. 32, Sched. A, s. 98.*

Same

(3) *A person required to preserve secrecy under subsection (1) shall not disclose any information or document disclosed to the Auditor General under section 223.20 that is subject to solicitor-client privilege, litigation privilege or settlement privilege unless the person has the consent of each holder of the privilege. 2006, c. 32, Sched. A, s. 98.*

Section prevails

(4) *This section prevails over the Municipal Freedom of Information and Protection of Privacy Act. 2006, c. 32, Sched. A, s. 98.*

Testimony

**223.23** *Neither the Auditor General nor any person acting under the instructions of the Auditor General is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 32, Sched. A, s. 98.*

**INDEPENDENCE**

Independence is an essential component to maintaining public trust and preserving objectivity and integrity associated with the audit function.

**Schedule F1 to Appendix F**

To provide for the independence of Office of the City Auditor, its personnel report to the City Auditor, who reports administratively to the City Manager and functionally to the Audit, Finance & Administration Committee of Council. Audit and other reports are sent directly to the Audit, Finance & Administration Committee for discussion and approval and then to Council. These reporting relationships help ensure independence, promote comprehensive audit objectivity and coverage and assure adequate consideration of audit recommendations.

All OCA activities shall remain free of influence by any element in the organization, including matters of audit selection, scope, procedures, frequency, timing or report content to permit maintenance of an independent and objective attitude necessary in rendering reports. The City Auditor has the authority to revise and extend the scope of any audit or investigation in the course of their examination.

The OCA shall have no direct operational responsibility or authority over any of the activities it reviews. Accordingly, it shall not develop nor install systems or procedures, prepare records or engage in any other activity which would normally be audited.

**RESPONSIBILITIES**

The City Auditor and the staff of the OCA have the responsibility to:

- Review operations within the City at appropriate intervals to determine whether planning, organizing, directing and controlling are in accordance with management instructions, policies and procedures and in a manner that is consistent with both City objectives and high standards of administrative practice.
- Determine the adequacy and effectiveness of the systems of internal accounting, financial and operating controls.
- Review the reliability, utility and integrity of financial information and the means used to identify, measure, classify and report such information.
- Review the established systems to ensure compliance with those policies, plans, procedures, laws and regulations which would have a significant impact on operations and reports and determine whether the organization is in compliance.
- Review the means of safeguarding assets and, as appropriate, verify the existence of such assets.
- Carry out value for money (VFM) / performance audits to determine the efficiency and effectiveness of services and evaluate attainment of corporate objectives and value to residents.
- Report to those members of management who should be informed or who should take corrective action, the results of audit examinations, the audit opinions formed, and the recommendations made.

**Schedule F1 to Appendix F**

- Evaluate any plans or actions taken to correct reported conditions and provide timely follow-up to ensure satisfactory disposition of audit findings in the manner and timeframe committed to by management in the original audit report. If the corrective action is considered unsatisfactory, hold further discussions to achieve acceptable disposition.
- Develop a flexible multi-year work plan, including any risks or control concerns identified by management or other audits as well as appropriate special tasks or projects requested by management.
- Undertake assessments, investigations, or refer issues to other appropriate parties as a result of disclosures under a Whistleblower By-law or the Fraud and Waste Hotline.
- Maintain a professional audit staff with sufficient knowledge, skills and experience.

**AUDIT PLANNING**

Each term of Council, the City Auditor shall prepare a multi-year work plan, setting out the proposed work for the term.

For the projects, the following sources are considered:

- Prioritization of the audit universe using a risk-based methodology;
- Requests from Members of Council, senior management and staff;
- Any audits planned for the past term but delayed or not completed;
- Any conditions or concerns discovered or communicated throughout past years; and
- Input from members of the public, via the Fraud and Waste Hotline and resident complaints or suggestions.
- Areas likely to provide significant payback in terms of increased revenues, reduced costs, operational efficiencies and quality of services.

The multi-year work plan will be presented to the Audit, Finance & Administration Committee for approval. Any changes to the work plan requested by Council or individual Members of Council will require a majority of at least two-thirds the total members of Council present and not prohibited by statute from voting for the City Auditor to consider.

**Schedule F1 to Appendix F****REPORTING**

A written report is prepared and issued by the City Auditor following the conclusion of each audit assurance project. The report will include management's responses to the report findings and recommendations. Management's response will include a statement of general agreement or disagreement with the stated findings and recommendations as well as a timeframe for anticipated completion of action to be taken and an explanation for any recommendation not addressed.

The OCA is responsible for appropriate follow up on audit findings and recommendations. All significant findings will remain open until the City Auditor has determined management has appropriately taken action to resolve the finding.

By-law 19-181 (Whistleblower By-law), Section 19 – Responsibility of the City Auditor requires a quarterly report for, in the aggregate, on the number, nature and outcome of disclosures of serious wrongdoing made under this By-law. Quarterly reports known as "Whistleblower, Fraud and Waste Information Updates" are submitted to the Audit, Finance & Administration Committee and capture at a high level the special investigations activity undertaken by the OCA.

Consulting and risk assessment project reports are issued at the discretion of the City Auditor. Considerations for reports include project size and type, topic, risk profile and organizational impact.

All reports are generally presented to the Audit, Finance & Administration Committee. Reports may be presented to the General Issues Committee, if appropriate.

**PROFESSIONAL STANDARDS**

Under the City Auditor's authority granted in this Office of the City Auditor Charter, all OCA activity will be guided by the following professional standards and/or legislative requirements:

- *Municipal Act*, Sections 223.19-223.23 (Auditor General), as applicable.
- City of Hamilton Whistleblower By-law (19-181).
- International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors, for research and general consulting work.
- Certified Fraud Examiners Code of Professional Standards issued by the Association of Certified Fraud Examiners for Fraud, Waste and Whistleblower assessments and investigations.

When working as an Auditor General performing audit assurance engagements, work activities will be guided by professional standards and/or legislative requirements, as applicable.

Audit Services professional staff are also bound by the standards and ethics of their respective professional organizations, which include the Chartered Professional Accountants of Canada (CPA), Institute of Internal Auditors (IIA) and Association of Certified Fraud Examiners (ACFE).

*(Approved by Council – September 11, 2019 – Report AUD19005)*



## **ROLES OF COUNCIL, MAYOR AND COMMITTEE CHAIR**

### **PREAMBLE**

The general requirements for holding office for elected officials for the City of Hamilton are contained in the *Municipal Act, 2001*.

### **GENERAL ROLE/GUIDELINES (COUNCIL)**

- (a) Within the authority of enabling legislation, to develop policies for the purpose of guiding the administration of municipal government in the City of Hamilton.
- (b) Subject to legislative restrictions, develop regulations to be adopted in By-laws and resolutions for the overall benefit of the citizens of the community.
- (c) Appoint statutory officers and senior officials to ensure that a functional management system is in place and which will administer the City within the adopted policies of Council.
- (d) To collectively oversee the administrative functions as carried out by appointed officials within the delegated authority and the policies adopted by Council.
- (e) To monitor the administrative process and ensure that the will and direction of the City is placed into effect.
- (f) To be prepared to attend regularly scheduled meetings and special meetings of Council and Committees as required and to participate in the debate for the purpose of developing and adopting policies and directions for the City of Hamilton.
- (g) Absences from the meetings of Council for three successive months results in a member's seat being declared vacant unless authorized by resolution of Council.
- (h) To act as liaison between the citizens they represent and the City, to ensure that the intention of established policies and regulations are applied in a manner that is conducive to the interests of the citizens as a whole.
- (i) To oversee the financial affairs and delivery of City services through the adoption of policies and budget control guidelines and to ensure that appropriate audit procedures and monitoring programmes are in effect.

**Appendix G****ROLE OF THE MAYOR**

(including the Deputy Mayor while fulfilling the duties of Mayor)

The Mayor is responsible to act as the Head of Council, as detailed in the *Municipal Act, 2001* providing leadership to other Members of Council.

- (a) To act as the Council's corporate representative when dealing with other government agencies and the private sector consistent with the vision and direction expressed by the Council of the day.
- (b) The Mayor and the City Manager must work in close liaison as the pivotal link between the policy-making body of Council and the administrative organization of the City.
- (c) The role of Mayor is considered as statutory and policy-related, to act as the Head of Council and to co-ordinate political representation on behalf of the City when required at meetings, receptions, functions, and community activities, and to direct administrative functions to the attention of the City Manager.

**ROLE OF COMMITTEE CHAIR**

- (a) To ensure that the general functions noted in the roles of Council and in the policies and procedures established by the City are maintained.
- (b) To ensure that the rules of procedure with respect to conduct are followed.
- (c) The role of Chair, in co-ordinating the meetings of a Committee, will be considered statutory and policy-related, with administrative functions to be delegated to appointed staff and officials through the appropriate General Manager or Medical Officer of Health, following appropriate reporting procedures of the City.
- (d) It is recognized that the role of Chair, as outlined above, does not provide any administrative authority over staff, and that any administrative requests should be brought to the attention of the City Manager, appropriate General Manager or Medical Officer of Health or appropriate delegated staff.

**DUTIES OF COMMITTEE CHAIR**

- (a) Open the meetings of the Committee by taking the chair and calling the members to order.
- (b) Announce the business before the Committee and the order in which it is to be acted upon.
- (c) Receive and submit, in the proper manner, all motions presented by the members of the Committee.
- (d) Put to a vote all motions, which are moved, or necessarily arise in the course of the proceedings, and to announce the result.

**Appendix G**

- (e) Enforce the rules of procedure and rule upon all procedural matters.
- (f) Guide the members when engaged in debate in accordance with the rules of procedure.
- (g) Enforce on all occasions the observance of order and decorum among the members and the attending public.
- (h) Order any member persisting in a breach of the rules of procedure to vacate the meeting room.
- (i) Permit questions to be asked through the Chair of any staff in order to provide information to assist any debate when the Chair deems it proper.
- (j) Rule on any points of order or points of privilege without debate or comment.
- (k) Rule whether a motion or proposed amendment is in order.
- (l) Determine which member has the right to speak.
- (m) Ascertain that all members who wish to speak on a motion have spoken and that the members are ready to vote, and shall then put the vote.
- (n) May call a member to order.
- (o) Where it is not possible to maintain order, the Chair may, without any motion being put, adjourn the meeting to a time to be named by the Chair.
- (p) Adjourn the meeting when the business is concluded.
- (q) The Chair may state relevant facts and the Chair's position on any matter before the Committee without leaving the chair, but it shall not be permissible for the Chair to move a motion or debate a question without first leaving the chair.
- (r) If the Chair desires to leave the chair to move a motion, or to take part in the debate, the Chair shall call on the Vice Chair, or in the absence of the Vice Chair, on another member to preside until the Chair resumes the chair.
- (s) The Committee Chair shall vote on any questions before the Committee and in the event of an equality of votes (tie vote) the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.

**Appendix H****CRITERIA FOR THE CREATION OF  
ADVISORY COMMITTEES OR TASK FORCES**

- (a) That all requests for the formation of an Advisory Committee or Task Force be presented to a Standing Committee for consideration.
- (b) That all requests, upon approved motion by the Standing Committee, be referred to the applicable General Manager for a report back on the following;
  - (i) inventory of previous and existing activities related to the issue
  - (ii) inclusion of a sunset clause, which outlines the time needed to complete the mandate
  - (iii) reporting structure, membership composition, mandate, objectives, legislative requirements, work plan and timelines for the Special Purpose Body
  - (iv) responsibilities of the members
  - (v) membership expertise requirements for the Special Purpose Body
  - (vi) proposed budget allocation requirement and source of funding
  - (vii) staffing requirements
  - (viii) other necessary resources
- (c) The Clerk may invite citizens to serve as members and such invitations shall include the Advisory Committee or Task Force's mandate including any membership expertise requirements and the time needed to complete the mandate;
- (d) Applications received for membership shall be forwarded by the Clerk to the Selection Committee;
- (e) The Selection Committee may consider balanced geographical representation in selecting the members, where appropriate;
- (f) The rules of procedure shall be observed so far as they are applicable;
- (g) A Code of Conduct, setting out general standards for acceptable conduct by Members of Advisory Committees and Task Forces in the performance of their duties, is set out in Appendix I to this By-law.
- (h) All minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and
- (i) Staff may act as resource persons in a non-voting capacity.

**Appendix I****HAMILTON ADVISORY COMMITTEE/TASK FORCE CODE OF CONDUCT**

Council has adopted this Code of Conduct for the guidance of Appointees to Advisory Committees and Task Forces providing recommendations to Standing Committees and to assist Appointees in performing their duties in a manner which will promote the public's confidence in these Advisory Committees and Task Forces operating with integrity, transparency and courtesy.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Appointees may be called upon to exercise judgement as to the appropriate standard of conduct. When this occurs, Appointees are to ensure that their decisions maintain the Advisory Committee or Task Force's integrity, transparency and courtesy.

This Code of Conduct does not apply to Members of Council who are subject to the Council Code of Conduct.

Failure to comply with this Code of Conduct may result in the Advisory Committee or Task Force:

- (1) requesting an apology from the Appointee; and/or
- (2) removing the Appointee from the Advisory Committee or Task Force for a portion or all of their term.

**1. GOOD CONDUCT**

Appointees shall act with honesty and integrity including:

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

**2. MEETINGS**

Appointees shall maintain proper control over meetings demonstrating respect for everyone who is involved in a proceeding.

Appointees are expected to attend all meetings of the Advisory Committee or Task Force. If an Appointee misses more than three meetings during their term, the Chair, after hearing and considering any explanation provided by the Appointee, may remove the Appointee from the Advisory Committee or Task Force for the remainder of their term.

**3. COLLEGIALITY**

Appointees shall respect and co-operate with other Appointees and the Advisory Committee or Task Force staff.

**4. GIFTS OR BENEFITS**

Appointees shall not accept a gift or benefit that may appear as being offered because they are Appointees.

**5. CONFIDENTIAL INFORMATION**

Appointees shall not disclose to any member of the public any confidential information acquired by virtue of their position.

**6. COMMUNICATION**

Appointees should accurately communicate a recommendation or direction.

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

Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice Chair.

## **HEARING PROCEDURES FOR DEVELOPMENT CHARGE COMPLAINTS – SECTION 20**

### **COMMITTEE COMPOSITION**

The Audit, Finance & Administration Committee has delegated authority to hold hearings for Section 20 Development Charges complaints. The Audit, Finance & Administration (AF&A) shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

### **SECTION 20 COMPLAINT**

As Per the *Development Charges Act, 1997*, a person may submit a formal complain to Council respecting one of three issues:

- 20** (1) A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,
- (a) the amount of the development charge was incorrectly determined;
  - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
  - (c) there was an error in the application of the development charge by-law. 1997, c. 27, s. 20 (1).

The formal complaint must be submitted within 90 days of the charge being payable (*Development Charges Act, 1997*) and must be in accordance with the grounds permitted under the *Development Charges Act*:

- (2) A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable. 1997, c. 27, s. 20 (2).

The formal complaint must be in writing, stating the complainant's name, address where notice can be given, and the reason for the complaint.

### **DEVELOPMENT CHARGES COMPLAINT HEARING - SECTION 20 COMPLAINT**

A hearing (or tribunal) must be held within 60 days of receiving the complaint (Section 22(2)). A Hearing Notice will be mailed to the complainant at least 14 days before the hearing.

The Complaint Hearing is governed by the procedures set out in the Council Procedure By-law and the *Statutory Powers Procedure Act* ("SPPA").

**Appendix J**

The Audit, Finance & Administration Committee, in conducting the hearing of a Development Charges Complaint, is required to only consider the grounds permitted under subsection 20(1) of the *Development Charges Act*.

The grounds set out in the *Development Charges Act* are very specific and quite focused. They do not include a request to be exempt from a Development Charge otherwise applicable pursuant to a Development Charge By-law nor do they include a request to create a new category of development not found in a Development Charge By-law. A Development Charge Complaint cannot be used to amend the Development Charge By-law to alter the Development Charge rate otherwise validly applicable or to add a credit or exemption not already within the Development Charge By-law.

**1. Party Representatives**

There are two parties to the hearing of a Development Charge Complaint, the City and the Complainant. The City's Finance Division is responsible for administering the Development Charge By-law and a solicitor from the Legal Division will represent the City at the hearing. The Complainant may represent themselves or have legal representation as well.

In addition, the Committee will have a solicitor from the Legal Division to provide legal advice to the Committee during a hearing and deliberations. This practice is permissible provided that the Solicitor does not take part in making findings of fact or in making the ultimate decision on the matter.

**2. Live Stream & Electronic Voting**

The Development Charge Hearing is not live-streamed when meeting IN-PERSON, unless specifically requested by someone in attendance and then agreed upon by both parties.

Electronic votes are not taken during a Development Charge Hearing.

Subject to Section 4 of this Appendix J, the Development Charge Hearing is live-streamed when meeting VIRTUALLY, in order to have all proceedings open to the public and the parties.

**3. Conflict of Interest**

If any Committee member feels that they should not be hearing a particular matter, the member may inform the Committee that they will not participate, giving a general or specific reason why not, e.g. one of the witnesses is a relation.



**Appendix J****4. Open and Closed Proceedings / Deliberations**

All proceedings are to be open to the public and the parties unless one of the exceptions under the SPPA or the *Municipal Act, 2001* applies. Section 9(1) of the SPPA provides that a hearing may be closed to the public if:

- (a) a matter involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

If the Committee believes that such matters could be disclosed, it should ask each of the parties if this is the case. If the Committee is convinced that the harm outweighs the desirability of the hearing being open to the public, the hearing may be closed to the public.

When a hearing is closed to the public under the SPPA, only the parties and their representatives remain in attendance.

The Committee may also rely on the authority under section 239 of the *Municipal Act, 2001* in closing proceedings to the public or the public and the parties - for example, if it wishes to receive advice subject to solicitor client privilege.

The Committee may, but is not required to, retire to deliberate in the absence of the public and the parties. Deliberations occur when the Committee considers the evidence and submissions in arriving at a decision. The decision itself is announced in the presence of the public and the parties. The authority for retiring to deliberate is found at common law and is referred to as the “confidentiality principle” or the “rule on deliberative secrecy”.

**5. Adjournments**

Adjournments may be requested by either party at the start of or during a hearing. The Committee may grant or refuse an adjournment request in light of a number of considerations including: the legitimate inability of the complainant or a witness to attend or, within reason, the counsel of their choice; or, the necessity for time to prepare before a hearing or to respond to new and unexpected issues or allegations arising in the course of a hearing.

**6. Agreed Upon Statements of Fact and Joint Submissions**

The parties may submit an agreed upon statement of facts which means that they will inform the Committee that some or all of the facts relevant to the hearing are not in dispute. Agreed upon facts need not be proven and should be accepted by the Committee.

**Appendix J**

The parties may go beyond an agreed upon statement of facts to make a joint submission, asking for a final decision that is acceptable to both. The Committee must give serious consideration to a joint submission and must not reject it without good cause. While the Committee may reject all or part of a joint submission, if this is being considered, both parties must be given the opportunity to make representations before the final decision is made.

**7. Witnesses**

The parties may call witnesses during the Hearing. (Section 10.1, SPPA)

At the request of a party or on its own initiative, the Committee may require the attendance of a witness to give evidence by issuing a summons.

A witness who is summoned to testify before the Committee cannot refuse to answer a proper and relevant question and Section 13 of the *Canadian Charter of Rights and Freedoms* and Section 14 of the SPPA protect witnesses when providing answers.

The Committee should be hearing only the relevant evidence of the parties' witnesses.

Witnesses should be sworn or affirmed by the Chair of the Committee prior to commencing their testimony.

Lawyers or representatives acting as an advocate for a complainant cannot be a witness.

**8. Evidence**

Administrative tribunals are given much more latitude than courts with respect to the evidence which they may receive and consider in arriving at a decision. Accordingly, the Committee may receive hearsay evidence and unsworn evidence. (Section 15, SPPA)

The fundamental test with respect to the admissibility of evidence is that it must be relevant to the issues which are involved in the hearing. Relevance for a Development Charge hearing is determined by reference to the permitted grounds set out in subsection 20(1) of the *Development Charges Act* and by the grounds set out in the complaint, but only if those grounds are permitted grounds.

When the Committee is confronted with an objection to the admissibility of a relevant piece of evidence, the evidence should generally be admitted unless it is clearly irrelevant. The Committee should consider the objection with respect to the weight it gives to that particular evidence when arriving at its decision. The general principle is that indirect evidence (hearsay) should be given less weight than direct evidence such as a witness' own observations, unless there is a valid reason to conclude that the direct evidence is not credible.

**Appendix J**

The Committee may make a finding of credibility in considering the testimony of a witness – giving little or no weight to testimony it does not find credible. An administrative tribunal may find it very difficult to indicate in a decision that a witness was not credible. It is advisable for the administrative tribunal to fully and clearly explain itself, for example, by stating X’s testimony was not relied upon because they admitted to a direct financial interest in the outcome of the hearing and because their answers were influenced by this.

Although unaffirmed or unsworn evidence is admissible, testimony to the Committee should be given under affirmation or oath. Each witness should be affirmed or sworn immediately before giving their testimony. A witness should be asked whether they prefer to be sworn or affirmed.

An unrepresented complainant is acting in two capacities, both as their own representative and as a witness. When they are acting as a witness – for example, telling the Committee what did or did not happen – they should be under affirmation.

The parties may examine their own witnesses and cross-examine other witnesses. (Section 10.1, SPPA) The Committee may also question witnesses. Generally, this should be done after the parties have finished questioning the witness.

The Chair or Vice Chair presiding should allow each party to ask any further questions of the witness they may have arising from questions posed by a member of the Committee.

The onus is on the complainant to satisfy the Committee that the Development Charge amount was incorrectly determined, that a credit should have been issued against the Development Charge, that a credit was incorrectly applied, or there was an error in the application of the Development Charge by-law.

**9. Note-taking**

Notes taken by Committee members during the Hearing should be kept for a reasonable period of time, enough time for whatever appeal right there may be to be exercised. A problem arises when protection of privacy and freedom of information legislation applies. In the case of the *Municipal Freedom of Information and Protection of Privacy Act*, there is no exception made for the notes of members sitting on a municipal tribunal such as a Development Charge Complaint Hearing. As a consequence, if the City, in this case Clerks, has custody or control of the notes, these notes may be subject to disclosure under MFIPPA. In addition, the notes arguably would be subject to the Records Retention By-law and could only be destroyed in accordance with that By-law.

Consequently, to ensure that adjudicative independence can be maintained, it is recommended that if a Committee member chooses to take notes, they:

- (1) Do so for the purposes of helping:
  - (a) to remember and understand what occurred during a hearing; and
  - (b) to make a decision in respect of a hearing;
- (2) Keep their notes confidential, not allowing any other person to see, read or use the notes for any purpose;
- (3) maintain responsibility for the care and safe-keeping of their notes;
- (4) store their notes at their office or home; and
- (5) destroy their notes after some reasonable period of time such as one year.

## **10. Decisions**

In the context of a Development Charge Complaint hearing, the Committee makes two types of decisions:

- (1) procedural decisions such as adjourning the hearing to another date; and,
- (2) final decisions concerning whether:
  - (a) the amount of the development charge was incorrectly determined;
  - (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
  - (c) there was an error in the application of the development charge by-law.

The procedural decision or final decision of the majority of the members of the Committee is the procedural decision or final decision of the Hearing, allowing for a vote with dissent. However, it is recommended that the Committee operate on a consensual basis in respect of Development Charge Complaint decisions.

The Committee may retire to deliberate in the absence of the public and the parties. At the conclusion of its deliberations, the Committee gives its procedural decision or final decision on the matter in the presence of the parties and the public.

The Committee is not required to give reasons for a procedural decision that is made with the consent of the parties. The Committee must give oral and/or written reasons for a procedural decision that does not have the consent of both parties.

For a final decision, the Committee must announce it orally in the presence of the parties and the public. Additionally, it must make its decision in writing to the complainant and/or their legal counsel or agent within a reasonable time subsequent to the completion of the hearing.

Subsection 17(1) of the SPPA requires a written decision to include reasons for the decision only if a party to the complaint requests reasons. If reasons are requested the decision should summarize the facts and arguments presented by the parties, the findings of fact made by the Committee. The decision must explain the relationship between the evidence and its conclusions, including why evidence was rejected or given little credibility.

Committee members should refrain from expressing opinions on the merits or strength of a case until after all of the evidence and submissions have been heard and they are giving their decision.

It is important that the Committee provides clear instructions to the Legislative Coordinator about the decisions it makes, however, it is acceptable for the Legislative Coordinator to prepare a draft decision for approval by the Committee.

## **11. Appeal**

The *Development Charges Act* requires notice of the decision of the Hearing to be mailed within 20 days after the day the decision is made.

The decision of the Hearing is subject to appeal by the complainant to the LPAT. An appeal must be made no later 40 days after the day the decision is made. The appeal is an appeal *de novo* which means LPAT is not required to consider the Audit, Finance & Administration Committee's reasons in its decision regarding an appeal.

# CITY OF HAMILTON

## AMENDING MOTION

Council: February 10, 2021

MOVED BY COUNCILLOR B. CLARK.....

SECONDED BY COUNCILLOR .....

WHEREAS, an amendment to Section 8.4 (i) and (ii) was approved at the February 4, 2021, Audit, Finance and Administration Committee excluding the member of Council or Committee who has been ordered to vacate the place the meeting is being held, from voting; and

WHEREAS, Sections 6.2 (3); (5) and (10) of the Council Procedural By-law attached as Appendix 'C' to Audit, Finance & Administration Committee Report 21-002, states that "every Member of Council or Committee present and participating in a vote on a motion, shall vote";

THEREFORE BE IT RESOLVED:

That subsection (a) (c) of Item 4 to Audit, Finance and Administration Committee Report 21-002, be **amended** as follows:

**4. Governance Review Sub-Committee Report 21-001 - January 25, 2021 (Item 9.4)**

**(a) 2020 Review of the City's Procedural By-law Amendments (FCS21004 / LS21001) (Item 9.1)**

- (c) That the Council Procedural By-law attached as Appendix 'C' to Audit, Finance & Administration Committee Report 21-002, as **further amended**, be enacted by Council:

**8.4** Should a Member of Council persist in conducting themselves in a manner contrary to the rules set forth in subsection 8.1 after having been called to order by the Mayor or the Chair of the Committee, the Mayor or the Chair may order them to vacate the place the meeting is being held:

- (i) If the Member of Council apologizes, they may, by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question), be permitted to remain at the meeting; and

(ii) Any Member of Council other than the member ordered to vacate the place the meeting is being held may appeal the Mayor's or Chair's ruling, and Council or Committee may overturn the Chair's ruling by two-thirds majority vote of the Council or Committee members (excluding the member of Council or Committee in question). An appeal is not in order once a vote under section 8.4 (i) has taken place.

***(iii) exclusions from voting provided for in subsections 8.4(i) and (ii) shall apply notwithstanding any other provisions in the By-law that require a member of Council or Committee to vote.***



## **EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 21-001**

1:30 p.m.

Thursday, February 4, 2021

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Councillors N. Nann (Chair), B. Clark, T. Jackson, S. Merulla, and E. Pauls

**Regrets:** Councillor T. Whitehead – Personal

### **THE EMERGENCY & COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 21-001 AND RESPECTFULLY RECOMMENDS:**

#### **1. Consent Items (Items 7.1-7.3)**

That the following Consent Items be received, as presented:

- (a) Seniors Advisory Committee Minutes (Item 7.1):
  - (i) January 3, 2020 (Item 7.1 (a))
  - (ii) February 7, 2020 (Item 7.1 (b))
  - (iii) October 2, 2020 (Item 7.1(c))
- (b) Menstrual Products Pilot (HSC20001(a)) (City Wide) (Item 7.2);  
and,
- (c) Residential Care Facility (RCF) Liaison 2nd Quarter Update (HSC20040(a)) (Item 7.3) (City Wide)

#### **2. Macassa Lodge – Redevelopment Project (HSC20050(a)) (Ward 7) (Item 10.1)**

- (a) That the letter from the Ministry of Long-Term Care (MLTC) dated November 20, 2020, attached as Appendix “A” Emergency and Community Services Committee Report 21-001, announcing funding allocation of 20 long-term care beds at Macassa Lodge in response to the



City's Long-term Care Home Development application to fund 64 long-term care beds be received; and,

- (b) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to negotiate, enter into, execute and amend any ancillary documents with funders or other levels of government for funding on the project, with such terms and conditions in a form satisfactory to the City Solicitor.

**3. Hamilton's Community Safety and Well-Being Plan (HSC19032(a)) (City Wide) (Item 10.2)**

That Report HSC19032(a), respecting Hamilton's Community Safety and Well-Being Plan, be received.

**4. Municipal Affairs and Housing Social Services Relief Fund Phase 2 Holdback (HSC20036(a)) (City Wide) (Item 10.3)**

That the General Manager of the Healthy and Safe Communities Department, or his designate, be authorized and directed to enter into and execute an Agreement with the Ministry of Municipal Affairs and Housing (MMAH) to administer the additional Social Services Relief Fund Phase 2 (SSRF2) allocation to a maximum amount of \$6,395,900 and any agreements with Community Services Provider(s), as well as any ancillary agreements, contracts, extensions and documents required to give effect thereto in a form satisfactory to the City Solicitor.

**5. Encampment Update (HSC20038(b)) (City Wide) (Item 10.4)**

That Report HSC20038(b), respecting Encampment Update, be received.

**6. Analysis of United Nations Special Rapporteur's Report on a National Protocol for Homeless Encampments (HSC21000) (City Wide) (Outstanding Business List Item) (Item 10.5)**

That Report HSC21000, respecting Analysis of United Nations Special Rapporteur's Report on a National Protocol for Homeless Encampments, be received.

**7. Urban Indigenous Strategy Implementation Plan (HSC21001) (City Wide) (Item 10.6)**

That Report HSC21001, respecting Urban Indigenous Strategy Implementation Plan, be received.

**8. Updates to Emergency Plan (HSC21002) (City Wide) (Item 10.7)**

- (a) That the updated Emergency Management Program By-law attached as Appendix "A" to Report HSC21002 be passed; and,
- (b) The City of Hamilton Emergency Program By-law 17-277 be repealed.

**9. Red Hill Family Centre Licensing Inspection and Program Update (HSC21003) (City Wide) (Item 10.8)**

That Report HSC21003, respecting Red Hill Family Centre Licensing Inspection and Program Update, be received.

**10. Adaptation and Transformation of Services for People Experiencing Homelessness Update 2 (HSC20020(b)) (City Wide) (Added Item 10.9)**

- (a) That Council approve an additional grant to a maximum amount of \$673,166 to the Good Shepherd Centre Hamilton to continue to operate 378 Main Street East (the former Cathedral Boys School) as a temporary shelter for 45 men to June 30, 2021;
- (b) That all such purchases and grants outlined in Recommendation (a) that are approved by Council be funded using Provincial Funding or through an available source jointly deemed appropriate by the General Manager of the Healthy and Safe Communities Department and the General Manager of the Finance and Corporate Services Department; and,
- (c) That the General Manager of the Healthy and Safe Communities Department be directed and authorized, to enter into, execute and administer all agreements and documents necessary to implement the purchases and grants outlined in Recommendation (a) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department and in a form satisfactory to the City Solicitor.

**11. Ministry of Municipal Affairs and Housing (MMAH) Mental Health and Addictions Funding (HSC21006) (City Wide) (Added Item 10.10)**

That the General Manager of the Healthy and Safe Communities Department, or their designate, be authorized and directed to enter into and execute an Agreement with the Ministry of Municipal Affairs and Housing (MMAH) to administer Mental Health and Addictions Funding to a maximum amount of \$302,208 and any agreements with Community Services Provider(s) delivered in alignment with Community Homelessness Prevention Initiative (CHPI) Program Guidelines, as well as any ancillary agreements, contracts, extensions and documents required to give effect thereto in a form satisfactory to the City Solicitor.

**FOR INFORMATION:**

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

Chief Michael Sanderson introduced a video of a presentation from Steve Panella of Firehouse Subs. Through a generous grant from the Firehouse Subs Public Safety Foundation, the Hamilton Paramedic Department has received \$20,687.68 for the establishment of a Paramedic Bike Unit for the Hamilton Paramedic Department.

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

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

**6. DELEGATION REQUESTS (Items 6.1)**

- 6.1 Senna Rose Thomas, respecting Homelessness Rate (for a future meeting)

**10. DISCUSSION ITEMS (Item 10.9-10.10)**

- 10.9 Adaptation and Transformation of Services for People Experiencing Homelessness Update 2 (HSC20020(b)) (City Wide)
- 10.10 Ministry of Municipal Affairs and Housing (MMAH) Mental Health and Addictions Funding (HSC21006) (City Wide)

The agenda for the February 4, 2020 Emergency and Community Services Committee meeting was approved, as amended.

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

There were no Declarations of Interest.

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

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

The Minutes of the December 10, 2020 meeting of the Emergency and Community Services Committee were approved, as presented.

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

The correspondence from Phil Graham, Assistant Deputy Minister, Early Years and Child Care Division, Ministry of Education, respecting Child Care Update, was received.

**(f) DELEGATION REQUESTS (Item 6)**

**(i) Senna Rose Thomas, respecting Homelessness Rate (Added Item 6.1)**

The Delegation Request from Senna Rose Thomas, respecting Homelessness Rate, was approved for a future meeting.

**(g) GENERAL INFORMATION AND OTHER BUSINESS (Item 14)**

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

The following amendments to the Emergency and Community Services Outstanding Business List, was approved:

**(a) Items to be Removed**

**(i) Expanding Housing and Support Services for Women**

Item on OBL: 19-C (e)  
Addressed as Items 10.9 and 10.10 on the December 10, 2020 agenda

**(ii) Encampment Strategy**

Item on OBL: 20-C  
Addressed as Item 10.5 on today's agenda

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

**(i) Closed Session Minutes – December 10, 2020**

The Closed Session Minutes of the December 10, 2020 meeting of the Emergency and Community Services Committee, were approved as presented.

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

There being no further business, the Emergency and Community Services Committee was adjourned at 2:57 p.m.

Respectfully submitted,

Councillor N. Nann  
Chair, Emergency and Community Services  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk

**Ministry of Long-Term Care**

Assistant Deputy Minister  
Long-Term Care Capital Development

11th Floor, 1075 Bay Street  
Toronto ON M5S 2B1  
Tel.: (416) 327-7461  
Fax: (416) 327-7603

**Ministère des Soins de longue durée**

Sous-ministre adjointe  
Optimisation des immobilisations dans le secteur  
des soins de longue durée

1075, rue Bay, 11e étage  
Toronto ON M5S 2B1  
Téléphone: (416) 327-7461  
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eApprovals: 66-2020-167

November 20, 2020

Mr. Paul Johnson  
General Manager  
Macassa Lodge - Regional Municipality of Hamilton - Wentworth  
28 James St. North  
Hamilton ON L8V 3M7

Dear Mr. Johnson:

**Re: Long-Term Care Development Project (PROJ 925)**

I am writing to provide details regarding the applicable conditions and next steps, further to the letter from the Honourable Dr. Merrilee Fullerton, Minister of Long-Term Care (the "Minister"), regarding the Ministry of Long-Term Care (the ministry)'s allocation of 20 long-term care (LTC) beds to the City of Hamilton ("the Operator") as part of the City of Hamilton – Macassa Lodge - Hamilton project (the "Project").

The application for the Project includes the following at a long-term care home known as Macassa Lodge (the "Home"):

- 20 long-term care beds that would be eligible for LTC Capital Development Funding; and
- 44 existing long-term care beds from Macassa Lodge that would be ineligible for LTC Capital Development Funding.

This letter will provide you with additional information regarding the ministry's requirements and next steps related to the review of your application for the Project.

The allocation of 20 long-term care beds is subject to approval of the above application, the execution of a Development Agreement with the ministry, and all applicable requirements being fulfilled, including the following condition(s):

The performance of the LTC home(s) with beds that are proposed to be part of the project must achieve and remain in good standing prior to executing a Development Agreement with the ministry.

.../2

-2-

The Operator must provide the ministry with further information that is necessary to (1) continue the review of their application and (2) potentially advance their project into the necessary capital and licensing review.

As a next step, the ministry will continue its review of the application for the Project. During the review process, the ministry will review both the capital and licensing components of your application. If all of the applicable conditions under the *Long-Term Care Homes Act, 2007* and other requirements are met, this review may result in the Minister's approval of your application and an issuance of a new approval to operate the Home as proposed in the application (or as may be otherwise stipulated by the ministry), subject to applicable requirements.

The ministry's licensing review has multiple components, including, but not limited to, an assessment of past regulatory compliance and public consultation (if applicable). The Long-Term Care Capital Development Division will contact you via separate correspondence regarding the ministry's requirements and expectations for the licensing review.

If your application is approved, the Operator must execute a Development Agreement with the ministry within ninety (90) days of the date of the approval. The Operator will be required to follow the construction schedule and all other requirements and conditions set out in the Development Agreement and the *Long-Term Care Home Capital Development Funding Policy, 2020*, in carrying out the project.

Please note that this letter and the Minister's letter do not constitute an approval of your application, or a commitment to provide funding of any kind for the Project. Furthermore, this letter, the Minister's letter, and any correspondence from the ministry that does not explicitly indicate otherwise, do not constitute the issuance of a licence or approval for operating LTC beds, an undertaking to issue such a licence or approval, or the approval of any transfer of a licence (including a licence transfer to change the location of any long-term care beds) under the *Long-Term Care Homes Act, 2007*. This allocation is automatically withdrawn if the ministry decides not to approve any part of your application.

Please sign below indicating (as authorized representative on behalf of the applicant/proposed Operator) that you have read and understand the terms of this allocation, and return a scanned copy to your designated project manager, Julie Girard at [Julie.A.Girard@ontario.ca](mailto:Julie.A.Girard@ontario.ca) within ten (10) business days of the date of this letter.

If a duly authorized sign-back is not received by the ministry within that time, this allocation may be withdrawn.

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Staff in the Long-Term Care Capital Development Division will be in contact with you in the coming weeks to discuss next steps in greater detail. If you should have any questions, please contact your designated project manager, Julie Girard at 416-212-3956 or Julie.A.Girard@ontario.ca.

Sincerely,



Brian Pollard  
Assistant Deputy Minister

- c. Bill Hatanaka, Board Chair, Ontario Health  
Matthew Anderson, Chief Executive Officer, Ontario Health  
Mark Walton, Chief Executive Officer, Hamilton Niagara Haldimand Brant LHIN  
Michelle-Ann Hylton, Director, Capital Planning Branch



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Mr. Johnson

Acknowledged and agreed to this \_\_\_\_ day of \_\_\_\_\_, 2020

On behalf of: Macassa Lodge – City of Hamilton  
 Regional Municipality of Hamilton - Wentworth

<b>Signed in the presence of</b>	[insert name of Applicant]
	Signature of Authorized Signing Officer (I/we have authority to bind the Applicant) <b>Print Name</b>
<b>Witness</b>	<b>Title</b>
<b>Date</b>	<b>Date</b>

<b>Signed in the presence of</b>	[insert name of Substitute Applicant]
	Signature of Authorized Signing Officer (I/we have authority to bind the Substitute Applicant) <b>Print Name</b>
<b>Witness</b>	<b>Title</b>
<b>Date</b>	<b>Date</b>

# CITY OF HAMILTON

## MOTION

Council: February 10, 2021

**MOVED BY COUNCILLOR A. VANDERBEEK.....**

**SECONDED BY COUNCILLOR.....**

**Amendments to Item 10 of the General Issues Committee Report 17-025, respecting Report PW15086(c) - Identified Tobogganing Locations on City Property**

WHEREAS, at its meeting of December 8, 2017, Council formalized the designation of the tobogganing hills in the City of Hamilton, which were later amended to reflect a change from the Martin Course Hole #10 to the Beddoe Course Hole #1, on November 27, 2019 (General Issues Report 15-025) and December 11, 2019 (General Issues Report 17-025), as follows:

- (i) Garth Street Reservoir (Northeast corner and South side, east of parking lot);
- (ii) Chedoke Golf Course (Beddoe Course, Hole #1 - Tee);
- (iii) Kings Forest Golf Course (Hole #9 – in front of the green);
- (iv) Waterdown Memorial Park (Northeast corner, west of baseball diamond #3);

WHEREAS, at its meeting of December 8, 2017, Council also approved ‘that no further sites be added as designated tobogganing hills within the City’;

WHEREAS, as per the Section 27 (1) of the Parks By-Law No. 01-219: Skiing, Tobogganing and Sledding states that ‘No person shall downhill ski, toboggan, snowboard, skibob or sled in any area park unless otherwise posted to allow same’;

WHEREAS, at this time, residents are being encouraged to participate in outdoor winter activities while being asked to wear their masks or face coverings;

WHEREAS, the site description for the designated toboggan hill at Waterdown Memorial Park is ambiguous and is better described at the west facing hill at the east side of the Park facing baseball diamond #3;

WHEREAS, it also necessary to expand the tobogganing hill at Waterdown Memorial Park to include the north facing hill at the south side of the Park facing baseball diamond #3, as it is an appropriate location to enhance tobogganing opportunities at the Park;

WHEREAS, on-site reviews of an additional tobogganing location at Dundas Driving Park (Parkside Hill) and an expanded location at Waterdown Memorial Park was conducted by Recreation, Parks and Risk Management staff, which did not yield any concerns so long as minor modifications (tree removal at Dundas Driving Park (Parkside Hill)) are made; and

WHEREAS, established inspection plans and operational processes for the tobogganing program will not change with the addition of and the expansion of the designated toboggan hills in Parks District West at the Dundas Driving Park (Parkside Hill) and Waterdown Memorial Park based on staffing capacity for hill inspections.

THEREFORE, BE IT RESOLVED:

- (a) That sub-section (d) to Item 10 of the General Issues Committee Report 17-025, respecting Report PW15086(c) - Identified Tobogganing Locations on City Property, be deleted in its entirety, in order to introduce additional tobogganing locations within the City of Hamilton, following on-site reviews by Recreation, Parks and Risk Management staff and subject to the availability of operational funding to support additional tobogganing hills:

~~(d) — that no further sites be added as designated tobogganing hills within the City.~~

- (b) That sub-section (c) of Item 10 of the General Issues Committee Report 17-025, respecting Report PW15086(c) – Identified Tobogganing Locations on City Property, be **amended** to:

- (i) remove ‘- Tee’ on sub-section (c)(ii);
- (ii) add Dundas Driving Park (Parkside Hill) to the current designated tobogganing hills;
- (iii) better describe the designated tobogganing hill at Waterdown Memorial Park; and
- (iv) expand the tobogganing hill at Waterdown Memorial Park, as follows:

- (c) That the formalization of the following **five (5)** current designated tobogganing hills be approved:

- (i) Garth Street Reservoir (Northeast corner and South side, east of parking lot);
- (ii) Chedoke Golf Course (Beddoe Course Hole #1 ~~–Tee~~);
- (iii) Kings Forest Golf Course (Hole #9 – in front of the green);
- (iv) Waterdown Memorial Park (**West facing hill at the east side of the Park facing baseball diamond #3 and North facing hill at the south side of the Park facing baseball diamond #3**); and,
- (v) **Dundas Driving Park (Parkside Hill)**; and,

- (c) That \$2,500 for the annual cost of operations and maintenance of Dundas Driving Park (Parkside Hill) be included in the Parks and Cemeteries Section’s 2021 annual base operating budget.

# CITY OF HAMILTON MOTION

Council: February 10, 2021

**MOVED BY COUNCILLOR J.P. DANKO.....**

**SECONDED BY COUNCILLOR J. FARR.....**

**Support for the Recommendations of the Mayor’s Task Force on Economic Recovery**

WHEREAS, the next meeting of the Mayor’s Task Force on Economic Recovery is scheduled for February 12, 2021;

WHEREAS, the Arts Advisory Commission, at their January 26, 2021 meeting unanimously passed a motion asking Councillors Danko and Farr to share with Council and the Mayor’s Task Force on Economic Recovery their support for the task force’s work; and

WHEREAS, the Arts Advisory Commission will not be meeting again until March 23, 2021 and the January 26, 2021 meeting minutes will not be before Committee and Council until April 2021.

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor’s Task Force on Economic Recovery be advised:
  - (i) That the Arts Advisory Commission is in full support of the Mayor’s Task Force on Economic Recovery recommendations on Arts and Culture;
  - (ii) That the Arts Advisory Commission encourages Council to address the immediate needs as quickly as possible; and
  - (iii) That the Arts Advisory Commission is available to the Mayor’s Task Force on Economic Recovery for their expertise and assistance in order to action any of the Arts and Culture recommendations.

# CITY OF HAMILTON

## MOTION

Council: February 10, 2021

**MOVED BY COUNCILLOR M. WILSON.....**

**SECONDED BY COUNCILLOR .....**

**Appointment to the Advisory Committee for Persons with Disabilities**

That Mayor Fred Eisenberger be appointed to the Advisory Committee for Persons with Disabilities for the remainder of the 2018-2022 Term of Council.

# CITY OF HAMILTON

## MOTION

Council: February 10, 2021

MOVED BY COUNCILLOR J.P. DANKO.....

SECONDED BY COUNCILLOR .....

**Amendments to Item 12 of the Planning Committee Report 20-015, respecting Report PED20195 – Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (Ward 5), which was approved by Council on December 16, 2020**

(a) That sub-section (a) of Item 12 of the Planning Committee Report 20-015, respecting Report PED20195 – Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek, be **amended** as follows:

(a) That Amended Official Plan Amendment Application UHOPA-20-007 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in designation from “Institutional” to “Medium Density Residential 3” and to identify the subject lands as a Site Specific Policy Area in the Old Town Secondary Plan with respect to use, density and building height to permit the development of five, two and a half storey street townhouse dwellings, for lands located at 19 Dawson Avenue, as shown on Appendix “A” to Report PED20195, be **DENIED on the following basis:**

~~(i) — That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,~~

~~(ii) — That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).~~

(b) That sub-section (b) of Item 12 of the Planning Committee Report 20-015, respecting Report PED20195 – Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek, be **amended** as follows:

(b) That Amended Zoning By-law Amendment Application ZAC-20-012 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in

zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential “RM2-46” Zone, Modified to permit five, two and a half storey street townhouse dwellings on lands located at 19 Dawson Ave, Stoney Creek, as shown on Appendix “A” to Report PED20195, be ***DENIED on the following basis:***

~~(i) — That the draft By-law, attached as Appendix “C” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,~~

~~(ii) — That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.~~

Main Motion as ***Amended*** to read as follows:

**12. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5) (Item 10.4)**

- (a) That Amended Official Plan Amendment Application UHOPA-20-007 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in designation from “Institutional” to “Medium Density Residential 3” and to identify the subject lands as a Site Specific Policy Area in the Old Town Secondary Plan with respect to use, density and building height to permit the development of five, two and a half storey street townhouse dwellings, for lands located at 19 Dawson Avenue, as shown on Appendix “A” to Report PED20195, be ***DENIED***.
- (b) That Amended Zoning By-law Amendment Application ZAC-20-012 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential “RM2-46” Zone, Modified to permit five, two and a half storey street townhouse dwellings on lands located at 19 Dawson Ave, Stoney Creek, as shown on Appendix “A” to Report PED20195, be ***DENIED***.
- (c) That the written comments submitted relating to PED20195, including the Public Meeting held November 3, 2020, in this agenda as Item 8.4, and read out by Councillor Collins, were received and considered by the Committee in denying the application.

# CITY OF HAMILTON

## MOTION

Council: February 10, 2021

**MOVED BY COUNCILLOR T. WHITEHEAD.....**

**SECONDED BY COUNCILLOR.....**

**Amendments to Item 7.1 of the January 20, 2021 Council Minutes, respecting the Physician Recruitment Program Contract Extensions – Program Coordinator and Practice Advisor and Physician Recruitment Coordinator**

WHEREAS, on January 20, 2021, Council approved the Physician Recruitment Program Contract Extensions – Program Coordinator and Practice Advisor and Physician Recruitment Coordinator;

WHEREAS, City of Hamilton Human Resources staff have confirmed that the City of Hamilton has a responsibility to provide human resources support to Hamilton Physicians/the Physician Recruitment Program;

WHEREAS, City of Hamilton Human Resources staff have recommended that the contracts for the Physician Recruitment Program Coordinator and Practice Advisor, and Physician Recruitment Coordinator should be extended for a fixed term, rather than a month-to-month term; and

WHEREAS, the Physician Recruitment & Retention Steering Committee is currently considering the restructuring of the Physician Recruitment Program, and its review of the program is expected to be carried out over the next several months.

THEREFORE, BE IT RESOLVED:

That Item 7.1 of the January 20, 2021 Council Minutes, respecting the Physician Recruitment Program Contract Extensions – Program Coordinator and Practice Advisor and Physician Recruitment Coordinator, be **amended**, to read as follows:

- (a) That the current Physician Recruitment Program Coordinator and Practice Advisor’s contract be extended from March 1, 2021 to provide a continuation of services to the Physician Recruitment program, with the following changes:
  - (i) That the Physician Recruitment Program Coordinator and Practice Advisor report to the Working Group of the Physician Recruitment & Retention Steering Committee;
  - (ii) That the contract continue **until August 31, 2021; and**



- (iii) That, in the event that employment ends earlier than expected, the Physician Recruitment Program Coordinator and Practice Advisor will be provided with three (3) weeks' written notice in advance of their last day of work.**
- (b) That the Physician Recruitment Coordinator's contract, which expired April 15, 2020, be renewed effective January 4, 2021 to provide a continuation of services to the Physician Recruitment program, with the following changes:

  - (i) That the Physician Recruitment Coordinator report to the Working Group of the Physician Recruitment & Retention Steering Committee;
  - (ii) That the contract continue **until August 31, 2021; and**
  - (iii) That, in the event that employment ends earlier than expected, the Physician Recruitment Coordinator will be provided with three (3) weeks' written notice in advance of their last day of work.**

**Authority:** Item 1, Public Works Committee  
Report 21-002 (PW21001)  
CM: February 10, 2021  
Ward: 1, 8, 9, 13

**Bill No.010**

**CITY OF HAMILTON**

**BY-LAW NO. 21-**

**To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law No. 01-215.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "C" (Flamborough) thereof the following item, namely;

Rosebough Street	Northbound/Southbound	Oak Avenue
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And by adding to Section "E" (Hamilton) thereof the following items, namely;

Davis Crescent	Westbound	Kingsview Drive
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Prince George Avenue	Northbound	Churchill Avenue
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Paisley Avenue North	Northbound/Southbound	Dalewood Crescent
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2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

To Amend By-law No. 01-215  
Being a By-law to Regulate Traffic

Page 2 of 2

3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 10<sup>th</sup> day of February, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 1, Planning Committee  
Report: 21-002 (PED21019)  
CM: February 10, 2021  
Ward: 12

**Bill No. 011**

**CITY OF HAMILTON**

**BY-LAW NO. 21-**

**To Establish City of Hamilton Land  
Described as Parts 1 and 2 on Plan 62R-20006, be established as a Public  
Highway to form part of Greenravine Drive.**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and,

**WHEREAS** section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Parts 1 and 2 on Plan 62R-20006, be established as a public highway to form part of Greenravine Drive.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 10<sup>th</sup> day of February, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 7, Planning Committee  
Report: 21-001 (PED20205)  
CM: January 20, 2021  
Ward: 12

**Bill No. 012**

**CITY OF HAMILTON**

**BY-LAW NO. 21-**

**To Adopt:**

**Official Plan Amendment No. 143 to the  
Urban Hamilton Official Plan**

Respecting:

**15 Church Street  
(Ancaster)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 143 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 10<sup>th</sup> day of February, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

## Urban Hamilton Official Plan Amendment No. 143

The following text, together with Appendix “A” – Volume 2: Map B.2.8-1 Ancaster Wilson Street Secondary Plan – Land Use Plan, attached hereto, constitutes Official Plan Amendment No. 143 to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Ancaster Wilson Street Secondary Plan by redesignating the subject lands to permit the development of a maximum of six Street Townhouse Dwellings and by establishing a Site Specific Policy to recognize the existing road right-of-way width.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 15 Church Street, in the former Town of Ancaster.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan to provide a diversity of housing opportunities that are suitable for different segments of the population in order to make the best use of urban lands at a desired low density form and scale.
- The proposed development is consistent with, and complimentary to, the planned and existing development in the immediate area and contextually appropriate and compatible with the built form of the adjacent cultural heritage resources.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

## 4.0 Actual Changes:

### 4.1 Volume 2 – Secondary Plans

#### **Text**

#### 4.1.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.8 – Ancaster Wilson Street Secondary Plan

- a. That Volume 2, Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.8 – Ancaster Wilson Street Secondary Plan be amended by adding a new Site-Specific Policy, as follows:

#### **“Site Specific Policy – Area L**

B.2.8.16.12 Notwithstanding Policy C.4.5.2 f) iii) of Volume 1, the right-of-way width of Local Roads shall be 12.19 metres, instead of the minimum required 20.117 metre road right-of-way width, provided through the site plan review it is demonstrated that all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width.”

#### **Maps**

#### 4.1.2 Map

- a. That Volume 2, Map B.2.8-1 – Ancaster Wilson Street Secondary Plan – Land Use Plan be amended by:
  - i) redesignating the subject lands from “Low Density Residential 1” to “Low Density Residential 3”; and,
  - ii) identifying the subject lands as Site Specific Policy – Area L;as shown on Appendix “A”, attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 21-012 passed on the 10<sup>th</sup> day of February, 2021.

**The  
City of Hamilton**

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F. Eisenberger  
Mayor


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A. Holland  
City Clerk



Appendix A  
 APPROVED Amendment No. 143  
 to the Urban Hamilton Official Plan

 Lands to be redesignated from "Low Density Residential 1" to "Low Density Residential 3"

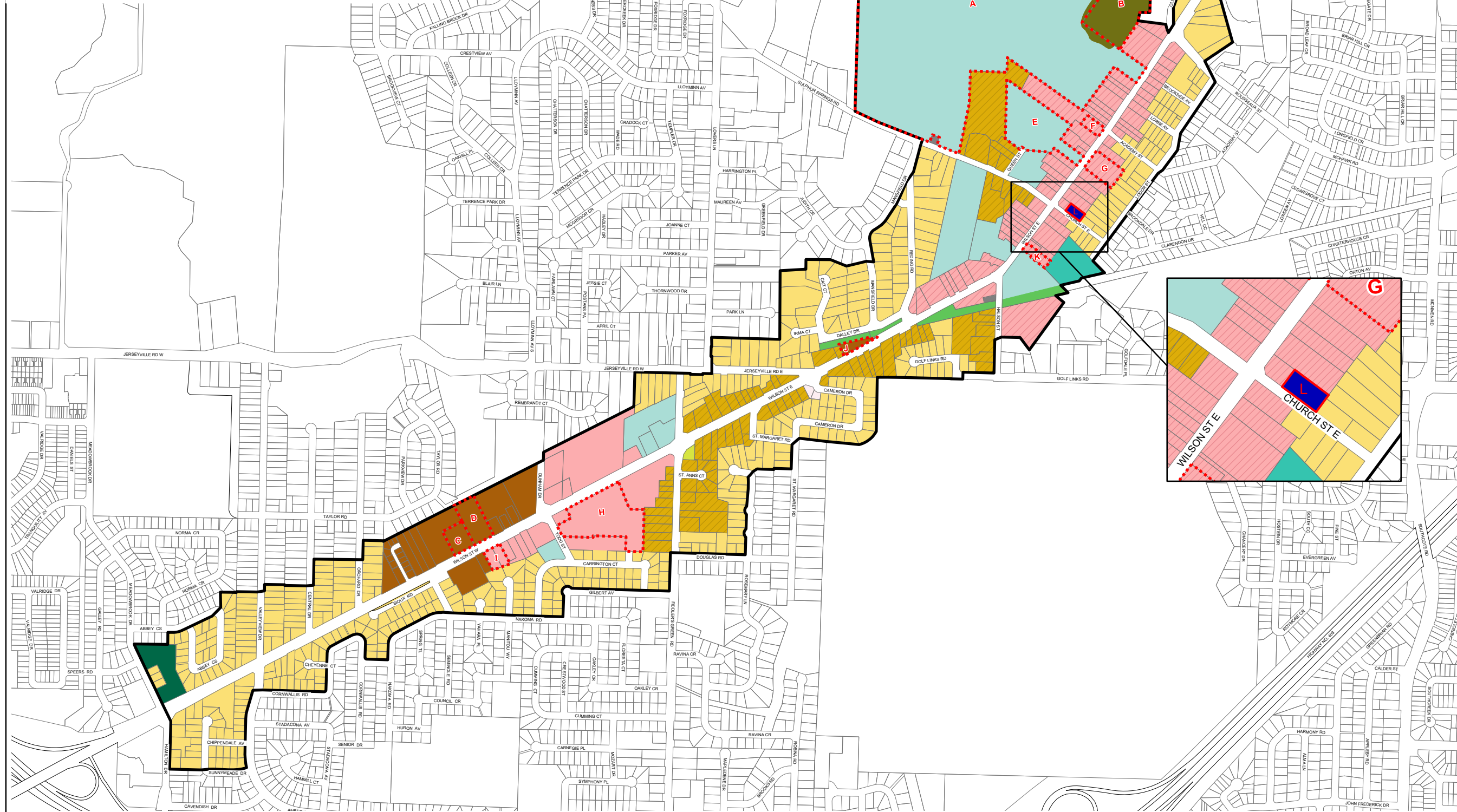
 Lands to be identified as  
 Site Specific Policy - Area L

(15 Church Street, Ancaster)

Date:  
 January 14, 2021




Revised By:  
 JVR/NB

Reference File No.:  
 OPA-U-143(A)





**Legend**






**Residential Designations**

-  Low Density Residential 1
-  Low Density Residential 3
-  Medium Density Residential 2

**Commercial and Mixed Use Designations**

-  Local Commercial
-  Mixed Use - Medium Density




**Parks and Open Space Designations**

-  Parkette
-  Neighbourhood Park
-  Community Park
-  General Open Space
-  Natural Open Space

**Other Designations**

-  Utility
-  Institutional

**Other Features**

-  Pedestrian Focus
-  Site Specific Policy Area
-  Secondary Plan Boundary

**Urban Hamilton Official Plan  
 Ancaster Wilson Street  
 Secondary Plan  
 Land Use Plan  
 Map B.2.8-1**

Date:  
 January 2020



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
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Authority: Item 7, Planning Committee  
Report 21-001 (PED20205)  
CM: January 20, 2021  
Ward: 12  
**Bill No. 013**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-**

#### **To Amend Zoning By-law No. 87-57 Respecting Lands Located at 15 Church Street**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June, 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 7 of Report 21-001 of the Planning Committee at its meeting held on the 20<sup>th</sup> day of January 2021, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. XX.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 1175 of Schedule “A”, appended to and forming part of Zoning By-law No. 87-57 (Ancaster) be amended by changing the zoning from the Existing Residential “ER” Zone to Holding Residential Multiple “H-RM2-712” Zone, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

“H-RM2-712”

To Amend Zoning By-law No. 87-57  
Respecting Lands Located at 15 Church Street (Ancaster)

That notwithstanding the provisions of Section 15.2, (a), (b), (c), (d), (e), (f), (g), and (j), Section 9.3 (a), Section 9.5 (d), the following special provisions shall apply to the lands zoned "RM2-712":

REGULATIONS

- |     |                                       |   |
|-----|---------------------------------------|---|
| (a) | Minimum Lot Area                      | 1,260 square metres of total parcel area per dwelling and 164 square metres per dwelling unit.  |
| (b) | Minimum Lot Frontage                  | 6.5 metres per dwelling unit, 8.7 metres for a dwelling end unit which does not abut a flanking street and 9.7 metres for a dwelling end unit abutting the current lot boundary.                    |
| (c) | Minimum Lot Depth                     | 25.0 metres.  |
| (d) | Maximum Lot Coverage                  | 37 percent of total parcel area.  |
| (e) | Minimum Front Yard                    | 5.5 metres to façade and 6 metres to garage.  |
| (f) | Minimum Side Yard                     | 3.0 metres for dwelling end units abutting current lot boundary, 1.9 metres for dwelling end unit which does not abut a flanking street and 0 metres for dwelling units separated by a common wall. |
| (g) | Minimum Rear Yard                     | 7.2 metres, and 5.1 metres for posts, beams and/or a covered deck and 5.1 metres for the second and upper most storey.  |
| (j) | Planting Strip                        | A planting strip of a minimum 3.0 metres shall be provided adjoining lands zoned "ER" and "R3", a chimney may project into the planting strip a distance of not more than 0.6 metres.               |
| (k) | Air Conditioning Units and Heat Pumps | Encroachment of Air Conditioning Units and Heat Pumps: the provisions of Paragraph (a), Sub-section 9.3, "Air Conditioning Units and Heat Pumps", shall not apply.                                  |
| (l) | Privacy Screens                       | Shall not apply.  |
| (m) | Basement or Cellar                    | All street townhouse dwellings shall have a basement or cellar.   |

To Amend Zoning By-law No. 87-57  
Respecting Lands Located at 15 Church Street (Ancaster)

3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. The 'H' Holding prefix shall be lifted from the "H-RM2-712" Zone once the following conditions have been completed:
  - (i) Submission and approval of a Stage 4 Archaeological Assessment for site AhGx-786, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
  - (ii) The submission, approval and implementation of a Documentation and Salvage report, to the satisfaction of the Director of Planning and Chief Planner.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 10<sup>th</sup> day of February, 2021.

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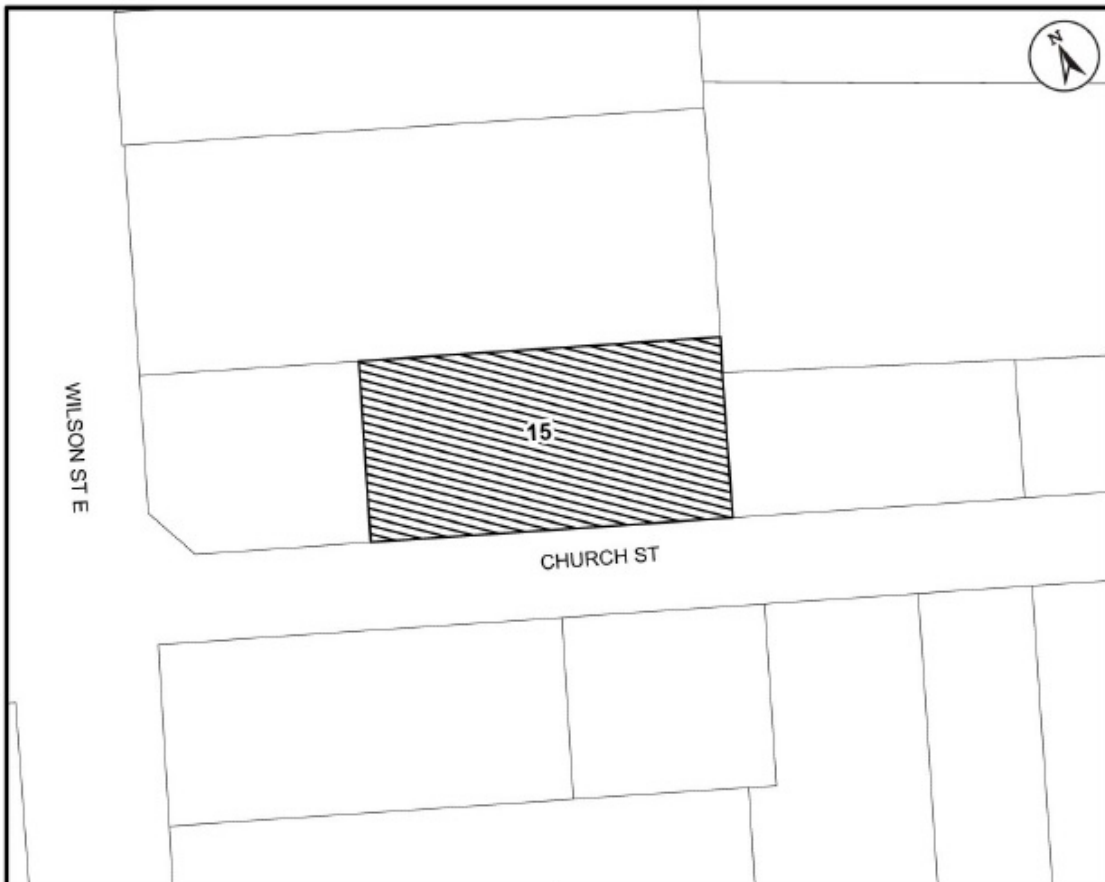
F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-20-011/UHOPA-20-006

To Amend Zoning By-law No. 87-57  
 Respecting Lands Located at 15 Church Street (Ancaster)



<p>This is Schedule "A" to By-law No. 21 -</p> <p>Passed the ..... day of ....., 2021</p>	<p>-----                  Mayor</p> <p>-----                  Clerk</p>
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<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b>  <b>By-law No. 21-_____</b></p> <p><b>to Amend By-law No. 87-57</b></p>	<p><b>Subject Property</b>                  15 Church Street, Ancaster</p> <p> Change in zoning from the Existing Residential "ER" Zone to the Holding Residential Multiple "H-RM2-712" Zone, Modified</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-011 &amp; UHOPA-20-006</p>	
<p>Date: October 15, 2020</p>	<p>Planner/Technician: JV/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**Authority:** Item 14, Committee of the Whole  
Report 01-003 (FCS01007)  
CM: February 6, 2001  
Ward: 3, 4, 10, 12, 13

**Bill No.014**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-**

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

**WHEREAS** *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

**AND WHEREAS** it is necessary to amend By-law No. 01-218, as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
<i>8 - No Parking</i>	<i>C</i>	<b>Harvest Court</b>	Both	Harvest Road to southerly end	10:00 a.m. to 7:00 p.m., Saturdays, Sundays & Statutory Holidays, March 15th to November 15th	Deleting
<i>8 - No Parking</i>	<i>B</i>	<b>King</b>	North	Bond to 113.7m westerly	Anytime	Deleting
<i>8 - No Parking</i>	<i>B</i>	<b>King</b>	South	Bond to 107.5m westerly	Anytime	Deleting

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

8 - No Parking	A	<b>Martin Rd.</b>	Both	from the northerly dead end to 37m southerly	Anytime	Deleting
8 - No Parking	E	<b>Ottawa</b>	West	Ottawa to 115.2m northerly	7:00 a.m. to 4:00 p.m. Monday to Friday	Deleting
8 - No Parking	F	<b>Chiara Drive</b>	West & South	70 metres north of Whitefish Crescent to 19 metres north thereof	Anytime	Adding
8 - No Parking	C	<b>Harvest Court</b>	West	51 metres south of Harvest Road to 30 metres south thereof	Anytime	Adding
8 - No Parking	C	<b>Harvest Court</b>	East	51 metres south of Harvest Road to 50 metres south thereof	Anytime	Adding
8 - No Parking	A	<b>Martin Road</b>	Both	Jerseyville Road West to northerly dead end	Anytime	Adding
8 - No Parking	E	<b>Ottawa Street North</b>	West	Main Street East to 115.2 metres north thereof	7:00 a.m. to 4:00 p.m. Monday to Friday	Adding
8 - No Parking	E	<b>Ottawa Street North</b>	East	14 metres south of Dunsmure Road to 8.8 metres south thereof	Anytime	Adding
8 - No Parking	E	<b>Ottawa Street North</b>	East	46.8 metres south of Dunsmure Road to 11.5 metres south thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
12 - Permit	E	<b>Agincourt Ave.</b>	East	67m north of McAnulty Blvd. to 74m northerly	Anytime	Deleting
12 - Permit	C	<b>Harvest Court</b>	Both	Harvest Road to southerly end	10:00 a.m. to 7:00 p.m., Saturdays, Sundays & Statutory Holidays, March 15th to November 15th	Adding
12 - Permit	E	<b>Weir Street South</b>	East	26.6 metres south of Maple Avenue to 6 metres southerly	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
13 - No Stopping	E	<b>Ottawa St N.</b>	East	Main St E to Cannon St E	7:00 a.m. to 9:00 a.m. Monday to Friday	Deleting
13 - No Stopping	B	<b>King</b>	North	from 113.7m west of Bond to former Dundas-Flamborough boundary	Anytime	Deleting

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

13 - No Stopping	B	King	South	from 107.5m west of Bond to former Dundas-Flamborough boundary	Anytime	Deleting
13 - No Stopping	B	King Street West	Both	Bond Street to Woodley's Lane	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
14 - Wheelchair LZ	E	Tragina	West	from 52.9m north of Central to 9.3m northerly	8:00 a.m. to 9:00 a.m. 4:00 p.m. to 6:00 p.m. Monday to Friday	Deleting
14 - Wheelchair LZ	E	Tragina Avenue South	West	52.9 metres north of Central to 9.3 metres north thereof	6:00 a.m. to 8:00 a.m. 2:00 p.m. to 5:00 p.m. Monday to Friday	Adding

- Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
- This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 10<sup>th</sup> day of February 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



**Authority:** Item 8, Emergency & Community  
Services Committee Report 21-001  
(HSC21002)  
CM: February 10, 2021  
City Wide

**Bill No. 015**

**CITY OF HAMILTON  
BY-LAW NO. 21-**

**To Repeal and Replace By-Law 17-277 Emergency Management Program By-Law**

**WHEREAS** Council deems it necessary to enact a by-law to establish and implement an emergency management program for the City of Hamilton, so the municipality will be better able to respond to risks and emergencies and to recover from emergencies;

**WHEREAS** section 2.1 of the Emergency Management and Civil Protection Act, R. S. O. 1990, c. E.9 as amended (the Act) provides for municipal by-laws respecting the development and implementation of municipal emergency management programs, and which Act generally deals with emergency management, declaration of emergencies, and emergency planning in Ontario;

**WHEREAS** section 4 of the Act provides that the Head of Council may declare an emergency exists in the municipality and may take such action and make such orders as necessary and not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

**WHEREAS** an emergency management program will consist of an emergency plan, training programs and exercises for employees and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities, public education on risks to public safety and public awareness for emergencies, and other elements as may be required standards for emergency management;

**WHEREAS** the Act authorizes elected officials and employees of a municipality to respond to emergencies in accordance with the emergency plan;

**WHEREAS** section 12 of the Act provides that the municipality has a right of action to recover monies expended or costs incurred in the implementation of an emergency plan or in connection with an emergency, against the person who caused the emergency, and the City's Emergency Plan provides for tracking of such costs and expenses; and

**WHEREAS** Section 2, and Sections 8 through 10 of the Municipal Act, S.O. 2001, Chapter 25 as amended, provide general authorities and powers for passing by-laws, for general purposes which include the provision of services and things necessary and desirable for the public, the health, safety and well-being of persons, managing and preserving public assets of the municipality, fostering the current and future economic, social and environmental well-being of the municipality, and delivering and participating in provincial programs and initiatives.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

## **DEFINITIONS**

1. In this By-law:

- (a) “**Act**” means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9;
  - (b) “**Emergency**” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;
  - (c) “**Emergency Management Program**” means a program developed by or in conjunction with the City of Hamilton for management and response to emergencies, consisting of the Emergency Plan, training programs and exercise for employees and other persons in emergency response and recovery, public education on risks to safety and awareness for emergencies and such other elements as may be required standards for emergency management;
  - (d) “**Emergency Management Program Committee**” or “**EMPC**” means the committee established under section 6 of this By-law;
  - (e) “**Emergency Operations Centre Management Team**” or “**EOC Management Team**” means the municipal emergency control group established under section 5 of this By-law.
  - (f) “**Emergency Plan**” means the plan adopted by Section 2 of this By-law as amended from time to time;
  - (g) “**Head of Council**” means the Mayor, or during an absence or unavailability of the Mayor means the Deputy Mayor, also being known as the “Acting Head of Council”, whom the Council for the City of Hamilton designates or appoints on a scheduled or as-needed basis to act in place of the Mayor for the purpose of exercising the Mayor’s powers, authorities and duties;
- 1.1. For the purposes of this By-law and the Emergency Plan where a person who regularly holds the position or office is absent or unavailable to act, including due to a vacancy in the position or office, a person in that position or office in an

acting capacity or as a deputy is delegated the same powers, authorities, and duties as provided for the position or office holder in this By-law and the Emergency Plan.

2. The City of Hamilton adopts Schedule "A" attached to this By-law as its Emergency Plan.
3. The Head of Council may declare that an emergency exists in the City or in any part of the City and may take such actions and make such orders as are considered necessary and not contrary to law to implement the Emergency Plan and to protect property and the health, safety and welfare of the municipality and inhabitants of the emergency area.
4. The Head of Council and the municipal officials provided for in the Emergency Plan are empowered to cause an emergency notification to be issued and to require designated persons to respond in accordance with the Emergency Plan, where either an emergency has been declared or where an emergency exists but has not yet been declared to exist.
5. The municipal emergency control group required by the Act and its regulation is the City's Emergency Operations Centre Management Team as appointed in subsection below, established for the purposes of directing the municipality's response in an emergency whether or not declared and including implementing the Emergency Plan, use of the Incident Management System, seeking advice and assistance, and such other procedures as the Team shall develop to govern its responsibilities.
  - 5.1 Under the City's Emergency Plan and its adoption of the Incident Management System, the municipal officials appointed in section 5.2 may initiate operation of the Emergency Operations Centre and may carry out roles provided for other appointees until such appointees assume their own positions.
  - 5.2 The Emergency Operations Centre Management Team shall be comprised of the following positions and held by the listed officials:

<b>EOC Management Team Position</b>	<b>Municipal Official</b>
EOC Director	City Manager
Information Officer	Manager, Communications
Legal	City Solicitor
Liaison Officer	Emergency Management Coordinator

Operations Section Chief	The Operations Section Chief will be chosen by the EOC Director at the time of emergency from the following designates: Chief of Police Fire Chief Paramedic Chief Medical Officer of Health Director, Healthy & Safe Communities
--------------------------	--

	General Manager, Public Works Manager, Planning Economic Development
Planning Section Chief	Director, Planning Economic Development
Logistics Section Chief	Director, Human Resources
Finance and Administration Section Chief	General Manager, Corporate Services

6. The City's Emergency Management Program Committee for purposes of the Act is comprised of the following members:

- (a) Mayor;
- (b) City Manager;
- (c) City Solicitor
- (d) Chief of Police;
- (e) Medical Officer of Health;
- (f) Fire Chief;
- (g) Paramedic Chief;
- (h) General Manager, Healthy & Safe Communities;
- (i) General Manager, Corporate Services;
- (j) General Manager, Planning & Economic Development;
- (k) General Manager, Public Works;
- (l) Executive Director, Human Resources;
- (m) Community Emergency Management Coordinators; and,
- (n) Director of Communications and Intergovernmental Relationships

6.2 The Chair of the Emergency Management Program Committee is the City Manager.

6.3 The role of the Emergency Management Program Committee is to advise Council on the development and implementation of the emergency management program, and to conduct an annual review of the City's emergency management program and if necessary, shall make recommendations for revisions of the program.

7. The City of Hamilton's Emergency Management Coordinators are designated as the emergency management program coordinators for the purposes of the Act, and assigned the role of coordinating the development and implementation of the City's emergency management program, including particularly the annual, training and educational requirements necessary for the City's compliance with the Act, and for co-ordination of the meetings of the Emergency Management Program Committee.

8. The City's Emergency Information Officer shall be the Manager, Communications.

## **REPEAL AND REPLACEMENT**

9. City of Hamilton By-law No. 17-277 as may be amended, is hereby repealed.

10. This By-law shall come into force on the date of its enactment.

## **SHORT TITLE**

11. This By-law may be cited as the "Emergency Management Program By-law, 21-015".

**PASSED** this 10 day of February, 2021

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 21-017**

To Confirm the Proceedings of City Council at its meeting held on February 10<sup>th</sup>, 2021.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 10<sup>th</sup> day of February 2021, in respect of each recommendation contained in

Sole Voting Member of the Hamilton Farmers' Market Report 21-001 – January 25, 2021,

Selection Committee report 21-001 – January 20, 2021

Public Works Committee Report 21-002 – February 1, 2021,

Planning Committee Report 21-002 – February 2, 2021,

General Issues Committee Report 21-003 – February 3, 2021,

Audit, Finance & Administration Committee Report 21-002 – February 4, 2021

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

**PASSED** this 10<sup>th</sup> day of February, 2021.

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M. Wilson  
Acting Mayor

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A. Holland  
City Clerk