



City of Hamilton

CITY COUNCIL REVISED

21-004

Wednesday, February 24, 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

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. February 10, 2021

4. COMMUNICATIONS

- 4.1. Correspondence from the Township of Conmee requesting support for their resolution lobbying the Provincial Government to amend the Municipal Act and the Municipal Elections Act, so that people with criminal record who have not had their record cleared

from the RCMP Data Base by order of the Governor General of Canada, be prohibited from becoming a candidate in municipal elections.

Recommendation: Be received.
- 4.2. Correspondence from the Ministry of Municipal Affairs and Housing respecting the Termination of Declared Emergency and Amendments to Orders under the Emergency Management and Civil Protection Act and Reopening Ontario Act.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.
- 4.3. Correspondence from Students for Western Civilisation (SWC) respecting If Hamilton Preserves our statue of John A MacDonald, we'll help build a statue of an Indigenous figure.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.
- 4.4. Correspondence from the City of Burlington requesting support for their resolution advocating the extension and expansion of the Digital Main Street Future Proof Program.

Recommendation: Be received.
- 4.5. Correspondence from Robert Tremblay, President, AMCTO respecting an Open Letter to Ontario Municipal Councils.

Recommendation: Be received.
- 4.6. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the launch of a consultation on growing the size of the Greenbelt.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.
- 4.7. Correspondence from Tammy Felts, Ross Crompton and Linda Macmillian of Wentworth Common Element Condominium Corp. (WCECC) respecting Initiative CI-20-A 1400 Baseline Road - OPA & ZBA Proposals.

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

- 4.8. Correspondence from the Niagara Peninsula Conservation Authority respecting the Board of Directors' 2021 Meeting Schedule.

Recommendation: Be received.

- 4.9. Correspondence from Jan Simpson, National President, Canadian Union of Postal Workers requesting support for Delivering Community Power.

Recommendation: Be received.

- *4.10. Correspondence from Lachlan Homes on behalf of HamiltonForward commenting on the redevelopment proposal at 225 John Street South.

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 21-003.

5. COMMITTEE REPORTS

- 5.1. Mayor's Task Force on Economic Recovery Report 21-001 - February 12, 2021

- 5.2. Planning Committee Report 21-003 - February 16, 2021

- 5.3. General Issues Committee Report 21-004 - February 17, 2021

- 5.4. Audit, Finance and Administration Committee Report 21-003 - February 18, 2021

- 5.5. Board of Health Report 21-002 - February 19, 2021

- 5.6. Public Works Committee Report 21-003 - February 19, 2021

6. MOTIONS

- 6.1. Resignation from the Audit, Finance and Administration Committee

7. NOTICES OF MOTIONS

8. STATEMENTS BY MEMBERS

9. PRIVATE AND CONFIDENTIAL

10. BY-LAWS AND CONFIRMING BY-LAW

- 10.1. 018
To Amend Zoning By-law No. 6593 (City of Hamilton), Respecting Lands Located at 95-97 Fairholt Road South, Hamilton
ZAR-19-054
Ward: 3
- 10.2. 019
To Amend Zoning By-law No. 05-200 Respecting Lands Located at 206 and 208 King Street West
ZAC-17-046
Ward: 2
- 10.3. 020
To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 9 Westbourne Road, Hamilton
ZAS-20-003
Ward: 1
- 10.4. 021
A By-law to Govern the Proceedings of Council and Committees of Council
Ward: City Wide
- 10.5. 022
To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program
Ward: City Wide
- 10.6. 023
Respecting Removal of Part Lot Control, Part of Lots 55 and 56 within Registered Plan No. 62M-1257, municipally known as 148 and 152 Queen Mary Boulevard, Hamilton
PLC-20-006
Ward: 9

10.7. 024

To Amend By-law No. 12-151, being a By-law respecting the City of Hamilton's Cemeteries

Ward: City Wide

*10.8. 025

Being a By-law to Permanently Close a Portion of the Public Unassumed Alley Abutting 651 Wilson Street, Hamilton, established by Registered Plan 219, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21272, being Part of PIN 17198-0013 (LT), City of Hamilton

Ward: 3

10.9. 026

To Confirm the Proceeding of City Council

11. ADJOURNMENT



CITY COUNCIL MINUTES 21-003

9:30 a.m.

February 10, 2021

Council Chamber

Hamilton City Hall

71 Main Street West

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

Absent: Mayor F. Eisenberger – City Business
Councillor T. Whitehead - Personal

Deputy Mayor Wilson 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.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS

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

- (t) Sushil Joshi
- (u) Uday Thapar
- (v) Gary Deziel
- (w) Cody Lee
- (x) Angela Macri

- (y) Karin & Ralph Van Dorsten
- (z) Ranjit Singh
- (aa) Ralph & Sherry Corning
- (ab) Jordan Sadler
- (ac) Jivitesh Chawla
- (ad) Bonny & Robert Cayen
- (ae) Sacha Poshni
- (af) Shujaat Siddiqui
- (ag) Steve Karo
- (ah) Sean Thomson
- (ai) James Macri
- (aj) Sonam Narang
- (ak) Errol Jamieson
- (al) Soha Vahid
- (am) Priscilla Martin
- (an) Heather Saltys
- (ao) Natalie Czerwinski
- (ap) Ray Van Der Beld
- (aq) Mohan Pabba
- (ar) Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)
- (as) Ashima Sharma
- (at) Mary Lou Tanner, NPG Planning Solutions

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

- 4.15 Correspondence from the Ministry of the Environment, Conservation and Parks, Conservation and Source Protection Branch respecting the Proclamation of Provisions of the *Conservation Authorities Act*.

- (a) Implications of Proclamation of Various Provisions: Frequently Asked Questions

Recommendation: Be received.

- 4.16 Correspondence from the Township of Terrace Bay requesting support for their resolution respecting the Tax Rate for Railway Rights-of-Way - Per Tonne-Mile Contract.

Recommendation: Be received.

- 4.17 Correspondence from the City of Vaughan requesting support for their resolution respecting the requirement for inclusionary zoning where the Minister has issued a Minister's Zoning Order.

Recommendation: Be received.

7. NOTICES OF MOTION

- 7.1 Resignations from the Chair of the Audit and Finance Committee, Vice-Chair of the Emergency and Community Services Committee and Chair of the Development Charge Stakeholders Sub-Committee
- 7.2 Reconsideration of Item 6 of Planning Committee Report 21-001 respecting Report PED20002, 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
- 7.3 Ontario Transfer Payment Amending Agreement For COCHI/OPHI

(Pearson/Johnson)

That the agenda for the February 10, 2021 meeting of Council be approved, *as amended*.

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

- YES - Deputy Mayor - 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
- NOT PRESENT – Ward 6 Councillor Tom Jackson
- YES - 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
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor B. Clark declared an interest in Item 5, Potential Donation to Hamilton Habitat for Humanity – 3 North Park Avenue, Hamilton, due to a former professional relationship with Habitat for Humanity Hamilton as they were a former client to whom he provided fund development services.

APPROVAL OF MINUTES OF PREVIOUS MEETING

- 3. January 20, 2021 (Item 3.1) and January 25, 2021 (Item 3.2)**

(Ferguson/Johnson)

That the Minutes of the January 20, 2021 and January 25, 2021 meetings of Council be approved, as presented.

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

- YES - Deputy Mayor - 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
- NOT PRESENT – Ward 6 Councillor Tom Jackson
- YES - 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
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

COMMUNICATIONS

(Clark/Pearson)

That Council Communications 4.1 to 4.17 be approved, as follows:

- 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:

- (a) Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)
- (b) Steve Karo
- (c) Don Lindsay
- (d) Mark Falkinson
- (e) Peter Wiltshire
- (f) Karen Patterson
- (g) Mandy Halliday

- (h) Ross Crompton
- (i) Nada & Jonathan Barlow
- (j) Gwen Dale
- (k) Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)
- (l) Nick Velenosi
- (m) Ruth & Gerry Southwell
- (n) Dawn Simpson
- (o) Linda MacMillan
- (p) Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)
- (q) Sean Robertson
- (r) Dianna France
- (s) Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)
- (t) Sushil Joshi
- (u) Uday Thapar
- (v) Gary Deziel
- (w) Cody Lee
- (x) Angela Macri
- (y) Karin & Ralph Van Dorsten
- (z) Ranjit Singh
- (aa) Ralph & Sherry Corning
- (ab) Jordan Sadler
- (ac) Jivitesh Chawla
- (ad) Bonny & Robert Cayen
- (ae) Sacha Poshni
- (af) Shujaat Siddiqui
- (ag) Steve Karo
- (ah) Sean Thomson
- (ai) James Macri
- (aj) Sonam Narang
- (ak) Errol Jamieson
- (al) Soha Vahid
- (am) Priscilla Martin
- (an) Heather Saltys
- (ao) Natalie Czerwinski
- (ap) Ray Van Der Beld
- (aq) Mohan Pabba
- (ar) Tammy Felts, President of Wentworth Common Element Condominium Corp. (WCECC)
- (as) Ashima Sharma
- (at) Mary Lou Tanner, NPG Planning Solutions

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

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.

- 4.15 Correspondence from the Ministry of the Environment, Conservation and Parks, Conservation and Source Protection Branch respecting the Proclamation of Provisions of the *Conservation Authorities Act*.

- (a) Implications of Proclamation of Various Provisions: Frequently Asked Questions

Recommendation: Be received.

- 4.16 Correspondence from the Township of Terrace Bay requesting support for their resolution respecting the Tax Rate for Railway Rights-of-Way - Per Tonne-Mile Contract.

Recommendation: Be received.

- 4.17 Correspondence from the City of Vaughan requesting support for their resolution respecting the requirement for inclusionary zoning where the Minister has issued a Minister's Zoning Order.

Recommendation: Be received.

Result: Motion on the Communication Items, CARRIED by a vote of 13 to 0, as follows:

YES - Deputy Mayor - 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
NOT PRESENT – Ward 6 Councillor Tom Jackson
YES - 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
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Clark/Pearson)

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

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

YES - Deputy Mayor - 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
NOT PRESENT – Ward 6 Councillor Tom Jackson
YES - 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

- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

SELECTION COMMITTEE REPORT 21-001

(Johnson/Nann)

That the Selection Committee Report 21-001, being the meeting held on January 20, 2021, be received.

Result: Motion on the Selection Committee Report 21-001, CARRIED by a vote of 13 to 0, as follows:

- YES - Deputy Mayor - 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
- NOT PRESENT – Ward 6 Councillor Tom Jackson
- YES - 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
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

SOLE VOTING MEMBER OF THE HAMILTON FARMERS' MARKET REPORT 21-001

(Clark/Pearson)

That the Special Sole Voting Member of the Hamilton Farmers' Market Report 21-001, being the meeting held on January 25, 2021, be received and the recommendations contained therein be approved.

Result: Motion on the Special Sole Voting Member of the Hamilton Farmers' Market Report 21-001, CARRIED by a vote of 13 to 0, as follows:

YES - Deputy Mayor - 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
NOT PRESENT – Ward 6 Councillor Tom Jackson
YES - 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
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PUBLIC WORKS COMMITTEE REPORT 21-002

(VanderBeek/Nann)

That Public Works Committee Report 21-002, being the meeting held on Monday, February 1, 2021, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 21-002, CARRIED by a vote of 13 to 0, as follows:

YES - Deputy Mayor - 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
NOT PRESENT – Ward 6 Councillor Tom Jackson
YES - 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
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 21-002

(Danko/Johnson)

That Planning Committee Report 21-002, being the meeting held on Tuesday, February 2, 2021, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 5 was voted on separately as follows:

5. Potential Donation to Hamilton Habitat for Humanity – 3 North Park Avenue, Hamilton (Item 11.2)

Result: Motion on Item 5 CARRIED by a vote of 12 to 0, as follows:

- YES - Deputy Mayor - 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
- NOT PRESENT – Ward 6 Councillor Tom Jackson
- YES - 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
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- CONFLICT - Ward 9 Councillor Brad Clark

Result: Motion on the balance of Planning Committee Report 21-002, CARRIED by a vote of 13 to 0, as follows:

- YES - Deputy Mayor - 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
- NOT PRESENT – Ward 6 Councillor Tom Jackson
- YES - 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
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

That General Issues Committee Report 21-003, being the meeting held on Wednesday, February 3, 2021, be received and the recommendations contained therein be approved.

At Council's request, Item 5 (a) and (b) were voted on separately as follows:

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,

Result: Motion on Item 5 (a) CARRIED by a vote of 10 to 4, as follows:

NO - Deputy Mayor - 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
YES - 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
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

5. Ombudsman's Inquiry (FCS21019/LS21004) (City Wide) (Item 13.2)

- (b) That Report FCS21019/LS21004 - Ombudsman's Inquiry, remain confidential.

Result: Motion on Item 5 (b) CARRIED by a vote of 13 to 1, as follows:

YES - Deputy Mayor - 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
NOT PRESENT - 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
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of General Issues Committee Report 21-003, CARRIED by a vote of 14 to 0, as follows:

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-002

(Clark/Pearson)

That Audit, Finance and Administration Committee Report 21-002, being the meeting held on Thursday, February 4, 2021, be received and the recommendations contained therein be approved.

(Clark/Wilson)

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.**

Result: Motion on the Item 4 (c), as Amended CARRIED by a vote of 14 to 0, as follows:

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

Result: Motion on the Audit, Finance and Administration Committee Report 21-002, As Amended, CARRIED by a vote of 13 to 0, as follows:

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

EMERGENCY & COMMUNITY SERVICES COMMITTEE REORT 21-001

(Nann/Clark)

That Emergency and Community Services Committee Report 21-001, being the meeting held on Thursday, February 4, 2021, be received and the recommendations contained therein be approved.

Result: Motion on the Emergency and Community Services Committee Report 21-001, CARRIED by a vote of 14 to 0, as follows:

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

(Clark/Pearson)

That the Committee of the Whole Rise and Report.

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

YES - Deputy Mayor - 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
 NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

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

(VanderBeek/Merulla)

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.

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

YES - Deputy Mayor - 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
 NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

6.2 Support for the Recommendations of the Mayor's Task Force on Economic Recovery

(Danko/Farr)

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.

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

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

Deputy Mayor Wilson relinquished the Chair to Councillor Clark to introduce the following motion:

6.3 Appointment to the Advisory Committee for Persons with Disabilities

(Wilson/Nann)

That Mayor Fred Eisenberger be appointed to the Advisory Committee for Persons with Disabilities for the remainder of the 2018-2022 Term of Council.

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

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

Deputy Mayor Wilson assumed the Chair.

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

(Danko/Collins)

- (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.

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

YES - Deputy Mayor - 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
 NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

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

(VanderBeek/Partridge)

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.***

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

YES - Deputy Mayor - 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

NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

Deputy Mayor Wilson relinquished the Chair to Councillor Clark to move the following motion:

6.6 Resignations from the Chair of the Audit and Finance Committee, Vice-Chair of the Emergency and Community Services Committee and Chair of the Development Charge Stakeholders Sub-Committee

(Wilson/Pearson)

WHEREAS Councillor Brad Clark has advised the Mayor and City Clerk that he will be stepping down as the Chair of the Audit and Finance Committee, Vice-Chair of the Emergency and Community Services Committee and Chair of the Development Charge Stakeholders Sub-Committee effective immediately;

THEREFORE BE IT RESOLVED:

- (a) That Council accept Councillor Brad Clark resignations as the Chair of the Audit and Finance Committee, Vice-Chair of the Emergency and Community Services Committee and Chair of the Development Charge Stakeholders Sub-Committee effective immediately, and
- (b) That the Audit and Finance Committee, Emergency and Community Services Committee and Development Charge Stakeholders Sub-Committee make the necessary appointments at their next scheduled meetings.

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

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

Deputy Mayor Wilson assumed the Chair.

6.7 Reconsideration of Item 6 of Planning Committee Report 21-001 respecting Report PED20002, 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

(Pearson/Clark)

That Item 6 of the January 12, 2021 Planning Committee Report (21-001), respecting Report PED20002, 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, which was approved by Council on January 20, 2021 and reads as follows, be reconsidered:

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)

- (a) That City Initiative CI-20-A, to amend the Urban Hamilton Official Plan to change the designation from “Low Density Residential 2b” to “Medium Density Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan for the lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” to report PED20002, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the draft 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 (2019, as amended).
- (b) That City Initiative CI-20-A, to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) on the lands known as 1400 Baseline Road, in order to permit Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” to Report PED20002, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding Provision for the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

- (1) That a Functional Servicing Report for water and sanitary servicing has been submitted and implemented to the satisfaction of the Senior Director of Growth Management, City of Hamilton. The report must assess the post-development peak sanitary flows for the City’s downstream sewers and sanitary pumping stations, as well as water flow and pressure availability, and identify any infrastructure upgrade needed to meet applicable design standards and policies;
- (2) That a Traffic Impact Study, submitted and implemented by the applicant, must be submitted to the satisfaction of the Manager of Transportation Planning, City of Hamilton; and,
- (3) That the owner/applicant enters into and registers an applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report, the Traffic Impact Study, or both, recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton.

City Council may remove the ‘H’ symbol and, thereby give effect to the “RM3-69(H)” Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled.

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended); and

- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Item 19J be removed from the Planning Committee Outstanding Business List; and,
- (d) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

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

- YES - Deputy Mayor - 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
- NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

(Pearson/Clark)

That Item 6 of the January 12, 2021 Planning Committee Report (21-001), respecting Report PED20002, 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, which was approved by Council on January 20, 2021 and reads as follows, be considered:

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)

- (a) That City Initiative CI-20-A, to amend the Urban Hamilton Official Plan to change the designation from “Low Density Residential 2b” to “Medium Density Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan for the lands located at 1400 Baseline

Road, Stoney Creek, as shown on Appendix "A" to report PED20002, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED20002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the draft 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 (2019, as amended).
- (b) That City Initiative CI-20-A, to rezone the subject lands from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-69(H)" Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) on the lands known as 1400 Baseline Road, in order to permit Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix "A" to Report PED20002, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED20002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:

The Holding Provision for the Multiple Residential "RM3-69(H)" Zone, Modified, Holding, shall be removed when the following conditions have been met:

- (1) That a Functional Servicing Report for water and sanitary servicing has been submitted and implemented to the satisfaction of the Senior Director of Growth Management, City of Hamilton. The report must assess the post-development peak sanitary flows for the City's downstream sewers and sanitary pumping stations, as well as water flow and pressure availability, and identify any infrastructure upgrade needed to meet applicable design standards and policies;
- (2) That a Traffic Impact Study, submitted and implemented by the applicant, must be submitted to the satisfaction of the Manager of Transportation Planning, City of Hamilton; and,
- (3) That the owner/applicant enters into and registers an applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the

implementation of any infrastructure upgrade needs identified in the Functional Servicing Report, the Traffic Impact Study, or both, recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton.

City Council may remove the 'H' symbol and, thereby give effect to the "RM3-69(H)" Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled.

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended); and
 - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Item 19J be removed from the Planning Committee Outstanding Business List; and,
 - (d) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

(Pearson/Clark)

WHEREAS, Council has received numerous communications from the public regarding how notice was provided with respect to 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;

WHEREAS, staff have confirmed that the legislated obligations as per the *Planning Act*, with respect to notice of a City Initiative was provided; and

WHEREAS, the public has the right to comment on planning matters and Council has an obligation to provide the public with an opportunity to comment on planning matters.

THEREFORE, BE IT RESOLVED:

- (a) That Item 6 of the January 12, 2021 Planning Committee Report (21-001), respecting Report PED20002, 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, which was approved by Council on January 20, 2021, be referred back to the Planning Committee for further consideration;
- (b) That staff be directed to schedule a neighbourhood information meeting in conjunction with the Ward Councillor, and that notice of the meeting be made by way of mailout

and that the limits of the mailout be determined based on consultation with the Ward Councillor; and

- (c) That staff be directed to provide enhanced public notice of the statutory public meeting of the Planning Committee which will include posting a sign on the property, mailout and publishing in the newspaper.

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

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

6.8 Ontario Transfer Payment Amending Agreement For COCHI/OPHI

(Collins/Farr)

WHEREAS, on September 11, 2019, Council authorized and directed the General Manager of the Healthy and Safe Communities Department or his designate to deliver and administer the Canada Ontario Community Housing Initiative ("COCHI") and Ontario Priorities Housing Initiative ("OPHI") programs through (HSCI 19042(a));

WHEREAS, the City of Hamilton as Service Manager and the Minister of Municipal Affairs and Housing entered into an Ontario Transfer Payment Agreement for COCHI/OPHI effective as of September 23, 2019 (the "Agreement").

WHEREAS, the Minister of Municipal Affairs and Housing wishes to allocate COCHI funding to the Service Manager for fiscal year 2020-2021 for the development of a 24 unit modular construction affordable housing project; and

WHEREAS, accepting the additional COCHI funding requires that the Agreement be amended.

THEREFORE, BE IT RESOLVED:

- (a) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to accept, deliver and administer the additional Canada-Ontario Community Housing Initiative (“COCHI”) funding as outlined in the amended Ontario Transfer Payment Agreement for COCHI/OPHI;
- (b) That the General Manager of the Healthy and Safe Communities Department (“GM”) be authorized and directed to execute on behalf of the City any necessary amendments to the Ontario Transfer Payment Agreement for COCHI/OPHI including all ancillary agreements and documents as may be required to deliver the additional Canada-Ontario Community Housing Initiative each with content satisfactory to the GM and each in a form satisfactory to the City Solicitor;
- (c) That the attached By-law authorizing the City to enter into the amended “Transfer Payment Agreement for COCHI/OPHI” and to authorize the General Manager of the Healthy and Safe Communities Department to execute this amended Agreement, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (d) That all Canada-Ontario Community Housing Initiative funds received from the Ministry of Municipal Affairs and Housing be deposited into Account #23195 and that the appropriate capital project IDs and operating dept IDs be created for the program and administrative components of Canada-Ontario Community Housing Initiative funds.

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

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

NOTICES OF MOTION

Deputy Mayor Wilson relinquished the Chair to Councillor Clark to move the following motion:

7.1 Resignations from the Chair of the Audit and Finance Committee, Vice-Chair of the Emergency and Community Services Committee and Chair of the Development Charge Stakeholders Sub-Committee

(Wilson/Pearson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the resignations from the Chair of the Audit and Finance Committee, Vice-Chair of the Emergency and Community Services Committee and Chair of the Development Charge Stakeholders Sub-Committee.

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

- YES - Deputy Mayor - 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
- NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

Refer to Item 6.6 for further disposition of this item.

7.2 Reconsideration of Item 6 of Planning Committee Report 21-001 respecting Report PED20002, 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

(Pearson/Clark)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Reconsideration of Item 6 of the Planning Committee Report 21-001 respecting

Report PED20002, 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 approved at the January 20, 2021 Council meeting.

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

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

Refer to Item 6.7 for further disposition of this item.

7.3 Ontario Transfer Payment Amending Agreement For COCHI/OPHI

(Farr/Merulla)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Ontario Transfer Payment Amendment Agreement for COCHI/OPHI.

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

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

Refer to Item 6.8 for further disposition of this item.

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL

Council determined that discussion of Items 9.1 and 9.2 was not required in Closed Session; therefore, the matters were addressed in Open Session, as follows:

9.1 Closed Session Minutes – January 20, 2021

(Partridge/Danko)

That the Closed Session Minutes dated January 20, 2021 be approved, as presented, and remain confidential.

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

- YES - Deputy Mayor - 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
- NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

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

(Johnson/Nann)

That the following citizen be appointed to the Advisory Committee for Persons with Disabilities for a term commencing February 10, 2021, and until a successor is chosen:

1. Robert Semkow

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

YES - Deputy Mayor - 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
 NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

BY-LAWS

(Clark/Pearson)

That Bills No. 21-010 to No. 21-017 be passed and that the Corporate Seal be affixed thereto, and that the By-laws *as amended*, be renumbered, be signed by the Mayor and the City Clerk to read as follows:

- 010 To Amend By-law No. 01-215 Being a By-law To Regulate Traffic
Schedule 5 (Stop Control)
Ward: 1, 8, 9, 13
- 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
- 012 To Adopt: Official Plan Amendment No. 143 to the Urban Hamilton Official Plan
respecting: 15 Church Street (Ancaster)
Ward:12
- 013 To Amend Zoning By-law No. 87-57
Respecting Lands Located at 15 Church Street
Ward: 12

- 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
- 015 To Repeal and Replace By-Law 17-277 Emergency Management Program By-Law
Ward: City Wide
- 016 *To Authorize the Execution of the Ontario Transfer Payment Amending Agreement for the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario to Receive Funding Under the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative***
Ward: City Wide
- 017 To Confirm proceedings of Council

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

YES - Deputy Mayor - 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
NOT PRESENT - 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 - Ward 9 Councillor Brad Clark

(Pearson/Danko)

That, there being no further business, City Council be adjourned at 12:04 p.m.

Result: Motion CARRIED by a vote of 13 to 1, as follows:

YES - Deputy Mayor - 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
YES - 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
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Deputy Mayor M. Wilson

Andrea Holland
City Clerk



19 Holland Rd W. RR.#1
Kakabeka Falls, ON POT 1W0

www.conmee.com

The following resolution was passed by the Council of the Township of Conmee at its regular meeting on January 26th 2021:

Resolution No. 2021-022

Moved by: Councillor Arnold

Seconded by: Councillor MacMaster

WHEREAS duly elected Officials of a Municipality, or a Township are expected to be above reproach and to conduct themselves with integrity, truth, justice, honesty, transparency and courtesy.

AND WHEREAS there are people of dubious character who have a Criminal Record, having been convicted of a Federal Offence of any of the Federal Statutes of Canada, but not limited to the Criminal Code or Narcotic Control Act, who are currently on Council of a Municipality or have let their name stand for election for Mayor, Reeve or Councillor as a municipal candidate.

NOT WITHSTANDING the provisions of the Ontario Human Rights Code

THEREFORE BE IT RESOLVED that the Township of Conmee lobby the Provincial Government to amend The Municipal Act and Municipal Elections Act, as may be, so that people with a criminal record who have not had their record cleared from the RCMP Data Base by order of the Governor General of Canada, be prohibited from becoming a candidate in municipal elections.

AND THAT an elected local government official be disqualified from office upon conviction of a serious criminal offense and must resign

AND THAT Council of the Township of Conmee direct the Clerk to send a copy of this resolution to the Ontario Premier Doug Ford, Attorney General Doug Downey, Solicitor-General Sylvia Jones, Minister of Municipal Affairs Steve Clark, Association of Municipalities of Ontario, Rural Ontario Municipal Association, Northern Ontario Municipal Association, Thunder Bay District Municipal League, MPP Judith Monteith-Farrell, and all Ontario municipalities

CARRIED



**Ministry of Municipal
Affairs and Housing**

Office of the Deputy Minister

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

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100**February 12, 2021****MEMORANDUM TO: Municipal Chief Administrative Officers and Clerks****SUBJECT: Termination of Declared Emergency and Amendments
to Orders under the *Emergency Management and Civil
Protection Act* and *Reopening Ontario Act***

Today I am writing to you about changes to the government's approach to address COVID-19 in our communities. While we are seeing some progress in reducing the number of cases of COVID-19 in our communities, the situation remains serious and the new variants continue to pose concern.

As you are aware, the provincial emergency that was declared on January 12, 2021, under the *Emergency Management and Civil Protection Act* (EMCPA), expired on February 9, 2021. As announced, the Ontario government is committed to safely and gradually returning to the COVID-19 response framework that is administered regionally based on public health units (PHUs). Regions will gradually transition back between February 10 and February 22, 2021, subject to review of the trends in public health indicators. To facilitate the transition, Ontario has made changes to the response framework and to orders and regulations under the EMCPA and the Reopening Ontario (A Flexible Response to COVID-19) Act (ROA).

Provincial Orders

Orders under the EMCPA can continue to be in effect after the declared emergency has terminated. They can also be further extended for up to 14 days at a time but cannot be amended.

Prior to the termination of the declaration of emergency, orders were amended to reflect the Ontario government's decisions to move certain PHUs into new zones under the Framework. This includes amendments to the Stay-at-Home order (O. Reg. 11/21) and the Residential Evictions order (O. Reg. 13/21).

Any decisions to move PHUs to new zones are made in consultation with the local medical officers of health and will be subject to ongoing review of trends in public health indicators and advice of the Chief Medical Officers of Health.

Please note, there have also been amendments to Ontario Regulations 82/20 and 363/20 related to the Stages of Reopening under ROA. Amendments include, dividing Stage 1 into two separate zones (“Shutdown” and “Grey-Lockdown”).

These amendments remove restrictions on construction activities by allowing all residential construction activities and projects, and related services that support construction activities or projects, including demolition services, to commence or continue anywhere in the province. This includes residential renovations.

This means that all residential construction activities or projects and related services can begin or continue even in areas that are in the Shutdown Zone and are subject to a Stay at Home Order. However, restrictions still apply to non-residential construction as long as the area is in the Shutdown Zone and subject to a Stay at Home Order. When areas of the province return to the provincial COVID-19 framework (colour-coded zones), all residential and non-residential construction activities and projects and related services can begin or continue.

Additionally, as of February 10, 2021, all stage orders under ROA have been amended to require individuals to wear face coverings and maintain physical distance when indoors in a business, with limited exceptions, and to wear face coverings when attending an organized public event or gathering permitted under the regulations, if they are within a 2 metre distance of another individual who is not part of their household. All other restrictions to gatherings and organized public events will be maintained. Rules for the colour-coded zones and for the new “Shutdown Zone” have changed.

Residential Evictions (Ontario Regulation 13/21)

Enforcement of residential evictions will remain paused in the public health unit regions where the provincial Stay-at-Home order remains in effect. This will ensure people are not forced to leave their homes during the period where provincial stay-at-home orders are in place. In regions where the Stay-at-Home order is lifted, the regular process for residential eviction enforcement will resume.

Tenants who can pay their rent must continue to do so to the best of their abilities. Tenants can also ask their local service managers about financial assistance to pay their rent. Tenants can visit: <https://www.ontario.ca/page/find-your-local-service-manager> to find contact information for their local service manager. Landlords and tenants are encouraged to work together during these difficult times.

Detailed explanations of these changes related to the termination of the declared emergency, amendments to orders under the EMCPA and ROA and an updated chart of the Zones under the Framework can be found in the Ministry of the Solicitor General’s memorandum to all Chiefs of Police dated February 9, 2021, which is enclosed for your reference and to support local municipal enforcement activities.

Also enclosed for your attention is a second memorandum from the Ministry of the Solicitor General to all Chiefs of Police dated February 2, 2021, regarding an amendment to Ontario Regulation 8/21 – Enforcement of COVID-19 under the EMCPA that allows a police officer or other provincial offences officer to require an individual to provide their correct name, date of birth and address so that provincial offences officers have the necessary information to issue tickets or lay charges under the *Health Protection and Promotion Act*.

The 1-800 Enforcement Support Line (1-866-389-7638) and dedicated enforcement email address (EssentialWorkplacesSupport.SolGen@ontario.ca) are intended to provide guidance to policing personnel and other enforcement personnel in relation to the enforcement of provincial orders.

As the province transitions into these new zones over the coming weeks, the ministry recognizes that collaboration amongst municipalities, public health units, police forces, local enforcement partners and our multi ministry teams is important to ensure coordinated compliance and enforcement activities in an effort to continue the recent progress on reducing the presence of COVID-19 in our communities.

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 February 2, 2021 – English version regarding an Amendment under the Emergency Management and Civil Protection Act

Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated February 9, 2021 – English version regarding the Termination of Declared Emergency and Amendments to Orders under the Emergency Management and Civil Protection Act and Reopening Ontario Act

If a French version is required, please contact
Richard.Stubbings@ontario.ca.

Ministry of the Solicitor General

Public Safety Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



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

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Amendment under the *Emergency Management and Civil Protection Act***

DATE OF ISSUE:	February 2, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0014
PRIORITY:	High

Please be advised that [O. Reg. 8/21](#) (Enforcement of COVID-19) under the *Emergency Management and Civil Protection Act* has been amended, effective February 1, 2021.

This amendment allows a police officer or other provincial offences officer to require an individual to provide the officer with their correct name, date of birth and address if the officer has reasonable and probable grounds to believe that the individual has committed an offence under subsection 100 (1) of the *Health Protection and Promotion Act* (HPPA) for failing to comply with an order made in respect of COVID-19 under section 22 of that Act, so that provincial offences officers have the necessary information to issue tickets or lay charges under the HPPA.

Thank you again for your support as we work to address this public health emergency together.

Sincerely,

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

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

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

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Termination of Declared Emergency and Amendments
to Orders under the *Emergency Management and Civil
Protection Act* and *Reopening Ontario Act***

DATE OF ISSUE:	February 9, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0018
PRIORITY:	High

I am writing to advise of updates related to orders under the *Emergency Management and Civil Protection Act* (EMCPA) and the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA).

Termination of Declared Emergency and Extension of Orders

The provincial emergency that was declared on January 12, 2021 under s. 7.0.1 of the EMCPA will expire at 11:59 p.m. on February 9, 2021.

Orders made under the EMCPA can continue in effect after the declared emergency has terminated. Orders can be further extended for up to 14 days at a time but cannot be amended.

All of the [orders](#) currently in effect under the EMCPA will remain in effect until the date noted below, unless they are revoked or extended further by that date:

O. Reg 8/21	Enforcement of COVID-19 Measures	February 23, 2021
O. Reg 11/21	Stay-at-Home Order	February 23, 2021
O. Reg 13/21	Residential Evictions	February 23, 2021
O. Reg 55/21 *	Compliance Orders for Retirement Homes	February 19, 2021

* Note that O Reg 55/21 was made on February 5, 2021 and allows the Registrar under the *Retirement Homes Act, 2010* to issue certain orders to licensees of retirement homes to respond to the risk of COVID-19.

Amendments to [O. Reg. 11/21 \(Stay-At-Home Order\)](#) and [O. Reg. 13/21 \(Residential Evictions\)](#) under the EMCPA

Effective February 10, 2021 at 12:01 a.m.:

- O. Reg. 11/21 will only apply to public health units (PHUs) for which a PHU-specific order indicates that O. Reg. 11/21 applies to that PHU.
- O. Reg. 13/21 will only apply where O. Reg. 11/21 applies.

As of February 10, 2021, O. Reg. 11/21 and O. Reg. 13/21 will apply to all Ontario PHUs, with exception to the following three PHUs which will move into the Green Zone of Stage 3:

- Hastings and Prince Edward Counties Health Unit
- Kingston, Frontenac and Lennox and Addington Health Unit
- Renfrew County and District Health Unit

All PHUs not listed above will remain subject to the conditions of O. Reg. 11/21 and O. Reg. 13/21 until they are revoked and assigned to a new zone within the *COVID-19 Response Roadmap: Keeping Ontario Safe and Open Framework* (Framework) through new PHU-specific orders.

- For Toronto, Peel Region and York Region, it is proposed that the Stay-at-Home and Residential Evictions Orders will continue to apply until February 22, 2021.
- For the remaining 28 PHUs, it is proposed that these orders will only continue to apply until February 16, 2021.

Decisions to move PHUs to new zones per the Framework will be made in consultation with local medical officers of health and will be subject to ongoing review of trends in public health indicators and advice of the Chief Medical Officer of Health (CMOH).

[Amendments to O. Reg. 363/20 \(Stages of Reopening\)](#) under the ROA

All PHUs are currently in the Grey Zone under O. Reg. 363/20.

Effective February 10, 2021 at 12:01 a.m., O. Reg. 363/20 will be amended to:

- Move the following three PHU regions into the **Green Zone**.
 - Hastings and Prince Edward Counties Health Unit
 - Kingston, Frontenac and Lennox and Addington Health Unit
 - Renfrew County and District Health Unit

- Divide what is currently the “Grey Zone” into two separate zones:
 - A **Grey (Shutdown) Zone**, in which the requirements that currently apply to all PHUs will continue, subject to the changes described below;
 - All PHUs except the three noted above will be assigned to this zone.
 - A **Grey (Lockdown) Zone**, in which the requirements are similar to the rules that applied to the Grey Zone immediately before December 26, 2020 – they are somewhat less stringent compared to the Shutdown Zone but are still more restrictive than the Red Zone.

The following table outlines zones for public health measures, including refinements to the Grey Zone.

Colour Category	PHU Notes (as of 12:01am, February 10, 2021)
Green – Prevent <i>(Standard Measures)</i>	1. Hastings and Prince Edward Counties Health Unit 2. Kingston, Frontenac and Lennox and Addington Health Unit 3. Renfrew County and District Health Unit
Yellow – Protect <i>(Strengthened Measures)</i>	N/A
Orange – Restrict <i>(Intermediate Measures)</i>	N/A
Red – Control <i>(Stringent Measures)</i>	N/A
Grey – Lockdown <i>(Restrictive Measures like pre-December 26)</i>	N/A
Grey – Shutdown <i>(Continuation of current shutdown measures)</i>	All other PHUs

Amendments to Stage Orders under the ROA

Effective February 10, 2021, at 12:01 a.m., all stage orders will be amended to require individuals to wear face coverings and maintain physical distance when indoors in a business, with limited exceptions, and to wear face coverings when attending an organized public event or gathering permitted under the regulations, if they are within a 2 metre distance of another individual who is not part of their household. All other restrictions to gatherings and organized public events will be maintained.

As noted above, only three PHUs will move into the Green Zone while all others will remain in what is being re-named the Shutdown Zone.

Changes to the rules for the Green Zone, as well as changes to the rules for PHUs who will remain in what will now be called the Shutdown Zone, are summarized below. Changes to other Zones will be communicated separately in future ACMs, once PHUs begin to move back to those Zones.

Changes to Green Zone – [Amendments to O. Reg. 364/20](#) (Rules for Areas in Stage 3)

- The rules previously applicable in the “Green-Prevent” zone will continue to apply subject to the following changes, effective February 10, 2021 at 12:01 a.m.:
 - i. Businesses and organizations are required to screen in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health or other public health official by, among other things:
 - Posting signs at all entrances to the premises, in a location visible to the public, that informs individuals on how to screen themselves for COVID-19 prior to entering the premises; and,
 - Actively screening every person who works at the business or organization before they enter the premises.
 - ii. Businesses and organizations are required to comply with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health or other public health official regarding working remotely.
 - iii. Every person in the premises of a business or organization that is open is required to wear a face covering and maintain a physical distance of at least two metres when in the indoor area of the premises, with limited exceptions
 - iv. Every person attending an organized public event or a gathering that is permitted under the Order is required to wear a face covering if they cannot maintain a distance of at least 2 metres from individuals who are not part of their household, with limited exceptions.
 - v. A person responsible for a business is required to ensure that patrons do not line up outside of the business unless they are wearing face coverings and maintaining a distance of at least 2 metres from each other.
 - vi. The person responsible for a business or other place that is open is required to have a safety plan and post it; the person must comply with this requirement within seven days of becoming subject to it.

Changes to Shutdown Zone – [Amendments to O. Reg. 82/20](#) (Rules for Areas in Stage 1)

- Effective February 10, 2021 at 12:01 a.m., O. Reg. 82/20 will be amended to create two distinct zones, the “Shutdown Zone” and the “Grey Zone” (also known as Grey-Lockdown).
- The “Shutdown Zone” rules are the rules that currently apply to all PHUs and will continue to apply to most PHUs, subject to the changes set out below.

- The “Grey (Lockdown) Zone” rules are less restrictive rules that will not immediately apply anywhere in Ontario.
- The following changes will be made to the “Shutdown Zone” rules effective February 10, 2021:
 - i. Any business or organization may operate remotely for the purpose of making goods available for pick-up as well the other purposes for which a business could previously have operated remotely.
 - ii. Businesses and organizations are required to screen in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health or other public health official by, among other things:
 - iii. Posting signs at all entrances to the premises, in a location visible to the public, that informs individuals on how to screen themselves for COVID-19 prior to entering the premises; and,
 - iv. Actively screening every person who works at the business or organization before they enter the premises.
 - v. Every person attending an organized public event or a gathering that is permitted under the Order is required to wear a face covering if they cannot maintain a distance of at least 2 metres from individuals who are not part of their household, with limited exceptions.
 - vi. An amendment has been made to clarify that communal steam rooms, saunas or whirlpools must be closed, along with other indoor recreation facilities, at hotels, motels, lodges, cabins, cottages, resorts and other shared rental accommodation, and at marinas, boating clubs and other organizations that maintain docking facilities for members or patrons.

Ongoing Enforcement Efforts

With respect to enforcement, there are no changes to police or other provincial offences officers’ authorities, including the ability to compel individuals to identify themselves when the officer has reasonable and probable grounds to believe they are not complying with an EMCPA order, ROA order or order under s. 22 of the *Health Protection and Promotion Act* (HPPA) relating to COVID-19. Police and other provincial offences officers may continue to lay charges or issue tickets for non-compliance with orders under the ROA or EMCPA, or HPPA s. 22 orders made by medical officers of health. The ability to enforce s. 22 orders under the HPPA will not affect the ability of police or other provincial officers to lay charges or issue tickets in relation to orders under the ROA or EMCPA as long as they remain in effect.

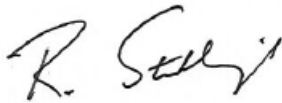
The ministry recognizes that provincewide, police services are continuing to work together with local enforcement partners to implement targeted local campaigns to reinforce the public health requirements under the EMCPA and ROA. Continued close collaboration and communication between enforcement personnel and public health officials will be critical to ensure effective localized responses that correspond with local risk levels, rules and restrictions.

The 1-800 Enforcement Support Line (1-866-389-7638) and dedicated enforcement email address (EssentialWorkplacesSupport.SolGen@ontario.ca) are intended to provide guidance to policing personnel and other enforcement personnel in relation to the enforcement of provincial orders.

The ministry will continue to work with partner enforcement ministries and municipalities to support collaboration and information sharing, including through the dedicated Enforcement 1-800 Line and email resource. We will also continue to analyze the enforcement data that police services provide to us to help inform data-driven decision-making.

As always, thank you for your continued efforts to help keep our communities safe and healthy.

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

Mayor and Members of Council
 City of Hamilton,
 71 Main Street West,
 1st Floor,
 Hamilton, Ontario
 L8P 4Y5.

RE: If Hamilton Preserves our statue of John A MacDonald, we'll help build a statue of an Indigenous Figure

It is with much grief and disappointment that SWC has learned of the Hamilton City Council's proposal to remove a statue in Gore Park of Sir John A. MacDonald—an eminent symbol of Scottish-Canadian heritage, European-Canadian heritage, and of the very establishment of Canada as a modern state.

The removal of MacDonald's statue is consistent with a pattern across North America of destroying the cultural symbols of European-descended peoples through both legal and criminal means. We are not persuaded that these removals are entirely motivated by the sincere pursuit of "justice" or "reconciliation", or even by the desire to condemn the behaviour of the individual figures in question. Rather, we see these removals as attacks on our ethnic identity and as expressions of resentment for European-descended people and our history.

We believe this for three reasons:

First, the destruction of our statues is often accompanied by explicit and hostile references to our ethnicity. For example, in Portland, Oregon, an American Founding Father, George Washington, was torn down and vandalized with the words "damn white men" and "white fragility". In Toronto, Black Lives Matter-activists were charged with vandalizing statues of MacDonald, Egerton Ryerson and King Edward VII, which they rationalized by arguing that our cultural heroes are "symbols of white supremacy". Crimes like these, which are motivated by bias, prejudice or hate based on race, national or ethnic origin, are classified as "hate crimes" as per section 718.2 of the criminal code.

Second, not only are our cultural symbols being removed, but often they are replaced with non-white figures specifically chosen for their non-whiteness. This is the case, for example, of Robert Borden, our 8th prime minister, who was removed from our currency and replaced by Viola Desmond. Or, in the United States, Andrew Jackson is being removed from its currency and replaced by Harriet Tubman. Currently, the Peel District Schoolboard is debating removing Benjamin Vaughan's name from a local school and replacing it specifically with that of either a Black person, or a Jewish person—Vaughan was born into a slave owning family and at one point defended the institution, but later in life he became a dedicated abolitionist.

Third, we don't perceive that there are equivalent calls to remove the cultural symbols of other peoples, despite their equally unfashionable behaviour as individuals. For example, in 2018, while several statues of European-descended people were getting torn down across Canada, a new statue was erected in Ottawa of the Algonquin leader, Chief Tessouat, *despite the fact that Tessouat was a slave owner*. In Toronto, there are two statues of Sun Yat Sen. Sen was the founder of Taiwan, and is an important cultural figure for Chinese-Canadians. But he also believed that black people were "feeble and stupid".

These destructive gestures towards our cultural identity are seriously undermining our trust and faith in official multiculturalism. The Canadian Multiculturalism Act affirms "the freedom of all members of Canadian society to *preserve, enhance and share* their cultural heritage", but with each new statue removal, we are seeing this commitment undermined.

Here is our proposal: rather than undermine the Multiculturalism Act by failing to preserve the heritage of European-descended peoples, why not enhance the culture of other peoples? In the spirit of multiculturalism, and diplomacy between our peoples, if the Hamilton City Council chooses to keep and respect our statue of John A. MacDonald, then SWC will donate \$1,000 to the erection of a statue of an Indigenous cultural hero of the same height and dimensions of that of our MacDonald statue. We can also help raise more funds through our 25k social media followers.

We feel that this solution would be far more in line with the spirit of multiculturalism and the Multicultural Act's promise that Canadian institutions respect the "freedom of all Canadians to preserve, enhance and share their cultural heritage".

About Us

SWC is an organization composed of undergraduates, graduates and alumni from universities across Ontario. We advocate for the preservation of European-Canadian heritage and against anti-white hate-speech.



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

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

February 17, 2021

SUBJECT: COVID-19 emergency response verbal update (CSSRA-02-21)

Please be advised that at its meeting held Wednesday, February 3, 2021, the Council of the City of Burlington approved the following resolution:

Whereas the expansion of the Digital Mains Street (DMS) program in 2020 to include the DMS Future Proof components including DMS Labs, Transformation Teams and Community Collaboration projects administered through the Regional Innovation Centres (RICs) has been a critical support in helping businesses adopt new technology during the COVID-19 pandemic; and

Whereas these new DMS programs have helped both nurture new technology based businesses in our region such as LookLocal.ca, All Checked In and My Well Self while providing virtual hands on support and solutions for businesses to access new customers while managing new covid-19 health and safety measures; and

Whereas current funding for the DMS FutureProof programs ends in February 2021; and

Whereas our small business community faces ongoing barriers to technology adoption and lack of resources to implement these technologies that are necessary to remain competitive in light of COVID-19 impacts to their business; and

Whereas Canada's economy will rely on entrepreneurs in both the technology and the main street business sectors to drive economic recovery, job creation and economic growth; and

Whereas the DMS FutureProof program can continue providing virtual hands on support to small business to accelerate the adoption of both program offerings such as LookLocal.ca, [All Checked In](http://AllCheckedIn.ca) and [My Well Self](http://MyWellSelf.ca) and develop new technology solutions that keep our businesses competitive.

Therefore be it resolved that:

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

- Work with the Regional Innovation Centres to renew and expand funding to the Digital Main Street Future Proof Program as soon as possible to help our businesses adopt new technologies to support their digital transformation and adapt their business model due to COVID-19;
- Explore opportunities to provide additional support to our main street business sector in adopting digital technologies and future proofing their business models; and
- Support Canada's technology sector to develop and bring to market new technologies that can support businesses in Canada and globally to adapt to the new business realities following the impacts of COVID-19 to both Business to Consumer (B2C) and Business to Business (B2B) business models.

Further be it resolved that:

The Mayor and Council representative on the BERN be directed to write a letter, jointly with BERN, Team Burlington members and Haltech, advocating the extension and expansion of the Digital Main Street Future Proof Program 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 Members 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 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)
- Haltech Regional Innovation Centre

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

Sincerely,


Kevin Arjoon
City Clerk

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

February 12, 2021

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

Dear Minister Joly:

On February 3rd, 2021, City of Burlington Council passed the enclosed resolution calling for the Federal government to renew funding for the Digital Main Street (DMS) Future Proof program to support future proofing and digital adoption for 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. The City of Burlington are an integrated part of BERN including members of senior management, the Mayor and Ward 1 Councillor Kelvin Galbraith who brings his perspective as a business owner in Burlington. The need for digital transformation of business models has been accelerated by the COVID-19 pandemic, not just in our retail and main street business sectors but also in our manufacturing and more traditional industries. BERN and Team Burlington welcomed the development of the DMS Future Proof Program in 2020 to support businesses as they transformed their business model in light of the impacts of the pandemic and the acceleration of digital sales and servicing.

The expansion of the Digital Main Street (DMS) program in 2020 to include the DMS Future Proof components including DMS Labs, Transformation Teams and Community Collaboration projects administered through Communitech and other Regional Innovation Centres (RICs) has been a critical support in helping businesses adopt new technology during the COVID-19 pandemic. The support by the Federal government was announced in June 2020 with \$50M in funding from the Federal Economic Development Agency for Southern Ontario to support

Ontario businesses to Go Digital. These new DMS programs have helped both nurture new technology-based businesses in our region such as [LookLocal.ca](#) and [My Well Self](#), while providing virtual hands-on support and solutions for businesses to access new customers while managing COVID-19 health and safety measures.

Current funding for the [DMS Future Proof](#) program ends in February 2021 and our small business community faces ongoing barriers to technology adoption and a lack of resources to implement these technologies...resources that are necessary for them to remain competitive given the impacts of COVID-19. Canada's economy will rely on entrepreneurs in the technology, manufacturing and main street business sectors to drive economic recovery, job creation and economic growth. The [DMS FutureProof](#) program can continue providing virtual hands-on support to small business to accelerate the adoption of both program offerings such as [LookLocal.ca](#), [All Checked In](#) and [My Well Self](#) and develop new technology solutions that keep our businesses competitive.

At the February 3rd Burlington City Council meeting the enclosed resolution was passed, in partnership with the Burlington Economic Recovery Network (BERN), Team Burlington and Haltech Regional Innovation Centre, calling on the Federal government to:

- Work with the Regional Innovation Centres to renew and expand funding to the Digital Main Street Future Proof Program as soon as possible to help our businesses adopt new technologies to support their digital transformation and adapt their business model due to COVID-19.
- Explore opportunities to provide additional support to our main street business sector in adopting digital technologies and future proofing their business models.
- Support Canada's technology sector to develop and bring to market new technologies that can support businesses in Canada and globally to adapt to the new business realities following the impacts of COVID-19 to both Business to Consumer (B2C) and Business to Business (B2B) business models.

As we move through the pandemic, please know that the City of Burlington, Team Burlington and Haltech Regional Innovation Centre will continue to seek opportunities to work with you to help Burlington residents and businesses. Programs like [Digital Main Street Future Proof](#) support our local business community in both sustaining their business in the short term and also looking towards the future and ensuring Canadian businesses remain competitive globally. The Burlington and Halton Region business community have been leaders in the [DMS Future Proof](#) program including:

- 25% of DMS Labs projects have been in Burlington and Halton Region
- 18% of Transformation Teams projects have been in Burlington and Halton Region
- 3 Community Collaboration projects have been led by Haltech Regional Innovation Centre and Halton Region including and further projects are in development.

This is in addition to strong adoption of the Digital Main Street programs across Burlington and Halton Region including over 550 businesses supported by Digital Service Squads and over 400 businesses signed up for the ShopHere program.

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, Burlington Economic Development, at 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



Marianne Meed Ward
Mayor
City of Burlington



Jamie Barron
Chair
Haltech Regional
Innovation Centre

Cc:

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)
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)
Haltech Regional Innovation Centre

Pilon, Janet

Subject: An Open Letter to Ontario Municipal Councils

From: AMCTO President <president@amcto.com>

Sent: February 18, 2021 8:24 AM

To: Holland, Andrea <Andrea.Holland@hamilton.ca>

Subject: An Open Letter to Ontario Municipal Councils

Dear Andrea Holland,

We would appreciate your support in sharing the below open letter and for this letter to be included on your municipal council agenda:

February 18, 2021



AN OPEN LETTER TO ONTARIO MUNICIPAL COUNCILS

Dear Council,

As a vital municipal association with membership roots that reach deep into each and every part of Ontario, we know the challenges you have faced in continuing to provide essential municipal services within your community during the COVID-19 pandemic.

As elected officials, we know that you recognize the contribution made by your municipal staff, many of whom are members of AMCTO. Municipal professionals across this entire province have been at the forefront of service delivery, applying their knowledge and skills to innovate processes and procedures to meet the evolving needs of residents and businesses.

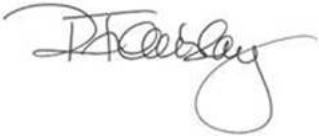
One key point that is often overlooked in this pandemic is that many municipal staff were prepared to act and innovate BECAUSE of the professional municipal training and development they receive from organizations like AMCTO. The leadership skills, education and technical training prepare your staff in getting ahead of immediate community needs, reacting and responding to new challenges brought on by COVID-19. This unique and sought-after skillset has allowed your staff to provide council with options and solutions for keeping your municipality running.

In these challenging financial times, there will be temptation to divert operational funding away from staff training budgets. Now more than ever, it is crucial that municipalities continue to invest in your most valuable resource – your staff.

In addition to increased levels of employee retention, engagement and empowerment, investments in staff professional development strengthens your council's ability to provide reliable, effective and efficient services to your community, both today and in the future. The question is no longer "if" you innovate but "when". Innovation comes with knowledge, training, and exposing municipal staff to new opportunities to grow and develop professionally.

On behalf of AMCTO and its over 2,200 members, please accept my heartfelt thank you for your service during these difficult times. As "Municipal Experts", AMCTO will continue to be at your service to help you and your staff meet the needs of your community.

Sincerely,



Robert Tremblay, MPA, CMO, AOMC
President
AMCTO

CC: Graydon Smith, President, AMO

###

Robert Tremblay, MPA, CMO, AOMC
President



2680 Skymark Ave. # 610
Mississauga, ON L4W 5L6
president@amcto.com
www.amcto.com



**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M5G 2E5
Tél. : 416 585-7000



234-2021-813

February 17, 2021

Dear Head of Council,

RE: Consulting on growing the size of the Greenbelt

I am writing today to announce that my ministry is launching a consultation on **growing the size of the Greenbelt**.

The government has been clear that we are protecting the Greenbelt for future generations. We are committed to growing the Greenbelt and will not consider any proposals to remove any lands or changes to the existing Greenbelt Plan policies.

The Ministry of Municipal Affairs and Housing is seeking feedback on ways to grow the size and further enhance the quality of the Greenbelt, with a priority of:

- i. A study area of lands focused on the Paris Galt Moraine, which is home to critical groundwater resources.
- ii. Ideas for adding, expanding and further protecting Urban River Valleys.

The maps available for this consultation are for discussion purposes only and do not represent a proposed boundary.

For more information on this consultation, please visit <https://ero.ontario.ca/notice/019-3136> where you will find information about growing the Greenbelt:

- Proposed principles for growing the Greenbelt
- Discussion questions for consideration
- Context map of the Paris Galt Moraine area

The consultation is open for 61 days and ends on April 19th, 2021.

I look forward to receiving your input on this proposal. If you have any questions about the consultation, please contact the ministry at greenbeltconsultation@ontario.ca.

Sincerely,

Steve Clark
Minister

c: Planning Head and/or Clerks

Pilon, Janet

Subject: Initiative CI-20-A 1400 Baseline Road - OPA & ZBA Proposals

From: Tammy Felts

Sent: February 18, 2021 1:04 PM

To: DL - Council Only <dlcouncilonly@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>

Cc: clerk@hamilton.ca

Subject: Initiative CI-20-A 1400 Baseline Road - OPA & ZBA Proposals

Dear Honourable Mayor and Councillors;

We are sending this to follow-up on an email sent to Council and Alissa Mahood by Lakewood Beach Community Council dated February 11, 2021; and the one line response back from Alissa, to express our concern for the inadequate effort to answer the questions and provide additional details as requested.

We have concerns with Staff's response to the Lakewood Beach Community Council, and would like to hear from you as to whether or not LBCC's interpretation of Alissa's email and/or Staff's interpretation of yesterday's motion is what you understand will be the process going forward following your approval during the Council meeting on February 10, 2021?

We have further concerns with the wording of the Motion which states, "the public has the right to **comment** on planning matters," and that Staff were directed to hold "a neighbourhood **information** meeting". There is a chasm in meaning between this and **Consultation**.

Lastly, we have concerns that the Motion was silent on any direction to Staff to review, re-evaluate or update their previous Staff Report and Staff Recommendation in light of the many submissions already provided to Council, including but not limited to, the unbiased professional planner's opinion we sought and retained for your benefit.

Esteemed Council, do you approve and support a process that is void of actual "consultation" and without meaningful consideration of the numerous submissions made?

Regards;

Tammy Felts, Ross Crompton, Linda Macmillian
WCECC #479 Board

Report To: Board of Directors

Subject: Board of Directors' 2021 Meeting Schedule

Report No: FA-06-21

Date: February 18, 2021

Recommendation:

1. **THAT** Report No. FA-06-21 RE: Board of Directors' 2021 Meeting Schedule **BE RECEIVED**.
2. **THAT** Appendices 1 and 2 to Report No. FA-06-21 RE: Board of Directors' 2021 Meeting Schedule **BE APPROVED**.
3. **THAT** the meeting schedule **BE MADE** available on the NPCA website and **PROVIDED** to the participating and local area municipalities.

Purpose:

The purpose of this report is to establish the NPCA Board of Directors' 2021 meeting schedule for internal business planning purposes and public awareness, accessibility and transparency.

Background:

Although the calendar of regular Board meetings for the year is typically approved at the Annual General Meeting (AGM), postponement of the AGM does not invalidate the need to establish an annual schedule early in the calendar year. The schedule attached as Appendix 1 maintains the practice of convening meetings at 9:30 a.m. but instead moves the meetings to the third Friday of the month. As per past practice, the December timeslot is scheduled tentatively with the option to forego a meeting and an August meeting is not planned. The proposed calendar now before the Board does however schedule a May Board meeting that abuts the Victoria Day long weekend. With the pandemic ongoing, the calendar also provides for a meeting during March Break which allows for adequate spacing around a strategic planning session to be scheduled later in March.

Discussion:

In establishing the calendar, to the extent possible, staff considered the individual calendars of Members, the meeting schedules of the local municipalities and the member municipalities with the intent to minimize any known scheduling conflicts. With twenty Directors and the schedules of municipal councillors evolving during the ongoing pandemic, finding consistent and available meeting dates has proven a challenge. The only known recurring conflict in scheduling occurs with the Niagara Regional

Housing Board of Directors meetings, however there are no NPCA Board Members on their Board. There are also occasional conflicts with individual Members' various other meeting commitments but these are limited overall.

Financial Implications:

There are no new or additional financial implications posed by adoption of the Board of Directors' 2021 Meeting Schedule as presented.

Links to Policy/Strategic Plan:

Approving and publicizing the Board of Directors' 2021 Meeting Schedule promotes the awareness of public meetings and enhances accessibility to the NPCA while aligning with the Strategic Plan Mission Statement to remain a responsive and accountable organization.

Related Reports and Appendices:

Appendix 1: NPCA Board of Directors' 2021 Meeting Schedule

Appendix 2: NPCA Board of Directors' 2021 Meeting Calendar

Authored by:

Original Signed by:

Grant Bivol,
Executive Coordinator to the C.A.O. and Board

Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer

NPCA Board of Directors' 2021 Meeting Schedule

Full Authority Board Meetings (9:30 a.m.): Friday, March 19
Friday, April 16 (includes Source Protection Authority)
Friday, May 21
Friday, June 18
Friday, July 16
Friday, September 17
Friday, October 15
Friday, November 19
Friday, December 17 (optional)

There will be an additional Source Protection Authority Board meeting scheduled for the Fall, 2021 to co-incide with a regular Full Authority Board meeting.

Committee Meetings:



Finance Committee (9:30 a.m.): Wednesday, February 24
Wednesday, April 28
Wednesday, July 28
Wednesday, October 27
























Governance Committee (9:30 a.m.): Thursday, March 11
Thursday, June 24
Thursday, September 23
Thursday, December 16

Public Advisory Committee (5:00 p.m.): Thursday, February 25
Thursday, April 29
Thursday, June 17
Thursday, September 30
Thursday, November 25

Strategic Planning Committee: Strategic Planning Committee meetings will be slated to occur immediately after Full Authority Board Meetings as may be required unless otherwise specified.

NPCA BOARD OF DIRECTORS' 2021 MEETING CALENDAR

 Governance Meeting (9:30 a.m.)	 Board Meeting/Strat Plan (9:30 a.m.)
 Public Advisory Meeting (5:00 p.m.)	 Finance Committee Meeting (9:30 a.m.)

	February							March							April													
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February 12, 2021

Subject: Request for Support for Delivering Community Power

Dear Municipal Leaders,

In 2016, the Canadian Union of Postal Workers, with a coalition of allies, launched [Delivering Community Power](#) – a visionary program for Canada Post to confront climate change, promote better access to expanded services, bring financial inclusion to unbanked and underbanked communities, and address other social inequalities – all by making the most of our existing public postal service network.

Today, while progress has been made on many of the initiatives in the vision, the situation has become more urgent. Effects of climate change are deadly and are affecting nearly every part of society all around the world. The COVID-19 pandemic has revealed the need for a more equal, more resilient society that prioritizes the health of our most vulnerable neighbours and loved ones, *before* profit. We are relying more than ever on the internet to connect people and to do our business, but rural residents are getting second-class service.

The continuing decline of letters combined with a dramatic rise in parcels from e-commerce makes it plain to see: the postal service has to adapt to a new reality. This is a great opportunity to address multiple problems at once, with a valued public infrastructure that connects everyone in their own community.

Please consider proposing the attached resolution to have your municipality endorse the campaign for expanded services, financial viability, climate action, and – all through leveraging our public postal system. The time is now!

Thank you for your support!



Jan Simpson
National President
Canadian Union of Postal Workers

//dn cope 225

SUPPORT DELIVERING COMMUNITY POWER

Whereas there is an urgent need for banking services among the unbanked or underbanked, given that thousands of villages and rural municipalities do not have a bank branch and more than 900 municipalities have expressed their support for postal banking;

Whereas thousands of Canadians do not have access to affordable high-speed Internet, and the federal government has long promised to bridge the rural broadband gap;

Whereas urgent action is needed to establish a robust network of electric vehicle charging stations;

Whereas to achieve carbon-neutral targets by 2050, Canada Post must greatly accelerate the electrification of its fleet;

Whereas the extensive network of post offices in our communities can provide a wide range of services as community hubs;

Whereas Canada Post's letter carriers and RSMCs can check-in on vulnerable residents to help keep us in our homes longer as we age;

Whereas Canada Post must play its part for a more equitable post-pandemic recovery;

Whereas “The Way Forward for Canada Post,” the report of the 2016 federal public review of the postal service, recommended that Canada Post expand services and adapt its services to the changing needs of the public;

Whereas the Canadian Union of Postal Workers has advanced *Delivering Community Power*, a vision of the post-carbon digital-age postal service that address the above needs and more;

Be it resolved that endorse *Delivering Community Power*, and write to the Honourable Anita Anand, Minister for Public Services and Procurement, with its rationale and a copy of this resolution.

MAILING INFORMATION

Please send your resolution to: Anita Anand, Minister of Public Services and Procurement, Rm 18A1, 11 Laurier Street Phase III, Place du Portage, Gatineau, QC, K1A 0S5

Please send copies of your resolution to:

Jan Simpson, President, Canadian Union of Postal Workers, 377 Bank Street, Ottawa, Ontario, K2P 1Y3

Your Member of Parliament. You can get your MP's name, phone number and address by calling 1-800 463-6868 (at no charge) or going to the Parliament of Canada website: <https://www.ourcommons.ca/Members/en>

Please save this document using the name of your organization or municipality in the document's name.



**DELIVERING
COMMUNITY
POWER**

**POSTAL SERVICE
AND THE
POST CARBON ECONOMY**

FOUNDING PARTNERS



COALITION MEMBERS



**DELIVERING
COMMUNITY
POWER**



**POSTAL SERVICE AND THE
POST-CARBON
ECONOMY**

We are at a crossroads. Our land, air and water are already feeling the effects of climate change. Economic inequality and precarious work are on the rise. Layoffs in fossil fuels extraction industries are leading to more economic uncertainty. Scientists tell us that, to prevent climate catastrophe, we must transition completely off fossil fuels in our lifetime.

Canada can run entirely on renewable electricity by 2035 and transition to a 100% clean economy by 2050. If that's what we want, we have to start now.

“We can sometimes feel overwhelmed by the sheer number of urgent and complex issues before us. What’s beautiful about Delivering Community Power is how it takes on economic, environmental and social issues at the same time. Our post offices can become centres of community care and economic development, while bringing emissions down — this is the kind of leap we need in Canada.”

NAOMI KLEIN



We have to make a *Just Transition* – one that takes care of the people and communities paying the price for waste and pollution, and that also improves everybody’s economic and social circumstances.

THE POSTAL SYSTEM CAN DRIVE THIS TRANSITION.

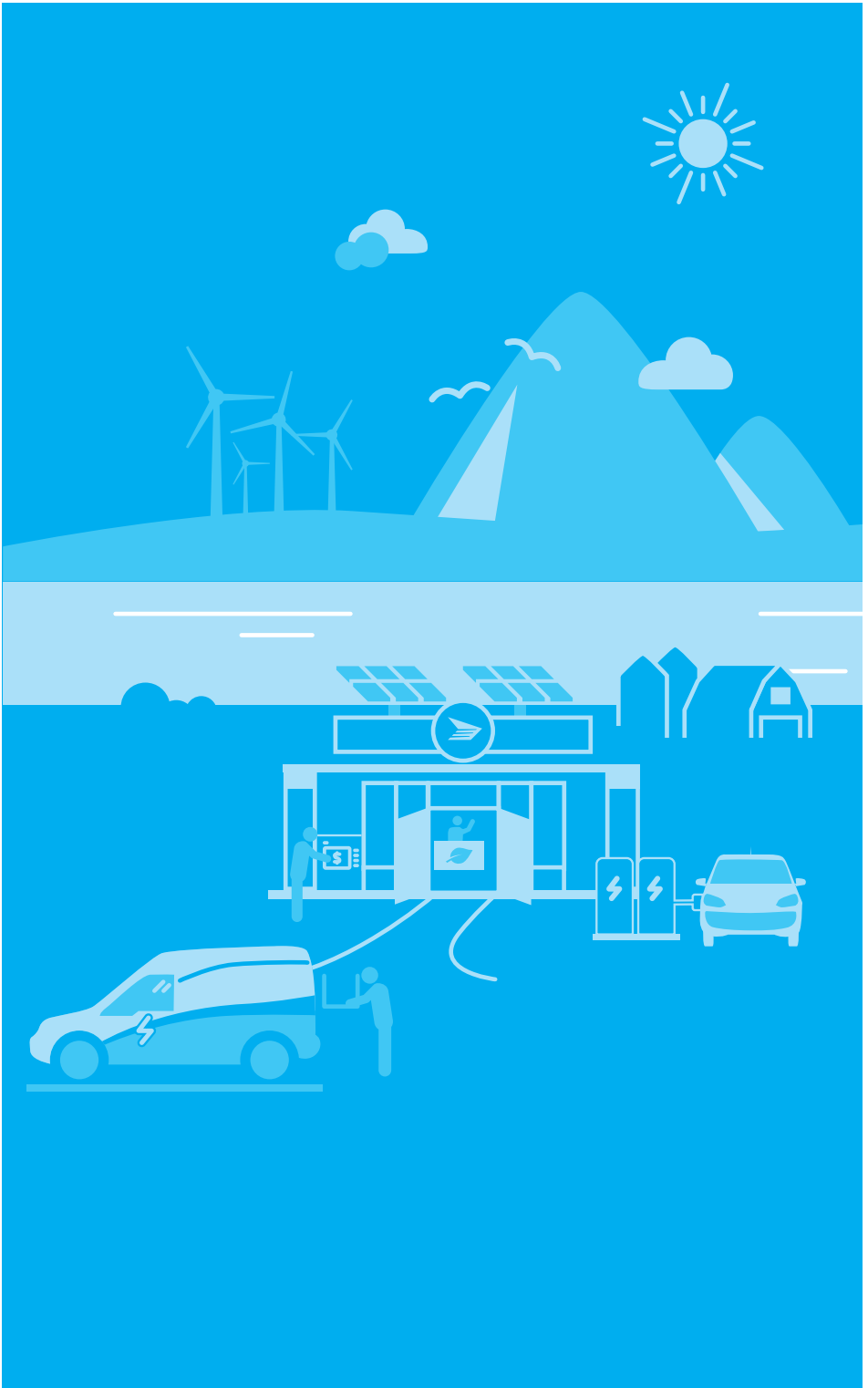
A just transition would create thousands of stable, well-paid jobs, help replace unsustainable fossil-fuel-based jobs, and support those who have suffered the negative impacts of polluting industries. We can reduce poverty and improve quality of life for people across the country. We can do all this while recognizing and respecting treaty and other rights of Indigenous peoples, and bringing better services to First Nations and the North. We can bring internet access, digital training and support to every corner of the country. And we can support our seniors and strengthen our communities in the process.

YES, WE’RE THINKING BIG. WE CAN’T AFFORD NOT TO.

A revitalized Canada Post can lead the way; read on to see how. If you want a renewable energy infrastructure, affordable banking and financial services, diversified delivery services including food, expanded elder care and a stronger local community and economy, join the Delivering Community Power campaign today.

JOIN THE CAMPAIGN

WWW.DELIVERINGCOMMUNITYPOWER.CA





REIMAGINING OUR POSTAL SERVICE

Many Canadians see Canada Post as a place to mail a care package, buy stamps, pick up online purchases, or buy the latest commemorative coin. Some consider the post office past its prime: the last decade has seen efforts to cut, devalue and undermine this self-sustaining public service. But the cuts have been fiercely resisted by people across the country, and we stopped the Harper-era cuts. It's time to think about growth and not just preservation.

What if our cherished national institution, with its vast physical infrastructure and millions of daily human interactions, could offer us more? What if the post office could play a central role in building our next economy — an economy that is more stable, more equal, and less polluting?

**It's a powerful vision but we will need support to make it happen.
*Will you join us?***

IMAGINE...

- Charging stations for electric vehicles at post offices
- A renewable energy postal fleet
- Postal banking that provides inclusive financial services, especially to those underserved by commercial banks, like in rural and many Indigenous communities
- Door-to-door mail carriers checking in on seniors and people with mobility issues, keeping more people in their own homes for longer
- Post offices as community hubs for digital access and social innovation, connecting communities and climate-friendly businesses to customers
- A consolidated last-mile delivery service that eases congestion in urban centres and reduces the environmental impact of our cities

We want a 100% renewable economy that addresses inequality, empowers us to make change, and improves our lives.

Our post office can deliver it.

Meet the 21st century post office

Mary is going to her rural post office in Tatamagouche, Nova Scotia, to mail a letter. Things have really changed over the past few years.

Outside, her neighbour's electric car is plugged into the post office's public charging station. Next to it, a rural mail carrier is loading food and other products into a new electric Canada Post delivery van. On the post office's roof are solar panels, and a wall display tracks how much power they're generating.

Stepping inside, Mary sees a poster for programs that make solar panels and energy-saving home retrofits available to everyone. As the clerk takes Mary's parcel at the counter, she explains that the post office is once again offering banking services, providing the community with accessible banking and helping local businesses grow and thrive.

A week later, Mary heads back to the post office to sign up for solar panels. There is a lot of activity at the post office today as a group of young students are using the free community space to network and brainstorm their ideas for the community, and sharing the space with a local artisan's pop-up retail kiosk.

On the way out, she's greeted by a postal worker who just completed his route, which included checking in with some of the local independent-living seniors and those with limited mobility.

He reminds Mary that there are more options now that the post office is helping make broadband internet available in the area, extending farther than the big for-profit telecoms are willing to go.





Canada Post’s vast infrastructure and delivery network has the potential to become the hub of a green and social economy. Here’s how we could do it:

- 1** Transition the Canada Post fleet to **100% renewable energy**. Canada Post has the largest public vehicle fleet in the country. Infrastructure funding and wise investment from Canada Post’s profits could add to the nationwide electric vehicle charging network — supporting a general shift to low-carbon vehicles. Postal electric vehicles could use new charging stations at depots and post offices that would serve the general public too.
- 2** **Retrofit Canada Post** buildings for energy efficiency. This could create local jobs, support apprenticeships and help inspire communities to take further action on energy and resource conservation.
- 3** Offer financial services through the post office again. **Postal Banking** would diversify and stabilize Canada Post’s revenues the way it has done for numerous postal services worldwide. And with some of that revenue, the postal bank could have a social service mandate: to offer a better alternative to payday loans, support local businesses, ensure financial access for people currently underserved by the banks.

“Meeting our climate commitments requires a bold vision, and public support for that vision. By working closely with communities, Canada Post could deliver green innovation in ways that address their concerns and meet their needs.”

DAVID SUZUKI

- 4** Expand door-to-door delivery services. **Door-to-door delivery** of parcels and lettermail by a single mail carrier reduces emissions, compared to every customer driving to pick up their mail.
- 5** **Expand services** to support seniors, people with disabilities, and others who need some support to live independently in their homes. Mail carriers, already the eyes and ears of their neighbourhoods, could check in on seniors, and connect residents to other public health and social services.
- 6** Turn post offices into **community and digital access hubs**. Local entrepreneurs can use the post office as a meeting space or pop-up shop to connect with customers, and the post office could also become a uniquely dependable showcase of local quality products. Post offices could help bring affordable internet access, and digital training and support to the 3.4 million Canadians who lack it. And in some communities the post office could be the place to use high-speed internet for those who don't have access at home.

We own the biggest
retail network in
the country.

*What will we do
with it?*

6,300
POST OFFICES



4,613
TIM HORTONS



Note: Some of these 6300 are full-service corporate-operated post offices, while some are franchises. All of them are contact points with people in the communities where they live and work. Combine this with the only delivery network that goes to everyone, and that's the scale of infrastructure we have to build on.

WHY CANADA POST?

What would you do if you owned...

- **The biggest chain of retail outlets in the country?**
- **A way to easily communicate and connect with every household from coast to coast to coast?**
- **A logistics network that can reach people and move materials to every corner of the world's second-largest country?**

We own it. Canada Post isn't just a mail and parcel delivery service; it's a powerful national logistics network that could address some of our most pressing challenges, such as:

- **climate change**
- **supporting an aging population to live independently**
- **providing financial services to remote and low-income communities**
- **using revenues to help fund other public initiatives.**

And the Canada Post Act, which created the service, mandates the postal service to adapt to our communications needs as they change.

“Postal workers operate a network every day that connects everybody in the country with services that they rely on. We know our neighbours and our customers and we see their needs. The urgency for action on climate change is evident in our work. We’re proud of the service and we know its potential. We just need the support to make it a reality.”

JAN SIMPSON

CANADIAN UNION OF POSTAL WORKERS



For longer than Canada has been a country, Canada Post has provided the same world-class service to everyone in the country. By reinventing our post office as the engine of the next economy, we will connect people and communities into the next century.

As lettermail decreases and parcels rise with the explosion of e-commerce, Canada Post has to respond and adapt. We can make sure that the shift serves our real changing needs, and addresses climate change too. This is the moment!

Plus, some of these ideas would even help boost Canada Post's revenues or save costs — helping to keep the service financially self-sustaining.

LOGISTICS IN THE DIGITAL WORLD

The growth of the internet has had far-reaching changes on most people's lives. For Canada Post, it has led to a decline in the amount of letters delivered, but also an explosion of parcel deliveries due to online shopping. And there's the opportunity: as a cherished institution with unparalleled presence in communities large and small, the largest fleet and retail network of anyone, Canada Post could be the instrument to retool our society for a major environmental shift.

The explosion of parcels also means that in big cities worldwide, city streets are increasingly congested by deliveries. Too many different deliveries are being done by vehicles that aren't filled to capacity, adding to congestion and air pollution.

Canada Post should be used to the fullest by government to reduce traffic in major urban areas. Getting everything delivered with fewer vehicles must become a priority. Canada Post already delivers the "last mile" for many large parcel companies in many rural areas. The Belgian Post is pioneering a similar service in cities.

INSPIRED BY INNOVATIONS IN POSTAL SERVICES WORLDWIDE

The **United Kingdom, France, New Zealand, Brazil** and **Italy** all have successful postal banking services that assist rural, remote and low income communities while providing stable revenues for the postal service. **Russia, China** and **India** are now implementing postal banking.

Japan expanded postal worker service to provide assistance to seniors, deliver food, check in on those with limited mobility. And they offer insurance coverage.

Swiss Post combined public transportation with mail transport in rural areas. The Post also offers online payment processing for businesses.

The German postal service, **Deutsche Post**, is now manufacturing an electric delivery vehicle in three sizes. They developed their own custom vehicle, the Streetscooter, specifically to deliver mail and parcels.

Australia Post acts as an alternative to Paypal.

Poste Italiane provides e-commerce services for businesses.

The **French post office** has many similarities to Canada Post — fewer letters, and an increasing number of parcels. La Poste has risen to the challenge of a changing world through embarking on the provision of new services, all the while maintaining to-the-door, six-day-a-week delivery. The French postal bank is enormously profitable, earning profits before tax of 1.1 billion Euros in 2017. But it doesn't stop there, as La Poste has embarked on new services focused on the “silver economy” — such as checking in on seniors using delivery agents.

An illustration of a green landscape. In the foreground, there are several stylized houses and trees. In the middle ground, there are more houses and trees. In the background, there are several wind turbines on a hill. The entire scene is rendered in shades of green.

“In Germany, many municipalities now produce more power from renewable sources than they consume — creating 400,000 new jobs in the process. Widespread local participation was the key to making that transition happen. Canada Post and postal banking can help bring this same approach to Canada, speeding the transition to renewables in ways that directly benefit local communities.”

DR. HANS THIE
ADVISOR TO DIE LINKE

TADZIO MUELLER
ROSA LUXEMBURG FOUNDATION



Postal banking is relatively straightforward: like the big banks you're used to, post offices can provide everyday financial services like chequing and savings accounts, loans and insurance. In many countries, postal banks are also mandated to provide financial access for all citizens and to play a role in addressing social inequalities.

While hundreds of thousands of Canadians don't have bank accounts at all, Canada's six largest banks earned more than \$42 Billion in 2017. Access to banking is particularly limited for Indigenous communities; only 54 of 615 First Nations are served by local bank branches.

About 2 million people a year in Canada use payday lenders, which often charge interest rates of over 400%.

Every year, workers in Canada transfer billions of dollars in remittances overseas, but the cost of sending money can be as high as 20% on smaller amounts. These high rates hurt the people that depend upon them the most.

“Rural Canada needs better services, especially in over 1200 communities where we have a public post office and there are no banks or credit unions. For example, in Welshpool, New Brunswick, people have to take a ferry to the US and then cross back into Canada just to get to a bank! Why should rural residents have to travel for hours when they could just go to their Postmaster?”

BRENDA MCAULEY

NATIONAL PRESIDENT, CANADIAN POSTMASTERS AND ASSISTANTS ASSOCIATION

Postal banking could provide the financial services that everyone needs at affordable rates.

It could also be used to deliver government loans, grants and subsidies to boost renewable energy development and energy-saving retrofits. By offering banking services through its network of over 6000 postal outlets, Canada Post could overnight become the most accessible bank in the country.

WHAT WOULD POSTAL BANKING LOOK LIKE HERE?

- access to financial services for everyone including savings and loan, insurance, investments
- public-interest mandate for financial inclusion
- better rates on international remittances

“Renewable manufacturing production. Retrofitting. Better rural services. Assistance for seniors. When I look at this proposal, I see the potential for thousands of good jobs, in every community across the country. Let’s make it happen.”

DONALD LAFLEUR

EXECUTIVE VICE PRESIDENT, CANADIAN LABOUR CONGRESS





GREEN JOBS

Purchasing Canadian union-made electric cars and vans for the postal fleet could create jobs for auto workers and mechanics, boosting our manufacturing sector.

ELECTRIC VEHICLE INFRASTRUCTURE

Turning post offices into charging stations for electric cars would help build Canada's green infrastructure.

DIGITAL ACCESS

Post offices could become community internet providers in underserved areas, provide services like 3D printing, support for e-Government services like the census, and could provide connectivity through mobile devices as well.



FINANCING COMMUNITIES AND CLEAN ENERGY

Providing access to credit via a postal bank to those dependent on seasonal, precarious, or low-income work can stop predatory payday lenders, while communities could access one-stop support for clean energy grants, energy-efficient heating systems, green power generation and cost-saving retrofits.

SUPPORTING INDEPENDENT-LIVING SENIORS

In some locations in Canada as well as in France and Japan, postal workers check in on seniors and others who need support to live independently in their homes. We could roll out a national program to help connect Canada's aging population with healthcare and social services; deliver grocery orders; and bring peace of mind to their loved ones.

LOCAL BUSINESSES

Canada Post offices could connect innovative local businesses to customers and communities through the largest retail network in the country.

NATION-TO-NATION CONNECTIONS AND SERVICES

Indigenous peoples have been rising up as defenders of the land, fighting for a greater voice so as to guide us all on the path to our sustainable future. Canada Post began as a part of the colonial system – we have to recognize that as our starting point and acknowledge that Indigenous peoples have a right to reshape it and help determine its future role in connecting the peoples who live here.

Meanwhile postal and other services to First Nations, and many Métis and Inuit populations, are often lacking. Postal services themselves, which should serve all residents of this land evenly, are inconsistent, franchised out, and delivered differently in many indigenous communities. In the North, Canada Post has cut back service in many ways, including eliminating flat rate pre-paid shipping boxes, and even withdrawing services from some communities.

The federal government requires Canada Post to be financially self-sufficient, but this doesn't mean it couldn't make basic services a priority, using the postal network to promote health and equity for residents on reserves and in the North.

Canada Post used to operate the Food Mail program, which helped make healthy food more affordable in the North, but the program was replaced with Nutrition North, which subsidizes retailers instead and isn't getting reliable results. Bringing back an improved version of Food Mail could make a real difference in the health and food security of northern residents.

“Boom and bust resource extraction has polluted our communities and spoiled much of our lands. But Indigenous peoples are at the forefront fighting for alternatives. Jobs that don’t destroy our land and water. Affordable access to renewable energy, banking services and secure healthy local food. This proposal will make a difference in First Nations and rural communities across the country.”

CLAYTON THOMAS-MULLER

STOP IT AT THE SOURCE CAMPAIGNER, 350.ORG

Payday loans and predatory credit services take advantage of vulnerable populations, disproportionately hurting Indigenous people. Postal banking, with a mandate for financial inclusion for all, could address financial problems for many vulnerable people instead of leaving them to rely on the for-profit legal loan sharks, trapped in a cycle of debt.

Canada Post’s workforce still under-represents the Indigenous population. CUPW is working to push Canada Post to adopt more inclusive hiring practices. The Delivering Community Power vision cannot be complete until access to jobs is equitable and the systemic racism and suppression of traditional teachings is addressed. We’ll need everyone’s wisdom to make this happen.



We know this is an ambitious package of proposals.

With the will and energy, we could start on a few parts of the vision right away:

- **public-access EV charging stations**
- **green building retrofits**
- **promoting post offices as community hubs that are responsive to community needs**
- **senior check-in**
- **grocery delivery**

... others within a year or two:

- **electric vehicle fleet transformation, supporting canadian auto plants in producing EVs**
- **postal banking**
- **consolidated last-mile delivery**
- **bring back the Food Mail program**
- **review and improve services to First Nations and Inuit communities**
- **rural and remote high-speed internet access**

... then one day:

- **overhauled food distribution network**
- **carbon-free, renewable and self-sufficient energy network for the postal system**

WHAT POSTAL WORKERS ARE DOING TO REALIZE THIS VISION

- We are building political will for change — bringing together more and more allies, municipalities, and activists to endorse the Delivering Community Power vision
- We walk the walk. CUPW has audited its own environmental footprint and identified areas to mitigate it in its buildings, its transportation, and other operations. We are ready to lead by example.
- CUPW has included the ideas in this document — postal banking, electric fleet transformation, building retrofits, and the rest — as demands in negotiations with Canada Post, putting the vision right at the heart of the union’s work.
- CPAA is mobilizing with rural residents in our communities to keep rural post offices open and fight the reduction of services.
- CPAA is vigorously campaigning for postal banking and raising awareness among Postmasters, Assistants, and rural communities.
- We’re working on tools for postal workers to work with local Canada Post management to pursue these ideas in their own workplaces. Direct collective action in communities helps build the political will to make a large-scale transformation. Postal workers are trying to create joint environmental committees in the workplace.

WHAT IS A JOINT ENVIRONMENTAL COMMITTEE?

Joint environmental committees are a forum where workers and employers come together to analyse the environmental impact of a workplace. They then map out solutions based on the knowledge and skills of the people who know the workplace best - the workers who do the job everyday. Workers identify areas where work practices can be modified to reduce emissions, providing bottom-up solutions instead of attempted top-down solutions. In Europe, many unions have lengthy experience and successes with joint environmental committees. Autoworkers in Canada are working with the model. It’s time for Canada Post to use the expertise of postal workers to make meaningful reductions in emissions.

Delivering Community Power is a bold vision for the future we want. To make it a reality, we need people across the country to let the government know it's time to act.

WHAT YOU CAN DO:

1

Join us. Visit www.DeliveringCommunityPower.ca to join the call for Canada Post to Deliver Community Power.

2

Bring the campaign to your community!

- Join or host a local event
- Collect petition signatures & show your MP that it's what voters want
- Request free copies of this booklet to share with friends, family, co-workers

3

Support your postal workers in their negotiations with Canada Post — they've put these proposals on the bargaining table!



FOUNDED BY:
DELIVERINGCOMMUNITYPOWER.CA
CUPW.CA | PUBLICSERVICES.CA | LEAPMANIFESTO.ORG
CPAA-ACMPA.CA | ACORNCANADA.ORG

CUPE-SCFP 1979



AUTHORIZED BY THE OFFICIAL AGENT FOR THE CANADIAN UNION OF POSTAL WORKERS.

JULY 2019 EDITION

Just Imagine...

- a renewable-powered postal fleet that delivers mail, parcels, groceries, and more
- a minimized carbon footprint for a network that reaches all of us every day
- an expanded role for door-to-door mail carriers that strengthens the social fabric of your community
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CORRESPONDENCE

TO: The Council of the City of Hamilton

RE: Development Proposal at 225 John Street South (Corktown Plaza)

Councillors,

It was our hope to delegate at last Tuesday's Planning Committee meeting on the redevelopment proposal at 225 John Street South. Unfortunately, due to a hydro outage, we were unable to do so. Therefore, we would like to share our thoughts on this project with you below.

We support the redevelopment proposal, without reservation. It's a good use of land, in a phenomenal location, with all the necessary parameters that allow for successful high density development. We are happy to see that the Committee approved the project, and look forward to it getting underway as soon as possible.

Our concern, however, is that the current iteration of the proposal represents a downgrade when compared to the original concept. Our concern is amplified by the strong and clear indicators that suggest the negative changes made to this project have occurred due to City policies and attitudes.

Height and Massing

The most obvious change between the two iterations of the proposal is the height and massing of the project. The original scheme proposed developing two point towers upon a podium, and the updated plan proposes a single tower, with a 14 storey slab building on a podium.

There is a simple principle that must be understood - *when modifying any single aspect of a building, you CANNOT expect that aspect to be modified in isolation.*

In the case of this project, that modification was the height and massing.

The aesthetic impacts of these changes are severe.

The point tower located in the southeast corner of the site, which fell from 31 storeys to 27 storeys, grew much thicker in the process. The original 31 storey tower has a floor plate size of 808 square meters, which is nearly in line with the 750 square meter recommendation included in the City's Tall Building Guidelines, but the new 27 storey tower has a floor plate of 1081 square meters, far above the number in the Tall Building Guidelines.

The aesthetic result is a tower which is heftier, more imposing, with less elegant proportions, and the height reduction of four storeys will not prove perceptible to

those who look at the tower. This means that the change that resulted in a worse tower design will have been for nothing. ***Is this an improvement over the original plan?***

The massing and height changes will not solely impact those who look at the project, either. The future residents of this complex will be negatively impacted as well.

Individuals who live in the south end of the slab building which face eastward, will look directly towards the southwest tower. Conversely, residents of the southwest tower which face westward, will look directly towards the slab building. This is a very inwardly focused massing.

The room between these two masses is limited. For the first ten storeys of the proposal, the separation distance between the two masses is just 12 metres. It is also important to note that this 12 meter figure is further reduced by the extruding balconies on both the tower and the slab building, making the actual separation distance closer to 8.5 metres.

The previous proposal did not do this. Building two towers on site meant they didn't have to do this. Neither tower faced into the other, and the separation distance was much greater. ***Can you really consider this an improvement over the previous plan?***

Further, the massing changes have considerably worsened the John Street elevation, and most importantly, the street level design.

The original proposal (pictured below) included a high quality streetscape, paired with an east-to-west mid block connection as well as thoughtful podiums with sensible step backs and changes in materiality.



This has now been replaced by an elevation that is much less cohesive, much more sterile and plain, and much more overbearing. (pictured below) The 34 storey point tower proposed at the northwest corner of the site, which was sensitive and complimentary to the ground floor and podium massing, and which fit well into the context, has been replaced by a 14 storey slab building with strange stepbacks, and a design that appears to employ several different conflicting architectural styles, and which also imposes much more on the urban environment. ***Can you really call this an improvement?***



Unit count & unit size

We can see further negative impacts to the project when we look at unit count and unit size. Because of the change in height and massing, and the resulting decrease in buildable area, the number of units has dropped and the average size of units has dropped.

The total unit count falls slightly between the two proposals, going from 792 units to 769 units. This is not a huge decrease for a project of this size, but it is a decrease nonetheless when Hamilton needs as much new housing supply in the downtown as it can get.

The number of units below 50 square metres in size has ballooned 1500%, going from 22 in the original to 328 in the updated proposal. Similarly, the units above 50 square metres in size has fallen by over 40%, going from 770 in the previous proposal, to 441 in the current proposal. Ultimately, the knock-on effects from the height and massing changes have resulted in fewer units and smaller units. ***Does this actually represent an improvement over the previous plan?***

Parking

When we look at the parking, we see a head-scratcher. The amount of units has gone down, and the units have gone down in size, but the number of residential parking spaces has increased significantly, from 355 residential spaces to 462 residential spaces. An increase of 107 spaces is sizable.

This is in opposition to Hamilton's downtown reaching its fullest potential. We know that it is key that our downtown be friendly to pedestrians, transit users, and cyclists for it to become as vibrant and successful as possible. We also know that the last thing our downtown needs is to be further customized to fit the needs of the personal automobile.

It also represents what we should not be doing to developments that are proposed in areas with good transit. It is undeniable that this site is one of the best in terms of transit options, and rather than encourage further car usage, this development should be encouraging further transit usage. This is imperative considering the state of climate change, and to encourage further automobile usage considering this, is frankly irresponsible.

Further, the cost of parking is important to note as well. It is not insignificant. It falls in the tens of thousands per space range, and underground spaces, like proposed here, are the most expensive type to construct. At the end of the day, someone has to pay for these parking spots. That falls to the end users, in this case, the future residents of this development.

They will also end up paying for this parking whether they want it or not, or if they use it or not. Multiple studies have found that parking adds hundreds of dollars to monthly rents, whether or not you use it, and whether or not you specifically pay for the privilege of one of those spots through an additional monthly fee. It is simply that expensive.

Given the ever rising rents in Hamilton, we should be doing all we can to lower that cost, not increase it. ***Can the increase in parking spaces, thus, be considered an improvement?***

John Street Widening

The three metre road widening along John Street does not serve a purpose. The street is plenty wide, with no gridlock, and with wide sidewalks on both sides. A road widening would make the street less hospitable to pedestrians, and further reinforce the downtown's reputation as a place to drive through, rather than live in.

Further, it is unlikely that the City would ever be able to execute a road widening. On the immediate west side of John Street, the enclosed parking lot of the 57 Forest apartment building prevents the widening of the street. Further south and further north down John Street, there are numerous buildings that are either not conducive to widening or not desirable to demolish in order to widen the street.

If widening were somehow possible, though, it would still be undesirable. It would run counter to realizing the potential of the downtown, would be in opposition to the climate necessities, and would further entrench the downtown as a place of the automobile. The original proposal realized these facts, and thus did not include a road widening. ***So, is the addition of the road widening really an improvement to this proposal?***

Retail Space

The final point we'd like to raise is the decrease in retail space. The original proposal contained 2,100 square metres of retail space, and the current proposal contains only 930 square metres. This is a major disappointment, as the neighbourhood has been clear about its desire for a local grocery store.

The retail space in the original proposal was also set up suitably for a grocery store. It included a large, nearly 1,500 square metre space that was perfect in size and shape for a grocery store use. The largest retail space is only 510 square metres, which is roughly equivalent to the Hasty Market convenience store on site today.

In the previous proposal, this grocery store sized space was made possible by the well thought out massing, specifically, the podiums being oriented east-to-west

rather than north-to-south. The massing of the new proposal precludes such a space. ***Can this be called an improvement to the plan?***

In sum, we believe that the changes made to this proposal have been for the worse, and have been caused by the change in height and massing (most) or because of the City's attitude and policies (parking and road widening).

We continue to support the current proposal, and believe it represents an above-average development in the context of Hamilton proposals. We do, however, feel it could have been better, and indeed would have been better, if the above changes were not made, and not pushed for by the City.

Our hope is that you, as a City, look at this development, and ask yourself whether the changes you've pushed for or caused, have made this proposal better or worse.

It is clear to us that it has been for the worse. We would further encourage you, as the City, to think about this question not just in the context of this application, but on future applications, and development in the city as a whole.

Respectfully,

Lachlan Holmes, on behalf of HamiltonForward



Hamilton

**MAYOR'S TASK FORCE ON ECONOMIC RECOVERY
REPORT 21-001**

Friday, February 12, 2021

9:30 a.m.

Council Chamber

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger – City Business
 Councillors J. P. Danko and N. Nann
 R. McKerlie, President of Mohawk College (Chair)
 M. Afinec, President & COO of Business Operations, Hamilton Tiger-Cats & Forge FC
 R. Brown, Manager, Westfield Heritage Village
 F. Bernstein, Executive Director, Workers Art & Heritage Centre
 K. Duffin, President and CEO, Amity Goodwill
 P. Hall, Executive Director, Stoney Creek Chamber of Commerce
 K. Jarvi, Executive Director, Downtown Hamilton BIA
 T. Johns, Board Member, West End Home Builders' Association (Vice-Chair)
 L. La Rocca, Director of Operations, Sonic Unyon Records
 K. Loomis, President & CEO, Hamilton Chamber of Commerce
 B. Lubbers, General Manager, Courtyard by Marriott
 A. Marco, President, Hamilton & District Labour Council
 R. McCann, Founder, Clearcable Networks
 M. Patricelli, Executive Director, Flamborough Chamber of Commerce
 C. Puckering, President and CEO, Hamilton International Airport
 T. Shattuck, Chair, Synapse Life Science Consortium, McMaster Innovation Park
 D. Spoelstra, Chair of Agriculture & Rural Affairs Committee
 H. Wegiel, Director of Government and Trade Relations ArcelorMittal Dofasco
 G. Yuyitung, Executive Director of the McMaster Industry Liaison Office

Absent with

Regrets: Councillor T. Whitehead – Personal
 E. Dunham, Owner, The Other Bird
 M. Ellerker, Business Manager, Hamilton-Brantford Building & Construction Trades Council (Building/Skilled Trades Sector)
 B. Munroe, Blacktop Recess
 J. Travis, Executive Director Workforce Planning Hamilton

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

4. COMMUNICATIONS (Item 4)

- 4.3. Correspondence from the Arts Advisory Commission respecting Support for the Recommendations of the Mayor's Task Force on Economic Recovery

6. STAFF PRESENTATIONS (Item 6)

- 6.1 Update respecting the Report of the Mayor's Task Force on Economic Recovery

That the agenda for the February 12, 2021 meeting of the Mayor's Task Force on Economic Recovery, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) November 26, 2020 (Item 3.1)

The Minutes of the November 26, 2020 meeting of the Mayor's Task Force on Economic Recovery, were approved, as presented.

(d) COMMUNICATIONS (Item 4)

The following Communications items were approved as presented:

- (i) Presentations and Motions from the General Issues Committee meeting of December of December 9, 2020 respecting the Mayor's Task Force on Economic Recovery (Item 4.1)
- (ii) Correspondence respecting Economic Recovery Initiatives for the City of Hamilton (Item 4.2)
- (iii) Correspondence from the Arts Advisory Commission respecting Support for the Recommendations of the Mayor's Task Force on Economic Recovery (Added Item 4.3)

(e) STAFF PRESENTATIONS (Item 6)

(i) Update respecting the Report of the Mayor's Task Force on Economic Recovery (Added Item 6.1)

Norm Schleeahn, Director, Economic Development, and Carrie Brooks-Joiner, Director, Tourism and Culture, addressed the Task Force with an Update respecting the Report of the Mayor's Task Force on Economic Recovery, with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The Update respecting the Report of the Mayor's Task Force on Economic Recovery, was received.

GENERAL INFORMATION / OTHER BUSINESS (Item 10)

(i) Mayor's Task Force on Economic Recovery Member Update (no copy) (Item 10.1)

Members of the Task Force updated the group on developments in their sectors.

The Mayor's Task Force on Economic Recovery Member Update, be received.

(f) ADJOURNMENT (Item 11)

There being no further business, the Mayor's Task Force on Economic Recovery adjourned at 10:46 a.m.

Respectfully submitted,

Ron McKerlie, Chair
Mayor's Task Force on Economic
Recovery

Loren Kolar
Legislative Coordinator
Office of the City Clerk



**PLANNING COMMITTEE
REPORT
21-003**

February 16, 2021

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins,
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

THE PLANNING COMMITTEE PRESENTS REPORT 21-003 AND RESPECTFULLY RECOMMENDS:

1. Agriculture and Rural Affairs Advisory Committee Report 21-001 (Item 7.1)

(a) Farm 911 (Item 9.4)

That the Agriculture and Rural Affairs Advisory Committee respectfully requests that appropriate City staff be directed to develop a framework to provide emergency 911 signs to owners of unidentified farm properties in Hamilton, at their request, at no cost to the applicant.

(b) Climate Action Working Group Update (deferred from the November 24, 2020 meeting) (Item 9.5)

That the Climate Action Working Group of the Agriculture & Rural Affairs Advisory Committee be disbanded.

2. Payday Loan Licences (PED21036) (City Wide) (Item 7.2)

That Report PED21036 respecting Payday Loan Licences, be received.

3. Application for Zoning By-law Amendment for lands located at 95 - 97 Fairholt Road South, Hamilton (PED21029) (Ward 3) (Item 8.1)

(a) That Amended Zoning By-law Amendment Application ZAR-19-054 by MHBC Planning (c/o Stephanie Mirtitsch), on Behalf of Semion Merzon, for a change in zoning from the "C" (Urban Protected Residential, etc.) District, to "C/S-1805" (Urban Protected Residential, etc.) District,

Modified, to permit the conversion of an existing two family dwelling to a six unit multiple dwelling with six parking spaces, for lands located at 95 - 97 Fairholt Road South, Hamilton, as shown on Appendix "A" to Report PED21029, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21029, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix "B" to Report PED21029, be added to District Map No. E33 of Zoning By-law No. 6593;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the policies and intent of the Urban Hamilton Official Plan;
- (iv) That upon finalization of the amending By-law, the subject lands be re-designated from "Single & Double" to "Medium Density Apartments" in the Stipley Neighbourhood Plan.

(b) That the public submissions in the staff report were received and considered by the Committee in approving the application.

4. Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8) (Item 8.2)

That Report PED21037, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor on the appeal to the LPAT for non-decision of an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton.

5. Application for Zoning By-law Amendment for Lands Located at 206 and 208 King Street West, Hamilton (PED21038) (Ward 2) (Item 8.3)

- (a) That Amended Zoning By-law Amendment Application ZAC-17-046 by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of King Stuart Development Inc., Owner, for a further modification to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to Downtown Mixed Use

– Pedestrian Focus (D2, 731, H17, H19, H116) Zone, to permit an alternative development concept, that being a 13 storey (43.75 metre) mixed use building with 123 residential units, 143.8 square metres of retail gross floor area, and 37 structured parking spaces for lands located at 206 and 208 King Street West, Hamilton, as shown on Appendix “A” to Report PED21038, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “B” to Report PED21038 be added to Map No. 952 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

H116. Notwithstanding Section 6.2 of this By-law, within lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 206 and 208 King Street West, Hamilton, no development shall be permitted until such time as:

- (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee;
- (2) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this report shall be submitted by the Owner to the Hamilton Public Library; and,
- (3) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.

- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

(b) *That the public submissions in the staff report were received and considered by the Committee in approving the application.*

6. Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1) (Item 8.4)

- (a) That Zoning By-law Amendment Application ZAS-20-003 by Joseph DiDonato and Sven Oppermann, Owner, for a further modification to the “C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, Etc.) District, Modified, to the “C/S-1335”, “C/S-1335a” and “C/S-1804” (Urban Protected Residential, Etc.) District, Modified, to permit the expansion and conversion of an existing detached garage into a second dwelling unit at the rear of the lands located at 9 Westbourne Road, Hamilton, as shown on Appendix “A” to Report PED21039, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED21039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law attached as Appendix “B” to Report PED21039, be added to District Map No. W45 of Zoning By-law No. 6593; and,
 - (iii) 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, 2019, as amended, and complies with the Urban Hamilton Official Plan.

(b) *That the public submissions regarding this matter were received and considered by the Committee in approving the application.*

7. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2) (Item 8.5)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-17, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to establish a Site Specific Policy to the Mixed Use – Medium Density designation to permit the development of the subject lands for a mixed use building containing 769 dwelling units comprised of a 27 storey multiple dwelling, and a 14 storey mixed use

building attached to an eight storey multiple dwelling, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton as shown on Appendix "A" to Report PED21032, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED21032, 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, 2019, as amended.
- (b) That Amended Zoning By-law Amendment Application ZAC-18-041, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to modify the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone to permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling, and a 14 storey (48.5 metre) mixed use building attached to an eight storey (29.0 metre) multiple dwelling, with a total of 769 dwelling units, 929.25 square metres of commercial space and 462 parking spaces, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton, as shown on Appendix "A" to Report PED21032, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX; and,
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol "H118" to the proposed Mixed Use - Medium Density (C5, 739) Zone.

The Holding Provision "H118" be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment,

Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

- (2) That the Owner submits and receives approval of a Documentation and Salvage Report for the existing buildings at 211 John Street South and 78 Young Street and implements the strategy of the Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner.

(c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

8. Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting) (Item 10.1)

- (a) That Zoning By-law Amendment Application ZAR-18-057 by 130 Wellington Investments Inc., Owner, for a change in zoning from the "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, to "D/S -1806 - 'H'" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified, Holding, to permit six dwelling units within the existing building and four parking spaces, for lands located at 130 Wellington Street South, Hamilton, as shown on Appendix "A" to Report PED21024, be ***DENIED***; and,

(b) That the public submissions supported the denial of the application.

9. Updates to the Terms of the Environmental Remediation and Site Enhancement's (ERASE) Redevelopment Grant and Tax Assistance Programs (PED21034) (City Wide) (Item 10.2)

- (a) That the amended program description for the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant (ERG) Program, which forms Appendix B to the ERASE Community Improvement Plan and attached as Appendix "A" to Report PED21034, be approved.
- (b) That the amended program description for the Environmental Remediation and Site Enhancement (ERASE) Tax Assistance Program (TAP), which forms Appendix C to the ERASE Community Improvement Plan and attached as Appendix "B" to Report PED21034, be approved.

10. Bill 197, the COVID-19 Economic Recovery Act, 2020 and Changes to the Planning Act (PED21046) (City Wide) (Item 10.3)

- (a) That Council adopt the submissions and recommendations regarding legislative provisions in the *Planning Act* in force with the enactment of Bill 197, the *COVID-197 Economic Recovery Act*, as provided in Report PED21046;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province attached as Appendix "A" to Report PED21046.

11. Implementation of Permit Parking on the West Side of Wellington Street North, between Barton Street East and Cannon Street East, Hamilton (Ward 2) (Item 11.1)

WHEREAS, on November 27, 2019 Council approved Report PED19187 On Street Parking Permits – Wellington Street North (Ward 2) which recommended a number of changes to parking restrictions on Wellington Street North including the removal of the NO PARKING restrictions and installation of bump-outs, which have now been implemented;

WHEREAS Report PED19187 did not recommend permit parking due to the fact that permits would not provide an exemption to the No Parking on a Through Street between 2 a.m. and 7 a.m. parking regulation, so would be of limited value;

WHEREAS it has been observed that following the installation of bump-outs, the parking created is not being utilized to its full benefit and the introduction of permit parking would fulfill a long standing desire by residents for permit parking; and,

WHEREAS, Public Works has expressed concerns that added parking will reduce their ability to meet Council approved levels of service during snow clearing and street sweeping operations, given the width and one-way configuration of the streets, and have other potential consequences such as vehicle damage, blocked in vehicles and no storage space for accumulating snow;

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized and directed to implement full time permit parking on the west side of Wellington Street North, between Barton Street East and Cannon Street East, Hamilton; and,
- (b) That communication be provided in writing to any person requesting a parking permit on the west side of Wellington Street North between Barton Street East and Cannon Street East, that during and following snow events, vehicles may be blocked in for extended periods and the clearing of windows may not be possible in the absence of overnight parking restrictions.

12. Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide) (Added Item 14.1)

- (a) That Report LS16029(c)/PED16248(c), including Appendix “A” to Report LS16029(c)/PED16248(c), be received for information.
- (b) That Report LS16029(c)/PED16248(c) and its appendices remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.2 Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (For today's meeting)

2. PUBLIC MEETINGS / DELEGATIONS (Item 8)

- 8.1 Application for Zoning By-law Amendment for lands located at 95 - 97 Fairholt Road South, Hamilton (PED21029) (Ward 3)

- (a) Agent’s presentation
- (b) Zoning By-law Amendment – Appendix E - Revised

- 8.2 Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8)

- (a) Added Written Submissions:
 - (iii) Marissa Tankoy-Lim
 - (iv) Conrad Walczak
- (b) Added Registered Delegations:
 - (ii) Robert De Haan

- 8.4 Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1)
 - (a) Added Written Submissions:
 - (iv) Marlene Castura
 - (b) Registered Delegations
 - (i) Rosemary Lukosius – WITHDRAWN
- 8.5 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2)
 - (a) Added Written Submissions:
 - (iii) Terry Brown
 - (iv) Cameron Kroetsch
 - (v) Jamie Philp
 - (vi) Mary Porter
 - (vii) James MacNevin
 - (viii) Jessica Hymers
 - (c) Zoning Amendment By-law Appendix C - Revised

3. DISCUSSION ITEMS (Item 10)

- 10.1 Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting)
 - (a) Added Written Submissions:
 - (i) Michael Barton, MB1 Consulting (Agent)

4. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.1 Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide)

The agenda for the February 16, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) February 2, 2021 (Item 4.1)

The Minutes of the February 2, 2021 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Delegations respecting 130 Wellington Street South Zoning By-law Amendment Application (Item 10.1) (For today's meeting) (Item 6.1)

The following Delegation Requests respecting 130 Wellington Street South Zoning By-law Amendment Application, were approved for today's meeting:

- (i) Jesse Razaqpur
- (ii) Sheila Strong

(ii) Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (For today's meeting) (Added Item 6.2)

The Delegation Request from Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021, was approved for today's meeting.

(e) CONSENT ITEMS (Item 7)

(i) Payday Loan Licences (PED21036) (City Wide) (Item 7.2)

The requirement for staff to report annually to the Planning Committee on Payday Loan Licences was discontinued.

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

(f) 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 Official Plan Amendment and Zoning By-law Amendment applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Application for Zoning By-law Amendment for lands located at 95 - 97 Fairholt Road South, Hamilton (PED21029) (Ward 3) (Item 8.1)

No members of the public were registered as Delegations.

Sean Stewart, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Stephanie Mirtitsch and Dave Aston with MHBC Planning were in attendance and indicated they were in support of the staff report.

The delegation from Stephanie Mirtitsch and Dave Aston with MHBC Planning, was received.

The public meeting was closed.

(a) That Amended Zoning By-law Amendment Application ZAR-19-054 by MHBC Planning (c/o Stephanie Mirtitsch), on Behalf of Semion Merzon, for a change in zoning from the “C” (Urban Protected Residential, etc.) District, to “C/S-1805” (Urban Protected Residential, etc.) District, Modified, to permit the conversion of an existing two family dwelling to a six unit multiple dwelling with six parking spaces, for lands located at 95 - 97 Fairholt Road South, Hamilton, as shown on Appendix “A” to Report PED21029, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21029, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix “B” to Report PED21029, be added to District Map No. E33 of Zoning By-law No. 6593;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe,

2019, as amended, and complies with the polices and intent of the Urban Hamilton Official Plan;

- (iv) That upon finalization of the amending By-law, the subject lands be re-designated from “Single & Double” to “Medium Density Apartments” in the Stipley Neighbourhood Plan.

The recommendations in Report PED21029 were **amended** by adding the following sub-section (b):

- (b) *That the public submissions in the staff report were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 3.

- (ii) Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8) (Item 8.2)**

James van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The Agent, Matt Johnston with Urban Solutions, advised prior to the meeting, that he and the owner, Ted Valeri, would not be in attendance.

The following written submissions (Item 8.2(a)), were received:

- (i) Robyn White, in Opposition to the application
- (ii) Vedant Patel, in Opposition to the application
- (iii) Marissa Tankoy-Lim, in Opposition to the application
- (iv) Conrad Walczak, in Opposition to the application

Registered Delegations:

8.2(b) (i) Mariam Hanan, in Opposition to the application.

8.2(b) (ii) Robert De Haan was not present when called upon to speak.

The delegation was received.

The non-statutory public meeting was closed.

For disposition of this matter, refer to Item 4.

(iii) Application for Zoning By-law Amendment for Lands Located at 206 and 208 King Street West, Hamilton (PED21038) (Ward 2) (Item 8.3)

No members of the public were registered as Delegations.

Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Franz Kloibhofer with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from Franz Kloibhofer with AJ Clarke & Associates, was received.

The public meeting was closed.

(a) That Amended Zoning By-law Amendment Application ZAC-17-046 by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of King Stuart Development Inc., Owner, for a further modification to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116) Zone, to permit an alternative development concept, that being a 13 storey (43.75 metre) mixed use building with 123 residential units, 143.8 square metres of retail gross floor area, and 37 structured parking spaces for lands located at 206 and 208 King Street West, Hamilton, as shown on Appendix “A” to Report PED21038, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “B” to Report PED21038 be added to Map No. 952 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

H116. Notwithstanding Section 6.2 of this By-law, within lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 206 and 208

King Street West, Hamilton, no development shall be permitted until such time as:

- (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee;
- (2) A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this report shall be submitted by the Owner to the Hamilton Public Library; and,
- (3) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED21038 were **amended** by adding the following sub-section (b):

- (b) That the public submissions in the staff report were received and considered by the Committee in approving the application.**

For disposition of this matter, refer to Item 5.

(iv) Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1) (Item 8.4)

No members of the public were registered as Delegations.

Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Joseph DiDonato and Sven Oppermann, Owners, were in attendance and indicated support for the staff report.

The delegation from Joseph DiDonato and Sven Oppermann, Owners, was received.

The following written submissions (Item 8.4 (a)), were received:

- (i) Tordis Coakley, Ainslie Wood Community Association
- (ii) Sheryl and Tom Perrie
- (iii) Paul A. Faure
- (iv) Marlene Castura

The public meeting was closed.

(a) That Zoning By-law Amendment Application ZAS-20-003 by Joseph DiDonato and Sven Oppermann, Owner, for a further modification to the "C/S-1335", "C/S-1335a" and "C/S-1788" (Urban Protected Residential, Etc.) District, Modified, to the "C/S-1335", "C/S-1335a" and "C/S-1804" (Urban Protected Residential, Etc.) District, Modified, to permit the expansion and conversion of an existing detached garage into a second dwelling unit at the rear of the lands located at 9 Westbourne Road, Hamilton, as shown on Appendix "A" to Report PED21039, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix "B" to Report PED21039, be added to District Map No. W45 of Zoning By-law No. 6593; and,
- (iii) 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, 2019,

as amended, and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED21039 were **amended** by adding the following sub-section (b):

- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.**

For disposition of this matter, refer to Item 6.

- (v) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2) (Item 8.5)**

Mark Kehler, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Stuart Hastings with GSP Group, was in attendance and indicated support for the staff report.

The delegation from Stuart Hastings with GSP Group, was received.

The following written submissions (Item 8.5(a)), were received:

- (i) Donna Portree
- (ii) Andrew Selbo
- (iii) Terry Brown
- (iv) Cameron Kroetsch
- (v) Jamie Philp
- (vi) Mary Porter
- (vii) James MacNevin
- (viii) Jessica Hymers

Registered Delegation:

- 8.2(b) (i) Lachlan Holmes, Hamilton Forward, was not in attendance when called upon to speak.

The public meeting was closed.

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-17, by GSP Group Inc. (c/o Brenda Khes)

on behalf of Corktown Plaza Inc., Owner, to establish a Site Specific Policy to the Mixed Use – Medium Density designation to permit the development of the subject lands for a mixed use building containing 769 dwelling units comprised of a 27 storey multiple dwelling, and a 14 storey mixed use building attached to an eight storey multiple dwelling, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21032, 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, 2019, as amended.
- (b) That Amended Zoning By-law Amendment Application ZAC-18-041, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to modify the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone to permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling, and a 14 storey (48.5 metre) mixed use building attached to an eight storey (29.0 metre) multiple dwelling, with a total of 769 dwelling units, 929.25 square metres of commercial space and 462 parking spaces, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton, as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX; and,
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject

property by introducing the Holding symbol “H118” to the proposed Mixed Use - Medium Density (C5, 739) Zone.

The Holding Provision “H118” be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (2) That the Owner submits and receives approval of a Documentation and Salvage Report for the existing buildings at 211 John Street South and 78 Young Street and implements the strategy of the Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner.

The recommendations in Report PED21032 were **amended** by adding the following sub-section (c):

- (c) *That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 7.

(vi) Delegations respecting 130 Wellington Street Zoning By-law Amendment Application (Item 10.1) (Item 6.1)

- (i) Jesse Razaqpur addressed the Committee in opposition to the application; and read out an email from Mike MacMillan and Gillian Ferrier in opposition to the application (a copy is available in the revised agenda as Item 6.1(a)).

The time was extended to allow Jesse Razaqpur to speak beyond the permitted five minutes.

- (ii) Sheila Strong addressed the Committee in opposition to the application.

The Delegations from Jesse Razaqpur and Sheila Strong, and the correspondence from Mike MacMillan and Gillian Ferrier, was received.

For disposition of this matter, refer to Items (g)(i) and 8.

(vii) Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (Added Item 6.2)

Barry Coombs addressed the Committee respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021.

The Delegation from Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021, was received.

(g) DISCUSSION ITEMS (Item 10)

(i) Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting) (Item 10.1)

The following written submissions (Item 8.2(a)), were received:

- (i) Kelly Fawcett, expressed concerns with the application.
- (ii) Michael Barton, MB1 Consulting (Agent), in Support of the application.
- (a) That Zoning By-law Amendment Application ZAR-18-057 by 130 Wellington Investments Inc., Owner, for a change in zoning from the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, to “D/S -1806 - ‘H’” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified, Holding, to permit six dwelling units within the existing building and four parking spaces, for lands located at 130 Wellington Street South, Hamilton, as shown on Appendix “A” to Report PED21024, be ***DENIED***.

The recommendations in Report PED21024 were further ***amended*** to add the following sub-section (b), as follows:

- (b) That the public submissions supported the denial of the application.***

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

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

(i) General Manager's Update (Added Item 13.1)

Jason Thorne, General Manager, Planning and Economic Development, advised the Committee of upcoming staffing changes due to retirements.

The General Manager's Update, was received.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

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

(i) Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide) (Added Item 14.1)

For disposition of this matter, refer to Item 12.

(j) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 3:48 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 21-004

9:30 a.m.

Wednesday, February 17, 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, B. Clark, M. Pearson, B. Johnson, L. Ferguson,
A. VanderBeek, J. Partridge

Absent: Councillors J. P. Danko, T. Whitehead – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-004, AND RESPECTFULLY RECOMMENDS:

1. 2020 Music Strategy Update (PED21041) (City Wide) (Item 6.1)

That Report PED21041, respecting the 2020 Music Strategy Update, be received.

2. Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations (PED21027) (City Wide) (Item 8.1)

That Report PED21027, respecting Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations, be received.

3. City of Hamilton - Ministry of Transportation 2020-2021 Dedicated Gas Tax Funding Agreement (FCS21011) (City Wide) (Item 9.1)

- (a) That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Hamilton's Public Transportation Program;

- (b) That the Mayor and General Manager, Finance and Corporate Services, be authorized and directed to execute the Letter of Agreement attached as Appendix "A" to Report 21-004;
- (c) That the By-law attached as Appendix "C" to Report FCS21011 authorizing and directing the Mayor and General Manager, Finance and Corporate Services, to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed; and,
- (d) That, upon being passed, a certified copy of the By-law, together with two copies of the signed Letter of Agreement, be forwarded to the Ministry of Transportation.

4. Advisory Committee for Persons with Disabilities Report 21-001, January 12, 2021 (Item 9.3)

(a) Resignation of Shahan Aaron from the Outreach Working Group of the Advisory Committee for Persons with Disabilities (Item 6.3(a))

That the resignation of Shahan Aaron from the Outreach Working Group of the Advisory Committee for Persons with Disabilities, be received.

(b) Update on COVID-19 and Persons with Disabilities (Item 8.3)

WHEREAS, at the September 8, 2020 meeting of the Advisory Committee for Persons with Disabilities, Committee members Tim Nolan and Tom Manzuk were authorized to delegate at the General Issues Committee on behalf of the Committee respecting all matters related to the COVID-19 pandemic and its impact on persons with disabilities, including recommendations for improved policies and procedures;

WHEREAS, the Advisory Committee for Persons with Disabilities prepared a list of concerns and challenges faced by persons with disabilities throughout the course of the COVID-19 pandemic;

WHEREAS, it is important to ensure that pandemic plans, policies and procedures account for the needs of persons with disabilities; and,

WHEREAS, consultation with the Advisory Committee for Persons with Disabilities on pandemic plans, policies and procedures would help to mitigate unintended negative impacts and consequences for persons with disabilities;

THEREFORE, BE IT RESOLVED:

That General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult with the Advisory Committee for Persons with Disabilities when developing future pandemic plans, policies and procedures, when possible and appropriate, with the understanding that Public Health Services and the City's Emergency Operations Centre hold the safety and well-being of the public as paramount.

(c) Advisory Committee for Persons with Disabilities Working Group Membership Review (Item 8.4)

- (i) That the resignation of Tim Nolan from the Built Environment Working Group and the Transportation Working Group of the Advisory Committee for Persons with Disabilities, be received; and,
- (ii) That Tom Manzuk be appointed to the Transportation Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018 – 2022 term of Council.

5. Chedoke Creek Remediation Workplan (PW19008(j)) (City Wide) (Item 9.4)

That Report PW19008(j), respecting the Chedoke Creek Remediation Workplan, be received.

6. Greater Hamilton Volunteer Firefighters Association - CLAC Local 911, Ratification of Collective Agreement (HUR21003) (City Wide) (Item 13.2)

- (a) That the tentative agreement reached on January 19, 2021, between the City of Hamilton and the Greater Hamilton Volunteer Firefighters Association – CLAC Local 911 representing 192 volunteers, regarding the collective agreement that covers a four (4) year period, January 1, 2020, to December 31, 2023, be ratified; and,
- (b) That Report HUR21003, respecting the Greater Hamilton Volunteer Firefighters Association – CLAC Local 911 Ratification of Collective Agreement, remain confidential.

7. Central Composting Facility (LS21005) (City Wide) (Item 13.3)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21005 - Central Composting Facility, be approved; and,

- (b) That Report LS21005, respecting the Central Composting Facility, remain confidential.

8. Litigation Matter (Item 13.4)

That the verbal update respecting the Litigation Matter, be received and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

9. DISCUSSION ITEMS

- 9.4 Chedoke Creek Remediation Workplan (PW19008(j)) (City Wide)

13. PRIVATE AND CONFIDENTIAL

- 13.3 Central Composting Facility (LS21005) (City Wide)

Pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

- 13.4 Litigation Matter – Verbal

Pursuant to Section 8.1, Sub-sections (b), (d), (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (d), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda for the February 17, 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) February 3, 2021 (Item 3.1)

The Minutes of the February 3, 2021 General Issues Committee meeting were approved, as presented.

(d) PUBLIC HEARINGS / DELEGATIONS (Item 7)

(i) Shane Coleman, Hamilton Farmers' Market Stallholder Association, respecting Rent Relief for the Hamilton Farmers' Market (Item 7.1)

Shane Coleman, of the Hamilton Farmers' Market Stallholder Association, addressed Committee respecting Rent Relief for the Hamilton Farmers' Market.

The presentation provided by Shane Coleman, of the Hamilton Farmers' Market Stallholder Association, respecting Rent Relief for the Hamilton Farmers' Market, was received.

Staff was directed to review comparator municipalities such as Kitchener-Waterloo, London, Mississauga and Cambridge with respect to rent relief for their farmers' markets and market governance, and report back to the General Issues Committee.

(ii) Jennifer Hompoth, Friends of the Hamilton Farmers' Market, respecting the Well-Being of the Hamilton Farmers' Market (Item 7.2)

Jennifer Hompoth, of the Friends of the Hamilton Farmers' Market, addressed Committee respecting the Well-Being of the Hamilton Farmers' Market.

Jennifer Hompoth, Friends of the Hamilton Farmers' Market, was permitted additional time, beyond the permitted 5 minutes, to continue with her presentation.

The presentation provided by Jennifer Hompoth, of the Friends of the Hamilton Farmers' Market, respecting the Well-Being of the Hamilton Farmers' Market, was received.

(iii) Tom Manzuk, Advisory Committee for Persons with Disabilities, respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities (Item 7.3)

Tom Manzuk, of the Advisory Committee for Persons with Disabilities, addressed Committee respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities.

The presentation provided by Tom Manzuk, of the Advisory Committee for Persons with Disabilities, respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities, was received.

(e) STAFF PRESENTATIONS (Item 8)

(i) Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations (PED21027) (City Wide) (Item 8.1)

Norm Schleeahn, Director of Economic Development, introduced the presentation; and, Lauren Millier, from MDB Insights, provided a PowerPoint presentation respecting Report PED21027 - Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations.

The presentation, respecting Report PED21027 - Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations, was received.

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

(ii) COVID-19 Verbal Update (Item 8.2)

Paul Johnson, General Manager of the Healthy and Safe Communities Department, provided Committee with a verbal update respecting COVID-19.

The verbal update respecting COVID-19 was received.

Staff was directed to review the feasibility of creating a virtual memorial wall on the City of Hamilton website to honour citizens of Hamilton who have lost their lives to COVID-19, and report back to the General Issues Committee.

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

The following Motion was DEFEATED:

(i) **Hate Prevention and Mitigation Initiative Update (CM19006(d)) (City Wide) (Item 9.2)**

That staff be directed to retain a telephone polling company, to partner with the Project Lead Consultant, to conduct city-wide telephone polling with a target of 600 respondents, respecting the Hate Prevention and Mitigation Initiative to be completed by April 2021, at an estimated cost of \$25,000 to be funded through the Tax Stabilization Reserve.

(i) **Advisory Committee for Persons with Disabilities Report 21-001, January 12, 2021 (Item 9.3)**

2. Update on COVID-19 and Persons with Disabilities

Item 2 of the Advisory Committee for Persons with Disabilities Report 21-001, respecting and Update on COVID-19 and Persons with Disabilities, was **amended** by deleting the words "Advisory Committee for Persons with Disabilities respectfully requests that consultation occur" and replacing them with the words "**General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult**"; and, by adding the words "**when possible and appropriate**", to read as follows:

~~That the Advisory Committee for Persons with Disabilities respectfully requests that consultation occur~~ **General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult** with the Advisory Committee for Persons with Disabilities when developing future pandemic plans, policies and procedures, **when possible and appropriate**, with the understanding that Public Health Services and the City's Emergency Operations Centre hold the safety and well-being of the public as paramount.

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

The General Issues Committee recessed for one half hour until 12:50 p.m.

(g) MOTIONS (Item 10)

(i) Establishing Fair Wages for Musicians: Guidelines and-or Policy for City Run or City-Funded Events Utilizing Musicians (Item 10.1)

WHEREAS, the Mayor's Task Force on Economic Recovery recommends the creation of a "minimum wage" pay scale for musicians hired by the City and at City related/sanctioned events, to ensure musicians are fairly compensated as COVID-19 related re-openings occur and to establish a best practice for the future;

WHEREAS, one of the City of Hamilton's Music Strategy key goals is to cultivate music creation and talent;

WHEREAS, the City's Creative Industries Sector Profile identifies music as one of the top industries for growth and development; identifies Hamilton as the number one/top destination for music related occupations in Canada; and identifies talent retention and attraction as essential in maintaining and developing the music industry in Hamilton;

WHEREAS, Hamilton is recognised as 7th in the world for the number of independent musicians per capita; and musicians and singers are the top core creative music sector occupations, representing 14% of all music sector occupations; and with 22% of all music industry workers identified as self employed;

WHEREAS, recognizing that the single most important source of income for a musician is generated through live performances in venues and spaces in cities across Canada, and that many musicians are unable to perform in venues and festivals due to COVID-19;

WHEREAS, the current Canadian Federation of Musicians and the Hamilton Musician Guild rates range from \$150 to \$590 for performances of approximately one hour in length (rates dependent on the number of musicians performing);

THEREFORE, BE IT RESOLVED:

That staff be directed to report back to the General Issues Committee on the establishment of City guidelines and/or a policy establishing a practice of payment for musicians, based on the most current fees recommended by the Canadian Federation for Musicians, represented locally by the Hamilton Musicians Guild, Local 293 for City-hosted and City-funded events.

(h) PRIVATE & CONFIDENTIAL (Item 13)

(i) Closed Session Minutes – February 3, 2021 (Item 13.1)

- (a) The Closed Session Minutes of the February 3, 2021 General Issues Committee meeting, were approved, as presented; and,
- (b) The Closed Session Minutes of the February 3, 2021 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 13.2 to 13.4, pursuant to Section 8.1, Sub-sections (b), (d), (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (d), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(i) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 3:56 p.m.

Respectfully submitted,

Deputy Mayor Maureen Wilson
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk

**Ministry of
Transportation**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau de la ministre

777, rue Bay, 5^e étage
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416 327-9200
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January 14, 2021

Mayor Fred Eisenberger
City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Dear Mayor Eisenberger:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **City of Hamilton** (the "Municipality") and Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2020-21 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$11,687,199** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$8,765,399**; and any remaining payment(s) will be provided thereafter.

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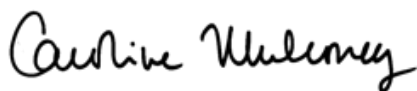
3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in Section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2020-21 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to Section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.

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12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.
13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.
14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print and secure the required signatures, and then deliver a fully signed pdf copy to the Ministry at the email account below. Subject to the province's prior written consent, including any terms and conditions the Ministry may attach to the consent, the Municipality may execute and deliver the Letter of Agreement to the Ministry electronically. In addition, all program documents are also to be sent to the following email account:
MTO-PGT@ontario.ca

Sincerely,



Caroline Mulroney
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

Municipality

Date

Name (print):
Title (head of council or
authorized delegate):

I have authority to bind the Municipality.

Date:

Name (print):
Title (clerk or authorized delegate):

I have authority to bind the Municipality.



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-003

9:30 a.m.

February 18, 2021
Council Chambers
Hamilton City Hall

Present: Councillors M. Wilson (Chair), C. Collins, L. Ferguson, J. Partridge, M. Pearson, and A. VanderBeek

Absent: Councillors B. Johnson, and B. Clark – City Business

Also Present: Councillor N. Nann

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 21-003 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Committee Chair and Vice-Chair for 2021 (Item 1)

- (a) That Councillor L. Ferguson be appointed as Chair of the Audit, Finance & Administration Committee for the remainder of 2021.
- (b) That Councillor M. Pearson be appointed as Vice-Chair of the Audit, Finance & Administration Committee for the remainder of 2021.

2. Robert Ridley, on behalf of Olympia Gerl, respecting a Water Billing Charge Anomaly (Deferred from the February 4, 2021 Meeting) (Item 8.1)

That a compassionate relief credit in the amount of \$271.20 be applied to Olympia Gerl's water billing account.

3. Hamilton Anti-Racism Resource Centre Update (CM20007(b)) (City Wide) (Item 9.1)

- (a) That the consultant's report detailing HARRC Board recruitment activities and the Community Advisory Panel which supported the process attached as Appendix "A" to Audit, Finance and Administration Report 21-003 be received;
- (b) That the HARRC proposed Governance Structure and Terms of Reference, attached as Appendix "B" to Audit, Finance and Administration Report 21-003 be approved;

- (c) That the HARRC project next steps attached as Appendix “C” to Audit, Finance and Administration Report 21-003, which include retaining a consultant to support the new HARRC Board and developing a full budgetary, operational and sustainability requirement report for the centre by July 2021, be approved;
- (d) That the \$50,000 cost estimate for the HARRC project next steps (as outlined in Appendix “C” Audit, Finance and Administration Report 21-003), be funded through the Tax Stabilization Reserve; and,
- (e) That the recommendations for Appointments to the HARRC Board be approved and released publicly following approval by Council.

4. Fraud, Waste, and Whistleblower Semi-Annual Update (AUD21001) (City Wide) (Item 10.2)

That Report AUD21001, respecting the Fraud, Waste, and Whistleblower Semi-Annual Update, be received.

5. Annual Employee Attendance Report 2020 (HUR21002) (City Wide) (Item 10.3)

- (a) That Report HUR21002, respecting the Annual Employee Attendance Report 2020, be received.
- (b) That staff be directed to change the frequency of the Annual Employee reports to annual reports only.

6. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Focus and Committee Involvement in Selection Processes (Added Item 10.5)

That the Citizen Committee Report from the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee respecting Focus and Committee Involvement in Selection Processes, be received.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

7. CONSENT ITEMS

7.1 Various Volunteer Advisory Committee Minutes:

7.1(g) Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee - January 19, 2021

10. DISCUSSION ITEMS

- 10.5 Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Focus and Committee Involvement in Selection Processes

9. PRESENTATIONS

- 9.1 Hamilton Anti-Racism Resource Centre Update (CM20007(b)) (City Wide) (Outstanding Business List Item)

This item was originally listed on the agenda as Item 10.4 but was moved to 9.1 as it includes a presentation.

The agenda for the February 18, 2021 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) February 4, 2021 (Item 4.1)

The Minutes of the February 4, 2021 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) CONSENT ITEMS (Item 7)

The following Volunteer Advisory Committee Minutes (Item 7.1), were received:

- (i) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee – November 17, 2020 (Item 7.1(a))
- (ii) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee – December 15, 2020 (Item 7.1(b))
- (iii) Immigrant and Refugee Advisory Committee – March 12, 2020 (Item 7.1(c))
- (iv) Immigrant and Refugee Advisory Committee - December 10, 2020 (Item 7.1(d))
- (v) Hamilton Aboriginal Advisory Committee – October 1, 2020 (Item 7.1(e))
- (vi) Hamilton Mundialization Committee – November 18, 2020 (Item 7.1(f))
- (vii) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee – January 19, 2021 (Added Item 7.1(g))

(e) PUBLIC HEARINGS / VIRTUAL DELEGATIONS (Item 8)

(i) Robert Ridley, on behalf of Olympia Gerl, respecting a Water Billing Charge Anomaly (Deferred from the February 4, 2021 Meeting) (Item 8.1)

Robert Ridley addressed the Committee on behalf of Olympia Gerl, respecting a water billing charge anomaly.

The delegation from Robert Ridley, on behalf of Olympia Gerl, respecting a water billing charge anomaly, was received.

(ii) Staff Supporting Documentation – Robert Ridley (Item 8.1(a))

That the staff supporting documentation respecting Robert Ridley's delegation, was received.

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

(f) PRESENTATIONS (Item 9)

(i) Hamilton Anti-Racism Resource Centre Update (CM20007(b)) (City Wide) (Item 9.1)

Hamilton Anti-Racism Resource Centre project consultant leads Evelyn Myrie and Audrey Wubbenhorst, from EMpower Strategy Group, presented to Committee the Hamilton Anti-Racism Resource Centre Update.

The presentation respecting the Hamilton Anti-Racism Resource Centre Update, was received.

For disposition of this matter, refer to Item 3.

(g) DISCUSSION ITEMS (Item 10)

(i) Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Accessible Captioning for Meetings of the LGBTQ Advisory Committee (Item 10.1)

The Citizen Committee Report from the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee respecting Accessible Captioning for Meetings of the LGBTQ Advisory Committee, was referred to staff to report back to the Audit, Finance and Administration Committee with additional information, the financial implications, and other considerations.

(ii) Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Focus and Committee Involvement in Selection Processes (Added Item 10.5)

Cameron Kroetsch, Chair of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee was permitted to address the Committee respecting the LGBTQ Advisory Committee Citizen Committee Report regarding Focus and Committee Involvement in Selection Processes.

Cameron Kroetsch, Chair of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee addressed the Committee respecting the LGBTQ Advisory Committee Citizen Committee Report regarding Focus and Committee Involvement in Selection Processes.

The information provided by Cameron Kroetsch, Chair of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee respecting the LGBTQ Advisory Committee Citizen Committee Report regarding Focus and Committee Involvement in Selection Processes, was received.

For further disposition of this matter, refer to Item 6.

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

(i) Amendments to the Outstanding Business List (Item 13.1)

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

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

Hamilton Anti-Racism Resource Centre Update (HUR18010(c))
Added: December 5, 2019 at AF&A Item 9.2
Completed: February 18, 2021 AF&A Item 9.1
OBL Item: 19-R

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) February 4, 2021 – Closed Minutes (Item 14.1)

(a) The Closed Session Minutes of the February 4, 2021 Audit, Finance and Administration Committee meeting, were approved as presented; and,

(b) The Closed Session Minutes of the February 4, 2021 Audit, Finance and Administration Committee meeting, remain confidential.

(j) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee adjourned at 12:17 p.m.

Respectfully submitted,

Councillor Ferguson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



HARRC BOARD RECRUITMENT PROCESS

AND

THE COMMUNITY ADVISORY PANEL (CAP)

City of Hamilton

Project Lead: Evelyn Myrie, Founder & Principal
EMpower Strategy Group

January 25, 2021

Background

Launched in April 2018, the Hamilton Anti-Racism Resource Centre (HARRC) was a collaborative pilot project with the City of Hamilton, McMaster University and Hamilton Centre for Civic Inclusion (HCCI).

In February 2019, the project was paused to allow time for broader engagement across the community. Hamilton City Council approved the re-establishment of HARRC with an independent board of directors. Clear in this directive was the need to anchor that re-establishment in lived experiences of residents grounded in an equity, diversity and inclusion lens.

Between 2019 and June 2020, the City of Hamilton engaged in extensive consultation with the public regarding the HARRC's future. City Council transferred responsibility for HARRC from Talent and Diversity Division within Human Resources, to Community Initiatives within Strategic Partnerships & Communications Division.

Following an RFP process, EMpower Strategy Group, a local Equity, Diversity and Inclusion consulting firm was selected to support the process, with the end goal of establishing HARRC's first Independent Board of Directors.

In October 2020, a HARRC Community Advisory Panel (CAP) was established with membership from a diverse group of Hamilton's diverse and racialized communities, to recruit and recommend HARRC's inaugural board of directors to City Council.

HARRC Board Skills Assessment

The Community Advisory Panel had many important discussions around the skills that would be required for the inaugural board of directors. Themes included:

- Lived experience and a solid understanding, strong commitment and analysis of anti-racism and anti-oppression principles and practices.
- Connections to diverse communities through volunteer work and/or professional associations
- Governance experience with emphasis on candidates who had set up new boards
- Strong skills in key areas such as finance, human resources, and fundraising

HARRC Board Recruitment Process

Given the mandate of HARRC, it was important to ensure that the Community Advisory Panel received a wide number of applicants that reflected the diversity of Hamilton. The team made a concerted effort to ensure that the posting was widely circulated online and in the media. The posting appeared in the *Hamilton Spectator* and *Share* newspaper, other ethnic media. It was also available on the City of Hamilton's website and disseminated to cultural and racialized community organizations and community leaders, through email outreach, telephone and social media channels. Please see Appendix B for the Board posting.

Applications were accepted over a three-week period. All candidates were mapped against an agreed upon skills, experience, and EDI matrix. From an applicant pool of 39 candidates, a shortlist of 26 candidates was created. CAP then interviewed the shortlist of 26 candidates over six days. These virtual

interviews occurred over six days between December 15, 2020 and January 3, 2021. The interview invitation asked candidates to identify accommodation needs as required. Each candidate had a minimum of 30 minutes and was asked the same set of questions to ensure as much consistency as possible.

Panelists then scored answers to each question. The interview team used an inclusive approach to consider lived experience expertise and diverse representation. Upon completion of the interviews, the interview team met three times more to ensure a fair and equitable selection process.

Community Advisory Panel

Formation

EMpower Strategy Group recruited a Community Advisory Panel via targeted outreach to racialized and diverse leadership groups in Hamilton including Faith based bodies. Nine individuals volunteered their time on this important project. This group reflected the diversity of Hamilton and brought a wide range of skills and expertise to the selection process.

Membership

Panelists included:

- Mouna Bile, Black Justice Coordinator, Hamilton Community Legal Clinic
- Lisa Marie Johnston, Member, LGBTQ Advisory Committee, City of Hamilton
- Dr. Ameil Joseph, Associate Professor, School of Social Work, McMaster University
- Yasmeen Mirza, Assistant Secretary, Muslim Association of Hamilton
- Taimur Qasim, Member, Committee Against Racism
- Gustavo Rymberg, CEO, Hamilton Jewish Federation
- Jean-Jacques Somwe, President, Congolese Community of Hamilton
- Dr. Gary Warner, Order of Canada recipient and Professor Emeritus, McMaster University
- Joanna Webb, Board President, Hamilton Regional Indian Centre

Dr. Ameil Joseph and Mouna Bile agreed to Co-Chair the Community Advisory Panel. The panel met virtually on the following days in 2020-2021: October 15, 29, November 11 and January 4.

Terms of Reference – HARRC Community Advisory Panel

Overview

Launched in April 2018, the Hamilton Anti-Racism Resource Centre (HARRC) was a collaborative pilot project. In February 2019, the project was paused to allow time for broader engagement across the community. Hamilton City Council approved the re-establishment of HARRC with an independent board of directors. Clear in this directive was the need to anchor that re-establishment in lived experiences of residents grounded in an equity, diversity and inclusion lens.

The HARRC Community Advisory Panel is a short-term commitment from the end of September 2020 to January 15, 2021. The panel’s first meeting took place in October. Following are the draft terms of reference for the HARRC Community Advisory Panel.

Purpose/Mandate/Mission

- To oversee the development of the recommended governance structure and mandate for the HARRC board of directors.
- Recruit and select potential HARRC’s inaugural Board of Directors, with support from the City of Hamilton.

Responsibilities

- Inform and facilitate the review of HARRC mission, vision, and objectives
- Review and approve draft recruitment and selection framework
- Support outreach and communications to recruit potential applicants, with support from the City of Hamilton
- Shortlist and interview potential applicants
- Selection of potential candidates for Hamilton City Council’s approval
- Review and approve final report for Hamilton City Council’s approval

Members/Composition

The Advisory Panel will:

- Be comprised of nine to thirteen community representatives including youth
- Reflect the diversity of Hamilton

Inclusion Policy

To support equitable and accessible participation, members may request resources that may be required to participate and contribute effectively. Every effort will be made to fulfill these requests as budget and resources permit. Our work will be guided by the City of Hamilton’s Equity and Inclusion policies.

Conflict of Interest

Members of the advisory panel will be ineligible to serve on the inaugural HARRC board.

Members will be expected to recuse themselves from interviewing candidates who are family members and/or who have a current business relationship with the member. Potential conflicts should be raised with the Chair.

Remuneration

HARRC Community Advisory Panel members shall serve without remuneration in money or time. Participation on this committee is without remuneration and is completely voluntary.

Term of Membership

Each volunteer member is committed to serving for the duration of the expressed timeframe (October 2020 to January 15, 2021).

Co-Chair Roles

The Co-Chairs of the Advisory Panel are responsible for:

- Providing leadership to the panel by guiding, directing and supporting the members
- Leading Advisory Panel meetings
- Delegating responsibilities for Advisory Panel action items, as required
- Ensuring action items are addressed as needed
- Liaising with the consultant team on a regular basis
- Attending and chairing all meetings

Meetings

Based on the short timeframe of the focus of the HARRC Community Advisory Panel, the Panel will have between three and four meetings.

Decision-Making Process

To support an equitable and accessible decision-making process, decisions in this group will be made via the consensus decision-making approach.

Consensus decision-making is based on the premise that everyone’s voice is worth hearing and that all concerns come from a place of integrity and are valid. If a proposal is deeply troubling to one member, that concern is respected.

Approval of Terms of Reference

The HARRC Community Advisory Panel will review and make recommendations on the Terms of Reference and the final copy will reflect the date in the footer and will also receive a sign off below.



HARRC BOARD OF DIRECTORS

PROPOSED

GOVERNANCE STRUCTURE AND

TERMS OF REFERENCE

City of Hamilton

Project Lead: Evelyn Myrie, Founder & Principal
EMpower Strategy Group

January 25, 2021

Recommended Governance Structure

EMpower Strategy Group completed an analysis of the governance structure of similar organizations with a clear mandate for anti-racism. These organizations included: Black Legal Action Centre (Toronto), Brooklyn Movement Centre (New York), Canadian Race Relations Foundations, City of Toronto – Confronting Ant-Black Racism Unit (CABR), Diversity, Inclusion and Anti-Oppression Advisory Committee (London, Ontario), Newcomer Centre of Peel and Peel Regional Diversity Roundtable.

The team also reviewed the work of Dr. Ameil Joseph’s report, “Findings and Analysis: Year 1, April 2018-February 2019,” which identified recommendations for HARRC.

Moving forward, CAP recommends the following governance structure to ensure that HARRC is set up to succeed:

- Board of directors with 13 members
 - Board led by either two Co-Chairs or Chair and Vice Chair to be elected by the Board itself
- Staggered term limits to ensure continuity; maximum of two terms (TBD in bylaws)
 - 5 members 24-month terms
 - 5 members 36-month terms
 - Chair/Co-Chair 36-month term
- Board to hire an Executive Director within first 90 days
- Executive Director to hire key operational and administrative lead
- Physical office in visible, accessible location with strong digital presence
- Funding provided by City of Hamilton initially (36 months)
- Bylaws and board policies to be determined by board

Acknowledgements:

Thank you to the members of CAP who provided their invaluable input into this project as well as our partners at the City of Hamilton for their support and guidance.

Recommended Terms of Reference Hamilton Anti-Racism Resource Centre (HARRC)

Background

Launched in April 2018, the Hamilton Anti-Racism Resource Centre (HARRC) was a collaborative pilot project. In February 2019, the project was paused to allow time for broader engagement across the community. Hamilton City Council approved the re-establishment of HARRC with an independent board of directors. Clear in this directive was the need to anchor that re-establishment in lived experiences of residents grounded in an equity, diversity and inclusion lens.

In October 2020, a HARRC Community Advisory Panel (CAP) was appointed recruit and recommend HARRC’s inaugural board of directors to City Council. Below is a description of the HARRC director role. Successful candidates will have an opportunity to play a leadership role in building a new organization focused on this important work.

The Board of Directors governs through exercising both its formal authority (i.e., to select the Executive Director) as well as its informal authority of influence and persuasion (i.e. to help shape HARRC’s strategic goals).

The Board traditionally delegates the authority to carry out HARRC’s operations and management to its Executive Director and should actively support – as well as hold accountable – the Executive Director in carrying out HARRC’s vision and purpose:

- **Vision:** To serve as a friendly and supportive centre that promotes a sense of belonging for racialized people in Hamilton and where individuals impacted by racism and other forms of race related oppression can access information, support and resources.
- **Purpose:** The Anti-Racism Resource Centre and telephone help line will help fill service gaps that exist in Hamilton relating to anti-racism and anti-oppression. In particular, it will provide support, assistance and information by offering the option for individuals to speak directly to a trained staff member on matters relating to racism, discrimination and oppression or provide referrals to the appropriate service providers.

Responsibilities

Board members will have a unique opportunity to establish a new governance structure and framework for HARRC as its inaugural board of directors.

Working together – and in constructive partnership with management – the Board also has the responsibility for establishing and shaping the vision, mission and goals of HARRC. Board members play a vital role – often in constructive partnership with senior management – in crafting the strategic direction of HARRC. Collectively, the members of the Board are legally responsible for HARRC and all its activities. They also must provide ongoing oversight to ensure financial soundness and sustainability.

Accordingly, the Board ensures the finances of HARRC are handled properly; approves and monitors its annual budget; establishes and monitors financial policies and practices.

HARRC’s Board will:

- Govern and lead to actively advance the vital mission of HARRC.
- Actively support – and hold accountable – the Executive Director and staff.
- Craft, foster and support the HARRC’s vision, mission, strategic goals, strategic objectives and strategic metrics of success.
- Hold itself accountable to the highest levels of integrity.
- Actively lead and manage its own governance structure, culture and efforts.
- Encourage genuinely diverse ideas, perspectives and opinions.
- Speak as one voice once a decision has been made by the Board.
- Constructively partner with each other, the HARRC Executive Director and staff.
- Diligently and constructively advance HARRC’s relationship with the community.
- Actively oversee HARRC’s ongoing sustainability and operational effectiveness.
- Establish criteria of success and evaluate the overall performance and results of HARRC on an ongoing basis.

Duties

- Develop HARRC’s governing policies and procedures.
- Consistently foster and engage in effective strategic thinking, insights, questions and planning.
- Hire, assist, counsel, oversee and regularly evaluate the Executive Director.
- Foster the Executive Director’s effective leadership and management of HARRC’s personnel, operations and activities.
- Without limiting the general responsibility of the Board, appropriately delegate operational and management authority to the Executive Director of HARRC.
- In constructive partnership with the Executive Director, thoughtfully craft the strategic goals, objectives and metrics of success for HARRC.
- Maintain, monitor and protect the safety and soundness of HARRC and its assets.
- Understand and monitor HARRC’s performance and results.

Time Commitment

Board members will meet regularly. It is likely that the board will need to meet once a month (or more frequently) to get HARRC staffed and up and running. After that, the board may choose to meet less frequently. In the short-term, meetings will take place virtually until social distancing measures are no longer required. Meetings will occur at a time of day that is convenient for the majority of board members. Every effort will be made to ensure full participation.

Remuneration

HARRC directors will serve without remuneration in money or time. Participation is voluntary.

Reasonable expenses such as travel to and from meetings and dependent care may be reimbursed.

Term of Membership

Each director is committed to serve a two-year term (e.g. January 2021 – January 2023). Some directors may have longer terms to ensure board continuity. Terms may be renewable. Board term limit policies will be developed once the board is up and running.

Skills

Board members should be passionate about advancing anti-racism in Hamilton. Experience serving on boards and/or building new not-for-profits is preferred but not a requirement. The Community Advisory Panel will seek to reflect the City of Hamilton’s diversity in HARRC’s board composition.

In addition to the above role profile, there will be key leadership roles on the board:

Chair/Co-Chair

The role of the Chair is to facilitate meetings and act as a champion in moving the mandate forward.

Additional responsibilities will include:

- Ensure that HARRC maintain on file all meeting minutes
- In partnership with Executive Director coordinate meetings, set the date and time, prepare and forward the agenda, and forward any necessary supporting materials to all committee members
- Primary liaison with City of Hamilton and media spokesperson
- Prepare a year-end committee report for inclusion in the Annual Report

Treasurer

The role of the Treasurer is to oversee all financial aspects of HARRC.

Responsibilities will include:

- Oversees finances of the organization
- Oversees fiscal matters of the organization
- Partners with senior staff to create and review annual budget for board approval
- Ensures development and board review of financial policies and procedures

HAMILTON ANTI-RACISM RESOURCE CENTRE**PROJECT NEXT STEPS:****ONBOARDING, BUDGETARY, OPERATIONAL AND SUSTAINABILITY REQUIREMENTS**

Staff conducted further engagement, research and best practices to identify the required tasks if the Board of Directors is approved by Council. The tasks would require retaining a consultant to work with the new Board of Directors to complete the following deliverables and submit a report to Council by July 2021:

Tasks	Deliverables	Timelines	Cost estimates
Governance Capacity Building	<ul style="list-style-type: none"> Onboarding of the new Board of Directors – provide various training sessions for the board to fully understand its roles and responsibilities Develop onboarding package: HARRC briefing document, new board member checklist, etc Draft board policies for board approval Develop bylaws in consultation with legal expertise Establish required Board committees and their terms of reference Advance other new Board/organizational requirements, such as incorporation. 	February – May 2021	\$25,000
Short-Long terms Operational Planning	<ul style="list-style-type: none"> Develop a 5-year operating budget Develop staffing needs and competencies Develop space requirements – both long-term and virtually during the COVID-19 pandemic Facilitate job description development for the inaugural Executive Director Develop a funding and sustainability plan Conduct targeted stakeholders’ engagement to inform the above tasks and activities, and with the Board 	April – June 2021	\$15,000
Report to Council	<ul style="list-style-type: none"> Produce a final report to Council that is clear on full budgetary, operational and sustainability requirements for HARRC Presentation of report to City Council 	July 2021	\$10,000
Total Cost Estimate			\$50,000

CITY OF HAMILTON

AMENDING MOTION

Council Date: February 24, 2021

MOVED BY COUNCILLOR L. FERGUSON.....

SECONDED BY COUNCILLOR.....

3. Hamilton Anti-Racism Resource Centre Update (CM20007(b)) (City Wide) (Item 9.1)

That Item 3 (e) of the Audit, Finance & Administration Committee Report 21-003 respecting the Hamilton Anti-Racism Resource Centre Update (CM20007(b)) be deleted in its entirety and the following be inserted therein:

~~(e) That the recommendations for Appointments to the HARRC Board be approved and released publicly following approval by Council.~~

(e) That the following individuals be appointed to the Hamilton Anti-Racism Resource Centre Board:

- 1) Alice Mendelsohn
- 2) Amber Dean
- 3) Ashleigh Montague
- 4) Cassandra Belasco
- 5) Desire Yamutuale
- 6) Farhanna Khan
- 7) Jordan Carrier
- 8) Kassia Johnson
- 9) Kudzie Chasosa
- 10) Rodrigo Narro Perez
- 11) Roshney Kurian
- 12) Sandi Bell
- 13) Yvan Brochu



BOARD OF HEALTH REPORT 21-002

9:30 a.m.

Friday, February 19, 2021

**Council Chambers
Hamilton City Hall**

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

**Absent with
Regrets:** Councillors B. Clark and T. Whitehead – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Correspondence from Peggy Sattler, MPP, London West, respecting Support for the Private Member's Bill entitled Stay Home If You Are Sick Act (Item 5.1)**

That the Correspondence from Peggy Sattler, MPP, London West, respecting Support for the Private Member's Bill entitled Stay Home If You Are Sick Act, be endorsed.

- 2. 2020 Board of Health Self-Evaluation Survey Results (BOH20021(a)) (City Wide) (Item 7.1)**

That Report BOH20021(a) respecting the 2020 Board of Health Self-Evaluation Survey Results, be received.

- 3. Hamilton Drug Strategy 2020 Year End Report (BOH21002) (City Wide) (Item 7.2)**

That Report BOH21002 respecting the Hamilton Drug Strategy 2020 Year End Report, be received.

**4. Call for Permanent Inclusion Of Paid Sick Leave Provisions Under The
*Employment Standards Act (Added Item 11.1)***

WHEREAS, COVID-19 has been declared a pandemic by the World Health Organization and it has given rise to declarations of emergency under the Emergency Management and Civic Protection Act by the Government of Ontario, which declared a second a second provincial emergency as of January 12, 2021;

WHEREAS, COVID-19 is spread from an infected person to a close contact by direct contact or when respiratory secretions from the infected person enter the eyes, nose or mouth of another person;

WHEREAS, the rapid and steep uptick in COVID-19 cases and the emergence of new variants of concern have been alarming;

WHEREAS, the COVID-19 pandemic has revealed the close interconnection between the economy and population health;

WHEREAS, COVID-19 has revealed the need for policies to contain the epidemic effectively, prevent recurrent waves of infection and minimize mortality;

WHEREAS, global climate change and mass movements of population will mean that the current novel pandemic is unlikely to be the last one we face and the policies we put in place now will also help prepare us for the next pandemic;

WHEREAS, the COVID-19 pandemic has revealed stark deficiencies in various policies for protecting both workers and firms during crisis in which there is major disruption to employment;

WHEREAS, places of work have been identified as increasingly significant drivers of COVID-19 transmission and outbreaks;

WHEREAS, there is increasing recognition of the importance of staying home when sick in order to prevent the transmission of infectious illnesses like COVID-19;

WHEREAS, not everyone has the ability to stay home when sick due to fear of lost wages and differences in job security;

WHEREAS, employees attending work while sick can have a ripple effect at the workplace, including transmitting infectious diseases which will ultimately increase costs to employers and affect goods or service outputs;

WHEREAS, some of Hamilton's essential workers are precariously employed, limiting their ability to stay home when ill;

WHEREAS, on January 15, 2021, Ontario's Big City Mayors put out a news release stating that "too many workers across Ontario are having to choose between going to work sick or losing income" and urging the provincial and federal government "to

implement a broader sick day program now that provides greater benefits and can be accessed by employees as quickly as possible”;

WHEREAS, with the exception of a relatively small number of federally regulated industries, the majority of workplaces are provincially regulated, making it foremost the jurisdiction of provinces to ensure seamless access to paid sick leave for workers;

WHEREAS, despite these and other calls from public health experts and officials, the Government of Ontario has yet to announce measures that include paid sick days; and

WHEREAS, the Government of Ontario should reinstate guaranteed paid sick leave under the *Employment Standards Act* to ensure that workers do not have to choose between their livelihoods and following public health directives

THEREFORE BE IT RESOLVED

- (a) That correspondence be sent to the Minister of Health and Long-Term Care endorsing the City of Hamilton’s call for the permanent inclusion of paid sick leave provisions under the *Employment Standards Act* as a public health measure to prevent transmission of communicable diseases including COVID-19; and
- (b) That a copy of the correspondence be forwarded to local-area Members of Provincial Parliament.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

There were no ceremonial activities.

(b) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised the Board of the following changes:

6. REVISED DELEGATION REQUESTS:

- 6.1. Delegation Request from Lyndon George respecting Structural Reform of the Board of Health (for a future meeting)
- 6.2. Delegation Request from Madeleine Verhovsek respecting Structural Reform of the Board of Health (for a future meeting)

The delegates have asked to have their requests considered for a future meeting.

12. NOTICE OF MOTION

12.1. Call for Permanent Inclusion of Paid Sick Leave Provisions Under the Employment Standards Act

The agenda for the February 19, 2021 Board of Health was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) January 11, 2021 (Item 4.1)

The Minutes of the January 11, 2021 meeting of the Board of Health were approved, as presented.

(e) COMMUNICATIONS (Item 5)

(i) Correspondence from the Honourable Christine Elliot, Minister of Health, respecting COVID-19 Extraordinary Costs (Item 5.2)

That the Correspondence from the Honourable Christine Elliot, Minister of Health, respecting COVID-19 Extraordinary Costs, be received.

(f) DELEGATION REQUESTS (Item 6)

The following delegation requests were approved for a future meeting:

(i) Delegation Request from Lyndon George respecting Structural Reform of the Board of Health (for a future meeting) (Item 6.1)

(ii) Delegation Request from Madeleine Verhovsek respecting Structural Reform of the Board of Health (for a future meeting) (Item 6.2)

(g) STAFF PRESENTATIONS (Item 9)

(i) Overview of COVID-19 Activity in the City of Hamilton 11 Mar to Present (Item 9.1)

Dr. Elizabeth Richardson, Medical Officer of Health; Michelle Baird, Director, Healthy and Safe Communities and Stephanie Hughes, Epidemiologist, Healthy and Safe Communities, addressed the Board with an Overview of COVID-19 Activity in the City of Hamilton 11 Mar to present, with the aid of a PowerPoint presentation.

The Presentation respecting an Overview of COVID-19 Activity in the City of Hamilton 11 Mar to present, was received.

(h) NOTICE OF MOTION (Item 12)

(i) Call for Permanent Inclusion of Paid Sick Leave Provisions Under the Employment Standards Act (Added Item 12.1)

The Rules of Order be waived for the introduction of a motion respecting a Call for Permanent Inclusion of Paid Sick Leave Provisions Under the *Employment Standards Act*.

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

(i) ADJOURNMENT (Item 15)

There being no further business, the Board of Health adjourned at 12:01 p.m.

Respectfully submitted,

Mayor F. Eisenberger
Chair, Board of Health

Loren Kolar
Legislative Coordinator
Office of the City Clerk



PUBLIC WORKS COMMITTEE REPORT 21-003

1:30 p.m.
Friday, February 19, 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 21-003 AND RESPECTFULLY RECOMMENDS:

1. **Corporate Energy and Sustainability Policy (PW14050(a)) (City Wide) (Item 8.1)**
 - (a) That the City of Hamilton adopt the revised Corporate Energy and Sustainability Policy attached as Appendix “A” to Public Works Committee Report 21-003;
 - (b) That all Boards and Agencies be encouraged to adopt the policy and actively participate towards the stated reporting, targets and goals; and,
 - (c) That staff provide annual corporate-wide energy updates to the Public Works Committee reporting on energy results and progress.
2. **Upper Gage Avenue between Rymal Road East and Stone Church Road East – Roadway Safety Audit Update (PW21007) (Ward 6) (Item 9.1)**
 - (a) That the speed limit on Upper Gage Avenue between Rymal Road East and Stone Church Road East be reduced to 40 km/h;

- (b) That the speed limit on Royal Vista Drive between Templemead Drive and Upper Gage Avenue be reduced to 30 km/h in alignment with the school zone;
- (c) That the speed limit on Templemead Drive between Ingrid Court and Tudor Street be reduced to 30 km/h in alignment with the school zone; and,
- (d) That Upper Gage Avenue between Rymal Road East and Stone Church Road East be designated as a Community Safety Zone.

3. City of Hamilton's Cemeteries By-law Update (PW21005) (City Wide) (Item 9.2)

That City of Hamilton By-law No. 12-151, being a By-law respecting the City of Hamilton's Cemeteries, be amended as detailed in Appendix "A" attached to Report PW21005.

4. Moving Hamilton Towards a Zero Plastic Waste Plan (PW21006) (City Wide) (Item 9.3)

- (a) That Appendix "B" attached to Public Works Committee Report 21-003 respecting the City of Hamilton Strategy to Reduce Single-Use Plastics be approved; and,
- (b) That staff continue to participate in consultation opportunities and provide comments on behalf of the City, on proposed Federal and Provincial legislation related to single-use plastics.

5. Canada Healthy Communities Initiative Intake One (FCS21020) (City Wide) (Added Item 9.4)

- (a) That the Hamilton Street Art Festival 2021 Project be approved as the City of Hamilton's submission for consideration to the Community Foundations of Canada for the requested funding amount of up to \$250,000 in accordance with the terms and conditions associated with the Canada Healthy Communities Initiative;
- (b) That the Mayor and City Clerk be authorized to execute all necessary documentation, including Funding Agreements to receive funding under the Canada Healthy Communities Initiative with content satisfactory to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor;
- (c) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to

the City's acceptance of funding from the Canada Healthy Communities Initiative for the Hamilton Street Art Festival 2021 Project;

- (d) That copies of Report FCS21020 be forwarded to local Members of Parliament; and,
- (e) That staff report back on a recommended project for the City to submit to the second intake to the Canada Healthy Communities Initiative expected in May 2021.

6. Green Acres Park Pedestrian Pathway Replacement and Sidewalk Repairs on Valley Drive, Felker Crescent and Faircourt Drive, Hamilton (Ward 5) (Added Item 10.1)

- (a) That \$130,000 be allocated to sidewalk repairs on Valley Drive, Felker Crescent and Faircourt Drive in Ward 5, and that the capital works be funded by utilizing the Ward 5 – 2021 Minor Maintenance Account (#4031911605);
- (b) That \$190,000 be allocated to the replacement of the pedestrian pathway in Green Acres Park, and that the capital works be funded by utilizing the Ward 5 – 2021 Minor Maintenance Account (#4031911605); 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. Designation of the Slope (Hill) at Lake Avenue and Huckleberry Drive, Hamilton, as a Sanctioned Tobogganing Location on City Property (Ward 5) (Added Item 10.2)

WHEREAS, at its meeting of February 10, 2021, Council removed the clause (d) that no further sites be added as designated tobogganing hills within the City, from Item 10 of the General Issues Committee Report 17-025, respecting Report PW15086(c) - Identified Tobogganing Locations on City Property, 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.

THEREFORE, BE IT RESOLVED:

- (a) That staff of Recreation, Parks and Risk Management be directed to perform an on-site review and assess the operational funding required to designate the slope (hill) at Lake Avenue and Huckleberry Drive as an Identified Tobogganing Location on City Property; and,

- (b) That upon a successful review by staff, staff be directed to make the necessary amendments to the Identified Tobogganing Locations on City Property.

8. Appointments to the Keep Hamilton Clean and Green Committee for the 2018-2022 Term (Item 13.1)

That the appointments to the Keep Hamilton Clean and Green Committee for the 2018-2022 Term be approved and released publicly following approval by Council.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

4. COMMUNICATIONS (Item 4)

- 4.1 Correspondence from Fiona Parascandalo respecting Item 9.2 - City of Hamilton's Cemeteries By-law Update (PW21005) (City Wide)

Recommendation: Be received and referred to the consideration of Item 9.2 - City of Hamilton's Cemeteries By-law Update (PW21005) (City Wide).

5. DELEGATION REQUESTS (Item 5)

- 5.2 Robert Cook, Ontario Waste Management Association, respecting an Endorsement of the City of St. Catharines' resolution on Development Approval Requirements for Landfills (Bill 197) (for a future meeting)

9. DISCUSSION ITEMS

- 9.4 Canada Healthy Communities Initiative Intake One (FCS21020) (City Wide)

11. NOTICES OF MOTION (Item 11)

- 11.1 Green Acres Park Pedestrian Pathway Replacement and Sidewalk Repairs on Valley Drive, Felker Crescent and Faircourt Drive, Hamilton (Ward 5)

- 11.2 Designation of the Slope (Hill) at Lake Avenue and Huckleberry Drive, Hamilton, as a Sanctioned Tobogganing Location on City Property (Ward 5)

The agenda for the February 19, 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) February 1, 2021 (Item 3.1)

The Minutes of the February 1, 2021 meeting of the Public Works Committee were approved, as presented.

(d) COMMUNICATIONS (Item 4)

(i) Correspondence from Fiona Parascandalo respecting Item 9.2 - City of Hamilton's Cemeteries By-law Update (PW21005) (City Wide) (Added Item 4.1)

The correspondence from Fiona Parascandalo respecting Item 9.2 - City of Hamilton's Cemeteries By-law Update (PW21005) (City Wide) was received and referred to the consideration of Item 9.2.

(e) DELEGATION REQUESTS (Item 5)

(a) The following delegation requests were approved:

- (i) Geoff Ondercin-Bourne and Ed Reece, Council of Canadians, respecting Solar Retrofitting of Public Buildings in Hamilton (for today's meeting) (Item 5.1)**
- (ii) Robert Cook, Ontario Waste Management Association, respecting an Endorsement of the City of St. Catharines' resolution on Development Approval Requirements for Landfills (Bill 197) (for a future meeting) (Added Item 5.2)**

For further disposition respecting Item 5.1, refer to Item (g)(i).

(f) CONSENT ITEMS (Item 6)

(i) Interview Sub-Committee to the Public Works Committee Minutes - February 19, 2021 (Item 6.1)

The Minutes of the February 19, 2021 meeting of the Interview Sub-Committee to the Public Works Committee, were received.

(g) PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)

(i) Geoff Ondercin-Bourne and Ed Reece, Council of Canadians, respecting Solar Retrofitting of Public Buildings in Hamilton (Added Item 7.1)

Geoff Ondercin-Bourne, Council of Canadians, addressed the Committee respecting Solar Retrofitting of Public Buildings in Hamilton, with the aid of a handout.

The delegation and handout from Geoff Ondercin-Bourne, Council of Canadians, respecting Solar Retrofitting of Public Buildings in Hamilton, were received.

(h) STAFF PRESENTATIONS (Item 8)

(i) Corporate Energy and Sustainability Policy (PW14050(a)) (City Wide) (Item 8.1)

Tom Chessman, Manager, Energy Initiatives, addressed Committee respecting Report PW14050(a), Corporate Energy and Sustainability Policy, with the aid of a presentation.

The presentation, respecting Report PW14050(a), Corporate Energy and Sustainability Policy, was received.

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

(i) NOTICES OF MOTION (Item 11)

(i) Green Acres Park Pedestrian Pathway Replacement and Sidewalk Repairs on Valley Drive, Felker Crescent and Faircourt Drive, Hamilton (Ward 5) (Added Item 11.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Green Acres Park Pedestrian Pathway Replacement and Sidewalk Repairs on Valley Drive, Felker Crescent and Faircourt Drive, Hamilton (Ward 5).

For further disposition of this matter, refer to Item 6.

(ii) Designation of the Slope (Hill) at Lake Avenue and Huckleberry Drive, Hamilton, as a Sanctioned Tobogganing Location on City Property (Ward 5) (Added Item 11.2)

The Rules of Order were waived to allow for the introduction of a Motion respecting the Designation of the Slope (Hill) at Lake Avenue and Huckleberry Drive, Hamilton, as a Sanctioned Tobogganing Location on City Property (Ward 5).

For further disposition of this matter, refer to Item 7.

(j) 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) Item Requiring a New Due Date:

- (i) Proposed City Hall Forecourt Security Enhancements**
Item on OBL: ABI
Current Due Date: February 19, 2021
Proposed New Due Date: March 22, 2021

(b) Item Considered Complete and Needing to be Removed:

- (i) Moving Hamilton Towards a Zero Plastic Waste Plan**
Addressed as Item 4 on today's agenda - Report PW21006
Item on OBL: AY

(k) PRIVATE AND CONFIDENTIAL (Item 13)

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

(i) Appointments to the Keep Hamilton Clean and Green Committee for the 2018-2022 Term (Item 13.1)

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

(I) ADJOURNMENT (Item 14)

There being no further business, the Public Works Committee was adjourned at 4:12 p.m.

Respectfully submitted,

Councillor A. VanderBeek
Chair, Public Works Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk

Corporate Energy and Sustainability Policy

CITY OF HAMILTON

ENERGY, FLEET AND FACILITIES MANAGEMENT DIVISION
PUBLIC WORKS DEPARTMENT

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EXECUTIVE SUMMARY

The City of Hamilton's (City) first Corporate Energy Policy (PW07127) was created and adopted by Council in 2007. This policy calls for a review every five (5) years. Regular review of the policy is beneficial to further define its goals, targets and policy actions as regulatory framework, technologies and energy industries evolve.

The latest City of Hamilton's Corporate Energy and Sustainability Policy (CESP) will be maintaining its current corporate energy intensity reduction targets of 45% in 2030 and 60% in 2050 as compared to a 2005 base year. The original target of 20% reduction by 2020 was met, and the current energy intensity reduction is 25% less than the base year. Meeting these targets will also put Hamilton on track to become a net zero carbon municipality.

The purpose of the CESP is to provide City staff and external stakeholders with a set of guidelines and protocols to assist in the making of decisions or choices relative to energy using equipment, processes, systems and activities. The intent for these guidelines, once they are implemented will lead to further energy reduction and further emissions reduction which will result in a direct benefit the City of Hamilton financially and environmentally.

In 2008, the City created and approved the City's first corporate Energy Commodity Policy (PW08144/FCS08114). The Energy Commodity Policy is intended to provide the framework necessary to allow The City of Hamilton the means to procure the necessary quality and quantity of energy commodities in an efficient, timely, and cost-effective manner, while maintaining the controls necessary for a public institution in accordance with the Energy Commodity Policy. The energy Commodity Policy was integrated into the Corporate Energy Policy in 2014 to form one cohesive policy document for ease of reference and continues with this iteration of the Corporate Energy and Sustainability Policy herein.

The CESP is also integral to the success of meeting the revised environmental emission targets established through the climate change task force. The previous target for 50% greenhouse gas emissions remains, a new target of net zero emissions by 2050 has been put in place. This result can be achieved through a combination of energy conservation and demand management, renewable energy supply and through the purchase of environmental offsets e.g. carbon credits. The City's revised energy and emission targets are outlined in the table below.

Table 1: Corporate Energy Intensity and Emission Reduction Targets

Year	Energy Intensity Reduction Targets	Emissions Reduction and Offset Target
2030	45%	50%
2050	60%	100% (Net 0)*

* Revised target, previously 80% reduction by 2050.

The focus of this policy continues to be on corporate energy and sustainability activities, dealing with City owned assets.

The City of Hamilton's CESP is designed to:

- Facilitate the achievement of City-wide energy and emission reduction targets;
- Address legislated reporting requirements;
- Define policies for capital investment related to energy;
- Define policies related to energy procurement;
- Address regulations concerning greenhouse gases (GHG) emissions.

The City of Hamilton's CESP incorporates the following key focus areas:

1. Mitigation of Energy and Fuel Consumption

- Reduction of energy and fuel use to facilitate achievement of specified targets

2. Specific Energy and Sustainability Policies and Policy Actions

- Base Building Standards;
- Project Approval Processes;
- Incentive/ Funding Programs, Life Cycle Analysis;
- GHG Emissions, Reporting and Protocol;
- Fuel Reduction Targets;
- Hamilton Water Energy Reporting;
- Energy Reserve;
- Energy Efficient Lighting;
- Building Automation Systems;
- Sustainable Building;
- Energy Efficient Equipment;
- Generation, Cogeneration, District Energy and Renewable Energy;
- Emergency Generators and Back-Up Power Systems;
- Monitoring and Verification;
- Building Labelling;
- Energy Procurement;
- Renewable Energy.

3. Energy Commodity Policy

- All Energy specific purchasing policy related to the: commodities, sales, delivery (rates) and storage of energy commodities including hedging agreements. Detailed in section 7.0.

4. Legislated Programs and Reporting Requirements

- The Public Works, Energy Initiatives section will be responsible for reporting on all City of Hamilton corporate energy consumption reductions, cost savings

initiatives and associated environmental emission reductions associated with energy conservation, sustainability and demand management on an annual basis at a minimum as required by the current provincial legislation.

- At least once every year, energy consumption, energy intensity, GHG emissions and energy costs will be reported to City council describing the performance of the City's energy program.
- Additionally, Public agencies are required to report annually to the province and publish on the provincial website and intranet site and make available to the public in printed forms at its head office, the public agency's Energy Consumption and Greenhouse Gas Emission Template as required by current legislative requirements.
- As required by current provincial legislation, Public agencies are required to submit to the Minister, publish on its website and intranet site and make available to the public in printed forms at its head office, the public agency's five year conservation and demand management plan to outline the actions to reduce and optimize energy use and reduce environmental emissions and throughout all City departments.

5. Boards and Agencies

- All City Boards and Agencies are encouraged to adopt the revised policy and actively participate towards the stated reporting, targets and goals.

6. Alignment with Community Energy Plan

- City of Hamilton is encouraged to actively participate towards the stated reporting, targets and goals of the community-based plan once that plan is endorsed by Council.

The City has maintained a commitment to managing the energy portfolio within the ever-evolving energy and regulatory environment, incorporating energy related policies and energy efficiency into project and operational decision-making and setting targets to achieve reductions in energy intensity and GHG emissions. The specific focus areas of the policy are further defined in the sections to follow.

1.0 MITIGATION OF ENERGY CONSUMPTION

Building on the success of the CESP to date (25% energy intensity reduction as of 2019); it is necessary that the City continue to move forward with its energy and sustainability strategy.

The City will need to achieve its targets through a combination of:

1. Corporate Energy and Sustainability Committees;

2. Annual reporting on energy use, energy intensity, emissions and energy management plan;
3. Building Environmental Standards;
4. Monitoring and Targeting of Existing/New/Retrofitted Buildings;
5. Investment in Energy Efficiency - Existing Buildings;
6. Implementation of Energy Efficient Design - Major Renovations / New Construction;
7. Implementation of Energy Management Policies related to Renewable Energy, Environmental Impact;
8. Optimization of energy use by Hamilton Water;
9. Prudent management of energy commodity purchasing.

1.1 Corporate Energy and Sustainability Committee (CESC)

The CESC provides a vehicle for key staff to work together in developing energy plans and strategies from each of their divisions. The CESC will continue to have lead responsibility and accountability for achieving future energy reduction targets.

Policy Actions – CESC

- Each committee shall consist of key representatives from within the divisions including Directors, Managers and other members of the management section as well as project managers and advisors e.g. Energy Initiatives section.
- Each CESC will oversee the development of respective Energy Conservation and Development Plans for achieving targeted results.
- Each CESC will monitor energy intensity, energy usage, GHG emissions, where applicable to address areas of concern, promote best practices and develop measures for energy efficiency improvements and GHG emissions reductions.

1.2 Annual Reporting

At least once every year energy intensity, energy consumption, emissions and energy costs will be reported to City council describing performance of the City's energy program for City-owned assets using various key performance indicators (KPIs). KPIs assist in tracking progress and identifying areas of concern or focus for energy and emissions reductions. These reports are to be posted on the City web site.

In addition, reporting of corporate energy use, emissions or other energy-related items, including Conservation and Demand Management (CDM) plans are required to be submitted to provincial and/or federal regulatory bodies. CDM plans are currently required by the province to be reviewed, evaluated and updated every five years.

Policy Actions – Corporate Annual Reporting

- The Public Works, Energy Initiatives section will be responsible for reporting on all of Hamilton corporate energy intensity, energy consumption, emissions, costs, consumption reductions, cost savings initiatives, conservation and demand management on an annual basis.
- The Public Works, Energy Initiatives section will be responsible for reporting on all of Hamilton corporate energy consumption, associated emissions, energy conservation and demand management plans when and as required by provincial and/or federal legislation.

1.3 Building Environmental Standards

Efficient building operation must be defined in order to be managed. Once standards for efficient operation are quantified, operation and maintenance effectiveness can be measured.

The following temperature settings apply to all City facilities unless a deviation from the standard is required as determined by Facilities Management due to mechanical or system limitations:

Policy Actions – Base Building Minimum Standards (Building Temperatures)

- Indoor temperature settings will follow ASHRAE standards for indoor temperature target of 22 C. All spaces during occupied periods will be set at 22 degrees Celsius (72°F) during the winter and 24 degrees Celsius (75°F) during the summer. Where available, occupants will be given the temporary capability of varying temperature +/- 1 degree Celsius (2°F), resulting in 21-23°C (70-73°F) for heating and 23-25°C (74-77°F) for cooling.
- Indoor temperature settings in all spaces during unoccupied periods will be set at 18°C (64°F) during the winter and 27°C (81°F) during the summer. The exception is for pre-heating or pre-cooling periods necessary to maintain building system performance during occupied periods, especially during adverse weather conditions.

Occupants who control their own thermostats are required to adhere to these temperature standards also. In City leased office spaces, temperature conditions for occupied and unoccupied period within the Energy Policy should be established as part of building lease agreements if applicable.

The following indoor pool water temperature settings apply to all City facilities operating pools unless a deviation from the standard is required as determined by Facilities Management due to mechanical or system limitations:

Policy Actions – Base Building Minimum Standards (Pools)

- Main pools should not exceed 29.4°C (85°F);
- Warm/teaching pools should not exceed 34.4°C (94°F);
- During the Summer (mid-June to mid-September), decrease the main pool temperatures to 28.9°C (84°F). For the remainder of the year, set at no higher than 29.4°C (85°F).

A performance standard must be measurable and quantifiable. The following are examples of additional standards of performance for City of Hamilton buildings:

Policy Actions – Base Building Minimum Standards

- Domestic hot water tank temperature (50°C).
- Minimum light levels in offices, hallways, storage areas, etc. set according to IES guidelines and further detailed in Section 5.4.
- Maximum CO₂ level in offices, resident spaces, etc. (e.g. 700 ppm above ambient)
- Fan operation: when outdoor air temperature permits, provide free cooling any time the outdoor temperature is below the required system supply temperature outdoor air intake dampers are to be optimized for energy efficient operation while maintaining indoor air quality.

When it comes time to evaluate energy efficiency measures (e.g. lighting retrofits, control of fresh air volume using CO₂, etc.), these should provide useful guidelines that can be adopted with the Energy Initiatives section approval.

Definitions of the standards are not arbitrary. The standards must reflect building code requirements, good Operation & Maintenance practices, and occupant needs.

The National Energy Code of Canada for Buildings (NECB) is an energy code for New Buildings that defines a set of minimum energy performance requirements for various building components. The *National Energy Code of Canada for Buildings 2017* (NECB), sets out technical requirements for the energy efficient design and construction of new buildings. NRC and NRCan are publishing this interim edition of the NECB in response to proposals received that improve the overall energy performance of buildings over the 2015 edition. Modelling for these changes indicates a potential energy efficiency improvement of between 10.3 and 14.4 % over the NECB 2011. The 2017 edition is an important step toward Canada's goal for new buildings, as presented in the Pan-Canadian Framework, of achieving 'Net Zero Energy Ready (NZER)' buildings by 2030.

In terms of Building environmental standards in this section, there are several general best practices that are recommended to be followed by any facility with HVAC equipment. These are listed below:

- Provide thermostats and controls that allow HVAC equipment to be controlled in each `Thermal Zone` within the facility.
- Provide Automatic Controls that shut-off ventilation systems when spaces are unoccupied and for nighttime setback of heating and cooling systems.
- Provide Outdoor Air Dampers that close automatically when the ventilation system is turned off.
- Provide ventilation `economizers` that can bring in extra outdoor air for free-cooling and water-side economizers that can save energy by bypassing the chiller plant.
- Right size equipment for each space and provide air-balancing to all areas. Use equipment with maximum possible efficiency for each application.
- Provide heat recovery of exhaust gases where feasible.
- Provide sealing of all ductwork, and insulation and protection of ductwork located outside of conditioned spaces.

1.4 Existing Buildings

Conservation and Demand-Side Management (CDM) activities include efficiency upgrades to energy consuming systems. CDM Retrofits tend to be initiatives where a new energy efficient technology or group of technologies are added or retrofit within a facility or group of facilities. These measures can benefit the City through:

- Reduced Energy Demand & Consumption
- Reduced Energy Costs
- Reduced Environmental Emissions (GHG reductions)
- Reduced Maintenance Costs and improved reliability
- Reduced Exposure to Energy Market Volatility (Risk Mitigation)
- Improved Working Environments
- Improved Productivity

1.5 Retrofits and Capital Renewal/Life Cycle Replacements

Capital Renewal/ Life Cycle Replacements are generally managed by the division who carries responsibility for operating and maintaining the existing or original equipment e.g. *Public Works, Energy, Fleet and Facilities Management*. Typical projects include major capital replacements of chillers, boilers, roofs, windows, HVAC, fans, pumps, piping etc. The intent is to make CDM part of the City's normal course of business for all facility and operational retrofits, including capital renewal and life cycle replacement projects.

Policy Actions – Project Approval Process

- This policy mandates the Energy Initiatives section involvement in the review of projects at the earliest possible concept stage. Energy Initiatives section approval of projects will only be given with appropriate review and life cycle analysis. This ensures that options for improving energy efficiency are considered, evaluated and quantified in terms of life cycle costing analysis, including cost, maintenance and emission reductions.
- Projects can continue to be managed by the division who carries responsibility for operating and maintaining existing or original equipment or the Energy Initiatives section can take the project lead as required (lighting, Building Automation Systems, renewable energy or new technology applications).

Typical equipment to be considered for this process includes:

- HVAC equipment (e.g. boilers, chillers, pumps, motors etc.);
- Lighting and controls;
- Building envelope (e.g. roofs, insulation, windows and doors etc.);
- Water use (e.g. pools, toilets, water reclaim etc.);
- BAS (Building Automation System) controls;
- Process improvements;
- Back-up generators;
- Any other energy consuming device.

These types of projects generally follow 4 phases:

1. Project Identification & Feasibility - Energy Audits, Feasibility Analysis or Detailed Condition Assessments;
2. Planning & Budgeting - Project Financing, Incentives, Business Case & Approvals;
3. Implementation – Tender, Project Execution, Project Management, Commissioning;
4. Monitoring & Verification – Measure and verify results, report achievements.

Policy Actions – Incentive / Funding Programs, Life Cycle Analysis, Approvals

The Energy Initiatives section will be a resource for implementation and follow-up of the recommended five (5) step process (below). In the following recommendations all facility and operational CDM retrofits and capital renewal/ life cycle replacement projects are required to adopt the following procedures.

- 1) Identify government and utility funding programs (incentives):

Incentives funding opportunities for CDM projects and feasibility studies are available.

Most government and utility funding programs are designed to encourage greater levels of energy efficiency or CDM activities which would not have been normally achieved without these funds. As new energy efficient product costs decline or become more cost effective due to higher utility rates, and as design techniques become main stream, through code changes or reduction targets achieved, funding for these activities will likely be reduced or eliminated altogether. It should be noted that all funding programs are established with a defined or limited budget. The main goal is to ensure we secure all eligible incentives.

Some funding programs are prescriptive (product specific) while others consider custom measures, often requiring detailed engineering analysis. In some cases, a feasibility study may be necessary.

It should be noted that most government and utility incentive /funding programs will NOT provide incentives for project feasibility studies or CDM retrofit / renewal projects that have been initiated by way of a purchase order prior to incentive application approval. Pre-approval of incentive-based projects before the project is initiated is the norm.

2) Determine the project base case(s) vs. the alternative CDM option(s):

For CDM retrofit projects the “base case” is usually the existing equipment. For Capital Renewal/ Life Cycle Replacement Projects the “base case” is typically the standard efficiency replacement option.

In some cases, the funding can be for prescriptive measures. Nevertheless, the existing, base case and energy efficiency options must all be considered for tracking and reporting purposes.

3) Identify the following for each option on an annual and life cycle cost basis:

- Associated project / equipment costs;
- Energy consumption and energy demand (e.g. kWh, kW, GJ, M3, L – see definitions);
- Energy consumption reduction, demand reduction and cost savings;
- Emission reduction;
- Maintenance and operational savings;
- Impact with and without financial incentives or funding.

Energy rate escalators should be factored in using most recent data and forecasts. Determining the equipment cost, energy consumption, emission reduction and cost savings associated with all options is necessary for qualifying for incentive funding and for internal tracking purposes.

4) Provide Project information to the Energy Initiatives section:

Project information will be used by the Energy Initiatives section for tracking, monitoring and verification for reporting to City Council and Senior City Management, including incentives.

- 5) Identify project recommendations for proceeding with the base case or the more energy efficient option and reasons/ rationale why:

Complying with these steps will ensure that energy efficiency and emissions are considered in all projects and for incentives applications which will in most cases compare an energy efficient option to a base case. It also provides the City with the ability to track all energy saving initiatives and their environmental and cost savings.

1.6 Major Renovations and New Construction

Major Renovations are similar to new construction in that they involve major capital and planning involvement. New Construction projects involve the complete design, development and construction of a new facility.

1.6.1 Evaluation of LEED and Green Building Design Options

To promote energy efficiency and environmentally friendly building practices, the City of Hamilton encourages LEED (Leadership in Energy and Environmental Design) design where practical. LEED construction will be compared to other options using Life Cycle Costing to assist on deciding whether the City wishes to use LEED or other design alternatives, according to end use requirements and budget constraints.

Such design alternatives include zero carbon buildings, which are buildings that are highly energy efficient and fully powered from on-site and/or off-site renewable energy sources or through procured carbon offsets to fully offset carbon emissions associated with the operations. The ZCB-Design Standard provides requirements that guide the design of new buildings and the retrofit of existing ones, to best empower buildings to achieve zero carbon operations. For ZCB-Design v2 certification, design must carefully consider embodied carbon, refrigerants and airtightness.

- 1) Major Renovations (>50% gross floor area) - All major renovations of City owned facilities will require a life cycle cost assessment of the energy, financial and environmental benefits associated with:
 - Base case design;
 - LEED Certified design;
 - LEED Silver design (including ZCB).
- 2) New Construction - All new City facilities to be constructed will require a life cycle cost assessment of the energy, emissions, financial and environmental benefits associated with having the building constructed according to:

- Base case design;
- LEED Certified design;
- LEED Silver design (including ZCB);
- LEED Gold design (including ZCB);
- LEED Platinum design (including ZCB).

LEED and ZCB design for new construction and major renovations makes good business sense, in that a high-performance green building vs. conventional inefficient buildings can reduce energy consumption and greenhouse gas (GHG) emissions and result in lower ongoing operating costs.

Table 2: Sustainable Building Standards

Type	Space	LEED Gold (Including ZCB)	LEED Certified (Including ZCB)	Corporate Energy Policy (Section 5.11)
New Construction	>500m ²	✓		
	<500m ²		✓	
Major Renovations	>500m ²	✓		
	<500m ²			✓
Other Renovations	>500m ²			✓
	<500m ²			✓

1.7 Occupied Spaces Energy Management Policies

The following supplemental policies will apply for all buildings with occupied spaces that provide basic environmental services.

1.7.1 Temperature Setback: Smog / Constrained Electricity Supply Days

During smog days or electricity supply constrained periods which are typically associated with the highest peak price for energy, cooling season temperatures will be increased by an additional 2 degrees Celsius in an effort to reduce energy consumption. The Energy Initiatives section will monitor peak demand days on behalf of the City and will send notifications out to the client group to potentially shift loads to off peak hours (where operationally possible) as per Section 6.2 of this policy.

1.7.2 After Hours 'Lights Out' Program

The City encourages the Lights Out effort for all applicable buildings where this can be integrated without concern for safety and for successful participation in events like Earth

hour once a year. There are two challenges to overcome with lights out program. The first is technological and the second is cleaning schedules. Given this:

- The City will work towards phasing in automated lighting control upgrades on City facilities as budgets allow, so that the City can lead by example by automatically turning off unnecessary lighting in City owned facilities after hours when the buildings are unoccupied. The use of motion control will be widely integrated.
- Where manual lighting controls exist in facilities, staff will continue to educate security guards, cleaning staff and maintenance staff on the importance of lighting only areas that are necessary during unoccupied periods.

1.7.3 Leased Office Spaces – Terms for Leases

In City leased office spaces, temperature conditions for occupied and unoccupied period within the Energy Policy should be established as part of building lease agreements and should comply with Section 1.3 of this policy.

2.0 EMISSIONS / GREENHOUSE GASES (GHG)

2.1 GHG Targets

The City of Hamilton's Corporate Energy and Sustainability Policy is integral to meeting the greenhouse gas emission reduction target of net zero emissions by 2050 relative to 2005 base year. These emissions are commonly known as operational carbon.

Corporately, achieving net zero greenhouse gas emissions means it is imperative that the City reduce its emissions sources. Efforts need to be focused on reducing consumption by utilizing energy efficient measures; moving toward more renewable energy sources (e.g. hydro, wind, solar, renewable natural gas) to power and heat City facilities and run City fleet; and potentially utilize emissions trading options as they become readily available.

Operational carbon is the carbon load created with the use of energy to heat and power a building. Embodied carbon, which is the carbon that is released in the manufacturing, production, and transportation of our building materials. As we continue to lower our operational carbon there will be a growing priority to also manage our embodied carbon. This will require development of a system of new targets and limits that will typically be found in new construction. In particular, LEED v4 speaks to embodied carbon and can be managed as per sections of this policy that relate to major renovations and new construction.

2.2 GHG Emissions Reporting

Policy Actions – Annual GHG Reporting

Reporting of Hamilton’s corporate emissions will be coordinated and carried out by the Energy Initiatives section at least once per year. The results will be compiled and presented as per Section 1.2 of this policy and may be included in reporting of other City reporting requirements or those of associate membership groups as required.

2.3 GHG Protocol

Policy Actions – North American GHG Protocol

The City of Hamilton will comply with the North American GHG Protocol as the basis for its emissions calculations and in order to assess its carbon footprint.

The North American Greenhouse Gas Protocol (GHG Protocol) is the most widely used international accounting tool for government and business leaders to understand, quantify, and manage greenhouse gas emissions. The GHG Protocol, a partnership between the World Resources Institute and the World Business Council for Sustainable Development, works with businesses, governments, and environmental groups around the world to build a new generation of credible and effective programs for tackling climate change.

It provides the accounting framework for nearly every GHG standard and program in the world - from the International Standards Organization to The Climate Registry - as well as hundreds of GHG inventories prepared by individual companies.

2.4 Validation and Verification

All carbon and emission reductions will be held in title by the City of Hamilton and will be managed by the Energy Initiatives Section. This includes the calculation, validation and verification of any carbon, greenhouse gas or other environmental attribute that can be monetized.

3.0 FLEET AND TRANSIT FUEL CONSUMPTION

The City of Hamilton manages a fleet of corporate vehicles to provide fleet and transit services. The corporate fleet vehicles include various vehicle types such as buses, waste collection vehicles, snow clearing trucks, street sweepers, light weight departmental vehicles and Fire and EMS vehicles. The fuels used for these vehicles are diesel, dyed

diesel, unleaded gasoline, propane and compressed natural gas (CNG). Corporate Average Fuel Economy (CAFE) is the traditional method for measurement of the fuel consumed per 100km driven. It is used to monitor improvements in fuel consumption efficiency and fuel management activities at a high level. The City of Hamilton CAFÉ reflects various vehicles types in the fleet, which should not be confused with similar vehicle specific fuel efficiency data used by the industry. CAFE measurement and reporting excludes Fire, EMS, Police and the consumption and use of dyed diesel.

Policy Actions – Fuel Reduction Targets

Utilizing CAFE as a measurement tool, the long-term targets for the collective vehicle fleet (including Transit) is a 20% reduction in fuel economy by 2030 using 2012 as the base year. Reaching this level of improvement will be achieved through measures guided by fleet and transit plans and policies.

3.1 Fleet Vehicles

The Green Fleet Strategy will provide a framework to develop current Fleet policies that will speak to managing fuel and efficiency of the vehicles through purchasing policies, operator training, utilizing lower emissions fuels and evaluating CNG, Bio-fuels or alternate fueling methods (i.e. electric, hydrogen) for alternatives to traditional fuels. Furthermore, the City has an Anti-idling By-law and a corporate fleet policy for anti-idling that assists in reducing fuel consumption and emissions.

Reducing emissions from fleet vehicles is part of a broader GHG reduction strategy to move the City to net zero emissions in 2050 and will be achieved through measures outlined in the new Green Fleet Policy, which is owned and developed by Fleet. The latest version of the Green Fleet Policy is expected to be presented to Council in Q1 2021.

3.2 Transit Vehicles

The City's Transit division is committed to exploring new technology as it pertains to future bus procurement. For the past 6 years, Transit has been steadily replacing its diesel fleet with CNG- powered buses. This has a significant impact on reducing operating costs and a favorable impact on GHG emissions.

As viable technologies shift to more sustainable options such as electric or hydrogen fuel cell vehicles, Transit will consider non-traditional vehicle types as an addition or replacement to their fleet of buses, provided the vehicles and any associated infrastructure is economically and environmentally feasible and fits within parameters of its cohesive transportation plan for the City.

The City's fleet and transit vehicles represent 40-50% of GHG emissions for the City. Efforts made to reduce usage and emissions in this area will significantly impact the City's emissions inventory and is integral to meeting emissions targets. The CNG bus fleet will

assess credible supply options to integrate renewable natural gas (RNG) into the fuel supply to help off-set emissions.

4.0 HAMILTON WATER

Energy use by HW facilities and operations accounts for approximately 39% of the City's energy use and 28% of the associated costs in 2019. It is the City's single most significant cost and represents great potential for sustainability opportunities including efficiency and renewable energy.

Reducing energy and emissions at Hamilton Water can be accomplished through measures such as water conservation, reduction of water loss, storm water reduction, and sewer system repairs to prevent groundwater infiltration. Implementing measures to address these items lead to reductions in energy use and result in savings due to recovering and treating lower quantities of stormwater and wastewater and treating and delivering lower quantities of water. At all times water quality and reliable system operability remain the primary objectives.

Opportunities for improving energy efficiency fall into three general categories:

1. Equipment upgrades;
2. Operational efficiency;
3. Modifications to facilities.

Equipment upgrades focus on replacing items such as pumps and blowers with more efficient equipment. Operational efficiency involves optimizing the amount of energy required to perform specific functions, such as wastewater treatment. Modifications to facilities, such as installing energy efficient lighting, occupancy control and efficient heating and cooling equipment reduce the amount of energy consumed by the facilities themselves.

Policy Actions - Hamilton Water Monitoring and Targeting

To move forward with energy efficiency improvements for Hamilton Water, this Policy establishes the metrics and targets for measuring and achieving success:

- The base year for reporting results will be 2011, as applicable;
- Energy intensity for water pumping stations will be reported in terms of kWh/MLD/m;
- Energy intensity for treatment plants and wastewater pumping stations will be reported in terms of kWh/MLD;
- Maximizing renewable energy through ancillary production;
- Green House Gases and emissions will also be reported in tonnes CO₂e/MLD;
- Hamilton Water will implement an active strategy for cost efficiency while applying energy reduction/conservation methods.

An overall strategy and energy management plan that addresses the energy use at Hamilton Water will be developed and put in place to optimize energy intensity. This strategy will examine energy used for conveying and maintaining distribution of water, water treatment, stormwater and wastewater processes and further refined to suit Hamilton Water's business units.

Included in the Hamilton Water energy strategy will also be the development of renewable energy opportunities that consider various waste streams for renewable energy generation. Through this policy, the Energy Initiatives section will be consulted and provide input for life cycle analysis to evaluate these opportunities and leverage any available incentives.

As with other City of Hamilton renewable energy projects, the ownership and operation will be assessed such that the business case and other financial considerations that may benefit the City, include the option to have the Energy Initiatives section manage and operate the facility in a similar role to other existing operations (HRPI, Biogas, District Energy and Solar).

5.0 SPECIFIC POLICIES

5.1 Energy Reserve

The Energy Reserve was established to fund the Energy Initiatives section as well as other initiatives related to energy conservation and demand management (CDM). The Energy Reserve is created to fund the following activities:

- Fund the Public Works, Energy Initiatives section;
- Payback capital outlay;
- Mitigate unforeseen energy cost increases or budgetary shortfalls during the current budget cycle as a result of regulatory or utility rate adjustments;
- Energy audits and feasibility studies;
- Pilot projects for new energy technologies and renewable energy projects;
- Fund incremental retrofit project costs of higher efficiency options;
- Education and energy awareness programs.

From the previously approved council report, Corporate Energy Policy (PW07127):

- As savings in energy expenditures are identified, whether through reduced rates or energy CDM initiatives, it is proposed that the total amount of savings be base-transferred from the corresponding energy line (e.g. Hydro, Natural Gas) to the Energy Initiatives section.
- The Energy Initiatives section is also involved in reviewing historical billings from all energy suppliers. Under the microscope and with the group's specific knowledge and experience, the Energy Initiatives section has identified and will continue to identify, errors that have been made by these suppliers. These efforts

will result in recoveries of past overpayments. Recoveries from the previous budget year flow to the Energy Reserve, to be used as a source of funding.

- The Energy Initiatives section continues to identify sources of incentive funding for retrofit and other energy conservation initiatives. These incentives provided by energy suppliers and various levels of Government will help to mitigate the cost of improvements that will reduce the use of energy. These monies will be applied and directed as established within the Project Charter for the specific project as agreed to by all involved parties.
- Once the budget base for the Energy Reserve is established, all future savings in current energy expenditures could result in levy savings or could be used to fund further energy initiatives or both. Historic billing errors would continue to be directed to the Energy Reserve to fund future projects and Incentive payments would continue to be used to reduce the cost of conservation projects.
- Regarding City Boards and Agencies, the Energy Initiatives section will provide services on a contract and/or consultant basis. Any savings generated and proposed to be transferred to the Energy office, will be negotiated between the Energy Initiatives section and the Board or Agency.

Policy Actions – Energy Reserve

The Energy Reserve (112272) funds staffing costs for the Energy Initiatives section. In order to maintain a healthy reserve and secure the best leverage for funds on energy related projects, the energy reserve will also be used to fund specific and targeted projects or activities, as approved by the Manager, Energy Initiatives section to ensure compliance with the Corporate Energy and Sustainability Policy.

Funds that are attributed to any energy conservation demand management program, renewable energy revenues, energy related project revenues (e.g. leases or other payments), utility bill recovery (current year related recoveries will be returned to client budget, previous year related recoveries will go to reserve), carbon off-sets, demand response revenue and all utility incentives will be deposited into the Energy Reserve. In addition, revenue from renewable energy projects (solar lease or other) or fuel procurement (compressed natural gas or other) will be established as a means of funding ongoing activities required to manage these energy related services. Future operational budget savings will be transferred to the Energy Reserve to maintain an acceptable level of funding in the reserve.

Funds moving into or out of the Energy Reserve will be approved per this policy. These funds can be used to finance (in whole or in part) energy projects, energy studies, pilot projects and other similar activities. For instance, incremental costs for more efficient options could be financed by the Energy Reserve with the understanding that it will be paid back through savings.

5.2 Verification and Validation of Utility Bills

The Energy Initiatives section will monitor utility bills (verify and validate) for the correct application of energy rates, demand and energy consumption charges.

Policy Actions – Policy Action – Utility Bills Funds Recovery

Funds recovered through this activity will be deposited into the Energy Reserve with the following rules to apply:

- Billing recovery for costs related to usage from the current budget year will be returned to the client budget;
- Billing recovery for costs related to usage from the previous budget year will be deposited in the Energy Reserve.

5.3 Energy and Emission Reduction Projects - Lifecycle Cost Analysis

Policy Actions – Lifecycle Cost Analysis

Energy and emission related projects will be evaluated by the design/project team using Lifecycle Cost Analysis. This analysis must depict energy and emission reductions and the financial payback for the best overall outcome for the City. Designs and proposals shall include a base case option compared to more efficient options for staff to assess the long-term operating costs and emission reduction in order to make the appropriate decisions based on capital and operating budget constraints.

5.4 Lighting Technology

Policy Actions – Energy Efficient lighting Solutions

- The City will endeavor to use the most energy efficient and latest proven lighting technology as per current government Act, Regulation and or recommendation. The latest proven lighting technology has moved to the light emitting diode (LED) which is both highly efficient and a very long life which significantly reduces maintenance costs. To ensure optimum efficiency and quality, lighting shall be either Energy Star or Design Lights Consortium (DLC) Listed.
- The City will endeavor to further reduce electrical consumption by installing, where applicable, lighting controls including but not limited to daylight harvesting, occupancy, photocell and building automation system (BAS) controls.
- The City is committed to replacing or eliminating incandescent lighting where possible in order to comply with Energy Star or Design Lights Consortium Listings and any government Act, Regulation and or recommendation.

Lighting levels will be based on IES guidelines and be compliant with the Ontario Building Code (OBC). See attached links in References Section for additional lighting information.

5.5 Energy Management Standard – Building Automation Systems (BAS)

Policy Actions – BAS Modernization and Standardization

The introduction of multiple vendors created a need for a standard BAS specification that was developed by documenting the City's requirements.

- A master BAS specification will set out City's expectations that all vendors must adhere to and guidelines for hardware, software, and communication protocols.

BAS modernization policy to achieve goals and objectives noted below shall apply to:

- **New Construction:** All new City facilities to be constructed shall be evaluated for BAS installation using City's master BAS specification based on capital cost requirements, expected annual energy consumption reduction, and reasonable project payback. A general rule of thumb can be either a site of greater than 500 m² of gross floor area or annual energy consumption of over 500,000 equivalent kWh (ekWh).
- **Major Renovations (>50% gross floor area):** All major renovations of City owned facilities of greater than 50% of their gross floor area shall be evaluated for BAS retrofit using City's master BAS specification based on capital cost requirements, expected annual energy consumption reduction, and a reasonable project payback.

Moving towards a concept of internet-based open protocol Building Automation Systems (BAS) will ensure that the City will have the ability to obtain competitive pricing from a list of BAS vendors that are already pre-qualified. Using these approved prequalified BAS vendors list will provide the City with an ability to have this open system and eliminating a potential need of corporate BAS service Contracts. City staff will also provide inputs to refine and establish effective and efficient control strategies to optimize equipment performance without sacrificing occupant’s comfort or productivity.

The implementation of a Building Automation System (BAS) into existing facilities has been shown to reduce energy consumption in the order of 5%-20%, generating a return on investment in the range of 2-10 years. These systems provide flexibility for facilities to better regulate building temperatures, control indoor air quality, and allow for equipment schedules to be intricately tailored to the facilities requirements.

As BAS are modernized, they will be centrally controlled such that they can be monitored and adjusted from a single location to maintain building temperatures and quickly identify and correct energy waste. This will ensure consistent temperature control is maintained and monitored from a single location and will also build on the existing system the City already has in place for other facilities.

The goals and objectives for the BAS modernization moving forward through this policy are:

- Capital and maintenance cost reduction;
- Optimization of the existing BAS for energy consumption reduction and comfort improvement;
- Continuous expansion of the BAS to other facilities selected and prioritized by the City based on the energy consumption and savings opportunities.

The following table presents a summary of these generic guidelines:

Table 3: BAS Modernization Guidelines

Type	Gross Space	BAS Modernization	Annual Energy Consumption - ekWh	BAS Modernization
New Construction	>500m ²	✓	>500,000	✓
	<500m ²		>500,000	✓
Major Renovations	>500m ²	✓	>500,000	✓
	<500m ²		>500,000	✓

5.6 Roof Capital Replacement Evaluation

Policy Actions – Roof Replacement

As part of ongoing roof capital replacement evaluations that in addition to standard roof replacement that the feasibility of a “Green” or “White” roof be explored for City owned facilities that will be assessed using a life cycle costing analysis method. This process should also include the analysis of increasing the R value of the roof insulation if applicable.

5.7 Energy Efficient Equipment Purchasing

Policy Actions – Energy Efficient Equipment

When purchasing new equipment and appliances, the most optimal energy efficient option should be selected.

Equipment standards are identified through a long-standing standard of performance called ENERGY STAR®. The City will use Energy Star as a basis for minimum standards for energy efficiency and energy efficient products including the following:

- Household and commercial appliances
- Water heaters and other water heating equipment
- Furnaces and other space heating equipment
- Lamps and other lighting products
- Motors and transformers
- Electronic equipment
- Fenestration Products

ENERGY STAR® is trusted and a simple source that the City can use to identify products that are among the most energy-efficient on the market. Only manufacturers and retailers whose products meet the ENERGY STAR criteria can label their products with this symbol. ENERGY STAR in Canada is a voluntary program between Natural Resources Canada's Office of Energy Efficiency and organizations that manufacture sell or promote products that meet the ENERGY STAR levels of energy performance. ENERGY STAR in Canada is administered by Natural Resources Canada's (NRCan's) Office of Energy Efficiency (OEE).

We are recommending ENERGY STAR in order to:

- reduce energy costs;
- reduce electricity demand;
- reduce impact on the environment;

- Energy-efficient products on the market today can reduce energy costs by 25 to 50 percent, or even more, without compromising quality or performance;
- Investments in energy-efficient products can quickly pay for themselves and provide a significant return, making funds available for investment in your community;
- Energy-efficient products have an extended life and offer decreased maintenance;
- Incentives may be available for some equipment.

ENERGY STAR is easy to use and provides comprehensive tools and information with an online purchasing guide for specifying products that meet energy efficiency criteria.

- City Purchasing Policies adapt as a minimum standard Energy Star® rated equipment or equivalent for energy consuming devices such as appliances, photo copiers, computers, servers, computer monitors etc.
- All new and retrofit motors, heating equipment replacements (e.g. fans, pumps, water heaters, rooftop HVAC etc.,) specify premium efficiency motors as minimum standards. Where required the Energy Initiatives section will provide recommendations on minimum efficiency standards.

5.8 Energy Education and Awareness

Education and awareness programs on energy conservation, greenhouse gas emissions and climate change, play an integral role in achieving and sustaining reduction in energy use. Employ a range of educational tools to teach and educate staff about energy efficiency and the benefits of conservation to reinforce the link between individual behavior, energy use, the potential for savings, the reduction of GHG's and climate change.

5.9 Electricity Generation, Cogeneration, District Energy and Renewable Energy

Generation or cogeneration of electricity or developing district energy or renewable energy projects can be an attractive way of improving efficiency, providing security of supply and reducing environmental emissions. These projects keep revenue and jobs in our local economy. The City will investigate opportunities for growth of district energy in targeted areas of the City to enhance economic development, improved reliability, energy efficiency and foster further GHG emission reductions. District energy provides for local, clean, renewable and embedded energy systems which support energy efficiency

solutions that are integrated with other City planning processes. District Energy systems are also an excellent solution to integrated community energy planning. District Energy offers a sustainable energy solution to address future Regional Energy Planning needs.

Policy Action – Generation, Cogeneration, District Energy and Renewable Energy

- All electricity generation, cogeneration and district energy or renewable energy projects are evaluated on a case by case basis, with the aid of independent third party technical, legal and financial expertise, through the Energy Initiatives section.
- The City will only construct clean or green generation, cogeneration, biomass or renewable energy projects.
- These projects shall consider the economic impact to the City, including overall efficiency gains, security of supply, environmental impact, life cycle analysis and the local economic benefits for City.
- The Energy Initiatives section is to be included in all generation, cogeneration, district energy, energy from waste and renewable energy project reviews well in advance of commitment to ensure all legal, technical and energy related issues have been considered and to allow for potential additional analysis.
- The City of Hamilton shall implement strategies with HRPI (Hamilton Renewable Power Incorporated) to identify opportunities which exist in the generation of renewable energy. This includes initiatives which will reduce greenhouse gas emissions, maximize revenue generation for the City of Hamilton and provide a sustainable atmosphere for energy renewal initiatives. This includes accessing incentives, participation in the assessment of alternatives and the operation and management of installations, energy strategies or commitments (commodity supply contracts, hedge strategies etc.).

5.10 Emergency Generators / Back-up Power Systems

Policy Action – Emergency Generators and Back-up Power Systems

The Energy Initiatives section is to be included, with adequate time, in the review of Emergency Generators and Back-up Power Systems, noting the following:

- All new or retrofit emergency and back up generation as well as back-up power system projects be evaluated well in advance of commitment to ensure all technical, environmental impacts, and energy related issues have been considered;
- All economic (life cycle analysis), energy efficiency and environmental benefits of converting to newer cleaner fuel options such as natural gas or dual fuel generation units vs. existing diesel-powered units;
- All new and retrofit back-up generation system projects are to evaluate the costs and feasibility of “synchronization” of this equipment with the facility so that these units can potentially be used for “Peak Shaving” when favorable market conditions exist.

5.11 Sustainable Buildings Policy

Policy Action – Sustainable Buildings

The City of Hamilton will establish, implement and maintain sustainable building practices for all new builds during the acquisition, planning, design, construction, operations, maintenance, renovation, and decommissioning to meet or exceed the requirements as summarized through section 5.11 below;

5.11.1 Sustainability in Design and Construction of City-Owned Buildings:

Further to section 1.6, for new builds or major construction new City-Owned buildings will be designed and constructed in a manner that mitigates the risks and impacts of future energy and carbon pricing (e.g., through passive design strategies, durable energy conserving building envelopes, etc.) and provides flexibility to incorporate emerging technologies that become cost effective in the future. (e.g., solar ready roofs, provisions for future geothermal, energy storage, etc.)

- The City will recognize the significant resource requirements and greenhouse gas impacts of new construction, as well as the value of the embodied carbon in its existing building stock. The ZCB-Design Standard provides requirements that guide the design of new buildings and the retrofit of existing ones, to best empower buildings to achieve zero carbon operations.

- As part of the business case development, the City will assess whether an identified real estate need of its programs or services can be met through its existing building portfolio and achieved in the absence of new construction.

5.11.2 Sustainability in existing City-Owned buildings:

The City will demonstrate excellence in sustainable practices in existing City-Owned Buildings and City-occupied buildings through the establishment of a BOMA BEST-like certification program or similar. Sustainable building practices employed by the City shall include:

- Monitoring and benchmarking the performance of all City-owned buildings;
- Conducting energy efficiency audits to identify opportunities for improvement;
- Integrating energy modeling, energy audits, lifecycle cost benefit analysis and sustainable return on investment analysis methodologies into routine lifecycle replacement and capital rehabilitation planning processes;
- Strengthening the integration and accountability with the Corporate Greenhouse Gas Management Plan through the creation of multi-year building energy retrofit plans that align with budget cycles, outline proposed energy efficiency and emission reduction upgrades, provide project-specific details and anticipated lifecycle cost benefits;
- Establishing requirements for determining an optimal building portfolio upgrade/retrofit strategy that extends over multiple budget cycles in support of the Corporate Greenhouse Gas Management Plan and creating a path to zero-carbon emissions for the building portfolio;
- Publicly sharing and communicating its sustainable building practices through the establishment and implementation of a Green Building Education Program that incorporates both passive public education tactics (e.g., building signage and online information) and active public engagement and awareness.

5.11.3 Sustainability in City Acquisition of Existing Buildings:

Prior to the acquisition of an existing building the City intends to retain for its own use or for lease to others, the City shall require an energy assessment be performed and integrated into the existing pre-acquisition process. The energy assessment will determine the building's energy consumption and greenhouse gas performance and the extent of upgrades needed to raise the energy performance to an optimized level of lifecycle cost benefit.

5.11.4 Sustainability in City Owned Buildings Leased to Others:

The policy standards for existing City-owned buildings (that are leased to others who are also responsible for sustainable building practices in those buildings) applies only when incorporated within the leasing agreements at the time of lease renewal or creation of a new lease agreement.

5.11.5 Sustainability in City-leased Buildings:

The City will understand the energy use and greenhouse gas impacts of the buildings it leases from others prior to entering leases and will consider these impacts as a part of its selection criteria.

5.12 Measurement and Verification

The purpose of Energy Project Measurement and Verification (M&V) is to verify energy savings resulting from activities that influence the energy consumption of a facility. This verified information will be used to track actual savings as mandated by the Green Energy Act and our progress towards our energy intensity targets.

Policy Actions – Monitoring and Verification

Project M&V option (Basic or Enhanced) shall be driven by incentive program requirements or as directed by the Energy Initiatives section throughout this section 5.12.

Energy Project Measurement and Verification (M&V) activities are intended to cover:

- Energy Conservation Measures;
- Demand & Load Management Projects;
- Large Capital Projects;
- Renewable Energy Projects;
- City-wide corporate energy reduction goals.

The objective of Energy Project M&V is to:

- Facilitate the economic analysis of implementing energy saving measures by establishing a high confidence level in reported energy savings that are obtained through energy related projects;
- Establish a process to ensure that all significant project activities related to energy undergo an appropriate level of measurement and verification;

- Provide a method for improving accuracy of reported progress toward energy goals on a portfolio wide basis.

The M&V protocol that the Energy Initiatives section will adhere to was developed by City Staff. This protocol was designed around the International M&V protocol (IMVP) standard and was modified where appropriate to suit the needs of the City

Generally, energy project M&V activities can be grouped into two major categories: Basic and Enhanced. Basic is concerned with Utility Bill analysis. Enhanced covers engineering calculations (using stipulated values and measurements), metering and monitoring (spot, short term, or continuous measurements), and simulation models using industry standard tools such as RETScreen from Natural Resources Canada. The Save on Energy web-site also provides a detailed guideline on Project Measurement and Verification Procedures which can also be used as a reference document.

When an energy retrofit project is initiated within the City of Hamilton, both the energy savings for the project and the associated Greenhouse Gas (GHG) emission reductions are to be determined for business case summaries. These numbers may also be used to begin energy project incentives process and may, therefore, require energy savings verification for third party sources.

5.13 Building Labelling

Policy Actions – Building Labelling

The City will adopt an industry standard building ranking energy system for appropriately sized corporate buildings. The Energy Initiatives section will assess these buildings and assign them the rankings using industry standard appropriate tools. These tools will act as a benchmark comparing similar buildings and similar end uses on an energy intensity basis. This will also assist the City with energy education and awareness for staff. Building labelling will also assist in targeting the opportunities for improvement and acknowledging high performing areas.

6.0 SPECIFIC POLICIES – ENERGY PROCUREMENT

Policy Actions – Energy Procurement

The following areas will be managed by the Energy Initiatives section as indicated throughout Section 6.

6.1 Demand Response

The Energy Initiatives section will promote the utilization of City owned assets that can contribute to a reduction in electrical demand in order for the City to participate in available demand response programs. To facilitate the process, by way of this Corporate Energy policy and as stated in the Energy Commodity Policy, the Energy Initiatives section will be granted authorization to enter into such agreements on behalf of the City of Hamilton.

6.2 Peak Demand Response and Tracking

The Energy Initiatives section will undertake the daily evaluation of provincial demand, weather and temperature and price forecasts that can indicate a potential peak demand day. Such tools and information used to anticipate when peak hours are most likely to occur include time of year, time of day, the Independent Electricity Service Operator (IESO) demand forecasts and IESO real time peak market information.

During high provincial demand periods with the potential for peak demand days, which are typically associated with the highest peak prices for electricity and potential for peak setting for the IESO's Industrial Conservation Initiative (ICI) customers, the Energy Initiatives section will notify City sites via email of this potential demand period.

If site operators can reduce demand during the peak period without compromising operations and public health and safety, they shall endeavor to do so. This can include, but is not limited to:

- Lowering or adjusting operational activities to non-peak times;
- Adjusting temperature settings in buildings;
- Shutting off non-essential lighting and/or computers; and
- Lowering blinds or closing curtains to reduce heat or cooling escape.

6.3 Transportation Fuels

The Energy Initiatives section will assume the role of procuring and managing the wholesale contracts for the City's transportation fuel requirements for all City of Hamilton users. Users include Fleet, Transit, Police, Fire and EMS. Traditional fuels that are

petroleum based (diesel and gasoline) will be and continue to be managed by the Energy Initiatives section, as will any future transportation type fuels such as Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG), electricity or hydrogen. These fuels will be procured according to the direction and guidelines set out in the existing Energy Commodity policy.

6.4 Utility Supply and Rate Management

The Energy Initiatives section will evaluate utility rates (electricity, natural gas, water and waste water) for the City on an ongoing basis considering evolving energy requirements, energy market regulations and supply conditions/ contacts and the City's commodity supply arrangements. The Energy Initiatives section may initiate all utility rate changes as required to manage utility supply and utility rates. This is to ensure continued supply and allow for optimization of utility metering and rates favorable to the City. The Energy Initiatives section will manage all City customer energy use data for the City's district heating, cooling, natural gas and electricity end-use customers.

6.5 Energy Contract Management

The Energy Initiatives section will manage all energy commodity, energy supply, utility rates etc., as required to maintain energy supply to the City and the City's end-use customers where the City directly supplies district energy (e.g. heating, cooling or electricity). All contracts will be managed within established City guidelines.

6.6 Renewable Energy

Although renewable and non-renewable energy both produce carbon emissions, renewable energy has a lesser to almost zero carbon emissions. compared to fossil fuels.

Policy Actions – Renewable Energy

- The City will consider, evaluate and pursue feasible renewable energy opportunities to reduce usage from traditional energy sources and to reduce emissions overall;
- The Energy Initiatives section to be included in all corporate renewable energy project evaluations prior to commitment by the City;
- The Energy Initiatives section consider acquisition of renewable energy and/or utilizing carbon credits trading as a method of meeting targets if required.

The Energy Initiatives section will work in close association with Hamilton Renewable Power Inc. (HRPI) to advance the development and growth of renewable energy for the

City of Hamilton. The Energy Initiatives section will manage existing and future operations of renewable energy sites. Existing sites include HRPI Cogeneration plants located at 900 Woodward Ave. and the Glanbrook land fill. Furthermore, a City owned biogas purification unit located at 900 Woodward Ave. processes raw methane from the waste water process, purifies it and injects the final renewable natural gas into the Enbridge distribution system.

Additional renewable energy opportunities, strategies and initiatives will be pursued through HRPI or the City as opportunities arise. These activities will reduce greenhouse gas emissions, maximize revenue generation for the City. This includes accessing incentives, participation in the assessment of alternatives and the operation and management of any installation.

Going forward and in order to meet our low emission targets it is very likely the City will need to acquire renewable energy to meet these long-term targets. However, this type of purchase should only come after all available options have been exhausted which include installing high efficiency measures first, as applicable.

Where it is found to be feasible and land and space may be available, the Energy Initiatives section supports developing renewable energy generation and where feasible, energy storage systems. Wind and Solar Energy systems may also be investigated to help offset GHG emissions from electrical energy use, especially during peak day events.

The Energy Initiatives section should be included in all corporate renewable energy project evaluations prior to commitment to ensure all legal, technical and energy related issues have been considered.

In addition, the Energy Initiatives section will evaluate any emissions reductions opportunities and/or potential for emissions/carbon credits trading in so much as they are available, economically feasible and offer verifiable options for meeting our emissions targets.

7.0 ENERGY COMMODITY POLICY

Policy Actions – Energy Commodity Policy

The following Section in its entirety outlines the policy for commodity purchasing.

7.1 PART I - POLICY STATEMENT AND INTERPRETATION

1. Purpose of Statement

In recognition of the unique position of Energy Commodities (as herein defined) energy prices are set by varying market conditions (i.e. supply and demand), fluctuating hourly, daily and seasonally. Supply challenges for these commodities and varying supply and demand have contributed to price volatility and have produced forward market price and budgetary uncertainty.

Buyers in the Ontario marketplace who wish to control commodity price risk must enter into commodity price hedging agreements, which are intended to reduce the risk of adverse price movements in a commodity. This Statement of Policies and Goals provides the framework for the purchase, sale, delivery, and storage of Energy Commodities and the consideration of price hedging by the City of Hamilton for all Energy Commodities.

2. Definitions

“City Affiliates” are those entities with which the City is not at arm’s length within the meaning of the *Income Tax Act (Canada)*.

“Contract Agent” means an external agent, contractor, consultant, or other representative hired by the City to assist with the procurement, sale, and/or delivery of Energy Commodity for the City.

“Cooperative Energy Purchasing” means coordination of City Energy Commodity purchases with Energy Commodity purchases of City Affiliates, or other organizations.

“Energy Commodities” means electricity, green power, natural gas, methane and all other petroleum based fuel products such as: diesel, bio-diesel, gasoline, fuel oil, propane and any other bulk commodity primarily used by the City for the purpose of heating and cooling of buildings and other structures, electricity generation, cogeneration, demand response programs, smart grid programs and the fuelling of City fleets, as determined by the Manager of Energy Initiatives section.

“Green Energy” means energy generated from renewable energy sources, such as certified water power, solar, biogas, biomass and wind. Other terms for Green Energy include: Green power certificates, Renewable Natural Gas, Carbon Offsets, Tradable Renewable Certificates or "Green Tags". These attributes, embodied in a certificate or through other certification, may be bought and sold either bundled or unbundled with the commodity.

3. Policy Statement

The City of Hamilton (“City”) will procure the necessary quality and quantity of Energy Commodities in an efficient, timely, and cost-effective manner, while maintaining the controls necessary for a public institution in accordance with this Energy Commodity Policy. The City will encourage the negotiation of fair Master Agreements, and agreements with Contract Agents, with respect to the purchase, sale, delivery, and storage of Energy Commodities. The City will strive to ensure that the best value is obtained, and that the financial stability of Energy Commodity suppliers meets high thresholds to ensure sustainability and reliability of supply. The City will consider commodity price hedging agreements as a means of fixing, directly or indirectly, or enabling the City to fix the price or range of prices to be paid by the City for the future delivery of some or all of a specific Energy Commodity, or the future cost to the municipality of an equivalent quantity of the Energy Commodity, where is advantageous for the City to do so.

The City will also consider opportunities for entering into agreements with utilities and other transportation and delivery supplier contracts (i.e. pipeline supply) to secure commodity supply and utility rates of specific Energy Commodities.

7.2 PART II - DESIGNATION AND DELEGATION OF RESPONSIBILITIES

1. Designated Authority - General Manager of Finance and Corporate Services

The General Manager of Finance and Corporate Services ("GMFCS") for the City of Hamilton is the designated person responsible for administrative matters pertaining to the purchase, sale, delivery, and storage of Energy Commodities, including, without limitation, determination of potential suppliers and the entering into of Master Agreements and related transactions, as well as Energy Commodity price hedging in an efficient and cost-effective manner. The GMFCS will delegate certain administrative duties and responsibilities to internal staff, particularly the Manager of Energy Initiatives, and external Contract Agents.

The General Manager of Finance and Corporate Services, or his/her authorized delegate, is authorized to enter into contracts for the purpose of engaging a Contract Agent with respect to the purchase, sale and/or delivery of Energy Commodities in accordance with Part III of this Energy Commodity Policy.

The General Manager of Finance and Corporate Services is responsible for:

- a) determining what supplier(s) are appropriate for the City to engage in negotiations in order to secure Master Agreements with respect to the purchase, sale, delivery and/or storage of Energy Commodities in accordance with this Energy Commodity Policy;
- b) determining when it would be advantageous for the City to engage Contract Agents in order to assist the City with respect to its Energy Commodity procurement strategy and determining which Contract Agents to engage in negotiations and/or to enter into agency or other agreements with, in accordance with this Energy Commodity Policy;
- c) determining when it would be advantageous for the City, to participate in Cooperative Energy Purchasing and to coordinate such joint efforts in accordance with this Energy Commodity Policy; and
- d) determining whether a particular Energy Commodity price hedging agreement is advantageous for the City based on the considerations outlined in this Energy Commodity Policy.

2. Authorized Delegate - Manager of Energy Initiatives

The Manager of Energy Initiatives will be the General Manager of Finance and Corporate Services' authorized delegate to conduct the following:

- a) seek out, with or without the use of Contract Agents, potential suppliers of Energy Commodities and engage in negotiations with same with respect to the purchase,

sale, delivery and/or storage of Energy Commodities using the criteria for potential suppliers outlined in this Energy Commodity Policy, including the entering into of Master Agreements (with terms and conditions acceptable to the City Solicitor);

- b) execute Energy Commodity procurement, sale, delivery, and/or storage contracts and enter into Energy Commodity transactions in accordance with this Energy Commodity Policy and on terms and conditions acceptable to the City Solicitor;
- c) enter into agency agreements and/or other contracts and/or arrangements with Contract Agents and/or electric or natural gas distribution and transmission utilities or other Energy Commodity agencies and/or companies for the purpose of purchase, sale, delivery and/or storage of Energy Commodities and incentives upon approval from the General Manager of Finance and Corporate Services and on terms and conditions acceptable to the City Solicitor;
- d) enter into agreements with respect to the purchase, sale, delivery, and/or storage of Energy Commodities with City Affiliates on terms acceptable to the General Manager of Finance and Corporate Services;
- e) enter into district energy agreements (with terms and conditions acceptable to the City Solicitor) with third parties, including, but not limited to, school boards, Provincial agencies and other private or public institutions for electricity supply, heating or cooling (thermal energy);
- f) meet with the General Manager of Finance and Corporate Services, as required, and provide written reports regarding the past performance of Energy Commodity hedging agreements, future strategies and other issues as requested, as well as information with respect to the use of Contract Agents;
- g) notify the General Manager of Finance and Corporate Services, in writing, of any significant changes in the Energy Commodity hedging philosophies or policies and organization; and
- h) provide periodically, not less than annually, lists of Energy Commodity hedging agreements and agreements with Contract Agents and such other information as may be requested by the General Manager of Finance and Corporate Services.

3. Use of Contract Agents

The Contract Agent will only be authorized to act within the scope of the specific authority under any executed contract with the City and shall, in accordance with such contract, provide a number of services to the City, which may include:

- a) assisting the Manager of Energy Initiatives in developing a prudent energy procurement mix and specific procurement objectives and strategies;

- b) monitoring, analyzing and reporting on the City's procurement performance and supporting the Manager of Energy Initiatives with respect to Energy Commodity procurement, delivery and storage related matters;
- c) assisting in the selection of Energy Commodity suppliers, delivery, and/or storage agents;
- d) meeting with the Manager of Energy Initiatives as required;
- e) enter into contracts and/or arrangements (with terms and conditions acceptable to the City Solicitor) with electric or natural gas distribution or transmission utilities or other Energy Commodity agencies and/or companies for the purpose of purchase, sale, delivery and/or storage of Energy Commodities upon approval from the Manager of Energy Initiatives; and
- f) enter into district energy agreements (with terms and conditions acceptable to the City Solicitor) with third parties, including, but not limited to, school boards, Provincial agencies, and other private or public institutions for electricity supply, heating or cooling (thermal energy) upon approval from the Manager of Energy Initiatives.

7.3 PART III - PROCUREMENT POLICIES

1. Energy Commodity Suppliers, Delivery, and/or Storage Entities

In determining what suppliers, delivery and/or storage entities are appropriate for the City to engage in negotiations in order to secure Master Agreements with respect to the purchase, sale, delivery, and/or storage of Energy Commodities, the following nonexclusive considerations **will** be taken into account:

- i. past, present and projected pricing strategies;
- ii. acceptability of contract terms and conditions by the City Solicitor;
- iii. the past, present and prospective financial stability of any potential supplier, including the meeting of a minimum threshold of financial stability set in accordance with this Energy Commodity Policy;
- iv. any conflicts of interest as between the City, City Affiliates and any supplier, delivery and/or storage entity;
- v. in the opinion of the General Manager of Finance and Corporate Services, the commercial relationship between the City and/or City Affiliates and the supplier, delivery and/or storage entity has been impaired by the prior and/or current act(s) or omission(s) of such supplier or entity including but not limited to:
 - (a) a corporation, including an officer, director or shareholder of a corporation, or other person which has been involved in litigation with the City:

- (b) any corporation that is an affiliate of or successor to, or has one or more of its officers, directors or shareholders, any person or corporation described in clause (a);
- (c) the failure of the supplier, delivery and/or storage entity to pay, in full, all outstanding payments (and, where applicable, interest and costs) owing to the City by such supplier or entity, after the City has made demand for payment of same;
- (d) the refusal to follow reasonable directions of the City or to cure a default under any contract with the City as and when required by the City;
- (e) the supplier, delivery and/or storage entity refusing to enter into a contract with the City after the supplier's (or entity's) bid, proposal or other document provided in response to a City procurement document has been accepted by the City;
- (f) the supplier, delivery and/or storage entity refusing to perform or to complete performance of a contract with the City;
- (g) act(s) or omission(s) resulting in a claim by the City under a bid bond, a performance bond, a warranty bond or any other security required to be submitted by a vendor on a RFP, RFQ, RFRC, or Tender;

within the five-year period immediately preceding the date on which the supplier, delivery or storage entity enters into a contract with respect to Energy Commodities with the City;

(v.1) for the purposes of subsection (V), the prior acts or omissions of a supplier, delivery or storage entity shall also include the prior acts or omissions of: an officer, a director, a majority or controlling shareholder, or a member of the supplier (or entity) if a corporation; a partner of the supplier (or entity), if a partnership; any corporation to which the supplier (or entity) is an affiliate of or successor to, or an officer, a director or a majority or controlling shareholder of such corporation; and any person with whom that the supplier (or entity) is not at arm's length within the meaning of the Income Tax Act (Canada);

- vi. in the opinion of the General Manager of Finance and Corporate Services there are reasonable grounds to believe that it would not be in the best interests of the City to enter into a contract with the supplier, delivery or storage entity, including (without limiting the generality of the foregoing):
 - (a) the conviction of the supplier, delivery and/or storage entity or any person or entity with whom that supplier, delivery and/or storage entity is not at arm's length within the meaning of the *Income Tax Act* (Canada) of an offence under any taxation statute in Canada;
 - (b) the conviction or finding of liability of that supplier, delivery and/or storage entity under the *Criminal Code* or other legislation or law, whether in Canada or elsewhere and whether of a civil, quasi-criminal or criminal nature, of moral

turpitude including but not limited to fraud, theft, extortion, threatening, influence peddling and fraudulent misrepresentation;

- (c) the conviction or finding of liability of the supplier, delivery and/or storage entity under any environmental legislation, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that entity for the environmental well-being of the communities in which it carries on business;
- (d) the conviction or finding of liability of the supplier, delivery and/or storage entity relating to product liability or occupational health or safety, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that entity for the health and safety of its workers or customers;
- (e) the conviction or finding of liability of the supplier, delivery and/or storage entity under the financial securities legislation whether of Canada or elsewhere, where the circumstances of that conviction have, or would have, significant negative financial impact on any contract with the City.

2. Use of Energy Commodity Price Hedging Strategies/Agreements

In determining whether a particular Energy Commodity price hedging agreement is advantageous for the City, the following non-exclusive considerations **will** be taken into account:

- (i) any and all Energy Commodity purchases for which commodity price hedging agreements will be appropriate;
- (ii) that the financial position of the City will be enhanced in all likelihood by virtue of the use of such an agreement;
- (iii) that the all-inclusive contracted price and cost to the City of the associated Energy Commodity will be lower or more stable than it would be without the agreement;
- (iv) the formulation of a detailed estimate of the expected result of using such an agreement;
- (v) the formulation of the financial and other risks to the municipality that would exist with the use of such an agreement and determine if such risk would be lower than the financial and other risks to the municipality that would exist without such an agreement;
- (vi) using his/her best judgment and in his/her sole discretion determine that the agreement contains adequate risk control measures, for example:
 - 1. ensuring that if either party's credit rating falls below BBB – (S&P); Baa3 (Moody's); and/or BBB (low) (DBRS), the other party may demand Adequate Assurance of Performance. "Adequate Assurance of Performance" shall mean sufficient security in the form, amount and for the term reasonably acceptable to the City, and/or, but

not limited to being able to provide an unconditional irrevocable letter of credit or prepayment;

2. providing, in the case where a supplier has no credit rating, a guarantee from the parent corporation (assuming parent corporation meets credit rating requirements in 1 above);
3. limiting credit exposure based on a degree of regulatory oversight and/or on the regulatory capital of the other party to the agreement; and

(vii) ensure ongoing monitoring with respect to the Energy Commodity price hedging agreements.

3. Contract Agents (consultants)

The Manager of Energy Initiatives **shall** seek Council approval for a specified period of time before engaging any Contract Agents for the purposes of this Energy Commodity Policy.

4. Cooperative Energy Purchasing

The Manager of Energy Initiatives section **shall** consider engaging in Cooperative Energy Purchasing when, in his/her opinion, it would be advantageous to the City to do so based on the following non-inclusive considerations:

- (i) the possibility of economies of scale (i.e. better buying power);
- (ii) opportunities for cost-sharing of services; and
- (iii) opportunities for securing indirect financial benefits to the City.

The Manager of Energy Initiatives shall have the authority to enter into Cooperative Energy Purchasing initiatives with City Affiliates at his discretion in consultation with the General Manager of Finance and Corporate Services and the City Solicitor.

All other Cooperative Energy Purchasing initiatives shall be subject to prior Council approval.

7.4 PART IV - REPORTING REQUIREMENTS

The General Manager, Finance and Corporate Services and Treasurer, shall report to Council at least once each fiscal year with respect to any and all Energy Commodity price hedging agreements, and other Energy Commodity agreements, in place. The report shall contain, at a minimum, all requirements as set out in O. Reg. 653/05 (as it exists from time to time) and shall include:

1. A statement about the status of the Energy Commodity price hedging agreements during the period of the report, including a comparison of the expected and actual results of using the agreements;

2. A statement by the Treasurer indicating whether, in his or her opinion, all of the agreements entered during the period of the report are consistent with this Energy Commodity Policy relating to the use of financial agreements to address commodity pricing and costs;
3. An overview of any agreements with Contract Agents (including, without limitation, actual costs, services provided and frequency of use) and a statement by the Treasurer indicating whether, in his or her opinion, all of these agreements are consistent with this Energy Commodity Policy with respect to the use of Contract Agents;
4. An overview of any Cooperative Energy Purchasing initiatives and/or agreements and a statement by the Treasurer indicating whether, in his or her opinion, all of these agreements are consistent with this Energy Commodity Policy with respect to the use of Cooperative Energy Purchasing;
5. Such other information as Council may require; and
6. Such other information as the Treasurer considers appropriate to include in the report.

7.5 PART V - ROLE OF CITY COUNCIL

Council is responsible for determining, based on information provided by City staff, whether the financial implications of Energy Commodity price hedging agreements are favourable relative to alternatives, and whether the risks associated with the Energy Commodity price hedging agreements are reasonable.

In considering the report and recommendation from the General Manager, Finance and Corporate Services and Treasurer, Council is responsible for ensuring that legal and financial advice has been obtained and must consider whether the scope of the proposed Energy Commodity price hedging agreements warrants further legal or financial advice from an independent source.

**Excerpt from *Municipal Act, 2001*, Ontario Regulation 653/05
Debt-Related Financial Instruments and Financial Agreements**

COMMODITY PRICE HEDGING AGREEMENTS

5. (1) A municipality that has entered, or plans to enter, an agreement under Part II of the Act for the supply of a commodity required for a municipal system may enter into one or more financial agreements to minimize the cost or financial risk associated with incurring debt for the commodity. O. Reg. 653/05, s. 5 (1).

(2) The financial agreement must fix, directly or indirectly, or enable the municipality to fix the price or range of prices to be paid by the municipality for the future delivery of some or all of the commodity or the future cost to the municipality of an equivalent quantity of the commodity. O. Reg. 653/05, s. 5 (2).

(3) Subject to subsection (4), the municipality shall not sell or otherwise dispose of the financial agreement or any interest of the municipality in the agreement. O. Reg. 653/05, s. 5 (3).

(4) The municipality may sell or otherwise dispose of a financial agreement or an interest of the municipality in the agreement if, in the opinion of the treasurer of the municipality, the sale or disposition is in the best interests of the municipality and if either of the following conditions is satisfied:

(1.) The sale or disposition is part of a transaction for the sale of real property by the municipality relating to a change in the use of the property by the municipality.

(2.) The municipality has ceased to carry on any activity relating to the municipal system for which the commodity was being acquired. O. Reg. 653/05, s. 5 (4).

Statement of policies and goals re: commodity price hedging agreements

6.(1) Before a municipality passes a by-law authorizing a commodity price hedging agreement, the council of the municipality shall adopt a statement of policies and goals relating to the use of financial agreements to address commodity pricing and costs. O. Reg. 653/05, s. 6 (1).

(2) The council of the municipality shall consider the following matters when preparing the statement of policies and goals:

1. The types of projects for which commodity price hedging agreements are appropriate.
2. The fixed costs and estimated costs to the municipality resulting from the use of such agreements.
3. Whether the future price or cost to the municipality of the applicable commodities will be lower or more stable than they would be without the agreements.
4. A detailed estimate of the expected results of using such agreements.

5. The financial and other risks to the municipality that would exist with, and without, the use of such agreements.
6. Risk control measures relating to such agreements, such as,
 - i. credit exposure limits based on credit ratings and on the degree of regulatory oversight and the regulatory capital of the other party to the agreement,
 - ii. standard agreements, and
 - iii. Ongoing monitoring with respect to the agreements. O. Reg. 653/05, s. 6 (2)

Report on commodity price hedging agreements

7. (1) If a municipality has any subsisting commodity price hedging agreements in a fiscal year, the treasurer of the municipality shall prepare and present to the municipal council once in that fiscal year, or more frequently if the council so desires, a detailed report on all of those agreements. O. Reg. 653/05, s. 7 (1).
 2. The report must contain the following information and documents:
 1. A statement about the status of the agreements during the period of the report, including a comparison of the expected and actual results of using the agreements.
 2. A statement by the treasurer indicating whether, in his or her opinion, all of the agreements entered during the period of the report are consistent with the municipality's statement of policies and goals relating to the use of financial agreements to address commodity pricing and costs.
 3. Such other information as the council may require.
 4. Such other information as the treasurer considers appropriate to include in the report. O. Reg. 653/05, s. 7 (2).

8.0 DEFINITIONS

“**ASHRAE**” means American Society of Heating, Refrigeration and Air Conditioning Engineers.

“**CUP** (Central Utility Plant) is located within the downtown core of Hamilton and was constructed and became operational in 1977, in order to generate and distribute district energy to facilities in the downtown core. Electricity, chilled water and hot water are distributed to end use customers. Sites connected to the CUP for all or some of these services include FirstOntario Centre, the Central Library and Farmer’s Market, FirstOntario Concert Hall, Convention Centre, Parking Garage, Ellen Fairclough Building, Art Gallery, McMaster and Hamilton City Hall.

“**CDM or Energy CDM**” means Energy Conservation and Demand Management

“**Embodied Carbon**” is the sum of all the greenhouse gas emissions (mostly carbon dioxide) resulting from the mining, harvesting, processing, manufacturing, transportation and installation of building materials.

“**Energy Intensity**” means equivalent kilowatt-hours (kWh) per square foot of a building. For purposes of the Energy Policy, is the process of reducing overall energy usage or consumption of a facility or facility operations using a common measure over a specific timeframe. By measuring *energy intensity* vs. straight energy consumption reductions, we are able to account for additions or deletions in the City’s building stock. We can also account for building expansions, changes in the City’s portfolio and correct for seasonal weather variations.

“**Facility**” shall include all **City owned** buildings and grounds e.g. parks and recreation facilities.

“**GJ**” means giga-joule

“**HVAC**” means heating, ventilation, and air-conditioning.

“**IES**” means Illuminating Engineering Society – The Lighting Authority

“**IESO**” means Independent Electricity System Operator.

“**kWh**” means kilowatt hour

“**kW**” means kilowatt

“**L**” means litres

“**Life Cycle Cost Analysis**” is a method of economic analysis that sums all *relevant* project costs over a *given study period* in *present-value* terms. *It is most relevant* when selecting among *mutually exclusive project alternatives* that provide the same functional performance but have different initial costs, OM&R costs, and/or expected lives:

- Investment-related:
- Acquisition costs
- Replacement costs

- Residual value (resale or disposal cost)
- Operating-related:
 - Operation, maintenance, and repair costs
 - Energy and water costs
 - Contract-related costs (for financed projects)

“m3” means cubic metre

“NECB” means National Energy Code of Canada for Buildings

“Net Zero” means achieving overall, zero greenhouse gas emissions by balancing any emissions from energy use with carbon removal via a combination of reducing usage, changing to low or zero energy sources (i.e. renewable energy sources) changing agricultural and industrial processes and carbon offsetting.

“OBC” means Ontario Building Code

“OEB” means Ontario Energy Board

“Operational Carbon” is used to describe the emissions of carbon dioxide and other global warming gases during the in-use operation of a building.

“Operations” Operations is what the City "does" and how it delivers its "product" to customers or constituents. It is the core of a company's business. Example: Public Works, Water & Waste Water.

“Zero Carbon” means that all industrial sources of CO₂ have been converted to run on zero carbon emitting energy sources and that no more carbon emissions are being added to the atmosphere from any additional source to the natural carbon balance of the planet that existed before industrialization.

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<https://www.ontario.ca/page/climate-change-action-plan>

MOE – Climate Change – Reporting on Emissions

http://www.ene.gov.on.ca/environment/en/category/climate_change/STDPROD_078899.html

GHG Protocol

<http://www.ghgprotocol.org/standards/corporate-standard>

Reports:

Energy Efficiency Trends in Canada

<https://oee.nrcan.gc.ca/publications/statistics/trends/2016/index.cfm>

Ontario's Long Term Energy Plan

<https://www.ontario.ca/page/ontarios-long-term-energy-plan>

The Intergovernmental Panel on Climate Change

<https://www.ipcc.ch/>

ICLEI – Local Governments for Sustainability

<http://www.icleicanada.org/>

Incentives:

SaveOnEnergy Programs

<https://www.saveonenergy.ca/> Enbridge (Union Gas) conservation programs

Natural Gas Programs

<https://www.uniongas.com/business/save-money-and-energy>

Standards:

Energy Efficiency Equipment Purchasing:

<http://www.canlii.org/en/on/laws/regu/o-reg-404-12/latest/o-reg-404-12.html>

Regulations Amending the Energy Efficiency Regulations:

<http://canadagazette.gc.ca/rp-pr/p1/2013/2013-10-05/pdf/g1-14740.pdf>

CAFE Standards and Regulations – EPA

<http://www.epa.gov/fueleconomy/regulations.htm>

NRCan National Building Code Canada

<http://www.nationalcodes.nrc.gc.ca/eng/nbc/>

EVO – Measurement & Verification Standards

<http://www.evo-world.org/index.php?lang=en>

BOMA Best – Standard for Certification

<http://www.bomabest.com/>

LEED Certification

<http://www.usgbc.org/leed/certification>

The Ontario Building Code

<http://www.buildingcode.online/>

Organizations/Associations:

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<https://www.energystar.gov/>

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Regulated/Energy Boards:

National Energy Board (NEB)

<http://www.neb-one.gc.ca/clf-nsi/index.html>

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Local Utilities:

Alectra Utilities

<https://alectrautilities.com/>

Enbridge Gas Inc. (Union Gas)

<https://www.uniongas.com/>

Pipelines:

TCPL

<http://www.transcanada.com/index.html>

Alliance

<http://www.alliancepipeline.com/Pages/default.aspx>

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Pricing and Market information:

AECO (Niska owned) storage & pricing HUB

<http://www.niskapartners.com/our-business/natural-gas-storage/aeco-hub/>

Dawn Storage & pricing HUB

<https://www.uniongas.com/storage-and-transportation/about-dawn>

IESO (demand & market prices)

<http://www.ieso.ca/Power-Data/Data-Directory>

IESO (Global Adjustment)

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IESO (Average HOEP)

<http://www.ieso.ca/Power-Data/Price-Overview/Hourly-Ontario-Energy-Price>

EAI US Energy Information Agency (NG & Storage & Fuel)

<http://www.eia.gov/>

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Bloomberg

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City of Hamilton Strategy to Reduce Single-Use Plastics

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Executive Summary

In response to Council direction, staff have developed the following strategy to directly reduce the generation of single-use plastic products through City of Hamilton (City) operations and to provide guidance on how the generation of single-use plastics can be reduced by residents and businesses. This strategy includes why it's necessary for this policy to be implemented for Hamilton to be an environmentally responsible organization as well as information on what alternatives to single-use plastics are available and feasible. This strategy also supports the proposed federal management approach on single-use plastics released as a discussion paper on October 7, 2020.

How the City will accomplish the goal of reducing the amount of single-use plastics generated is defined in this strategy through 14 action items which fall under four Strategic Pillars.

Background

The Impact of Single-Use Plastics

The Science Assessment of Plastic Pollution (released jointly by Environment and Climate Change Canada and Health Canada on October 7, 2020), states that "Since the 1950s, the production and use of plastics has been increasing faster than that of any other material". The increased production of plastic products gave rise to single-use plastic items gaining popularity. This was because of their convenience as these items could be used once and thrown away without having to be washed for reuse. However, despite the popularity of plastics and some of their benefits, plastic products that are designed as single-use plastics (SUPs) have in most cases, negatives that outweigh their benefits. The term "single-use plastic product" was defined by the European Union in May, 2019 as "a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to the producer for refill or re-used for the same purpose for which it was conceived." Hamilton's strategy to reduce SUPs has adopted this same definition.

There are two significant problems associated with SUPs. First, the vast majority of these products are not able to be recycled due to their composition and design and therefore cannot be included in blue box programs resulting in them being landfilled. Often these products are produced in a way that combines different materials that cannot be separated to allow products to be recycled (coffee cups are mainly paper-based but also have a thin plastic liner), are so small and light that they cannot be captured through current separation technologies or, are of such low quality of plastic that there is no end market for them (polystyrene take-out containers contaminated with food), or any combination of these.

The second significant problem with single-use plastics is that when they are littered, they result in negative impacts on the environment. The Province's discussion paper on "Reducing Litter and Waste in Our Communities" (2019) states that almost 10,000

tonnes of plastic debris ends up in the Great Lakes each year and more than 80% of litter collected during volunteer clean ups along Great Lakes' shorelines is plastic. Included in the federal "Strategy on Zero Plastic Waste" (2018) are the devastating impacts of SUPs littered in the environment as they pollute waterways, harm wildlife and damage habitat and fisheries.

Because of the negative impacts related to SUPs, these products have received increasing media attention in recent years, prompting individuals, businesses and legislators to begin looking for ways to reduce or eliminate them as much as possible.

Council Motion

In May 2019, in acknowledgement of the environmental impacts of plastic pollution, restrictions on what the City can accept in the blue box program, low waste diversion rates, actions by other municipalities along with other contributing factors, City Council directed staff to report back to the Public Works Committee with information on the feasibility of the City creating a Zero Plastic Waste Plan. Council direction for the plan was:

- That it quantifies SUPs that never were or are no longer acceptable in the blue box program
- That it identifies reusable or compostable alternatives to single-use plastics
- That it includes regulatory options for the City to reduce or eliminate single-use plastics
- It includes any costs or savings to implementing a plan

In addition to the items listed above, this strategy includes a list of actions for the City to either investigate and/or implement to reduce the amount of SUPs generated through City operations.

Single-Use Plastics and Alternatives

There are many examples of SUPs that are used in Hamilton and examples of the most common SUPs can be found in Table 1 along with their status as it pertains to Hamilton's blue box program. The majority of SUPs are not recyclable and need to be disposed of in the garbage in Hamilton and other jurisdictions. There are three items listed in Table 1 that were previously accepted in Hamilton's blue box program but no longer are due to reduced end markets for these products and/or contamination issues associated with them.

Table 1: Status of Common SUPs in Hamilton's Blue Box Program

Single-Use Plastic Product	Currently Accepted in Hamilton's Blue Box Program?	Previously Accepted in Hamilton's Blue Box Program?
Beverage bottles	Yes	Yes
Beverage bottle lids	No	Yes
Coffee cups	No – accepted in green bin	No
Coffee cup lids	No	Yes
Coffee pods	No	No
Plastics cups and plates	Yes	Yes
Plastic straws	No	No
Plastic takeout trays	Yes	Yes
Plastic utensils	No	No
Polystyrene takeout trays, plates & cups	No	Yes

All the products listed in table 1, other than plastic and polystyrene takeout trays, have reusable alternatives available to the public. Reusable coffee pods and mugs, straws, water bottles, plates and utensils are commonly sold and some in convenient travel options. However, due to the convenience of disposable SUPs, they are still more popular than the reusable options. In response to the impact SUPs are having on the environment, and to maintain the convenience of throwaway options, compostable alternatives to SUPs are increasing in popularity and availability. Compostable single-use products are marketed as having a decreased environmental impact by having the ability to biodegrade in the natural environment. Figure 1 includes examples of some popular alternatives. Although these products are marketed as having reduced environmental impacts, associated negatives of pressed paper and PLA products include that they don't biodegrade the same as products currently accepted in Hamilton's green bin program (such as food waste and paper towels). Pressed paper and PLA based plastics take considerably longer to decompose, even in ideal environments produced in commercial compost facilities. Other issues with this type of material include utilizing agricultural space to produce plastics versus food and that its similarity to petrol-based plastics can result in contamination of the recycling process as it can be easily confused with traditional plastics.



	
<p>Fibre-based products – these are paper-based (pressed or non-pressed paper) or made from unprocessed fibre material such as bamboo</p>	<p>Bioplastics – these include polylactic acid (PLA) which is a vegetable based plastic material very similar to petrol-based plastics usually made of corn starch, tapioca root or sugarcane</p>

Figure 1: Examples of available Compostable Products

These alternative products are often branded with a compostable certification. Compostable certifications, such as BPI (Biodegradable Products Institute), rely on test methods that are generally not consistent with the process of municipal compost facilities. To be certified as compostable, a product must break down significantly in 84 days and this is usually done in a lab environment under ideal conditions. Currently, there are no provincial standards in Ontario for what can be branded as compostable in a retail setting.

Testing of Single-Use Plastics Alternatives

City staff conducted tests at Hamilton’s Central Composting Facility (CCF) to determine whether products certified or marketed as compostable alternatives to SUPs can be processed fully. To date, staff have completed two separate tests following the Compost Council of Canada protocol; the first from August to September 2019 and the second from January to February 2020. The same products were included in each test and included bamboo alternatives (such as spoons and bowls), PLA cups and classic white paper plates. A total of 19 alternative products were tested. During the test, 74% (14) of the products tested were removed during the screening process and all products removed during the screening process ended up in landfill. Even though five products were not screened out, due to their small size (such as PLAs) they were designated as problematic by City staff because these products have the potential to contaminate the compost and put it at risk of not passing quality testing because they break down into what could be considered foreign matter/sharps. The current limit of this material in compost is 0.5% based on Ontario compost standards.

Table 2: Results of Product Testing

Product	Accepted in Green Bin?	Screened Out?	Problematic or Non-Problematic
Bamboo Bandage	No	No	Problematic
Bamboo Bowls	Yes	Yes	No
Bamboo Skewers (Type 1)	Yes	Yes	No
Bamboo Skewers (Type 2)	Yes	Yes	No
Bamboo Spoons	Yes	Yes	No
Chopsticks	Yes	Yes	No
Compostable Coffee Pod	No	No	Problematic
Compostable Food Wrap	No	No	Problematic
Coral Forks	No	No	Problematic
Fiber-Based Cutlery	Yes	Yes	No
Paper Clamshell Take Out Container	Yes	Yes	No
Paper Cup	No	Yes	Problematic
Paper French Fry Boat	Yes	Yes	No
Paper Plates	Yes	Yes	No
Paper Straws	Yes	Yes	No
Paper Water Cooler Cup	Yes	Yes	No
PLA Cups	No	Yes	Problematic
PLA Straws	No	No	Problematic
Plant Based Bag	Yes	Yes	Problematic

Although the products removed during screening ended up in landfill, some of this material could be reintroduced to the compost process. The products that could be reintroduced into the process are categorized as non-problematic because when they are included in phases one and two, they can provide some benefit to the compost by increasing carbon levels, transferring bacteria and adding structure to the composting mass. Examples of these products include bamboo spoons and bowls and paper straws. The case for these materials not being problematic is strengthened by the fact that they will not contribute to contamination of the compost if they do make their way through the screening process.

The test results at the CCF concluded that plant-based plastics cannot be composted in Hamilton and other compostable products that are alternatives to SUPs will benefit the composting process but will eventually end up in landfill. The results also confirmed that the benefits of most products marketed and/or labelled as compostable alternatives

to SUPs are limited. These single-use products come with additional negatives and are in most cases detrimental to the composting process used by the City. These results are consistent with sorting direction from other municipalities as Toronto, Peel Region, Halton Region and Waterloo Region (to name a few) do not allow for compostable items such as cutlery to be placed in their green bin programs. Any alternatives to SUPs that are recommended through this strategy will be deemed at minimum, to be non-problematic to Hamilton’s CCF’s composting process.

Federal Discussion Paper on Management Approach

On October 7, 2020, the federal government released the discussion paper “A proposed integrated management approach to plastic products to prevent waste and pollution” which builds on previous actions of the federal government on SUPs including signing the Oceans Plastics Charter (June, 2018), developing the Canada-Wide Strategy on Zero Plastic Waste (Phase 2 released in July, 2020) and the Science Assessment of Plastic Pollution (October, 2020). This discussion paper outlines the approach the federal government is proposing to take to support the reduction of SUPs. This approach includes the following objectives: eliminating certain sources of plastic pollution; strengthening domestic end-markets for recycled plastics; improving the value recovery of plastic products and packaging; and, supporting innovation and the scaling up of new technologies. There are three tools proposed in the discussion paper to accomplish these objectives:

- Bans and/or restrictions on certain SUPs
- Performance standards to reduce or eliminate environmental impact and stimulate demand for recycled plastics
- End-of-life responsibility of SUPs through extended producer responsibility

These tools will be formalized in regulations planned to be in effect by the end of 2021. Along with naming the tools above, the discussion paper includes high-level details of what will be included under each. For the Federal ban, this includes naming six items proposed to be included and the criteria for how these items were selected. The proposed items are listed in table 3.

Table 3: Federal SUP Ban

Items Proposed in the Federal SUP Ban
• Grocery/take-out bags
• Plastic straws
• Plastic stir sticks
• Plastic cutlery
• Beverage six-pack rings
• Food packaging and service ware made from plastic that is difficult to recycle (including foamed plastics, black plastic, PCC, oxo-degradable plastic and multiple/composite materials that have one or more plastics)

Performance standards include determining a minimum percentage of recycled content for plastic products (possibly by sector, material or resin type), establishing rules for measuring and reporting on the recycled content in materials and developing technical guidelines to formalize standards that need to be followed when meeting performance standards. End-of-life responsibility includes increasing collection and recycling rates, minimizing material sent to landfills and establishing conditions for innovation to create a circular economy for plastics.

Hamilton's Strategy to Reduce Single-Use Plastics

Objectives

The primary objective of Hamilton's Strategy to Reduce Single-Use Plastics (SUPs) is to decrease the use and disposal of SUPs within City operations and on City property. This will be achieved by cultivating a shift in the behavior of City staff, residents, businesses and event organizers through an approved list of action items. This strategy will prioritize the first two Rs in the 3Rs hierarchy; reduction and reuse for example reusable water bottles and coffee mugs; before providing appropriate compostable alternatives to SUPs and actions that promote recycling of SUPs.

The second objective of the strategy will be to provide promotion and education materials to businesses and residents to encourage a switch to reusable alternatives. Care has been given in drafting this strategy to ensure no duplication with the proposed actions in the federal government's discussion paper. An example of this is the omission of any action on the SUPs proposed to be included in a federal ban as seen in Table 2 above.

Scope

Council's original direction in the motion from 2019 was "That staff report back to the Public Works Committee with information on the feasibility of the City creating a Zero Plastic Waste Plan". After investigation and consultation with Legal Services, staff have determined that although a "Zero Plastic Waste Plan" may not be feasible at the Municipal level, a strategy to reduce SUPs is. The scope of this strategy focuses on how City operations can reduce the generation of SUPs while providing guidance to how local businesses and residents can reduce their dependence on these products without creating actual requirements. There are several reasons for these limitations in scope. First, Legal Services was consulted on the implications of implementing a City-wide ban on SUPs and concerns raised included whether a plastic ban is within the jurisdiction of a municipality. A City-implemented ban would require approval from Ontario's Ministry of Environment, Conservation and Parks. Enacting a City-wide ban would also require stakeholder consultation and if passed, will almost surely be challenged, requiring legal resources to defend the City's position. Because of the jurisdictional limitations, the strategy will focus on promoting voluntary reduction efforts to help reduce SUPs generated by residents and at businesses in the City.

The second reason for why an outright ban on SUPs across the City is out of scope is the pending regulations described in the federal discussion paper. Any bans included in federal regulations would over rule those implemented by the City.

This strategy defines work that staff will be carried out to reduce the amount of SUPs that the City generates. This work includes 14 action items under four Strategic Pillars as seen in Table 4 and described in detail below.

Table 4: Strategic Pillars and Action Items

Strategic Pillar	Action Items
1. Promotion and Education	<ul style="list-style-type: none"> • Use current education tools such as the annual waste guide to educate on reducing SUPs • Expand education efforts on SUPs to include in-person activities and virtual tools • Create educational material for businesses on reducing SUPs
2. City Infrastructure	<ul style="list-style-type: none"> • Replace drinking fountains in City parks with stations that permit the filling of water bottles • Investigate installing outdoor water fill stations at City-owned golf courses • Continue to install water fill stations in arenas, municipal service centres and other City buildings
3. Bans on SUPs in City Facilities	<ul style="list-style-type: none"> • Update Public Health policies to require compostable single-use items over SUPs • Investigate feasibility of requiring all events receiving City waste services to have water fill stations and banning the sale of water bottles • Require operators of concession stands, cafes etc. on City property to use City-approved compostable alternatives to SUPs • Develop a policy to ban single-use coffee cups and water bottles at organized events in City buildings • Require office kitchenettes to be supplied with reusable glassware • Investigate banning the sale of water bottles in facilities with water fill stations

<p>4. Financial Incentives and Fees</p>	<ul style="list-style-type: none"> • Determine best approach to reducing the sale of single-use coffee cups at City facilities (fees or incentives) and implement • Investigate enforcement options for operators that do not comply with fees and incentives
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Strategic Pillar 1 – Promotion and Education

Actions

1. The reduction of SUPs will continue to be promoted in annual recycling and waste guides and will be expanded to include the City’s website. This messaging was first included in the 2020/2021 Waste Guide; however, there will be an increased focus on the reduction of SUPs in future waste guides. The City’s website will also include a page dedicated to promoting the reduction of SUPs. This action item will attempt to make Hamilton residents more aware of the problems surrounding SUPs, why they should attempt to reduce their use of them and how to achieve this. This action item will also take advantage of an existing, familiar medium to communicate these messages and removing additional costs to the City in the process.
2. Education efforts will be expanded to include promoting the reduction of SUPs at community events and other engagement opportunities. Community Outreach staff currently share tips for reducing SUPs with grade school classes who tour the education room at the CCF. Much like action item 1 under this Strategic Pillar, this action utilizes existing programming to provide awareness to remove additional costs to the City. If moving forward, education takes place with virtual tools such as educational videos, then these will be updated to include information on replacing SUPs with reusable or compostable options based on readily available options and their compatibility with the process at the CCF.
3. Produce informational material to help businesses reduce SUPs. This action will include providing guidance to restaurants and food trucks on reducing the generation of certain SUPs including single-use coffee cups and/or single-use water bottles. This could provide information on the most effective methods to reduce single-use coffee cups through incentives or fees and allowing patrons to have reusable water bottles filled.

Strategic Pillar 2 – City Infrastructure

Actions

1. Parks and Cemeteries will continue to replace aged water fountains with multi-functional water stations with the ability to fill reusable water bottles. City parks are well used by the community, including the use for public events and sports tournaments. Providing visitors to parks with the ability to fill reusable water bottles will encourage the use of reusable water bottles and reduce the use of single-use plastic water bottles.

2. Investigate the feasibility of installing a water bottle fill station(s) at City's Municipal Golf Courses. If these were installed, City staff would promote the water bottle fill stations to patrons through signage and its website. Providing user of golf courses and recreational facilities with an easily accessible way to fill their water bottles has the potential to reduce the amount of single-use water bottles disposed of at these locations. In 2019, a total of 1,630 water bottles were sold at Kings Forest Gold Course between the lounge and beverage carts. The cost of installing outdoor water bottle fill stations is between \$25,000 and \$30,000, with potential additional costs depending on the distance from existing water lines. In addition to this capital cost, there is also an annual operating cost of approximately \$5,000 for opening and closing the fill station and any other associated operating costs such as maintenance, graffiti and water. If any of these water-fill stations are installed the capital costs will be covered through funds in existing budgets.
3. Continue to install water bottle fill stations in arenas, Municipal Service Centres and other City buildings. These water bottle fill stations have already been installed in numerous City buildings. This action will evaluate moving forward with this throughout all locations/buildings included in the scope if they don't already have these stations installed (included as Appendix "A").

Strategic Pillar 3 – Single-use Plastic Bans in City Facilities and on City Property Actions

Although the federal government is proposing a list of SUPs to include in a ban, this strategy is proposing to ban SUPs that are not currently being contemplated for inclusion in the federal plan but are still considered problematic. The items that will be included in the ban for City operations are: hot and cold beverage cups and lids (most notably single-use coffee cups) and single-use water bottles.

1. Update Public Health "Requirements for Food Vendors at Special Events" to indicate that compostable single-use products are required over plastic where possible, and to provide a list of acceptable compostable single-use products until such time that a federal ban is enacted. Public Health requirements for food vendors at special events currently include that "Only disposable eating utensils (examples: plastic knives, forks, spoons, paper plates and cups) shall be provided to customers." This can be updated to include that these disposable utensils must be of a type approved by the City.
2. To support enforcement through action item 2 under Strategic Pillar 3, investigate the requirement for all events on City property requesting waste diversion services from the City to provide water fill stations to patrons and require that no vendor at the event sells single-use water bottles to patrons. This investigation will include coordination with the Special Events Advisory Team and through the application process to hold events on City property.
3. Require that operators of all concession stands, cafeterias, cafes/coffee shops etc. on City property included in Appendix "A", be required to use compostable alternatives to SUPs approved by the City where reusable options, or elimination of

products is not possible. If the federal government establishes a standard for how "compostable" is defined, then this standard will replace any standard established by the City.

5. Develop a policy to ban the use of single-use coffee cups and water bottles at staff organized meetings and other gatherings on City property (including staff meetings and Advisory Committee meetings). Encourage outside staff or other visitors to bring reusable mugs if coffee is being provided.
6. Require offices that have kitchenette infrastructure to be supplied with reusable glassware and water jugs for meetings that include outside staff.
7. Investigate the ban of single-use water bottles at all City facilities that are equipped with water fill stations.

Strategic Pillar 4 – Financial Incentives and Fees

Actions

1. Investigate different incentives, either fees or savings, to promote the use of reusable alternatives to single-use coffee cups at concession stands, cafes etc. located within City buildings. This will include staff investigating what approach and dollar figure is most effective in changing the behaviour of residents/patrons resulting in an increased use of reusable items. Potential approaches include either a fee for using a single-use coffee cup or an incentive for bringing a reusable coffee mug. This investigation will most likely include piloting the potential approaches at selected City-owned or operated buildings and is necessary as the most difficult aspect of implementing a fee or incentive is determining what an appropriate dollar figure is. The value cannot be so low that it is considered insignificant but cannot be so high that it is considered unreasonable. The most effective way to determine an appropriate cost is to test different values. Once action item 1 under this Strategic Pillar is complete, implementation of incentives or fees will proceed at 26 City buildings and facilities (listed in Appendix "A") and will include municipal service centres, arenas and community centres, parks, operational facilities, golf courses and one senior centre, but will not include contracted out, volunteer-run or seasonal concession stands. Additionally, the most appropriate method will also be implemented by vendors at events on City property.
2. Investigate enforcement mechanisms for operators and vendors at special events that do not provide the incentive or apply the fee when patrons use single-use hot/cold beverage cups at events or fail to provide event patrons with the ability to fill reusable water bottles through water fill stations. This action includes requiring events to either be held in parks equipped with water fill stations or for the organizer to secure a mobile water fill station approved by the City or both. This may include investigating what water fill options are necessary based on the size of the event being held.

Evaluation of the Strategy

Evaluating this strategy on an ongoing basis will be key in ensuring it meets its objectives and ultimately the strategy being successful. This evaluation will be carried out through waste audits, monitoring the sale of SUPs at City facilities and reporting on the progress of the strategy through different methods such as the Waste Management Advisory Committee and through the annual Clean and Green report.

Sales and Inventory Monitoring

Staff will monitor the procurement of SUPs targeted by the action items identified in this strategy to determine if there is any change in the demand and use of these materials.

Corporate Strategic Alignment

City of Hamilton Corporate Climate Change Strategy – This strategy supports Goals 1 and 5 of the City's Corporate Climate Change Strategy. Replacing outdated water fountains in City parks supports the action item to retrofit existing corporately owned assets to improve energy efficiency and reduce GHG emissions. While the water fountains themselves may not directly reduce GHG emissions, the reduced reliance on disposable water bottles will.

Clean and Green Strategy – The City's Clean & Green Hamilton Strategy encourages behaviour that supports a clean and green community. It provides context and guidance for the development of policies, programs and initiatives that promote and enhance cleanliness, aesthetics and environmental stewardship across Hamilton. This strategy demonstrates commitment to the purpose of the Clean & Green Strategy.

Public Opinion/Alignment with SWMMP

In support of updating its Solid Waste Management Master Plan, the City undertook a public opinion survey on waste from January 6 to February 7, 2020. One of the open-ended questions included in the survey was "Should the City explore options for reducing single-use items (i.e. plastic bags, plastic straws, plastic cutlery, plastic take-out containers and single use cups)?" Of the 3,923 responses to this question, 3,343 (85.2%) of respondents answered that they do believe that the City should explore options to reduce single-use plastics.

Conclusion

The 14 action items included in "The City of Hamilton's Strategy to Reduce to Single-Use Plastics" establish a clear path forward for how the City can potentially reduce the generation of single-use plastics while maintaining consistency with other City policies and not conflicting with the federal management approach proposed in the discussion paper. This strategy emphasizes the importance of reduction and reuse options prior to considering compostable alternatives, as these products can be problematic to Hamilton's processing system at the Central Composting Facility. In lieu of potentially pending bans on single-use plastics by the federal and provincial governments, this strategy maintains in its scope what the City can do within its own operations and providing appropriate guidance to businesses and residents.

City of Hamilton Buildings

Building Name	Type of City Operation	Type of SUP Generator
1. City Hall	Municipal service centre	Coffee shop
2. Lister Block	Municipal service centre	Coffee shop
3. Beverly Community Centre & Arena	Arena	Recreation-run concession stand
4. Carlisle Community Centre & Arena	Arena	Recreation-run concession stand
5. Chedoke Twin Pad Arena	Arena	Recreation-run concession stand
6. Dundas J.L. Grightmire Arena	Arena	Recreation-run concession stand
7. Glanbrook Arena and Auditorium	Arena	Recreation-run concession stand
8. Inch Park Arena	Arena	Recreation-run concession stand
9. Bill Friday Lawfield Arena	Arena	Recreation-run concession stand
10. Morgan Firestone Arena	Arena	Recreation-run concession stand
11. Dave Andreychuk Mountain Arena and Skating Center	Arena	Recreation-run concession stand
12. Pat Quinn Parkdale Arena	Arena	Recreation-run concession stand
13. Rosedale Arena	Arena	Recreation-run concession stand
14. Saltfleet Arena	Arena	Recreation-run concession stand
15. Stoney Creek Arena	Arena	Recreation-run concession stand
16. Valley Park Arena	Arena	Recreation-run concession stand
17. Harry Howell Arena	Arena	Recreation-run concession stand
18. Chedoke Golf Course	Golf course	Food service, restaurant & concession stand
19. King's Forest Golf Course	Golf course	Food service, restaurant & concession stand
20. Millgrove Community Park Concession	Park	Recreation-run concession stand
21. Dundas Driving Park	Park	Recreation-run concession stand
22. Joe Sam's Leisure Park	Park	Recreation-run concession stand

23. Bayfront Park Concession	Park	Recreation-run concession stand
24. Sackville Hill Seniors Centre	Seniors Center	Cafeteria
25. Wentworth Street Operations Center	City Operational Facility	Cafeteria
26. Mountain Transit Centre	City Operational Facility	Cafeteria

CITY OF HAMILTON

AMENDING MOTION

Council Date: February 24, 2021

MOVED BY COUNCILLOR A. VANDERBEEK.....

SECONDED BY COUNCILLOR.....

8. Appointments to the Keep Hamilton Clean and Green Committee for the 2018-2022 Term (Item 13.1)

That the recommendation of Item 8 of Public Works Committee Report 21-003, respecting Appointments to the Keep Hamilton Clean and Green Committee for the 2018-2022 Term, be deleted in its entirety and the following be inserted therein:

~~That the appointments to the Keep Hamilton Clean and Green Committee for the 2018-2022 Term be approved and released publicly following approval by Council.~~

That Diana Meskauskas and Michelle Tom be appointed to the Keep Hamilton Clean and Green Committee for the remainder of the 2018-2022 Term of Council or until such time as a successor is appointed by Council.

CITY OF HAMILTON

MOTION

Council: February 24, 2021

MOVED BY COUNCILLOR J. PARTRIDGE.....

SECONDED BY MAYOR/COUNCILLOR.....

Resignation from the Audit, Finance and Administration Committee

WHEREAS, there are direct scheduling conflicts with the Golden Horseshoe Food and Farming Alliance meetings;

THEREFORE, BE IT RESOLVED:

That Council accept Councillor Judi Partridge’s resignation from the Audit, Finance & Administration Committee, effective immediately.

Authority: Item 3, Planning Committee Report
21-003 (PED21029)
CM: February 24, 2021
Ward: 3

Bill No. 018

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 6593 (City of Hamilton) Respecting Lands located at 95-97 Fairholt Road South, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 3 of Report 21-003 of the Planning Committee, at its meeting held on the 24th day of February, 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E33 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “C” (Urban Protected Residential, etc.) District to the “C/S-1805” (Urban Protected Residential, etc.) District, Modified, on the lands the extent and boundaries of which are shown of the plan hereto annexed as Schedule “A”.

2. That the “C” (Urban Protected Residential, etc.) District provisions as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following special requirements:
 - a) That in addition to Section 9. (1) “Residential Uses”, a multiple dwelling with a maximum of six dwelling units shall be permitted within the building existing on the date of the passing of this By-Law.
 - b) That notwithstanding Section 9.(2), the maximum building height shall be restricted to the height of the building existing on the date of the passing of this By-law.
 - c) That notwithstanding Section 9.(3)(i), a front yard depth of at least 3.36 metres.
 - d) That notwithstanding Section 18A(1)(a) and 18A – Table 1, a multiple dwelling shall provide 1 parking space per Class A dwelling unit.
 - e) Section 18A.(1)(b) and 18A – Column 1 of Table 2, shall not apply.
 - f) Section 18A.(1)(c) shall not apply.
 - g) Section 18A (9), shall not apply.
 - h) Section 18A (11), shall not apply.
 - i) Section 18A (12) (a) and (b), shall not apply.
 - j) That notwithstanding Section 18A (24)(b)(i) and (ii), the existing driveway access having a width of 3.43m shall be permitted for ingress and egress.
 - k) Section 18A (25), shall not apply.
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 “C” (Urban Protected Residential, etc.) District provisions, subject to the special provisions referred to in Section 2.
4. 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*.

To Amend Zoning By-law No. 6593 (City of Hamilton)
Respecting Lands located at 95-97 Fairholt Road South, Hamilton

PASSED this 24th day of February, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAR-19-054





This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 21-_____
to Amend By-law No. 6593

Subject Property
 95 and 97 Fairholt Road South, Hamilton
 Change in Zoning from the "C" (Urban Protected Residential Etc.) District to the "C/S-1805" (Urban Protected Residential, Etc.) District, Modified

Scale: N.T.S	File Name/Number: ZAR-19-054	 Hamilton
Date: December 18, 2020	Planner/Technician: SS/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

CITY OF HAMILTON

BY-LAW NO. 21-

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 206 and 208 King Street West**

WHEREAS Council approved Item 5 of Report 21-003 of the Planning Committee, at the meeting held on February 24, 2021;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 952 of Schedule "A" – Zoning Maps, appended to and forming part of By-law No. 05-200, as amended, is hereby further amended by changing the zoning from the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116) Zone for the extent and boundaries more particularly described in Schedule "A" annexed hereto forming part of this By-law.
2. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, as amended by By-law No. 18-114, is hereby further amended by adding Special Exception 731 as follows:
 - "731. Within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116,) Zone, identified on Map 952 of Schedule "A" - Zoning Maps and described as 206 and 208 King Street West, development in accordance with the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone shall be permitted. Alternatively, the development of a 13 storey (44.0 metre), mixed use building containing a maximum of 123 dwelling shall only be permitted in accordance with the following special provisions.
 - a) Notwithstanding Section 5.1 a) i), 5.2 b) i), ii), c), f), g), and i), 5.2.1 c), and 5.7 c) and e) i), the following special provisions shall apply:
 - i) The manoeuvring space and access of the parking spaces can be provided off site by way of an adjacent laneway.
 - ii) For the purposes of special exception 731. a parking stacker system shall permit a parking space that is positioned above, below or beside another parking space and is accessed by means of an elevating device.

For the purposes of special exception 731, a parking stacker system shall be permitted and required parking may be provided by means of a parking stacker system.

- iii) Parking stall size shall be:
 - 1. A minimum 2.6 metres in width and 5.5 metres in length for above ground or underground parking structures, when parking is provided by means of a parking stacker system.
 - 2. Where parking is not provided in a parking stacker system the regulations of Section 5.0 – Parking, shall apply.
 - 3. Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0 metres when parking is provided by means of a parking stacker system.
 - 4. A Barrier Free Parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.
- iv) All required parking shall be provided with adequate means of ingress and egress to and from the street or private laneway without the necessity of moving any other motor vehicle, except by way of a mechanical stacker system, and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only.
- v) A minimum aisle width of 6.0 metres is not required for parking accessed by a private laneway.
- vi) Loading Facilities

Loading facilities shall be permitted in a required rear yard adjacent to a Residential Zone and shall not be required to be screened by a Visual Barrier in accordance with Section 4.19 of this By-law.
- vii) Bicycle Parking
 - 1. No short term bicycle parking spaces are required.
 - 2. 1 long term bicycle parking space per residential unit.

b) Notwithstanding Sections 6.0 b) i) and ii), and e) i) and iii), and in addition to Section 6.0 b) and Section 6.2 the following special provisions shall apply:

i) Building Façade Caroline North Base Height Street Notwithstanding Figure 15 – Schedule “F” – Special Figures, no stepback shall be required for the Caroline Street North Building Base Façade Height.

ii) Building Height In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:

a) A minimum 12.5 metre stepback from the rear lot line shall be required, except for the portion of the building used for a mechanical penthouse then a 5.3 metre stepback from the rear lot line shall be required, and for the portion of the building used for an indoor amenity area a minimum 11.2 metre stepback from the rear lot line shall be required.

b) A minimum 12.5 metre stepback from the easterly side lot line shall be required, except for the portion of the building used for a mechanical penthouse then a 1.7 metre stepback from the easterly side lot line shall be required.

iii) Minimum Stepbacks a) The following stepbacks shall be required for any portion of the building exceeding 22.0 metres, but not greater than 44.0 metres, in height:

1. A minimum 3.0 metre stepback from the easterly side lot line is required, except for the portion of the building setback less than 13.2 metres from the front lot line and 5.8 metres from the rear lot line then a minimum 1.7

metre setback from the easterly side lot line is required.

2. Notwithstanding 1. above, for any portion of the building that has a setback of less than 3.0 metres from the easterly side lot line, no windows are permitted facing the easterly side lot line except for windows that are translucent.

3. No setback from a rear lot line is required.

iv) Glazing A minimum of 30% of glazing is required for the first floor.

v) Ground Floor Height The ground floor storey shall be no less than 3.6 metres in height and no greater than 6.5 metres in height. The second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height.

4. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provisions as follows:

H116. Notwithstanding Section 6.2 of this By-law, within lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 206 and 208 King Street West, Hamilton, no development shall be permitted until such time as:

a. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.

b. A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports be submitted to the satisfaction of the Manager of Development Planning, Heritage

and Design prior to any demolition. Furthermore, a copy of this report should be submitted to the Hamilton Public Library.

- c. An updated Pedestrian Wind Study has been submitted and implemented 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 the By-law, in accordance with the *Planning Act*.
6. That this By-law No. 21-019 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this 24th day of February, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-17-046



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 05-200 Map 952</p>	<p>Subject Property</p> <p>206 & 208 King Street West, Hamilton</p> <p> Change in zoning from the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-17-046</p>	
<p>Date: December 24, 2020</p>	<p>Planner/Technician: DB/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 6, Planning Committee
Report 21-003 (PED21039)
CM: February 24, 2021
Ward: 1

Bill No. 020

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 9 Westbourne Road, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 6 of Report 21-003 of the Planning Committee, at its meeting held on the 24th day of February, 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W45 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended as follows:
 - a) By changing the zoning from the “C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, Etc.) District, Modified, to the “C/S-1335”, “C/S-1335a” and “C/S-1804” (Urban Protected Residential, Etc.) District, Modified;

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “C” (Urban Protected Residential, Etc.) District provisions as contained in

Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Section 4(3)(a) and in addition to Section 9 (1), a maximum 89.0 square metre building containing a second dwelling unit and shed shall be permitted on the same lot as a single family dwelling.
 - b) That notwithstanding Section 9 (3) (ii), a side yard of a width of at least 1.2 metres shall be provided, except for a second dwelling unit for which a northerly side yard width of at least 0.7 metres shall be required,
 - c) That notwithstanding Section 9 (3) (iii), a rear yard of a depth of 7.5 metres shall be provided, except for a second dwelling unit for which a rear yard of a depth of 0.8 metres shall be required.
 - d) That notwithstanding Section 18.A (1) (f) no manoeuvring shall be required for parking spaces located within the front yard.
 - e) That notwithstanding Subsection 18A(1)(a), for a second dwelling unit one parking space shall be provided.
 - f) That a minimum distance of 2.9 metres from the rear face of a principal dwelling shall be required.
 - g) A maximum one driveway shall be permitted for each lot containing a second dwelling unit.
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 "C/S-1335", "C/S-1335a", and "C/S-1804" District provisions, subject to the special requirements in Section 2 of this By-law.
 4. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1804.
 5. That Sheet No. W45 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1804.
 6. 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 24th day of February, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAS-20-003



<p style="text-align: center;">This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>	<p style="text-align: center;">----- Mayor ----- Clerk -----</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 6593</p>	<p>Subject Property 9 Westbourne Road, Hamilton</p> <p> Change in Zoning from the "C/S-1335", "C/S-1335a" and "C/S-1788" (Urban Protected Residential, Etc.) District Modified, to the "C/S-1335", "C/S-1335a" and "C/S-1804" (Urban Protected Residential, Etc.) District, Modified</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAS-20-003</p>		<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>
<p>Date: February 1, 2021</p>	<p>Planner/Technician: DB/NB</p>		

Authority: Item 4, Audit, Finance &
Administration Committee Report
21-002 (Governance Review Sub-
Committee Report 21-001)
Date: February 4, 2021

Bill No. 021

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 4 of Audit, Finance & Administration Committee Report 21-021 on February 24, 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 .

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.

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, 2nd Vice Chair for the required term.
 - (a) The term of the Chair, Vice Chair and 2nd 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 2nd 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 .

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.

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.

**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.
 - (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.
- 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 24th day of February, 2021.

F. Eisenberger
Mayor

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 FPowers 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 FPowers 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)

Appendix G**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.

**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.

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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.

Authority: Item 3, General Issues Committee
Report 21-004 (FCS21011)
CM: February 24, 2021
Ward: City Wide

Bill No. 022

CITY OF HAMILTON

BY-LAW NO. 21-

To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program

WHEREAS the Council of the City of Hamilton deems it advisable to enter into an agreement with Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation related to funding provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Mayor and General Manager, Finance & Corporate Services are authorized and directed to sign the Letter of Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation which is attached Schedule A and forms part of this By-law.
2. This By-law may be cited for all purposes as the 2020 / 2021 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement Bylaw.
3. This By-law is deemed to have come into force on February 24, 2021.

PASSED this 24th day of February, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 9

Bill No. 023

CITY OF HAMILTON

BY-LAW NO. 21-

**Respecting Removal of Part Lot Control
Part of Lots 55 and 56 within Registered Plan No. 62M-1257, municipally known as 148
and 152 Queen Mary Boulevard, Hamilton**

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating 2 easements for maintenance and access purposes, shown as Parts 1 and 2, inclusive, on deposited Reference Plan 62R-21509, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Lots 55 and 56, Registered Plan No. 62M-1257, in the City of Hamilton.

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 24th day of February, 2023.

PASSED this 24th day of February, 2021

F. Eisenberger
Mayor
PLC-20-006

A. Holland
City Clerk

Authority: Item 3, Public Works Committee
Report 21-003 (PW21005)
CM: February 24, 2021
Ward: City Wide

Bill No. 024

CITY OF HAMILTON

BY-LAW NO. 21-

To Amend By-law No. 12-151, being a By-law Respecting the City of Hamilton's Cemeteries

WHEREAS Council enacted a By-law Respecting the City of Hamilton's Cemeteries being By-law 12-151; and

AND WHEREAS this amending by-law amends By-law 12-151 to add provisions relating to natural burials, the interment of pets, and to make other housekeeping amendments relating to cemetery operations.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That subsection 3.1 to By-law No. 12-151 be amended by repealing the definition of "cemetery" and replacing it with the following definition:

"cemetery" means land set aside to be used either for the interment of human remains or for the scattering of cremated human remains (in designated sections, only), interment of pet remains (in designated sections, only) and includes a mausoleum, columbarium or any other structure or building intended for interment that is situated on the land.

3. That subsection 3.1 to By-law No. 12-151 be amended by adding the following definitions:

"Natural Burial Grave" means any Interment Right in a Natural Burial Section which permits the interment of human remains in a biodegradable casket, container, shroud, or cremation urn.

"Natural Burial Section" means an area within a cemetery which is specifically designed to permit human remains to be returned to the earth as naturally as possible.

“Pet Burial Section” means an area within a cemetery that is reserved for the interment of both human and animal remains.

4. That subsection 6.8 to By-law No. 12-151 be repealed and replaced with the following:

6.8 Human Remains

Only human remains shall be interred in a lot, unless the interment takes place in a designated Pet Burial Section of the cemetery.

5. That Part 6 to By-law No. 12-151 be amended by adding subclause 6.16.1 as follows:

6.16.1 Outer Interment Container- Material

- (a) The Cemetery reserves the right to require an outer Interment container made of concrete or other comparable materials in certain areas of the Cemetery as noted on the Tariff of Charges and the Interment Rights Certificate at the time of sale.
- (b) Interments placed at extra depth require an outer Interment container made of concrete or other comparable materials, where space permits.

6. That Subsection 6.17 to By-law No. 12-151 be repealed and replaced with the following:

6.17 Hours for Interments

Interments may take place between the hours of 9:00 a.m. and 3:00 p.m. from Monday to Friday and between the hours of 8:30 a.m. and 11:30 a.m. on Saturdays of three-day weekends. Notwithstanding the foregoing, an interment may take place on any day and at any time:

- (a) with the advance permission of the Director and for the applicable fee; or
- (b) set out in a certificate issued by the Ministry of Health or an order issued by the Coroner's Office.

7. That Subsection 6.18 to By-law No. 12-151 be repealed and replaced with the following:

6.18 Scattering

- (a) No person shall scatter cremated human remains in a cemetery. Notwithstanding the foregoing, if scattering grounds have been set aside, cremated human remains may be scattered in such scattering grounds with the advance notice; and,
 - (i) a Certificate of Cremation under the Vital Statistics Act has been issued;
 - (ii) all applicable fees under the Tariff of Charges have been paid; and,
 - (iii) a Scattering Rights Contract has been signed.
- (b) No person shall scatter cremated human remains on a cemetery lot containing human remains.
- (c) Where a scattering is permitted under this By-law, it shall be performed by a member of the cemetery staff, or a member of the cemetery staff shall be in attendance when the cremated remains are scattered within the designated Scattering Ground.
- (d) Each purchase of scattering rights shall be limited to one (1) scattering opportunity for one (1) set of cremated human remains.

8. That Part 6 to By-law No. 12-151 be amended by adding subclause 6.18.1 as follows:

6.18.1 Pets or Other Animals

6.18.1.1 Requirements for Interment

No pets or other animals are permitted to be interred on cemetery grounds, except where:

- (a) the interment takes place in a designated Pet Burial Section of the cemetery;
- (b) the applicable fee under the Tariff of Charges for an interment within the Pet Burial Section has been paid;
- (c) permission of the Director has been granted and is shown on the Certificate of Interment Rights; and
- (d) the pet or other animal is in the cremated form or, if not in the cremated form, enclosed within an approved container no larger than 24 inches in length and 18 inches in width and height.

6.18.1.2 Interment of Human Remains Provisions Apply

The provisions of section 6.18.1 shall apply in addition to any other provision of this By-law that applies to the interment of human remains.

9. That Part 6 to By-law No. 12-151 be amended by adding subclause 6.18.2 as follows:

6.18.2 Natural Burial Sections

6.18.2.1 Number of Interments

A maximum of one (1) interment of human remains that are not cremated and one (1) interment of cremated human remains, or two (2) cremated remains may be buried in each lot within the Natural Burial Section. The interment of human remains that are not cremated shall be performed at standard depth, at least two feet beneath the natural level of the ground surface.

6.18.2.2 Cremation Interment

Where Interment Rights are purchased in the Natural Burial Section with the intent of having an interment of cremated human remains as the second Interment in the grave, the interment of the cremated human remains must not proceed until the interment of human remains that are not cremated have been completed.

6.18.2.3 Witnessing the Interment

The Director may limit the number of witnesses to an interment service in the Natural Burial Section to preserve the environmental sanctity or health and safety of those persons attending the interment.

6.18.2.4 Caskets or Container for Full Body Interment

A casket, shroud or container meeting the following criteria shall be provided by a licenced funeral establishment for the Interment of human remains that are not cremated within the Natural Burial Section:

- a) Composed of sustainable and full biodegradable fibers or materials;
- b) Free of non-biodegradable resins, glues or bonding agents;
- c) Composed of interior finishing fabricated from biodegradable fibers or material;

- d) Free from high gloss finish lacquers, paints or prepared surfaces that are non-biodegradable;
- e) Free of any interior liner, bag or wrapping that is fabricated from a non-biodegradable material;
- f) Free of any memento, article or personal belonging that is composed of non-biodegradable material;
- g) Fashioned to include a supportive bottom that is made from sustainable and biodegradable materials and that is stable and strong enough to be transported and placed on a grave lowering device; and
- h) Include handles in the event of a casket.

6.18.2.5 Container for Cremated Remains Interment

A container meeting the following criteria shall be provided for the Interment of cremated remains within the Natural Burial Section:

- a) Composed of sustainable and fully biodegradable fibers and material;
- b) Free of non-biodegradable resins, glues or bonding agents;
- c) Composed of interior finishing fabricated from biodegradable fibers or bonding agents;
- d) Free from high gloss finish lacquers, paints or prepared surfaces that are non biodegradable;
- e) Free of any interior liner, bag or wrapping that is fabricated from a non-biodegradable material; and
- f) Free of any memento, article or personal belonging that is composed of non-biodegradable material.

6.18.2.6 Outer Containers

No concrete, metal vaults, or other outer containers will be permitted in Natural Burial Section.

6.18.2.7 Scattering of Cremated Remains

The scattering of cremated remains will be permitted only within designated areas within the Natural Burial Section. Surface scattering is not permitted in any other area of the Natural Burial Section.

6.18.2.8 Removal of Caskets, Containers, or Cremated Remains

Interments performed within the Natural Burial Section will be regarded as permanent and irreversible from the interment date as all Interments are performed using biodegradable containers. The Cemetery shall have no obligation to disinter any remains within the Natural Burial Section unless required to do so by applicable law or court order. Where ordered to disinter human remains that are not cremated or cremated human remains, the requesting party shall be responsible to pay any and all fees associated with the disinterment.

6.18.2.9 Human Remains

Human remains to be interred within the Natural Burial Section shall be free from embalming solutions, prosthetics and any other non-naturally occurring elements.

6.18.2.10 General Care of Natural Burial Graves

In order to preserve the natural environment, the use of pesticides within the Natural Burial Section will not be permitted.

6.18.2.11 Planting Restrictions

No person shall place live or artificial plant material on a grave within the Natural Burial Section.

6.18.2.12 Tributes of Remembrance

To preserve the natural setting, no person shall place an article of any kind within the Natural Burial Section.

6.18.2.13 Memorialization

To preserve the natural surroundings of the Natural Burial Section, no person shall place a memorial on a grave within the Natural Burial Section.

6.18.2.14 Inscription on Communal Memorial

Inscriptions on a communal memorial feature within the Natural Burial Section as provided by Hamilton Municipal Cemeteries may be purchased by paying the applicable fee under the Tariff of Charges.

10. That Part 6 to By-law No. 12-151 be amended by adding subclause 6.18.3 as follows:

6.18.3 Pallbearers

For safety reasons, municipal cemetery staff are not permitted to act as pallbearers during a funeral service. All funeral service providers shall contract out pallbearer services to companies with staff specifically trained and insured for this purpose or use their internal staff.

11. That Schedule A to By-law No. 12-151 be amended by adding subclause 1.10.1 and 1.10.2 under the heading General as follows:

1.10.1 Memorial benches and Memorial Niche benches:

Memorial benches and memorial niche benches shall be purchased through the Hamilton Municipal Cemetery office by paying the applicable fee under the Tariff of Charges. Memorial benches and a concrete pad with a minimum size of 3' x 6' x 4" shall be installed by Cemetery staff.

1.12.1 Pictures, Etchings and Photographs on Monuments and Markers:

- (a) Prior to the placement of any picture, etching or photograph on a monument or marker, the written consent of the Interment Rights Holder(s) shall be provided to cemetery staff.
- (b) Pictures, etchings and photographs shall be in keeping with the dignity and decorum of the cemetery. If, in the opinion of the Director, a picture, etching or photograph is not in keeping with the dignity and decorum of the cemetery, they may have such inscription removed at the cost of the Interment Rights Holder or their heir or representative.
- (c) Pictures or photographs must be manufactured in a permanent, weather resistant material.
- (d) Pictures, etchings or photographs of a non-permanent material will be removed and disposed of by the Cemetery without notification and at the cost of the Interment Rights Holder or their heir or representative.

- (e) The Cemetery assumes no responsibility or liability for a picture, photograph or etching on a monument or marker that becomes lost, faded, cracked, damaged, or needs to be removed.

12. This By-law shall come into force on the day the Registrar approves it.

13. That in all other respects By-law 12-151 is confirmed.

PASSED this 24th day of February, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 3, Public Works Committee
Report 19-004 (PW19028)
CM: March 26, 2019
Ward: 3

Bill No. 025

CITY OF HAMILTON

BY-LAW NO. 21-

Being a By-law to Permanently Close a Portion of the Public Unassumed Alley Abutting 651 Wilson Street, Hamilton, established by Registered Plan 219, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21272, being Part of PIN 17198-0013 (LT), City of Hamilton

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 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

AND WHEREAS the Council of the City of Hamilton on March 27, 2019, and further amended on October 23, 2019, in adopting Item 3 of Public Works Committee Report 19-004, authorized the City to permanently close and sell a portion of a public unassumed alley abutting 651 Wilson Street, Hamilton, Ontario, established by Registered Plan 219, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21272, being Part of PIN 17198-0013 (LT), City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on February 22, 2021, as Instrument No. WE1492285 to close a portion of a public unassumed alley abutting 651 Wilson Street, Hamilton, Ontario, established by Registered Plan 219, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21272, being Part of PIN 17198-0013 (LT), City of Hamilton;

AND WHEREAS the road is a highway under the jurisdiction of the City of Hamilton;

AND WHEREAS notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the portion of a public unassumed alley, set out as:

Part of Alley, Registered Plan 219, lying south of Cannon Street between Birch Avenue and Gibson Avenue, designated as Part 1, Plan 62R-21272, being Part of PIN 17198-0013 (LT)

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-21272, hereby permanently closed, be sold to Keith Black and Patricia Black for the sum of Forty-Two Thousand, Seven Hundred and Fifty Dollars (\$42,750.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED on this 24th day of February, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 21-

To Confirm the Proceedings of City Council at its meeting held on February 24th, 2021.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 24th day of February 2021, in respect of each recommendation contained in

Mayor's Task Force on Economic Recovery Report 21-001 – February 12, 2021,
Planning Committee Report 21-003 – February 16, 2021,
General Issues Committee Report 21-004 – February 17, 2021,
Audit, Finance & Administration Committee Report 21-003 – February 18, 2021,
Board of Health Report 21-002 – February 19, 2021,
and
Public Works Committee Report 21-003 – February 19, 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 24th day of February, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk