



City of Hamilton
GENERAL ISSUES COMMITTEE
REVISED

Meeting #: 21-006
Date: March 23, 2022
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

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

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

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

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

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

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1. February 16, 2022

5. COMMUNICATIONS

6. DELEGATION REQUESTS

6.1. Kristin O'Connor, Hamilton Harbour Remedial Action Plan, respecting Item 8.2 - Proposed City of Hamilton Watershed Action Plan (PW19008(o))

(For March 23, 2022 GIC)

- 6.2. Chris McLaughlin, Bay Area Restoration Council, respecting Item 8.2 - Proposed City of Hamilton Watershed Action Plan (PW19008(o))
(For March 23, 2022 GIC)
- *6.3. Paula Kilburn, respecting Item 9 of the Advisory Committee for Persons with Disabilities Report 22-002, respecting the Advisory Committee for Persons with Disabilities Request for Council to Establish an Accessibility Award Program
(For March 23, 2022 GIC)
- *6.4. Karl Andrus, Hamilton Community Benefits Network, respecting 13.1 - Amendments to the Outstanding Business List - the proposed new due date for the forthcoming staff report respecting a Community Benefits Protocol Advisory Committee
(For March 23, 2022 GIC)
- *6.5. Karl Andrus, Hamilton Community Benefits Network, respecting Item 8.4 - Light Rail Transit (LRT) Agreements Update (PED21176(a))
(For March 23, 2022 GIC)
- *6.6. James Kemp, respecting Item 9 of the Advisory Committee for Persons with Disabilities Report 22-002, respecting the Advisory Committee for Persons with Disabilities Request for Council to Establish an Accessibility Award Program
(For the March 23, 2022 GIC)

7. CONSENT ITEMS

- 7.1. Locke Street Business Improvement Area (BIA) Revised Board of Management (PED22065) (Ward 1)

8. STAFF PRESENTATIONS

- 8.1. COVID-19 Verbal Update
- 8.2. Proposed City of Hamilton Watershed Action Plan (PW19008(o)) (City Wide)
- 8.3. The Security of the City's Property and Personnel (PW22016) (City Wide)
- 8.4. Light Rail Transit (LRT) Agreements Update (PED21176(a)) (City Wide)

9. PUBLIC HEARINGS / DELEGATIONS

10. DISCUSSION ITEMS

- 10.1. Barton Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2022 (PED22041) (Ward 3)
- 10.2. Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2022 (PED22042) (Ward 1)
- 10.3. Advisory Committee for Persons with Disabilities Report 22-002, February 8, 2022
- 10.4. Hamilton and Scourge National Historic Site Single Sourcing (PED22050) (City Wide)
- 10.5. Airport Sub-Committee Report 22-001, February 24, 2022
- 10.6. Entertainment Venues Municipal Capital By-Law (PED18168(h)) (Ward 2)

NOTE: The by-laws attached as Appendices "B", "C" and "D" have each had minor revisions, which are shown in yellow.

- 10.7. Active Transportation Fund (PED22082) (City Wide)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

13.1. Amendments to the Outstanding Business List

a. Items to be Removed:

- a. Airport Employment Growth District (AEGD) Wastewater Servicing Update and Capacity Allocation Policy

(Addressed at the February 16, 2022 GIC as Item 8.4 - Report PED20040(a))

- b. Recommendations related to the Implementation of the Municipal Accommodation Tax

(Addressed at the February 16, 2022 General Issues Committee as Item 10.2 - PED20009(b))

- c. Feedback on the Draft Code of Conduct for Boards and Committees

(Addressed at the special GIC meeting of February 17, 2022 as Item 8.1 - Report FCS21081(a))

- d. Business Improvement Area Advisory Committee Working Group for the 2021 Grey Cup

As the 2021 Grey Cup has since concluded, this matter is no longer relevant.

- e. Downtown Precinct Master Agreement – Municipal Capital Facility Agreement By-Laws

(Addressed on this agenda as Item 10.6 - Report PED18168(h))

- b. Proposed New Due Date:

- a. Community Benefits Protocol Advisory Committee

Current Due Date: March 23, 2022

Proposed New Due Date: June 15, 2022

- b. Protection of Privacy

Current Due Date: February 16, 2022

Proposed New Due Date: May 4, 2022

- c. Options on How the City May Pedestrianize a Street or Collection of Streets

Current Due Date: March 23, 2022

Proposed New Due Date: April 20, 2022

- d. Security Report on Theft and Vandalism Prevention in City-Owned Spaces

Current Due Date: May 18, 2022

Proposed New Due Date: August 8, 2022

- e. ACPD Environmental Working Group Plan

Current Due Date: March 23, 2022

Proposed New Due Date: March 22, 2023

- f. Corporate Strategic Growth Initiatives – Annual Update

Current Due Date: March 23, 2022

Proposed New Due Date: November 30, 2022

- g. Revenue Enhancement Opportunities at the John C. Munro International Airport

Current Due Date: March 23, 2022

Proposed New Due Date: September 21, 2022

- h. Update on Request for Information – Downtown Parking Structure (PED16105 and PED15183)

Current Due Date: April 6, 2022

Proposed New Due Date: January 18, 2023

- i. Public Art Master Plan

Current Due Date: June 15, 2022

Proposed New Due Date: September 21, 2022

14. PRIVATE AND CONFIDENTIAL

14.1. Closed Session Minutes - February 16, 2022

Pursuant to Section 9.1, Sub-sections (a), (f), (i) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (a), (f), (i) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the security of the property of the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality 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; 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.

14.2. Disposition of Agricultural Property (PED22043) (Ward 15)

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

14.3. City Hall and Other Facilities Security Process Review (PW22015) (City Wide)

Pursuant to Section 9.1, Sub-sections (a) and (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (a) and (i) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the security of the property of the municipality or local board; and, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality 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.

15. **ADJOURNMENT**



GENERAL ISSUES COMMITTEE MINUTES 22-005

9:30 a.m.

February 16, 2022

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

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

Absent: Councillors T. Whitehead, B. Clark – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Concession Street Business Improvement Area (BIA) Revised Board of Management (PED22034) (Ward 7) (Item 7.1)

(Pauls/Powers)

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

- (a) Diane Hines;
- (b) Dave Andrews; and,
- (c) Sarah Maticic.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson

Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

**2. Life Sciences Sector Strategy: Findings and Recommendations (PED22033)
(City Wide) (Item 8.2)**

(Eisenberger/Partridge)

That Report PED22033, respecting the Life Sciences Sector Strategy: Findings and Recommendations, be received.

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

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

3. Our People Survey Update (CM22001) (City Wide) (Item 8.3)

(Jackson/Partridge)

That Report CM22001, respecting the Our People Survey, be received.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers
Yes	-	Ward 6 Councillor Tom Jackson

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

4. Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14) (Item 8.4)

(Partridge/Pearson)

- (a) That Appendix "A" attached to Report PED20040(a), entitled City of Hamilton Airport Employment Growth District (AEDG) Wastewater System Capacity Allocation Policy, be approved as the City's policy for allocation of wastewater capacity to lands within the area identified as the AEGD Wastewater Capacity Allocation Area, as shown on Appendix "B" attached to Report PED20040(a);
- (b) That staff be directed to prepare the appropriate by-law to amend the Prohibition of Use of Land Without Adequate Services By-law 06-038 to include wastewater allocation calculations as a requirement to demonstrate adequate services, for Council approval; and,
- (c) That a Wastewater System Capacity Allocation fee of \$500, be approved and incorporated into the Tariff of Fees and Charges By-law for Planning and Engineering Development Applications and apply to each wastewater allocation request submitted to the City, after approval of the Airport Employment Growth District (AEGD) Wastewater System Capacity Allocation Policy.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson

Absent	-	Ward 11	Councillor Brenda Johnson
Yes	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

5. Municipal Accommodation Tax (PED20009(b)) (City Wide) (Item 10.2)

(Eisenberger/Danko)

- (a) That the Business Case Study for the creation of the Tourism Municipal Services Corporation, attached as Appendix "A" to Report PED20009(b), be approved;
- (b) That staff be authorized and directed to incorporate the Tourism Municipal Services Corporation, substantially in accordance with the Business Case Study attached as Appendix "A" to Report PED20009(b), with the mandate to promote tourism and develop tourism products in alignment with the Hamilton Tourism Strategy;
- (c) That the appointment of the General Manager of the Planning and Economic Development Department; the Director of the Tourism and Culture Division; and, the Manager of Accounting Services, Financial Services and Taxation Division, Corporate Services Department, as Interim Directors of the Tourism Municipal Services Corporation, be approved;
- (d) That staff and the Interim Directors of the Tourism Municipal Services Corporation, be authorized and directed to develop recommendations relating to the following, and report back to the General Issues Committee for approval:
 - (i) Operating Agreement and Asset Transfer Policy between the City of Hamilton and the new Tourism Municipal Services Corporation;
 - (ii) Governance structure for the new Tourism Municipal Services Corporation; specifically, the structure and process for the selection of the Board of Directors; and,
 - (iii) Establishing the Tourism Municipal Services Corporation Municipal Accommodation Tax Reserve Fund to receive the new Tourism Municipal Services Corporation's portion of the Municipal Accommodation Tax;
- (e) That staff be authorized and directed to negotiate any agreements required to fulfil the Business Case Study for the creation of the Tourism

Municipal Services Corporation, attached as Appendix “A” to Report PED20009(b), and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department, in consultation with the General Manager, Finance and Corporate Services Department, and in a form satisfactory to the City Solicitor;

- (f) That the City of Hamilton Municipal Accommodation Reserve Fund Policy for the City portion of the Municipal Accommodation Tax, attached as Appendix “B” to Report PED20009(b), be approved; and,
- (g) That staff be directed to report back to the General Issues Committee in 2022, with the proposed timing of the approval and implementation of the By-law, attached as Appendix “C” to Report PED20009(b), to establish a Municipal Accommodation Tax at a rate of 4%.

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

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

6. Delegation of Authority to Hold Education Development Charge Complaint Hearings (LS22012) (City Wide) (Item 10.3)

(Pearson/Eisenberger)

- (a) That Council delegates its authority to hold Education Development Charge complaint hearings made, pursuant to section 257.85 of the *Education Act*, R.S.O. 1990, c. E.2 to the Audit, Finance & Administration Committee; and,

- (b) That Council Procedure By-law 21-012, A By-law to Govern the Proceedings of Council and Committees of Council, be amended, as follows:
- (i) deleting Appendix “J” and replacing it with Appendix “J” attached to Report LS22012 as Appendix “A”; and,
 - (ii) such further grammatical and reference amendments determined as necessary by the City Clerk, as a result of deleting Appendix “J” and replacing it with the version of Appendix “J” attached to Report LS22012 as Appendix “A”.

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

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

7. City of Hamilton / Ministry of Transportation 2021-2022 Dedicated Gas Tax Funding Agreement (FCS22013) (City Wide) (item 10.4)

(Nann/Powers)

- (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 FCS22013;

- (c) That the By-law, attached as Appendix “C” to Report FCS22013, 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.

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

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

8. Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003 / LS22006 / PED22018) (City Wide) (Item 10.5)

(Pearson/Partridge)

- (a) That Report FCS22003/LS22006/PED22018, respecting the Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, be received; and,
- (b) That the contents of Appendix “C” to Report FCS22003/LS22006/PED22018, respecting Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, remain confidential.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson

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

9. Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003(a) / LS22006(a) / PED22018(a)) (City Wide) (Item 10.6)

(Eisenberger/Partridge)

- (a) That the draft By-Law “To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs”, attached as Appendix “A” **as further amended**, to Report FCS22003(a)/LS22006(a)/PED22018(a), which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- (b) That, subject to the approval of Recommendation (a) of Report FCS22003(a)/LS22006(a)/PED22018(a), Council approve and enact the draft By-Law “To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties”, attached as Appendix “B” to Report FCS22003(a)/LS22006(a)/ PED22018(a), which has been prepared in a form satisfactory to the City Solicitor; and,
- (c) That the contents of Appendix “C” to Report FCS22003(a)/LS22006(a)/ PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, remain confidential.

Result: MAIN MOTION, As Amended, CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers

Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Absent	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Absent	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

10. Capital Projects Work-in-Progress Sub-Committee Report 22-001, February 11, 2022 (Item 10.7)

(Powers/Pauls)

(a) Capital Project Closing Report as of September 30, 2021 (FCS21080(a)) (City Wide) (Item 10.1)

- (i) That the General Manager, Finance and Corporate Services, be authorized to transfer a net amount of \$85,088 to the Unallocated Capital Levy Reserve (108020) and draw \$29,757 from other reserves, as outlined in Appendix "A" to Capital Projects Work-in-Progress Report 22-001;
- (ii) That the General Manager, Finance and Corporate Services, be directed to close the completed and / or cancelled capital projects, listed in Appendix "B" to Capital Projects Work-in-Progress Report 22-001, in accordance with the Capital Projects Closing and Monitoring Policy;
- (iii) That Appendix "C" to Capital Projects Work-in-Progress Report 22-001, Capital Projects Budget Appropriations for the period covering July 1, 2021 through September 30, 2021, be received as information;
- (iv) That Appendix "D" to Capital Projects Work-in-Progress Report 22-001, Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding requiring Council authorization, be approved; and,
- (v) That the amendments to capital financing for the projects outlined in Appendix "E" to Capital Projects Work-in-Progress Report 22-001, Capital Projects Requiring a Change in Funding Source, be approved.

**(b) Capital Projects Status Report as of September 30, 2021
(FCS21079(a)) (City Wide) (Item 10.2)**

- (i) That Appendix “A”, attached to Report FCS21079(a), respecting Capital Projects Status Report – Tax Supported, as of September 30, 2021, be received;
- (ii) That Appendix “B”, attached to Report FCS21079(a) respecting Capital Projects Status Report – Rate Supported, as of September 30, 2021, be received; and,
- (iii) That confidential Appendix “C”, attached to Report FCS21079(a), respecting Capital Projects Status Report as of September 30, 2021, be received and remain confidential.

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

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

**11. Provincial Streamline Development Approval Fund (PED22060 / FCS22018)
(City Wide) (Item 10.8)****(Pearson/Danko)**

- (a) That the By-law to Authorize the Signing of a Municipal funding agreement for the transfer of the Streamline Development Approval Fund funds between the Minister of Municipal Affairs and Housing and the City of Hamilton, attached as Appendix “A” to Report PED22060 / FCS22018, be passed;

- (b) That certified copies of the approved by-laws authorizing the signing of the Municipal funding agreements for the Streamline Development Approval Fund be forwarded to the Minister of Municipal Affairs and Housing; and,
- (c) That Council authorize staff to single source third-party consultants, pursuant to Procurement Policy #11 – Non-competitive Procurements, where required to complete projects for the Streamline Development Approval Fund within the February 2023 deadline.

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

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

12. 2022 Property Insurance Renewals (LS22015) (City Wide) (Item 10.9)

(Farr/Wilson)

- (a) That the Premium Summaries, attached as Appendix “A” to Report LS22015, for the term January 1, 2022 to January 1, 2023 or beyond, be renewed through Arthur J. Gallagher Canada Ltd. at a cost of \$6,560,575 (plus applicable taxes), to be funded through the 2022 Risk Management Services Budget;
- (b) That the 2022 Risk Management Property and Liability Premiums budget shortfall of \$512,799 be funded through the 2022 year-end surplus of Tax Stabilization Reserve (110046);
- (c) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewals of the Property and Liability Insurance coverage on behalf of the City of Hamilton, as per the Premium Summaries attached as Appendix “A” to Report LS22015, for the term January 1, 2022 to January 1, 2023 or

beyond through Arthur J. Gallagher Canada Ltd., in a form satisfactory to the City Solicitor;

- (d) That the direction provided to staff in Closed Session, respecting Report LS22015, respecting 2022 Property Insurance Renewals, be approved; and,
- (e) That the contents of Appendix “B” to Report LS22015, respecting 2022 Property Insurance Renewals, remain confidential.

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

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

13. Local Tree Planting Initiatives in the City of Hamilton (Item 11.1)

(Farr/Jackson)

WHEREAS, the City of Hamilton has declared a Climate Emergency;

WHEREAS, the Federal Government has created a program to plant 2 billion trees over 10 years;

WHEREAS, \$3.2 Billion will be invested in tree planting efforts to support Provinces, Territories, Third Party Organizations (for and not-for-profit) and Indigenous organizations;

WHEREAS, the Federal Government has recently issued a Call for Proposals (December 16, 2021) to access federal tree planting resources;

WHEREAS, the program identifies cost-shared tree planting projects as one of two funding streams;

WHEREAS, trees can be planted on public lands;

WHEREAS, the City of Hamilton has funded its own tree planting program for nearly two decades;

WHEREAS, Indigenous people are the original Hamiltonians and the original people of the Ancaster, Stoney Creek, Glanbrook, Flamborough, and Dundas areas;

WHEREAS, the City of Hamilton has approved the development of the Hamilton Urban Indigenous Strategy;

WHEREAS, Hamilton's Urban Indigenous Strategy's Indigenous Relations team will assist to engage, support, and collaborate;

WHEREAS, the City of Hamilton continues to work with the local urban Indigenous and treaty territories; and,

WHEREAS, Hamilton's Urban Indigenous Strategy, through its commitment of implementing the Strategy, focuses on strengthening the City's relationship with the local Indigenous community;

THEREFORE, BE IT RESOLVED:

That staff be directed to consult with representatives of Six Nations of the Grand River, the Mississaugas of the Credit First Nations, the Huron-Wendat Nation, and the Joint Stewardship Board representatives, as well as representatives of Hamilton's urban Indigenous community / organizations for the purpose of establishing partnerships to access federal funding to assist with local tree planting initiatives in the City of Hamilton, and report back to the General Issues Committee.

Result: MOTION, CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson
Absent	-	Ward 12 Councillor Lloyd Ferguson

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

14. Tiger-Cats Stadium Licence Agreements (LS22013) (City Wide)
(Item 14.4)

(Eisenberger/Farr)

- (a) That the direction provided to staff in Closed Session, respecting Report LS22013 - Tiger-Cats Stadium Licence Agreements, be approved;
- (b) That the City Manager be directed to organize and Chair the Contract Management Team, as agreed to by the Hamilton Sports Group Partnership;
- (c) That the City Manager be authorized and directed to execute any agreements or ancillary documents necessary to implement the resolution with the Hamilton Sports Group Partnership with respect to the Tiger-Cats request to approve recent reorganizations, as it affects the Tiger-Cats Stadium Licence Agreements, in a form satisfactory to the City Solicitor.
- (d) That Report LS22013, respecting the Tiger-Cats Stadium Licence Agreements and its appendices, remain confidential;

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

Yes - Mayor Fred Eisenberger
 Yes - Ward 1 Councillor Maureen Wilson
 Yes - Ward 2 Councillor Jason Farr
 Yes - Ward 3 Councillor Nrinder Nann
 Absent - Ward 4 Councillor Sam Merulla
 Yes - Ward 5 Councillor Russ Powers
 Yes - Ward 6 Councillor Tom Jackson
 Yes - Ward 7 Councillor Esther Pauls
 No - Ward 8 Councillor J. P. Danko
 Absent - Ward 9 Councillor Brad Clark
 Yes - Ward 10 Councillor Maria Pearson
 Absent - Ward 11 Councillor Brenda Johnson
 Yes - Ward 12 Councillor Lloyd Ferguson
 Yes - Ward 13 Councillor Arlene VanderBeek, Deputy Mayor
 Absent - Ward 14 Councillor Terry Whitehead
 Yes - Ward 15 Councillor Judi Partridge

FOR INFORMATION:**(a) APPROVAL OF AGENDA (Item 2)**

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

8. ADDED STAFF PRESENTATIONS

- 8.4. Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14)

This matter was previously listed as Item 10.1; however, a staff presentation was added to this report therefore it has been moved to Item 8.4.

10. ADDED DISCUSSION ITEMS

- 10.7. Capital Projects Work-in-Progress Sub-Committee Report 22-001, February 11, 2022
- 10.8. Provincial Streamline Development Approval Fund (PED22060 / FCS22018) (City Wide)
- 10.9. 2022 Property Insurance Renewals (LS22015) (City Wide)

Please refer to Item 14.5 for Private & Confidential Appendix "B" to this report.

14. ADDED PRIVATE AND CONFIDENTIAL ITEMS

- 14.4. Tiger-Cats Stadium Licence Agreements (LS22013) (City Wide)

Pursuant to Section 9.1, Sub-sections (a), (f), (i) and (k) of the City's Procedural Bylaw 21-021, as amended, and Section 239(2), Sub-sections (a), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality 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; 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.

14.5. Appendix "B" to Report LS22015 - 2022 Property Insurance Renewals

Pursuant to Section 9.1, Sub-section (a) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (a) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the security of the property of the municipality or local board. Please refer to Item 10.9 for the public portion of this report.

(Eisenberger/Pearson)

That the agenda for the February 16, 2022 General Issues Committee meeting, be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) February 2, 2022 (Item 4.1)****(Nann/Pearson)**

That the Minutes of the February 2, 2022 General Issues Committee meeting, be approved, as presented.

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

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

(d) CONSENT ITEMS (Item 7)**(i) Arts Advisory Commission Minutes 21-005, November 23, 2021 (Item 7.2)****(Johnson/Farr)**

That the Arts Advisory Commission Minutes 21-005, November 23, 2022, be received.

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

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls

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

(e) STAFF PRESENTATIONS (Item 8)

(i) COVID-19 Verbal Update (Item 8.1)

Jason Thorne, General Manager, Planning and Economic Development and Director of the Emergency Operations Centre; and, Dr. Elizabeth Richardson, Medical Officer of Health, provided the verbal update respecting COVID-19.

(Powers/Nann)

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

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

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

(ii) Life Sciences Sector Strategy: Findings and Recommendations (PED22033) (City Wide) (Item 8.2)

Norm Schleeahn, Director of Economic Development, introduced the presentation, respecting Report PED22033 - Life Sciences Sector Strategy: Findings and Recommendations, and staff.

Asmaa Al-Hashimi, Business Development Consultant, introduced the consultants; Omar Raza, Senior Manager, KPMG LLP; and, Clark Savolaine, Partner, Deal Advisory, Global Infrastructure Advisory, KPMG LLP, who provided the balance of the presentation.

(Eisenberger/Johnson)

That the presentation, respecting Report PED22033 - Life Sciences Sector Strategy: Findings and Recommendations, be received.

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

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

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

(iii) Our People Survey Update (CM22001) (City Wide) (Item 8.3)

Janette Smith, City Manager, introduced the presentation respecting Report CM22001 – Our People Survey Update.

Zak Rochon, Partner, Director of Client Services, Metrics@work provided the technical portion of the presentation, followed by Lora Fontana, Executive Director, H.R., who presented the survey results.

(Pearson/Ferguson)

That the presentation, respecting Report CM22001 – Our People Survey Update, be received.

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

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

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

(Ferguson/Powers)

That the General Issues Committee recess for one half hour until 12:35 p.m.

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

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

(iv) Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14) (Item 8.4)

Mark Inrig, Senior Development Administrator, and Gavin Norman, Manager, Infrastructure Planning, provided the presentation for Report PED20040(a) - Airport Employment Growth District (AEGD) Wastewater System Allocation Policy.

(Pearson/Danko)

That the presentation, respecting Report PED20040(a) - Airport Employment Growth District (AEGD) Wastewater System Allocation Policy, be received.

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

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

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

(f) DISCUSSION ITEMS (Item 10)**(i) Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003(a) / LS22006(a) / PED22018(a)) (City Wide) (Item 10.6)****1. Deferral of Consideration of Report****(Wilson/Powers)**

That consideration of Report FCS22003(a) / LS22006(a) / PED22018(a), respecting the Amendments to By-law No. 10-197,

the Hamilton Sign By-Law, respecting Election Signs, be DEFERRED until Committee reconvenes in Opens Session.

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

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

2. Amendment to sub-section (c) to Section 25 of Appendix "A" to FCS22003(a)/LS22006(a)/PED22018(a),

(Nann/Wilson)

(a) That sub-section (c) to Section 25 of Appendix "A" to Report FCS22003(a)/LS22006(a)/PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, be deleted in its entirety:

~~**(c) within 25 meters of any Voting Place on Voting Day or on and Advance Voting Day.**~~

(b) That sub-section (a) to Report FCS22003(a) / LS22006(a) / PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, **be amended** by adding the words "**as amended**" after the words Appendix "A", to read as follows:

(a) That the draft By-Law "To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs", attached as Appendix "A" **as further amended**, to Report FCS22003(a)/LS22006(a)/PED22018(a),

which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;

Result: Amendment, CARRIED by a vote of 11 to 0, as follows:

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

3. Amendment to Section 23 of Appendix "A" to Report FCS22003(a)/LS22006(a)/PED22018(a)

(Danko/Partridge)

That Section 23 of Appendix "A" to Report FCS22003(a) / LS22006(a) / PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, **be amended**, by adding the words "**excluding the portion of front or side yard between the sidewalk, ditch or established edge of roadway, and the property line**", to read as follows:

23. No person shall display or permit the display of an Election Sign on any portion of the Road Allowance, including any portion of the Boulevard that abuts Private Property, **excluding the portion of front or side yard between the sidewalk, ditch or established edge of roadway, and the property line.**

Result: Amendment, CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann

Absent	-	Ward 4	Councillor Sam Merulla
Yes	-	Ward 5	Councillor Russ Powers
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Absent	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Absent	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

For further disposition of this matter, please refer to Item 9.

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

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

(Powers/Eisenberger)

That the following amendment to the General Issues Committee's Outstanding Business List, be approved:

(1) Proposed New Due Dates (Item 13.1.a.)

- (aa) Parkland Acquisition Strategy
Current Due Date: June 15, 2022
Proposed New Due Date: September 7, 2022

(2) Items to be Removed:

- (aa) Hamilton Farmers' Market Governance
(No longer required by the Ward Councillor)

Result: MOTION, CARRIED by a vote of 11 to 0, as follows:

Yes	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark

Yes	-	Ward 10	Councillor Maria Pearson
Yes	-	Ward 11	Councillor Brenda Johnson
Absent	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

(h) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – February 2, 2022 (Item 14.1)

(Partridge/Johnson)

- (a) That the Closed Session Minutes of the February 2, 2022 General Issues Committee meeting, be approved; and,
- (b) That the Closed Session Minutes of the February 2, 2022 General Issues Committee meeting, remain confidential.

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

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

(Pearson/Danko)

That Committee move into Closed Session respecting Items 14.3 and 14.4, pursuant to Section 9.1, Sub-sections (a), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (a), (f), (i) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to the security of the property of the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour

relations information, supplied in confidence to the municipality 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; 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.

Result: MOTION, CARRIED by a vote of 11 to 0, as follows:

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

(i) ADJOURNMENT (Item 14)

(Pearson/Johnson)

That there being no further business, the General Issues Committee be adjourned at 4:46 p.m.

Result: MOTION, CARRIED by a vote of 10 to 1, as follows:

No	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Jason Farr
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Sam Merulla
Yes	-	Ward 5 Councillor Russ Powers
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Maria Pearson
Yes	-	Ward 11 Councillor Brenda Johnson

**General Issues Committee
Minutes 22-005**

**February 16, 2022
Page 27 of 27**

Absent	-	Ward 12	Councillor Lloyd Ferguson
Yes	-	Ward 13	Councillor Arlene VanderBeek, Deputy Mayor
Absent	-	Ward 14	Councillor Terry Whitehead
Yes	-	Ward 15	Councillor Judi Partridge

Respectfully submitted,

Arlene VanderBeek, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk

Submitted on Thursday, February 24, 2022 - 4:28pm Submitted by anonymous user: 172.70.134.228
Submitted values are:

==Committee Requested==

Committee: General Issues Committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Hamilton Harbour Remedial
Action Plan

Name of Individual: Kristin O'Connor

Preferred Pronoun:

Contact Number:

Email Address: koconnor@hrca.on.ca

Mailing Address:

Reason(s) for delegation request:

Progress update on Hamilton Harbour remediation.

Request is to appear on March 23, 2022.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



Vibrant centrepiece in our community's life



**HAMILTON
HARBOUR**
REMEDIAL ACTION PLAN

Kristin O'Connor

HHRAP Coordinator

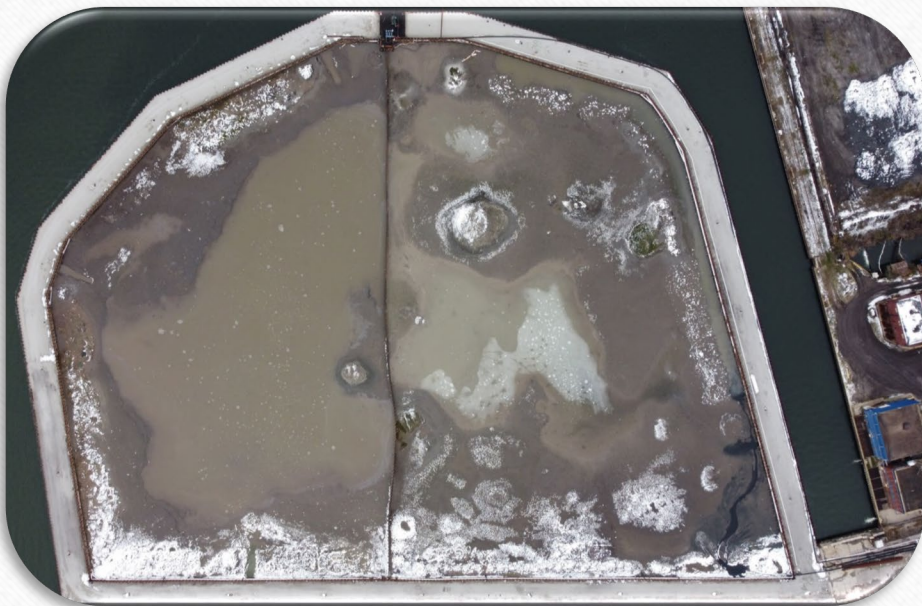
City of Hamilton GIC -

March 23, 2022

AOCs: Areas of Concern RAP: Remedial Action Plan



Celebrate Success



Acknowledge Challenges



Seize Opportunities



Thank You



HAMILTON
HARBOUR
REMEDIAL ACTION PLAN

hamiltonharbour.ca/about_the_rap



Submitted on Monday, March 7, 2022 - 1:16pm Submitted by anonymous user: 172.70.178.106
Submitted values are:

==Committee Requested==

Committee: General Issues Committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Bay Area Restoration
Council

Name of Individual: Chris McLaughlin

Preferred Pronoun:

Contact Number: 9055706278

Email Address: cmclaughlin@hamiltonharbour.ca

Mailing Address:

47 Discovery Drive

Hamilton, Ontario L8L 8K4

Reason(s) for delegation request: BARC is a partner agency of the
City of Hamilton in the implementation of the Hamilton Harbour
Remedial Action Plan. This delegation supports the staff
presentation of the City's Watershed Action Plan.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



BAY AREA RESTORATION COUNCIL

 HamiltonHarbour.ca
  [@HamiltonHarbour](https://www.facebook.com/HamiltonHarbour)
 [@HamHarbour](https://www.instagram.com/HamHarbour)

VISION | A thriving, healthy, accessible Harbour for all

MISSION | To lead and engage in collective action to revitalize Hamilton Harbour and its watershed through education and collaboration



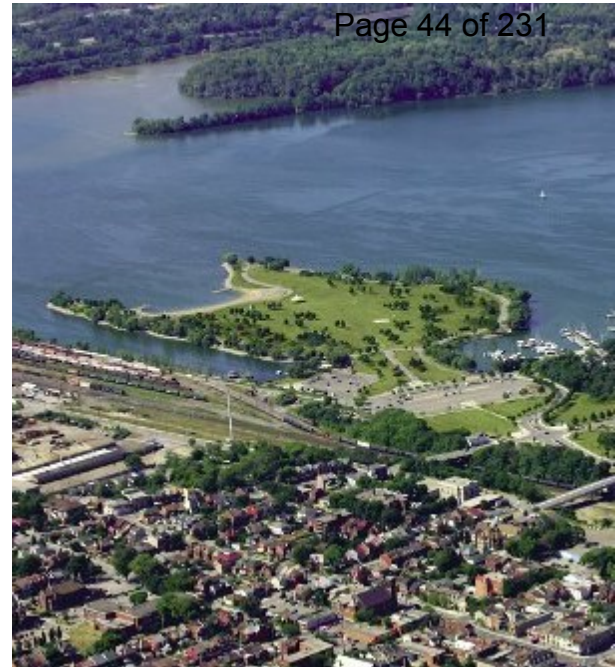
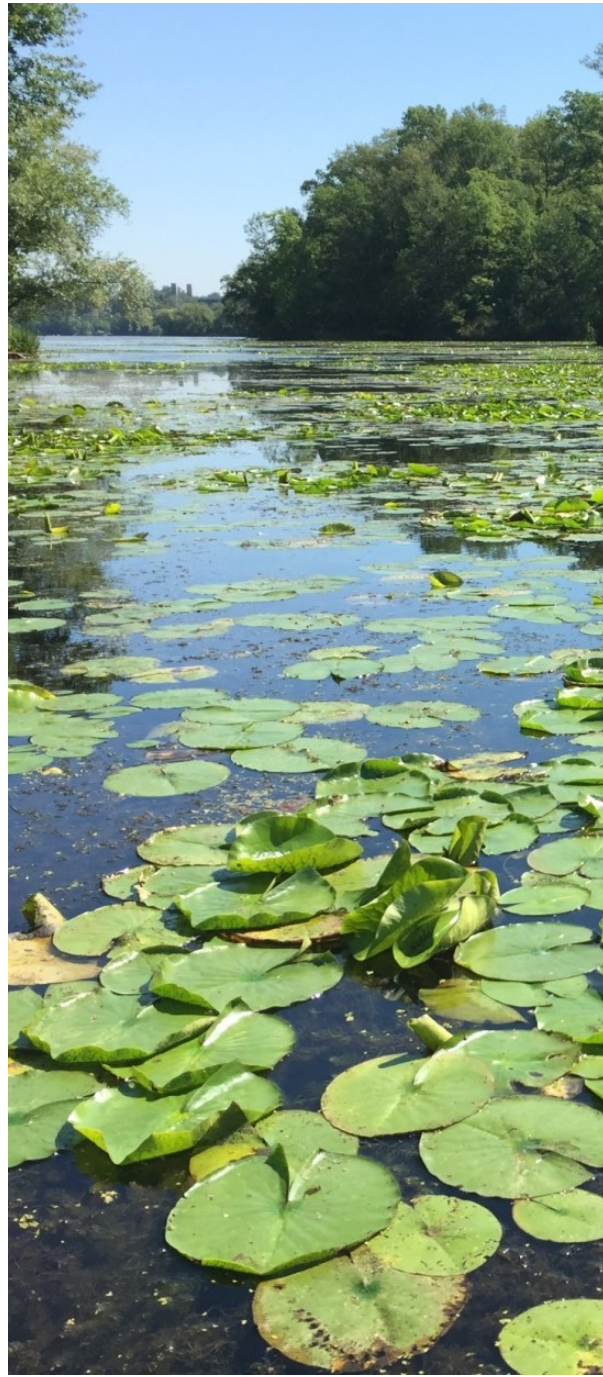
© Bay Area Restoration Council, 2019



We shall never achieve harmony with the land, any more than we shall achieve absolute justice or liberty for people.

**In these higher aspirations,
the important thing is not to achieve but to strive.**

— Aldo Leopold, 1949





© Bay Area Restoration Council, 2019



We shall never achieve harmony with the land, any more than we shall achieve absolute justice or liberty for people.

**In these higher aspirations,
the important thing is not to achieve but to strive.**

— Aldo Leopold, 1949

Submitted on Thursday, March 10, 2022 - 2:41pm Submitted by anonymous user: 172.70.134.183
Submitted values are:

==Committee Requested==

Committee: General Issues Committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Member of the public

Name of Individual: Paula Kilburn

Preferred Pronoun: she/her

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To speak to the motion before
committee about the Accessibility awards

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Submitted on Thursday, March 17, 2022 - 5:02pm Submitted by anonymous user: 172.70.135.133
Submitted values are:

==Committee Requested==

Committee: General Issues Committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Hamilton Community Benefits
Network

Name of Individual: Karl Andrus

Preferred Pronoun:

Contact Number:

Email Address: karlandrus@hcbn.ca

Mailing Address:

Reason(s) for delegation request:

13.1 - Amendments to the Outstanding Business List

b. Proposed New Due Date:

a. Community Benefits Protocol Advisory Committee

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Submitted on Thursday, March 17, 2022 - 5:03pm Submitted by anonymous user: 172.70.175.199
Submitted values are:

==Committee Requested==

Committee: General Issues Committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable): Hamilton Community Benefits
Network

Name of Individual: Karl Andrus

Preferred Pronoun:

Contact Number:

Email Address: karlandrus@hcbn.ca

Mailing Address:

Reason(s) for delegation request:

8.4

Light Rail Transit (LRT) Agreements Update (PED21176(a)) (City
Wide)

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Submitted on Tuesday, March 22, 2022 - 9:41am Submitted by anonymous user: 172.70.175.7
Submitted values are:

==Committee Requested==

Committee: General Issues Committee

Will you be delegating via a pre-recorded video? No

==Requestor Information==

Name of Organization (if applicable):

Name of Individual: James Kemp

Preferred Pronoun:

Contact Number:

Email Address:

Mailing Address:

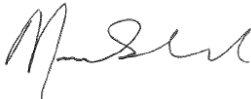
Reason(s) for delegation request: respecting Item 9 of the
Advisory Committee for Persons with Disabilities Report 22-002,
respecting the Advisory Committee for Persons with Disabilities
Request for Council to Establish an Accessibility Award Program

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	Locke Street Business Improvement Area (BIA) Revised Board of Management (PED22065) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

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

(a) Dao Ngyuen

EXECUTIVE SUMMARY

Appointment of a new Director to the Locke Street Business Improvement Area (BIA) Board of Management.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

Legal: *The Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of,

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

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

SUBJECT: Locke Street Business Improvement Area (BIA) Revised Board of Management (PED22065) (Ward 1) - Page 2 of 4

(a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality”. Section 204 Subsection (12) stipulates “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

The Board of Management of the Locke Street BIA held a meeting on January 24, 2022, at which Dao Nguyen was appointed to the Board of Management.

Should Council adopt the recommendation in PED22065, the aforementioned nominated person would be appointed to serve on the Locke Street BIA Board of Management for the remainder of this term, through the end of 2022. This new Director would be replacing Heidi Vanderkwaak who resigned from the Board of Management.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Section 204 of the *Municipal Act* (the “Act”), together with the Procedural By-law adopted by the Board of Management (the “BIA Procedural By-law”), govern the election of Directors, Appointment of Directors by Council, and the Filling of Vacancies within a Board of Management.

Section 204(3) *Act* provides, “A board of management shall be composed of:

- (a) one or more directors appointed directly by the municipality; and,
- (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality.”

Section 204(9) of the *Act* provides, “Subject to subsection (9), if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

Article 4, Section 1 of the Procedural By-law provides, “All Directors of the Board of Management are appointed by City Council.

- (a) The Board of Management shall consist 12 Directors (which will provide for a minimum of 3 Directors and a maximum of 20 Directors), selected by a vote of the Members of the BIA and then appointed as Directors by City Council. In addition,

SUBJECT: Locke Street Business Improvement Area (BIA) Revised Board of Management (PED22065) (Ward 1) - Page 3 of 4

the Board of Management shall consist of the Councillor(s) of the Ward(s) in which the BIA is located, directly appointed as Directors by the City.”

Article 4, Section 3 of the Procedural By-law provides, “Appointment to the Board In the event of a vacancy occurring on the Board of Management:

- (a) The remaining Directors *may* nominate for the City’s consideration and appointment an individual for Directorship to fill the vacancy for the remaining portion of the term of office;
- (b) In the event that the remaining Directors no longer constitute a quorum, a meeting of the Members shall be called by the remaining Directors for the purpose of nominating an individual for Directorship for consideration and appointment by the City; and,
- (c) The Board of Management shall notify the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department, as soon as any vacancy occurs and shall further notify him or her if and when a nomination is made by the remaining Directors or the Members for appointment to the Board of Management by the City.”

Shortly put, pursuant to the *Act* and the Procedural By-law, Council is permitted to directly appoint the Councillor(s) of the Ward in which the BIA is located and appoint person(s) who have been selected by a vote of the BIA membership to fill a vacancy on the Board of Management. Where a vacancy occurs and the remaining Directors no longer constituting a quorum, the BIA membership is required to hold a meeting for the purpose of nominating an individual to fill the vacancy, for consideration and appointment by Council.

While the provisions of the City of Hamilton Policy respecting the Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees (the “Policy”) restrict the filling of vacancies within 12 months of the end of the Term of Council where there are insufficient applicants on file to fill the vacancy, the Policy has no application to the filling of vacancies on a Board of Management. As outlined above, this process is within the control and responsibility of the Board itself and is governed under the *Act* and the Procedure By-law. Therefore, the Policy does not restrict Council from making the appointments being recommended by this Report.

RELEVANT CONSULTATION

N/A

SUBJECT: Locke Street Business Improvement Area (BIA) Revised Board of Management (PED22065) (Ward 1) - Page 4 of 4

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth


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

APPENDICES AND SCHEDULES ATTACHED

N/A



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	Proposed City of Hamilton Watershed Action Plan (PW19008(o)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tim Crowley (905) 546-2424 Ext. 5063
SUBMITTED BY:	Cari Vanderperk Director - Watershed Management Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

On November 27, 2019 and December 11, 2019, Council amended Item 8 of the November 20, 2019 General Issues Committee (Report 19-024) which outlined items related to the contamination of Chedoke Creek as a result of the discharge from the Main/King Combined Sewer Overflow tank. Motion Item (m) states that the City of Hamilton (City) recommit to the water quality objectives in the Remedial Action Plan process.

INFORMATION

Many years of work and investment have been put into reducing point source contamination into Hamilton Harbour and by the end of 2022, the majority of this work will have been implemented. The main focus now shifts to non-point watershed sources as the primary mitigation to reduce the impact to the harbor. In order to continue progress toward improved harbour conditions, a collaborative effort is required to plan, develop and execute watershed actions within the care and control of the City. Validation of any actions through the Hamilton Harbour Remedial Action Plan (HH RAP) process is also required to support the delisting of Hamilton Harbour as an Area of Concern (AOC).

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

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

**SUBJECT: Proposed City of Hamilton Watershed Action Plan
(PW19008(o)) (City Wide) - Page 2 of 5**

The City has been a participant in the HH RAP since its inception in 1985 and has been a key contributor for many point source projects that have been or will be implemented which include:

- Construction of nine (9) Combined Sewer Overflow (CSO) tanks over 30 years;
- Sewer lateral cross connection investigations and repairs;
- Implementation of tertiary treatment at the Dundas Wastewater Treatment Plant (WWTP);
- Primary treatment expansion at the Woodward WWTP;
- Construction of tertiary treatment at the Woodward WWTP;
- Real-time control of key wastewater collection system regulators;
- Decommissioning the Waterdown WWTP;
- Windermere Basin Restoration;
- Financial contribution to the Randle Reef Engineered Containment Facility; and,
- Implementation of the Surface Water Quality Program to better understand and mitigate City infrastructure impacts on receiving waters.

Departments at all levels of government as well as non-governmental organizations, academia, businesses, industry and the public continue to monitor the environmental health of Hamilton Harbour. Each agency has oversight and hands-on implementation of various actions identified within the HH RAP. All data gathered is presented within the HH RAP community annually through various committees and workshops, to understand the actions taken and to identify and target gaps accordingly.

In Ontario, the responsibilities for HH RAP progress and AOC remediations are shared by the federal and provincial governments through the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem, also known as COA. The local HH RAP office tracks environmental conditions, activities and outcomes, and reports on the status of each of the 14 Beneficial Use Impairments (BUIs) within the Hamilton Harbour AOC with the goal of ultimately shifting the status of each BUI from Impaired to Not Impaired. Once that happens, Hamilton Harbour moves from an Area of Concern to an Area of Concern in Recovery. Hamilton Harbour monitoring will continue for many years while the AOC is in Recovery, before delisting can occur. The current status of each AOC was published in October 2021 by Environment and Climate Change Canada titled Restoring the Great Lakes Areas of Concern and is attached as Appendix "A" to Report PW19008(o).

In order to continue to meet the expectations for an improved aquatic environment, address community expectations, and continue to improve the City's image for effective environmental stewardship, the City has assembled a consortium of agencies, under a Stakeholder Liaison Committee (SLC). The SLC will develop the City of Hamilton Watershed Action Plan (CHWAP) and working together this group of agencies will help

**SUBJECT: Proposed City of Hamilton Watershed Action Plan
(PW19008(o)) (City Wide) - Page 3 of 5**

to advance City specific non-point watershed actions which have the greatest influence on improving harbour conditions.

In 2016, a set of recommendations was developed through a collaborative HH RAP process to identify contributions of contamination in urban and rural Hamilton. These recommendations, as well as others, are considered a starting point for the SLC. As such, the SLC will act as a technical working group of the already established HH RAP Watershed Advisory Group (WAG). A graphic representing the reporting structure and how this SLC fits into the greater HH RAP Secretariat is attached as Appendix "B" to Report PW19008(o).

SLC membership is structured to provide a balance of perspectives, skills sets, knowledge, and expertise and may include, but is not limited to, the representation shown below. Guests will also be invited to participate in meetings by providing insight, submitting findings and offering additional support depending on agenda items.

SLC Working Group

- City of Hamilton
 - Public Works
 - Hamilton Water
 - Environmental Services
 - Transportation Operations & Maintenance
 - Planning & Economic Development
 - Sustainable Communities
 - Heritage and Urban Design
 - Growth Management
 - Healthy & Safe Communities
 - Recreation
 - Healthy Environments
 - Indigenous Relations
- Royal Botanical Gardens
- Hamilton Conservation Authority
- Conservation Halton

The SLC will update the WAG committee regarding the development of the CHWAP during each WAG meeting. As a result, member agencies from WAG, as listed below, will provide insight, recommendations and additional support to the SLC.

- Bay Area Restoration Council
- City of Hamilton
- City of Burlington

**SUBJECT: Proposed City of Hamilton Watershed Action Plan
(PW19008(o)) (City Wide) - Page 4 of 5**

- Conservation Halton
- Environment and Climate Change Canada
- Environment Hamilton
- Hamilton Conservation Authority
- Hamilton Harbour Remedial Action Plan
- Ministry of the Environment, Conservation and Parks
- Royal Botanical Gardens
- The Regional Municipality of Halton

In addition to the agencies above, the SLC will also engage with the following consultation and engagement partners throughout the development of the CHWAP.

- Indigenous Nations and First Peoples
- Niagara Peninsula Conservation Authority
- Grand River Conservation Authority
- McMaster University
- Redeemer College University
- Green Venture
- Ontario Ministry of Transportation
- Fisheries and Oceans Canada

The SLC will sit for three (3) scheduled meetings each year for an estimated two (2) years. Initially the committee will work to finalize the draft Terms of Reference attached as Appendix “C” to Report PW10998(o), along with a communications plan. Once complete, the focus will then turn to potential watershed improvements including but not limited to capital projects, policy changes and operating/maintenance program modifications.

The final deliverable of the CHWAP is a capital implementation strategy developed in accordance with City and Provincial guidelines, policies and regulations that outline a 5-10-year capital budget plan and financing strategy targeted for the 2024 Rates Budget Report. At that time discussions will take place in order to determine if there are future works being planned that would be suitable for the continuation of the SLC or another committee similar in nature.

Updates and communication to City Senior Leadership and Council will be accomplished as part of the SLC and City staff will identify a frequency and method after some strategy is established in discussion with the SLC members.

Hamilton Harbour represents one (1) of the largest natural features in the community that should be safe and accessible to all residents and addressing the remaining non-

**SUBJECT: Proposed City of Hamilton Watershed Action Plan
(PW19008(o)) (City Wide) - Page 5 of 5**

point watershed issues of contamination will further change the status of health, safety and image within the City of Hamilton.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW19008(o) – Restoring the Great Lakes Areas of Concern

Appendix "B" to Report PW19008(o) – Hamilton Harbour Remedial Action Plan
Secretariat

Appendix "C" to Report PW19008(o) – Draft Stakeholder Liaison Committee Terms of
Reference



RESTORING THE GREAT LAKES AREAS OF CONCERN

CANADIAN ENVIRONMENTAL
SUSTAINABILITY INDICATORS



Suggested citation for this document: Environment and Climate Change Canada (2021) Canadian Environmental Sustainability Indicators: Restoring the Great Lakes Areas of Concern. Consulted on *Month day, year*.
Available at: www.canada.ca/en/environment-climate-change/services/environmental-indicators/restoring-great-lakes-areas-concern.html.

Cat. No.: En4-144/4-2021E-PDF
ISBN: 978-0-660-39761-0
Project code: EC21032.107

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CANADIAN ENVIRONMENTAL SUSTAINABILITY INDICATORS

RESTORING THE GREAT LAKES AREAS OF CONCERN

October 2021

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Table A. 2. Data for Figure 2. Progress on Canada's 17 Great Lakes Areas of Concern, 1987 to 202113

Restoring the Great Lakes Areas of Concern

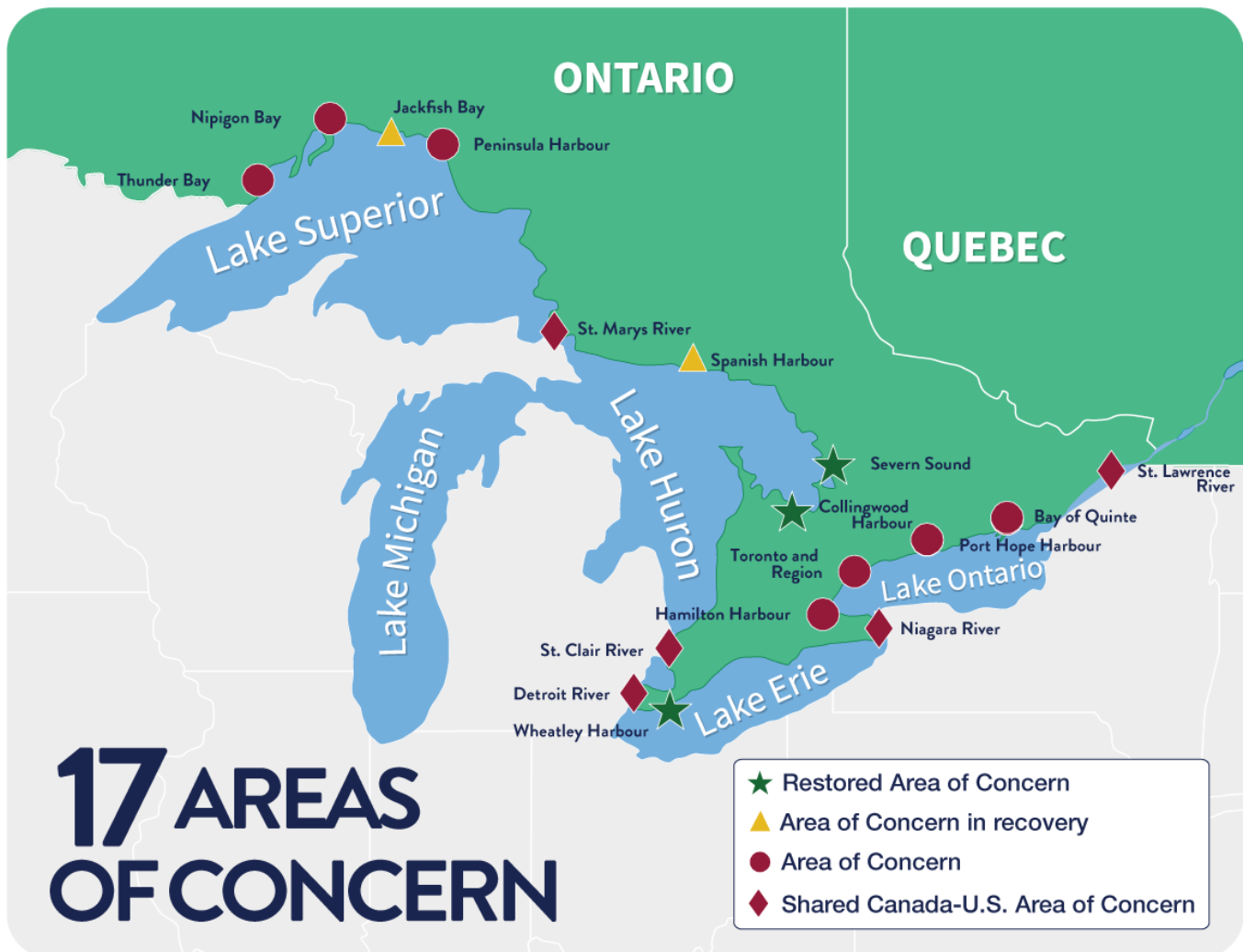
The Great Lakes basin is Canada's most populated region. Its large population and extensive development places a strain on ecosystem health. Locations having experienced a high level of environmental damage from human activity are called Areas of Concern. This indicator assesses progress on restoring Areas of Concern around the Great Lakes within Canadian waters and those shared with the United States.

Status of the Great Lakes Areas of Concern

Key results

- Environmental quality in Canada's 17 Great Lakes Areas of Concern has improved since the restoration program began in 1987
- As of 2021, 3 Areas of Concern have been fully restored and delisted

Figure 1. Status of Canada's 17 Great Lakes Areas of Concern, 2021



[Data for Figure 1](#)

Note: As of 2016, the [Nipigon Bay Area of Concern](#) had all of its impaired beneficial uses restored; however, it cannot be formally designated as a Restored Area of Concern until the final approval of its completion report following public consultations on its delisting. Area of Concern

status is based on progress reported as of March 31, 2021.

Source: Environment and Climate Change Canada (2021) Great Lakes Areas of Concern Office.

In 1987, the Canada-United States Great Lakes Water Quality Agreement identified 43 Areas of Concern around the Great Lakes. Of these Areas of Concern:

- 26 were entirely in American waters and 5 have been restored: Oswego River (2006), Presque Isle Bay (2013), Deer Lake (2014) and White Lake (2014), Lower Menominee (2020)
- 12 were entirely in Canadian waters
- 5 are shared with the United States

To date, considerable progress has been made towards the restoration of Canada's 17 Areas of Concern (including the 5 shared with the United States):

- 3 have been fully restored and delisted: Collingwood Harbour (1994), Severn Sound (2002) and Wheatley Harbour (2010)
- 1 more has had all impaired beneficial uses restored and community engagement will continue until it is removed from the list of Areas of Concern: Nipigon Bay (2016)
- 2 have been formally designated as Areas of Concern in Recovery, signifying that all remedial actions have been completed and the natural recovery of the ecosystem will continue to be monitored: Spanish Harbour (1999) and Jackfish Bay (2011)
- efforts continue to restore the remaining 11 Areas of Concern: Peninsula Harbour, Thunder Bay, Bay of Quinte, Port Hope Harbour, Toronto and Region, Hamilton Harbour, St Lawrence River, St. Clair River, St. Marys River, Niagara River and Detroit River

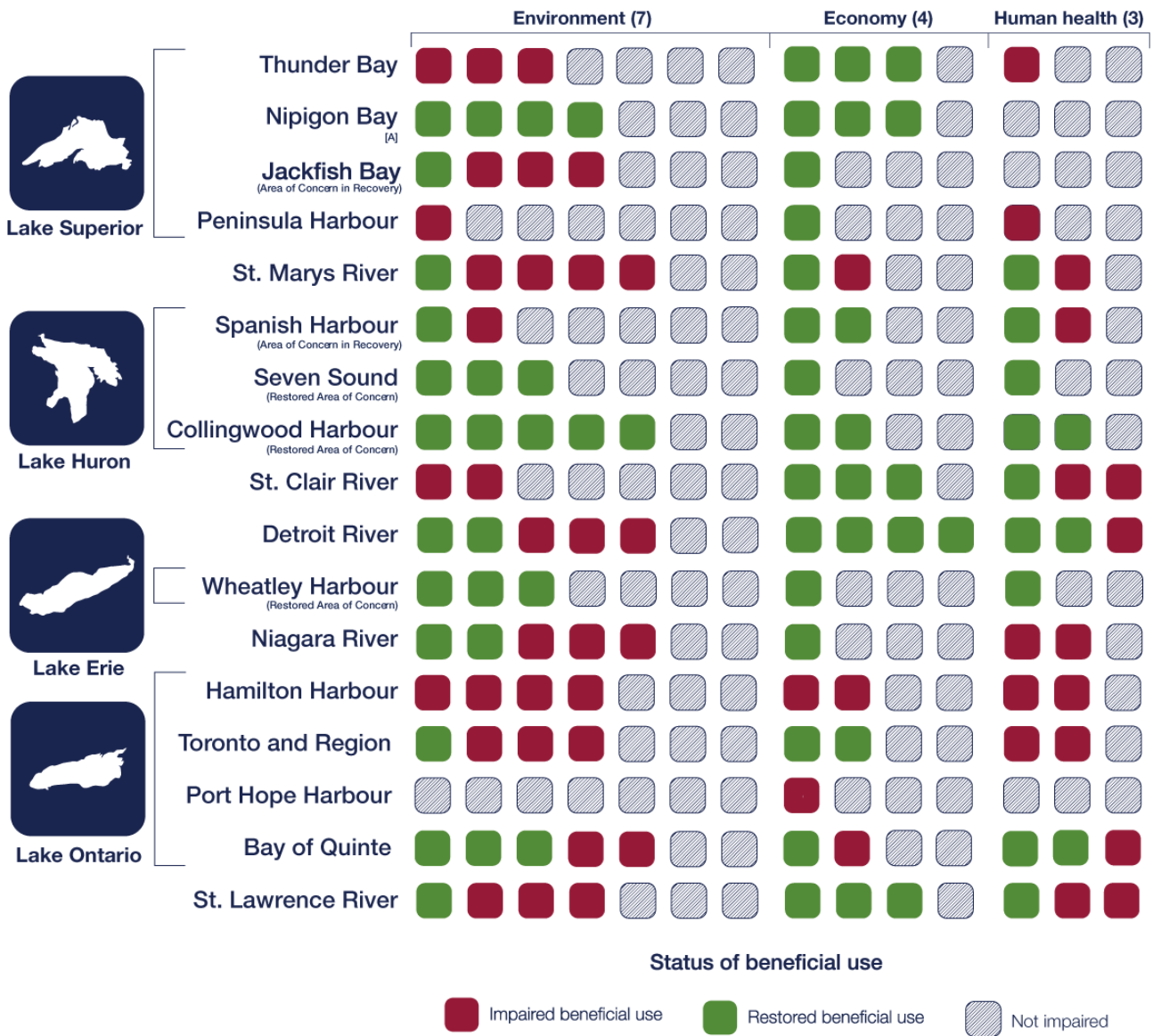
Progress on restoring the Great Lakes Areas of Concern

Key results

- As of March 2021, 68 of the 121 impaired beneficial uses identified in Canada's 17 Areas of Concern have been restored. Efforts continue to restore the 53 remaining impaired beneficial uses
- Between April 2020 and March 2021, 5 beneficial uses were restored (out of the 68 restored) in the Spanish Harbour, Detroit River, Toronto and Region, and Bay of Quinte Areas of Concern

Figure 2. Progress on Canada's 17 Great Lakes Areas of Concern, 1987 to 2021

Number of beneficial uses by status and category of impact



www.canada.ca/environmental-indicators

[Data for Figure 2](#)

Note: ^[A] As of 2016, the [Nipigon Bay Area of Concern](#) had all of its impaired beneficial uses restored; however, it cannot be formally designated as a Restored Area of Concern until the final approval of its completion report following public consultations on its delisting. The number of beneficial uses that are Impaired in 2021 is based on progress reported as of March 31, 2021.

Source: Environment and Climate Change Canada (2021) Great Lakes Areas of Concern Office.

At the 17 Areas of Concern, 121 beneficial uses have been considered impaired since the restoration program began in 1987. Beneficial uses describe how an aquatic ecosystem benefits the environment, economy or human health: they are the ecological services that are available to the population and the environment when the ecosystem is healthy (not impaired). An impaired beneficial use has experienced enough changes to the chemical, physical or biological integrity of the area to restrict human use or to restrict the area's ability to support

plants and animals. Before classifying an area as an Area of Concern, 14 beneficial uses are considered. Each of the 14 beneficial uses can be classified based on their impairment under 1 of the following Categories of impact:¹

Environment (7)

1. Degradation of fish and wildlife populations
2. Fish tumours or other deformities
3. Bird or animal deformities or reproduction problems
4. Degradation of benthos
5. Degradation of phytoplankton and zooplankton populations
6. Eutrophication or undesirable algae
7. Loss of fish and wildlife habitat

Economy (4)

1. Tainting of fish and wildlife flavour
2. Restrictions on dredging activities
3. Degradation of aesthetics
4. Added costs to agriculture or industry

Human health (3)

1. Restrictions on fish and wildlife consumption
2. Restrictions on drinking water consumption, or taste and odour problems
3. Beach closing

¹ For more information on the beneficial use impairments, please see: Environment and Climate Change Canada (2013) [2012 Great Lakes Water Quality Agreement: annex 1](#). Retrieved on March 22, 2021.

About the indicator

What the indicator measures

This indicator assesses progress towards the restoration of Canada's 12 Areas of Concern and the 5 Areas of Concern shared with the United States.

An Area of Concern is a region in the Great Lakes that has experienced a high level of environmental damage from human activity. There are 14 beneficial uses that are considered in order to decide whether an area should be classified as an Area of Concern. Beneficial uses describe how an aquatic ecosystem benefits the economy, human health and the environment: they are the ecological services that are available to the population and the environment when the ecosystem is healthy (not impaired). An Impaired beneficial use has experienced enough changes to the chemical, physical or biological integrity of the area to restrict human use or to restrict the area's ability to support plants and animals.

The status of a beneficial use is determined by monitoring and conducting scientific studies in the Area of Concern. The study results are compared to the findings for reference sites and targets listed in the site's remedial action plan and other update reports.

Why this indicator is important

This indicator is used to provide information about the state of the Great Lakes and the Canadian environment. It tracks the work done to repair the environment at 17 Areas of Concern in Canada. In these areas, the degraded environment has disrupted fisheries, wildlife, tourism, recreation and/or agriculture.



Pristine lakes and rivers

This indicator supports the measurement of progress towards the following [2019 to 2022 Federal Sustainable Development Strategy](#) long-term goal: Clean and healthy lakes and rivers support economic prosperity and the well-being of Canadians.

It is used to assess progress towards the short-term milestone: By the end of 2019, complete restoration actions that will assist in delisting 5 Canadian Great Lakes Areas of Concern. In the remaining 9 Areas of Concern, increase the number of restored beneficial uses from 18 in 2014 to 30 in 2019.²

In addition, the indicator contributes to the [Sustainable Development Goals of the 2030 Agenda for Sustainable Development](#). It is linked to the 2030 Agenda's Goal 6: Clean water and sanitation and Target 6.6: "By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes."

Finally, the indicator assesses progress towards the goals of the [Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health, 2021](#). Specifically, it measures progress towards restoring the remaining impaired beneficial uses in the Canadian Great Lakes Areas of Concern (Thunder Bay, Nipigon Bay, Jackfish Bay, Peninsula Harbour, St. Marys River, Spanish River, St. Clair River, Detroit River, Niagara River, Bay of Quinte, St. Lawrence River, Hamilton Harbour, Toronto and Region, and Port Hope Harbour).

Related indicators

The [Phosphorus levels in the offshore waters of the Great Lakes](#) indicator reports total phosphorus levels in the offshore waters of the 4 Canadian Great Lakes.

The [Water quality in Canadian rivers](#) indicators provide a measure of the ability of river water across Canada to support plants and animals.

² The short-term milestone does not include the 3 Areas of Concern that have been fully restored and delisted: Collingwood Harbour (1994), Severn Sound (2002) and Wheatley Harbour (2010)

Data sources and methods

Data sources

Environment and Climate Change Canada's [Great Lakes Areas of Concern](#) program tracks the status of all beneficial uses in Canada's 17 Areas of Concern (including the 5 shared with the United States). This information is developed as Canada exercises its responsibility under the Canada-United States Great Lakes Water Quality Agreement to remove a beneficial use impairment designation when the established criteria have been met. The most recent data available for each Area of Concern are used to calculate this indicator.

More information

The 2021 data were obtained from Environment and Climate Change Canada's Areas of Concern Office. Progress reports summarizing the status of all beneficial uses for all Canadian Areas of Concern have been compiled every 1 to 3 years since 2012. Prior to 2012, beneficial use classifications were taken from remedial action plans and update reports.

Data coverage for this indicator begins with Severn Sound's Stage 1 report published in 1988 and includes data up to March 31, 2021. The other Areas of Concern released their Stage 1 reports between 1989 and 1993, with the majority being released in 1991. Wheatley Harbour released a combined Stage 1 and 2 report in 1998.

The Port Hope Harbour Area of Concern is being restored through the Port Hope Area Initiative, launched in 2001. Canadian Nuclear Laboratories is implementing the Port Hope Project on behalf of Atomic Energy of Canada Limited, a federal Crown corporation because of the nature and scope of the contamination at this site. Only the progress reports compiled since 2003 were considered for Port Hope Harbour.

Description of the Areas of Concern process

The 1987 revision of the Canada-United States Great Lakes Water Quality Agreement identified 43 Areas of Concern in Canadian and American waters of the Great Lakes. All Canadian Areas of Concern, have a remedial action plan to guide restoration and protection efforts targeting specific beneficial uses.³

In the former process, under the 1987 Protocol to the Canada-United States Great Lakes Water Quality Agreement, remedial action plans were developed and implemented in 3 stages.

- Stage 1 identified which of 14 beneficial uses were classified as Impaired or Not impaired, as well as the sources and causes of the problem
- Stage 2 established the goals, objectives and actions required to restore the ecosystem to a healthy state
- Stage 3 documented the successful restoration of the Area of Concern as measured against the objectives (delisting criteria) outlined in the Stage 2 Remedial Action Plan report

When the beneficial uses were considered Not Impaired, and Stage 3 was complete, the Area of Concern was declared Restored and officially "delisted". Typically, Canada waited to change the status of beneficial uses to Not Impaired in bunches (for example, with the release of a stage update report) or en masse (for example, with the completion of Stage 3).

Under the 2012 Canada-United States Great Lakes Water Quality Agreement, the process was modified and remedial action plans are now periodically updated to reflect restoration progress. That is, the Parties will not wait to change the status of beneficial uses en masse. Canada:

- will remove an Impaired beneficial use designation when established criteria have been met

³ For more information on what the beneficial uses are, please see: Environment and Climate Change Canada (2013) [2012 Great Lakes Water Quality Agreement: annex 1](#). Retrieved on March 22, 2021.

- may elect to identify an Area of Concern as an Area of Concern in Recovery when all actions identified in a remedial action plan have been implemented and monitoring shows recovery is progressing as anticipated
- will remove the Area of Concern or Area of Concern in Recovery designation when environmental monitoring confirms beneficial use restoration criteria have been met

An Area of Concern in Recovery is an area originally identified as an Area of Concern where, on the basis of community and government consensus, all scientifically-feasible and economically-reasonable actions have been implemented and additional time is required for the environment to recover.

The reports prepared for each Area of Concern and additional information can be found at [Great Lakes: Areas of Concern](#).

Methods

The number of beneficial uses listed as Impaired was counted for all Stage 1 reports and all update reports conducted up to the end of March 2021. The results include the beneficial uses for Canada's 12 Areas of Concern, covering the 4 Canadian Great Lakes, as well as the 5 Areas of Concern shared with the United States in their connecting channels.

An Impaired beneficial use can be classified as Restored if all delisting requirements for that beneficial use impairment have been met. Criteria for a beneficial use impairment are established in consideration of conditions that can be eventually achieved on a lake-wide basis.

Caveats and limitations

This indicator does not show the continuous nature of the rehabilitation process for each Area of Concern because the status for each beneficial use impairment can only change when new reports are published and the party (Canada) has confirmed the status as per the provisions in Annex 1 of the Great Lakes Water Quality Agreement. With progress reports being updated annually, the staggered change is less evident.

Port Hope Harbour follows a separate program, the Port Hope Area Initiative that is being implemented by Canadian Nuclear Laboratories on behalf of Atomic Energy of Canada Limited.

Resources

References

Environment and Climate Change Canada (2013) [2012 Great Lakes Water Quality Agreement: annex 1](#). Retrieved on March 22, 2021.

Related information

[Great Lakes: Areas of Concern](#)

[Canada-United States Great Lakes water quality agreement, 2012](#)

[Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health, 2021](#)

[2019 Progress Report of the Parties](#)

Annex

Annex A. Data tables for the figures presented in this document

Table A.1. Data for Figure 1. Status of Canada's 17 Great Lakes Areas of Concern, 2021

Lake	Area of Concern	Assessment year	Status as of March 31, 2021
Superior	Thunder Bay	1991, 2012	Area of Concern
Superior	Nipigon Bay	1991	Area of Concern
Superior	Jackfish Bay	1991	Area of Concern in Recovery
Superior	Peninsula Harbour	1991, 2012	Area of Concern
	St. Marys River	1992	Area of Concern
Huron	Spanish Harbour	1993	Area of Concern in Recovery
Huron	Severn Sound	1988	Restored Area of Concern
Huron	Collingwood Harbour	1989	Restored Area of Concern
	St. Clair River	1991	Area of Concern
	Detroit River	1991, 1998	Area of Concern
Erie	Wheatley Harbour	1998	Restored Area of Concern
	Niagara River	1993	Area of Concern
Ontario	Hamilton Harbour	1992	Area of Concern
Ontario	Toronto and Region	1989	Area of Concern
Ontario	Port Hope Harbour	2003	Area of Concern
Ontario	Bay of Quinte	1990	Area of Concern
Ontario	St. Lawrence	1992	Area of Concern

Note: Assessment reports were published between 1988 and 1993, in what were titled *Stage 1 Remedial Action Plan reports*, with the exception of Wheatley Harbour and Port Hope Harbour, which were produced in 1998 and 2003, respectively. Many of these included undefined status for certain beneficial uses, and they “required further assessment”. Upon further assessment over subsequent years, what had been undefined was clarified in Remedial Action Plan status update reports. In these cases, a second year is noted as assessment year.
Source: Environment and Climate Change Canada (2021) Great Lakes Areas of Concern Office.

Table A. 2. Data for Figure 2. Progress on Canada's 17 Great Lakes Areas of Concern, 1987 to 2021

Lake	Area of Concern	Initial assessment (number of beneficial use impaired)	2021 assessment year: total impaired (number of beneficial use impaired by category of impact)	2021 impaired beneficial use	2021 assessment year: total restored (number of beneficial use restored by category of impact)	2021 restored beneficial use	Year and number of restored beneficial use	Beneficial use not impaired
Superior	Thunder Bay	7	Environment: 3 Human health: 1	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Degradation of benthos Loss of fish and wildlife habitat Beach closing 	Economy: 3	<ul style="list-style-type: none"> Restrictions on dredging activities Degradation of aesthetics Added costs to agriculture or industry 	2004: 1 2012: 1 2019: 1	7
Superior	Nipigon Bay ^{1A}	7	No impaired beneficial use	n/a	Environment: 4 Economy: 3	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Degradation of benthos Eutrophication or undesirable algae Loss of fish and wildlife habitat Tainting of fish and wildlife flavor Restrictions on dredging activities Degradation of aesthetics 	1995: 2 2016: 5	7
Superior	Jackfish Bay ^{1B}	5	Environment: 3	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Degradation of benthos 	Environment: 1 Economy: 1	<ul style="list-style-type: none"> Fish tumours or other deformities Restrictions on dredging activities 	1998: 1 2010: 1	9

Lake	Area of Concern	Initial assessment (number of beneficial use impaired)	2021 assessment year: total impaired (number of beneficial use impaired by category of impact)	2021 impaired beneficial use	2021 assessment year: total restored (number of beneficial use restored by category of impact)	2021 restored beneficial use	Year and number of restored beneficial use	Beneficial use not impaired
				<ul style="list-style-type: none"> Loss of fish and wildlife habitat 				
Superior	Peninsula Harbour	3	Environment: 1 Human health: 1	<ul style="list-style-type: none"> Degradation of benthos Restrictions on fish and wildlife consumption 	Economy: 1	<ul style="list-style-type: none"> Restrictions on dredging activities 	2012: 1	11
	St. Marys River	9	Environment: 4 Human health: 1 Economy: 1	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Fish tumours or other deformities Degradation of benthos Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption Restrictions on dredging activities 	Environment: 1 Human health: 1 Economy: 1	<ul style="list-style-type: none"> Eutrophication or undesirable algae Beach closing Degradation of aesthetics 	2018: 3	5
Huron	Spanish Harbour ^(B)	6	Environment: 1 Human health: 1	<ul style="list-style-type: none"> Degradation of benthos Restrictions on fish and wildlife consumption 	Environment: 1 Human health: 1 Economy: 2	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Beach closing Restrictions on dredging activities Added costs to agriculture or industry 	1999: 3 2020: 1	8

Lake	Area of Concern	Initial assessment (number of beneficial use impaired)	2021 assessment year: total impaired (number of beneficial use impaired by category of impact)	2021 impaired beneficial use	2021 assessment year: total restored (number of beneficial use restored by category of impact)	2021 restored beneficial use	Year and number of restored beneficial use	Beneficial use not impaired
Huron	Severn Sound ^(c)	5	No impaired beneficial use	n/a	Environment: 3 Human health: 1 Economy: 1	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Eutrophication or undesirable algae Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption Restrictions on dredging activities 	2002: 5	9
Huron	Collingwood Harbour ^(c)	9	No impaired beneficial use	n/a	Environment: 5 Human health: 2 Economy: 2	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Bird or animal deformities or reproduction problem Degradation of benthos Eutrophication or undesirable algae Degradation of phytoplankton and zooplankton populations Restrictions on fish and wildlife consumption Degradation of aesthetics Beach closing 	1994: 9	5

Lake	Area of Concern	Initial assessment (number of beneficial use impaired)	2021 assessment year: total impaired (number of beneficial use impaired by category of impact)	2021 impaired beneficial use	2021 assessment year: total restored (number of beneficial use restored by category of impact)	2021 restored beneficial use	Year and number of restored beneficial use	Beneficial use not impaired
						<ul style="list-style-type: none"> Restrictions on dredging activities 		
	St. Clair River	8	Environment: 2 Human health: 2	<ul style="list-style-type: none"> Degradation of benthos Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption Restrictions on drinking water consumption, or taste and odour problems 	Human health: 1 Economy: 3	<ul style="list-style-type: none"> Beach closing Restrictions on dredging activities Degradation of aesthetics Added costs to agriculture or industry 	2012: 1 2016: 1 2018: 2	6
	Detroit River	12	Environment: 3 Human health: 1	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Bird or animal deformities or reproduction problems Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption 	Environment: 2 Human health: 2 Economy: 4	<ul style="list-style-type: none"> Fish tumours or other deformities Degradation of benthos Restrictions on drinking water consumption, or taste and odour problems Beach closing Tainting of fish and wildlife flavor Restrictions on dredging activities Degradation of aesthetics 	2010: 2 2014: 1 2016: 2 2019: 1 2020: 2	2

Lake	Area of Concern	Initial assessment (number of beneficial use impaired)	2021 assessment year: total impaired (number of beneficial use impaired by category of impact)	2021 impaired beneficial use	2021 assessment year: total restored (number of beneficial use restored by category of impact)	2021 restored beneficial use	Year and number of restored beneficial use	Beneficial use not impaired
						<ul style="list-style-type: none"> Added costs to agriculture or industry 		
Erie	Wheatley Harbour ^(C)	5	No impaired beneficial use	n/a	Environment: 3 Human health: 1 Economy: 1	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Eutrophication or undesirable algae Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption Restrictions on dredging activities 	2010: 5	9
	Niagara River	8	Environment: 3 Human health: 2	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Degradation of benthos Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption Beach closing 	Environment: 2 Economy: 1	<ul style="list-style-type: none"> Bird or animal deformities or reproduction problems Eutrophication or undesirable algae Restrictions on dredging activities 	2009: 2 2019: 1	6
Ontario	Hamilton Harbour	8	Environment: 4 Human health: 2 Economy: 2	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Degradation of benthos 	No restored beneficial use	n/a	No restored beneficial use	6

Lake	Area of Concern	Initial assessment (number of beneficial use impaired)	2021 assessment year: total impaired (number of beneficial use impaired by category of impact)	2021 impaired beneficial use	2021 assessment year: total restored (number of beneficial use restored by category of impact)	2021 restored beneficial use	Year and number of restored beneficial use	Beneficial use not impaired
				<ul style="list-style-type: none"> Eutrophication or undesirable algae Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption Beach closing Restrictions on dredging activities Degradation of aesthetics 				
Ontario	Toronto and Region	8	Environment: 3 Human health: 2	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Eutrophication or undesirable algae Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption Beach closing 	Environment: 1 Economy: 2	<ul style="list-style-type: none"> Degradation of benthos Restrictions on dredging activities Degradation of aesthetics 	2016: 2 2020: 1	6
Ontario	Port Hope Harbour	1	Economy: 1	<ul style="list-style-type: none"> Restrictions on dredging activities 	No restored beneficial use	n/a	No restored beneficial use	13
Ontario	Bay of Quinte	10	Environment: 2 Human health: 1 Economy: 1	<ul style="list-style-type: none"> Eutrophication or undesirable algae Degradation of phytoplankton and zooplankton populations 	Environment: 3 Human health: 2 Economy: 1	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Loss of fish and wildlife habitat 	2017: 1 2018: 3 2019: 1 2020: 1	4

Lake	Area of Concern	Initial assessment (number of beneficial use impaired)	2021 assessment year: total impaired (number of beneficial use impaired by category of impact)	2021 impaired beneficial use	2021 assessment year: total restored (number of beneficial use restored by category of impact)	2021 restored beneficial use	Year and number of restored beneficial use	Beneficial use not impaired
				<ul style="list-style-type: none"> Restrictions on fish and wildlife consumption Degradation of aesthetics 		<ul style="list-style-type: none"> Degradation of benthos Restrictions on drinking water consumption, or taste and odour problems Beach closing Restrictions on dredging activities 		
Ontario	St. Lawrence	10	Environment: 3 Human health: 2	<ul style="list-style-type: none"> Degradation of fish and wildlife populations Eutrophication or undesirable algae Loss of fish and wildlife habitat Restrictions on fish and wildlife consumption Beach closing 	Environment: 1 Human health: 1 Economy: 3	<ul style="list-style-type: none"> Degradation of benthos Restrictions on drinking water consumption, or taste and odour problems Restrictions on dredging activities Degradation of aesthetics Added costs to agriculture or industry 	1997: 3 2007: 2	4
Total	n/a	121	53	n/a	68	n/a	68	117

Note: n/a = not applicable. Empty cells indicate a Great Lake tributary river. The number of beneficial uses that are Impaired for 2021 is based on progress reported as of March 31, 2021. ^[A] All impaired beneficial uses have been restored in the Area of Concern; however, it cannot be formally designated as a Restored Area of Concern until the final approval of the completion report. ^[B] Area of Concern in Recovery. ^[C] Restored Area of Concern.

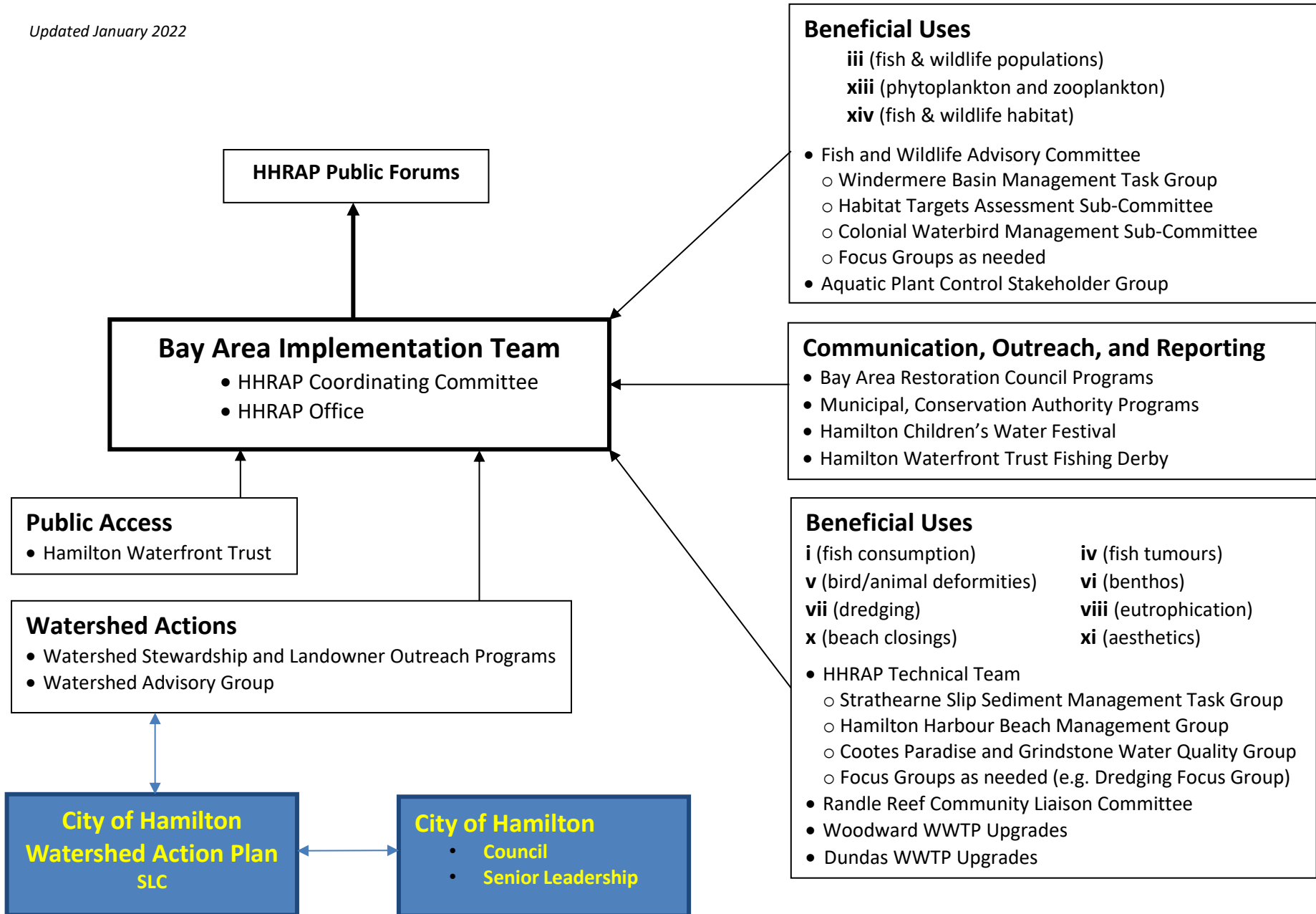
Source: Environment and Climate Change Canada (2021) Great Lakes Areas of Concern Office.

Additional information can be obtained at:

Environment and Climate Change Canada
Public Inquiries Centre
12th Floor Fontaine Building
200 Sacré-Coeur Blvd
Gatineau QC K1A 0H3
Telephone: 1-800-668-6767 (in Canada only) or 819-938-3860
Fax: 819-938-3318
Email: enviroinfo@ec.gc.ca

Hamilton Harbour Remedial Action Plan Secretariat

Updated January 2022





Hamilton

City of Hamilton Watershed Action Plan

TERMS OF REFERENCE

for the

STAKEHOLDER LIAISON COMMITTEE

DRAFT

1. Purpose

This Terms of Reference (TOR) pertains to the Stakeholder Liaison Committee (SLC) for the City of Hamilton Watershed Action Plan (CHWAP). This committee is being established to provide a forum for collaboration between the City of Hamilton (City) and other stakeholders that have care and control over Hamilton's watersheds; to provide strategic direction and consultation in the development of the CHWAP which will drive the actions for implementing the works required by the City to improve the health of Hamilton's Watersheds and provide progress towards delisting Hamilton Harbour as an Area of Concern.

2. Background and History

As a result of changes and events within Hamilton's Watersheds leading to a greater focus on non-point sources of watershed stress, there is a desire on the part of the public and Hamilton City Council in seeing an increase in watershed remediation activities planned and executed by the City and stakeholder agencies. Recently, public attention and in some cases demonstrations have been building, associated with events that influence the health of the harbour. This includes, but is not limited to; beach closures, floatables in the west harbour, algae proliferation, and unexpected wastewater discharges. In order to meet public expectations for an improved aquatic environment, address political expectations, and restore the image of effective environmental stewardship, the City is developing the CHWAP for the City to then proceed with implementation. Working together, the SLC will help to advance City specific actions of priority projects having the greatest influence on the common goals for improving harbour conditions and ultimately delisting Hamilton Harbour.

Many years of work and investment have been put into reducing point source contamination into Hamilton Harbour and by the end of 2022, the majority of this work will be implemented. This shifts the primary harbour impact to non-point watershed sources. In order to continue progress toward improved harbour conditions, which are notably better than in previous decades, a concerted effort is required to assess and execute the most impactful opportunities that will make a difference for harbour water quality.

The City believes that the advice and guidance provided by other agencies and governmental bodies will lead to a more efficient plan moving forward to deal with outstanding issues including the difficult task of managing the variability of non-point source harbour pollutant contributions. This collaborative approach will improve decision making, align strategic priorities, enhance communications and maximize synergies among us.

The City has been a participant in the Hamilton Harbour Remedial Action Plan (HH RAP) since its inception in 1985 and has been a key contributor for many of the projects that have been implemented or will be finished by the end of 2022. Notable City contributions and investments include:

- Construction of nine (9) Combined Sewer Overflow (CSO) tanks over 30 years;
- Sewer lateral cross connection investigations and repairs;
- Implementation of tertiary treatment at the Dundas Wastewater Treatment Plant (WWTP);
- Primary treatment expansion at the Woodward WWTP;
- Construction of tertiary treatment at the Woodward WWTP;
- Real-time control of key wastewater collection system regulators;
- Decommissioning the Waterdown WWTP;
- Windermere Basin Restoration;



- Financial contribution to the Randle Reef Engineered Containment Facility; and,
- Implementation of the Surface Water Quality Program to better understand and mitigate City infrastructure impacts on receiving waters.

The work of this SLC is an extension of the direction set by the HH RAP office through the years of 2014 to 2016. A set of recommendations was developed through the Watershed Nutrient and Sediment Management Group for urban and rural contributions in Hamilton and Burlington. The long list of recommendations as well as other contributions from organizations that have developed implementable strategies can be considered as a starting point for this committee.

The focus of this committee fits directly into the City of Hamilton Corporate Strategic Plan under the Clean and Green and Healthy and Safe Community priority areas. The harbour represents one of the largest features in the community that should be safe and accessible to all residents and addressing the remaining issues of contamination will further change the status of health, safety, and image within the City of Hamilton. While the benefits to local wildlife and the human community is the driver for continued efforts, there is a keen interest in successfully contributing to the formal delisting process that identifies Hamilton Harbour as a Canadian Area of Concern.

3. Mission

To establish a strong municipal leadership presence focused on the local watershed with the purpose of prioritizing and implementing City of Hamilton lead actions necessary to support a flourishing natural environment free of unacceptable contaminant releases to benefit the health of our environment, wildlife, residents and visitors within our community.

4. Goals and Objectives

The City of Hamilton wishes to ensure that the momentum toward remediation of Hamilton Harbour remains on a progressive and continuous improvement path. The following list of goals for the CHWAP are in draft form until such time that the SLC members can provide comment and advice pertaining to actions/objectives proposed that will improve the natural conditions of Hamilton Harbour and its watershed. The goals may be amended as appropriate and at least one supporting action/objective will be assigned to each goal. Draft CHWAP goals include, but not limited to:

- a. Solicit input from all stakeholders;
- b. Establish a water quality baseline to understand key hotspots and contaminant contributions
- c. Inventory all possible watershed activity ideas from City and stakeholder sources that fall within the care and control of the City and contribute toward improved harbour conditions;
- d. Apply a climate change and climate resiliency lens to each watershed action identified;
- e. Prioritize a focus list that will have the greatest impact on advancing the goal of an improved watershed and by extension harbour health;
- f. Develop a capital works plan for short term and long term activities;
- g. Establish Project Teams to be accountable for activities;
- h. Seek City Council approval for capital works plans;
- i. Implement identified priority activities through provision of appropriate resources;
- j. Monitor environmental impacts related to actions; and,
- k. Report on progress on a TBD frequency.



5. Deliverables and Timelines

Note: To be developed by SLC members during the initial meetings

Goal	Action/Objective	Timeline (ETA)

6. Measures of Success

Note: To be developed by SLC members during the initial meetings

7. Committee Structure and Governance

i. Members

The membership of the SLC is structured to provide a balance of perspectives, skills sets, knowledge and expertise. Its membership may include, but is not limited to, representatives from the following:

- Public Works
 - Hamilton Water
 - Environmental Services
 - Transportation Operations & Maintenance
- Planning & Economic Development
 - Sustainable Communities
 - Heritage and Urban Design
 - Growth Management
- Healthy & Safe Communities
 - Recreation
 - Healthy Environments
 - Indigenous Relations
- Royal Botanical Gardens
- Hamilton Conservation Authority
- Conservation Halton

ii. Consultation

The SLC will provide information updates regarding the CHWAP to the Hamilton Harbour Remedial Action Plan (HH RAP) Watershed Advisory Group (WAG) on a regular frequency (TBD). WAG members will provide insight, recommendations and additional support to the SLC which includes membership from:

- Bay Area Restoration Council
- City of Hamilton
- City of Burlington
- Conservation Halton
- Environment and Climate Change Canada
- Environment Hamilton
- Hamilton Conservation Authority
- Hamilton Harbour Remedial Action Plan
- Ministry of the Environment, Conservation and Parks
- Royal Botanical Gardens
- The Regional Municipality of Halton

In addition to the agencies above, the SLC will also engage with the following consultation and engagement partners throughout the development of the CHWAP:

- Indigenous Nations and First Peoples
- Niagara Peninsula Conservation Authority
- Grand River Conservation Authority
- McMaster University
- Redeemer College University

- Green Venture
- Ontario Ministry of Transportation
- Fisheries and Oceans Canada

iii. Chair

Stakeholder Liaison Committee meetings will be chaired by appropriate City of Hamilton Staff.

iv. Project Manager

The Project Manager will be a City of Hamilton employee or City representative who has full responsibility and authority to coordinate, develop and manage the CHWAP as guided by the SLC. All decisions by the Project Manager are based on benefitting the CHWAP. Responsibilities of the Project Manager, at a minimum include:

- Develop, review and manage the TOR;
- Coordinate and facilitate the development and execution of a detailed work plan for each phase of the CHWAP;
- Raise awareness and understanding of the CHWAP with members of the SLC and the community;
- Provide administrative support to the SLC, including meeting facilitation, time keeping and note taking for all meetings;
- Develop collaborative planning process to allow for the exchange of information and ideas;
- Review requests for proposals and study reports;
- Ensure accuracy and timeliness of technical documents produced by the SLC ;
- Day to day management of the CHWAP and the Project Team; and,
- Coordinating reporting to City Senior Leadership and Council on a TBD frequency.

v. Project Team

It is acknowledged that Project Team will be needed to focus on specific projects and priorities that have been developed by the SLC. These Project Teams will be structured and created after the establishment of the SLC goals and objectives. The Project Team/Working Group will consist of City of Hamilton cross-departmental employees who will at a minimum:

- Develop a short term and long term capital plan that addresses projects identified in the CHWAP to be approved via the City's budget process;
- Develop a charter for each project, to be approved by the SLC and ultimately Council;
- Consider resources required for each project;
- Define scope, budget and timelines for each project;
- Procure necessary consultants and contractors as per the City's Procurement By-law;
- Monitor the day to day activities of each project;
- Report on completion of each project; and,
- Implement metrics to monitor success and sustainability of each project.

vi. Decision Making

It is expected that information provided at each meeting will build from the previous, and in an effort to ensure continuity, SLC members may send alternates to meetings with efforts to reserve this for significant conflicts only. Valued input from committee members will be expected and member perspectives related to questions, decisions and directions will be requested. As a goal, the SLC will seek inputs from each member on matters where decisions are required, however the City will reserve the right to make final decisions on works and actions moved forward by this committee based on input discussion and ideas raised in meetings or by other forms of communication as deemed necessary.

vii. Quorum

An official quorum will not be established, however the Chair will note when attendance is low and offer discussion regarding the impact and opportunities for improving engagement. The Chair will decide, based on feedback from the SLC how best to move forward in each circumstance and whether additional input is required prior to action.

8. Code of Conduct

i. Decorum

SLC members shall conduct themselves with decorum in the course of their performance, or required performance, of their responsibilities as a member, and at meetings, including but not limited to:

- a. All members shall be respectful of the role of other members and employees to provide service and advice based on political neutrality and objectivity, and without undue influence from any one or more members;
- b. No member shall maliciously, falsely, negligently, recklessly, or otherwise improperly, injure the professional or ethical Code of Conduct reputation, or the prospects or practice, of any one or more members or guests participating in this process;
- c. All members shall show respect for the professional capacities and position of other members and participants within meetings or activities of the SLC;
- d. No member shall use, or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, or otherwise improperly influencing any other member or City employee with the intent of interfering with perspectives or duties; and
- e. All members shall be treated fairly and contribute to an environment free of undue influence or discrimination of any kind; and,
- f. All members shall make every reasonable effort to attend each meeting, however In the event that a member is not able to attend more than two consecutive meetings, the Chair, after consultation with the member, may request appointment of a suitable alternative representative from that agency/group.

Failure by a member to comply with the Code of Conduct may result in the Chair taking appropriate steps to call the member to order with a last resort of removal from meetings and in the event non-compliances continue with no abatement, removal of SLC membership.

ii. Member Responsibilities

It is the role of SLC members to work co-operatively to advise other members, staff and consultants toward the satisfactory resolution of issues related to watershed area plans, projects, and actions.

Member responsibilities include but are not limited to:

- a. To learn about the activities and interests of the involved agencies;
- b. To attend meetings of the SLC coordinated by the City related to advancing the initiatives necessary to improve the Harbour;
- c. To share information about activities, monitoring, and inherent knowledge of Hamilton Harbour and its watershed where appropriate with the goal of advancing actions to improve conditions;
- d. To inform others in respective organizations as is seen fit to ensure that agencies are aware of and supportive of actions taking place;
- e. Support approved communications within the larger community for the remediation efforts;
- f. To identify any synergies which the Project Team can leverage that would make improvements within the community; and,
- g. To work co-operatively with other SLC members, staff, and consultants with the goal of improving Watershed and Harbour conditions for the benefit of local residents, plants and wildlife.

9. Record Keeping

A draft agenda for the SLC and related information will be circulated a minimum of two weeks in advance of the meetings. Members may place on the agenda any items that are related to the mandate of the SLC.

Meeting schedules will be established by the Project Manager in consultation with members of the SLC.

The proceedings of the SLC meetings will be recorded in the form of minutes through City resources. The minutes will be circulated two weeks after each meeting. At each meeting, the previous meeting's minutes will be reviewed and approved by the members and action items will be reviewed and reconciled.

10. Reporting

Updates and communication to City Senior Leadership and City Council will be necessary as part of this committee. City staff will identify a frequency and how that process will be structured after the SLC has been established and some strategy has been discussed with members.

It is expected that the SLC Chair will provide information updates regarding the CHWAP to the Watershed Advisory Group on a regular frequency, yet to be determined.

A graphic representing the reporting structure and how this SLC fits into the greater HH RAP Secretariat is attached as Appendix A.



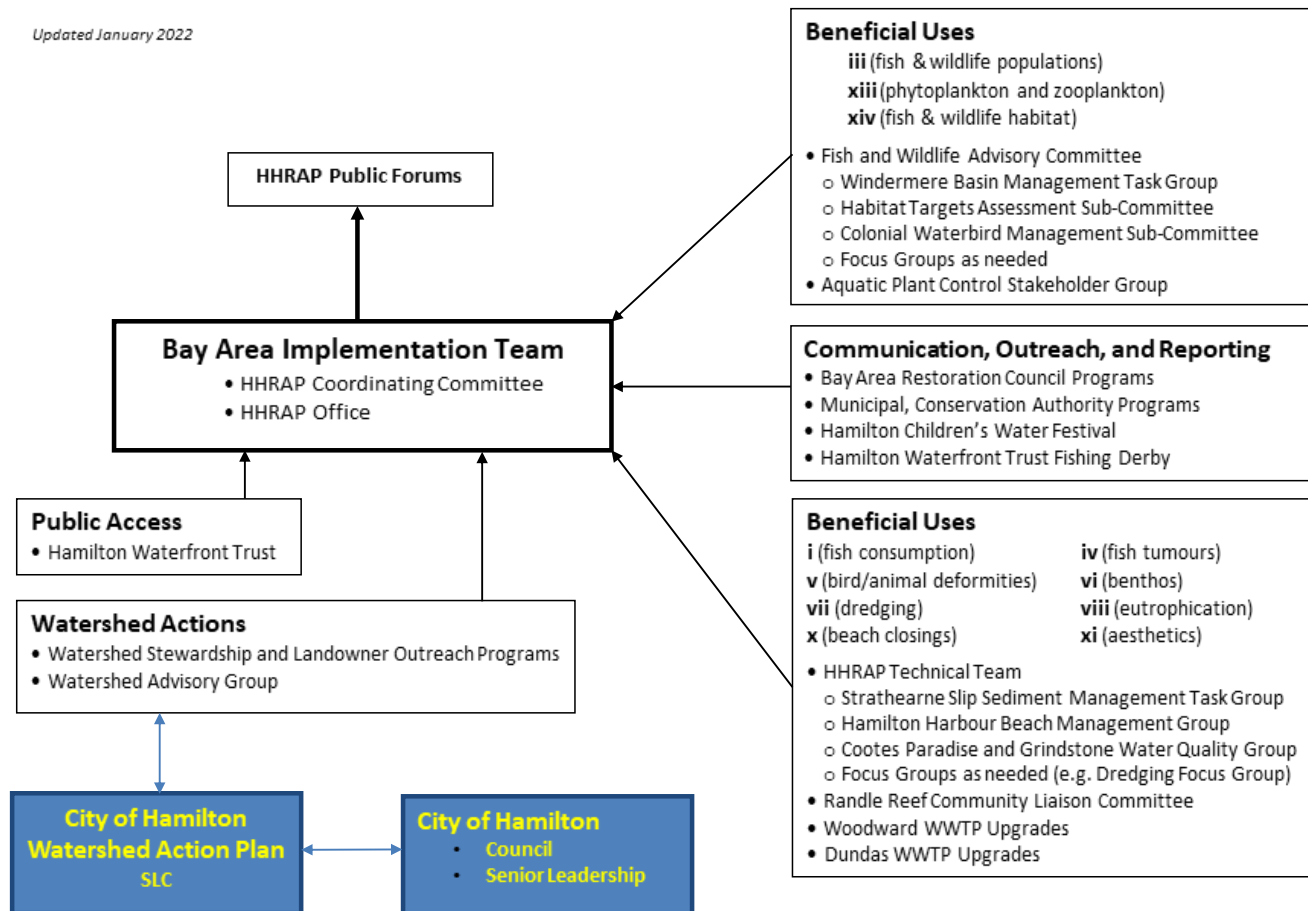
11. Term

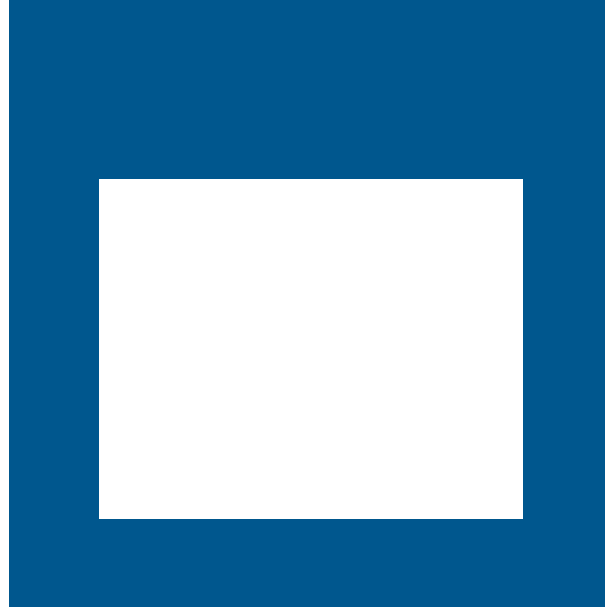
The SLC will sit for scheduled meetings while actions are being undertaken by the City to improve the health of the Harbour and its watershed until actions are in motion that solidify the shift of Harbour status to an Area of Recovery. This is estimated to be at least 24 to 36 months. At that time discussion will take place in order to determine if there are future works being planned that would be suitable for the continuation of this committee or another one similar in nature.



Appendix A – CHWAP SLC Reporting Structure

Updated January 2022





CITY OF HAMILTON WATERSHED ACTION PLAN

General Issues Committee
March 23, 2022

OBJECTIVE

To plan, develop and execute a Watershed Action Plan for all activities within the care and control of the City of Hamilton

The resulting capital implementation strategy will be developed in accordance with City and Provincial guidelines, policies, and regulations.

1. Council Motion - Item 8 (m) of the November 20, 2019 General Issues Committee (Report 19-024) – That the City recommit to the water quality objectives in the Remedial Action Plan process.
2. Chedoke Water Quality Improvement Framework Study –Report recommended the creation of an advisory committee.
3. Senior Leadership Team Direction – to create a touchpoint for the Hamilton Harbour Remedial Action Plan and conduit to the Senior Leadership Team and City Council.

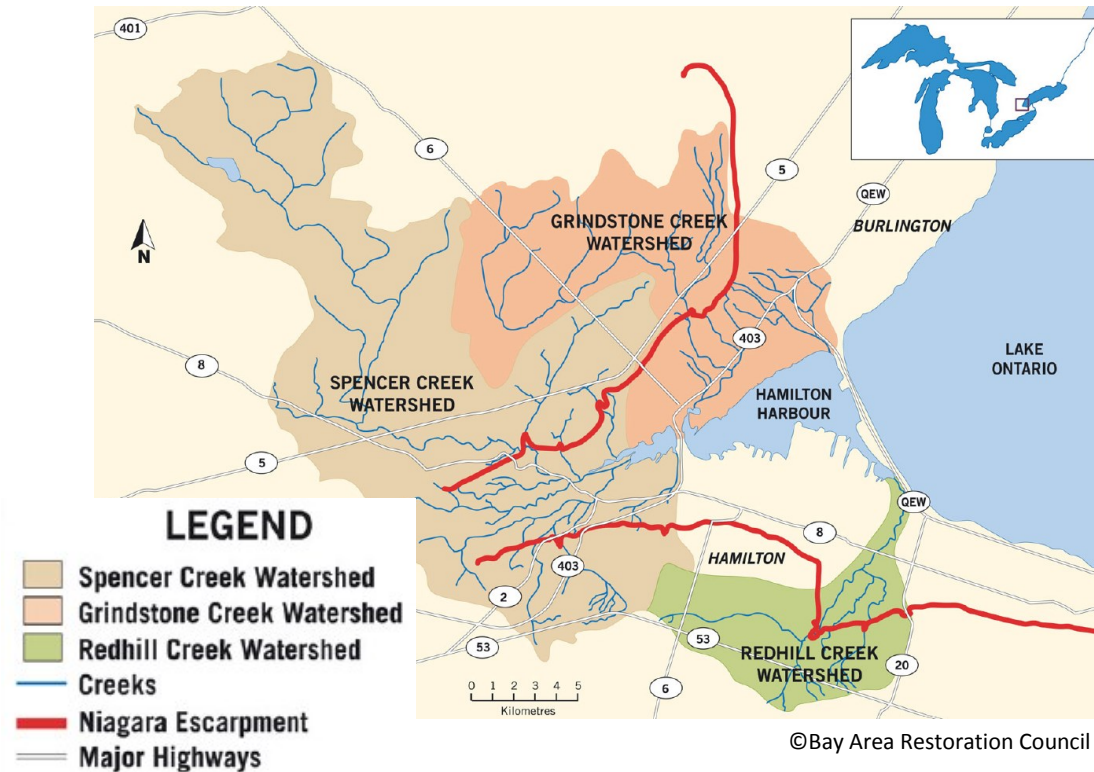


STAKEHOLDER LIAISON COMMITTEE

A consortium of agencies that will develop the City of Hamilton Watershed Action Plan.

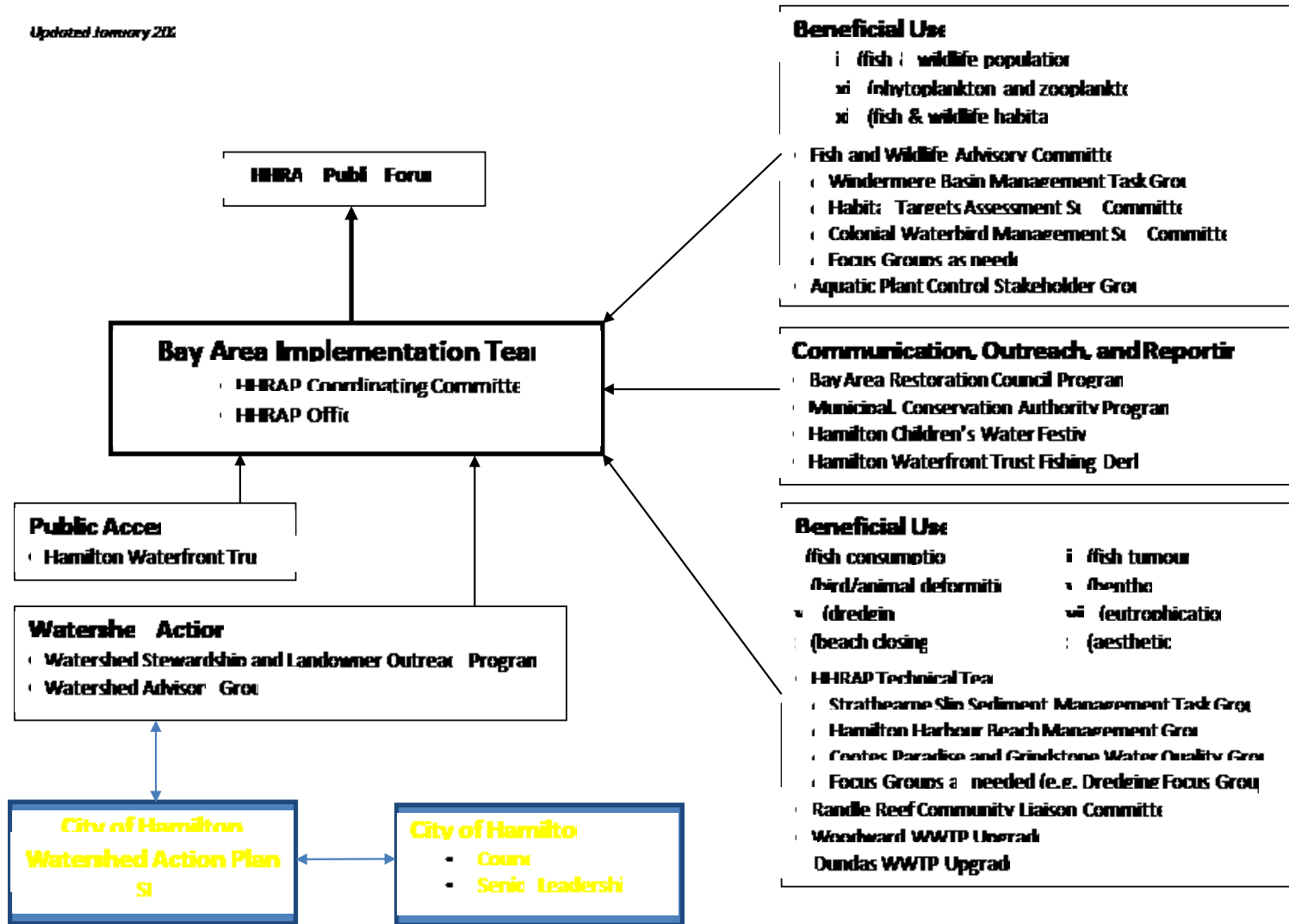
Working together, the agencies will help to advance City specific watershed actions with the common goal of improving harbour conditions

Hamilton Harbour Watersheds



WHERE IT FITS WITHIN THE HH RAP

Updated January 2011

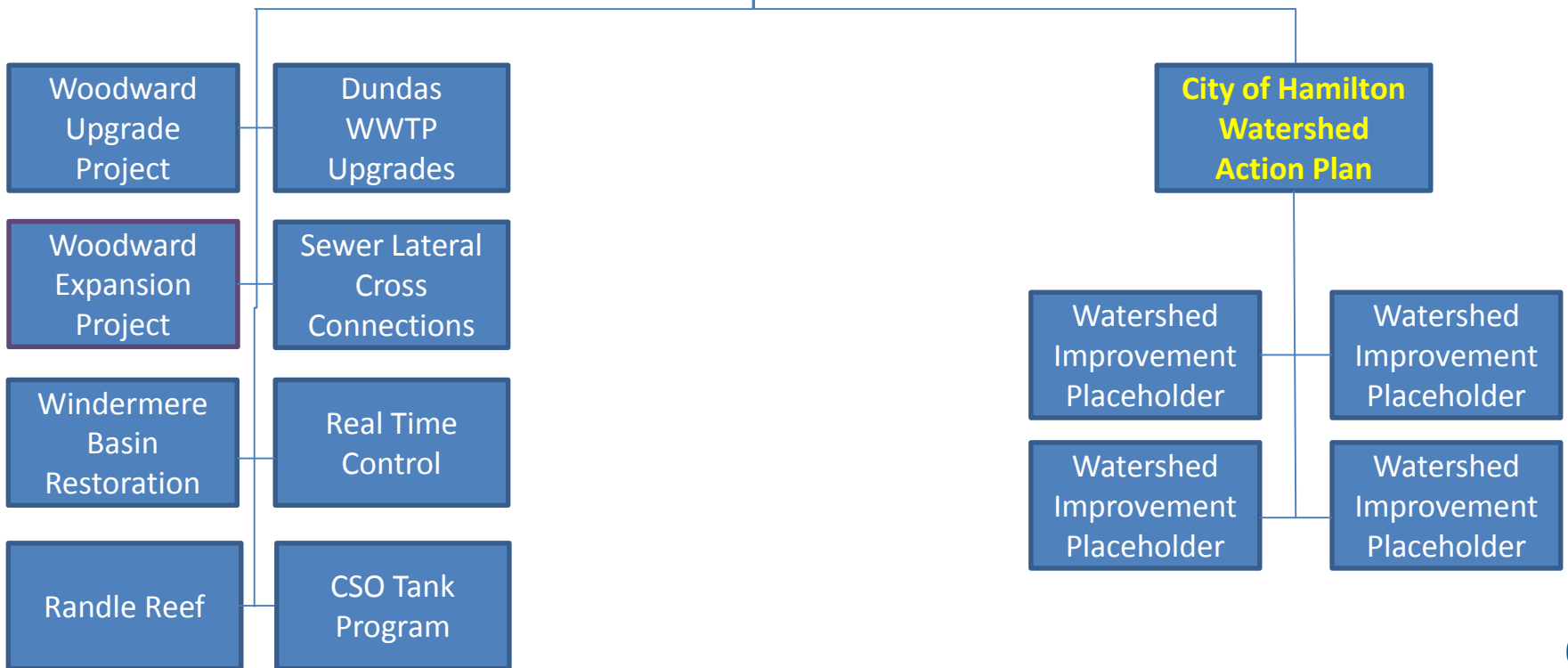


WHERE IT FITS WITHIN THE CITY



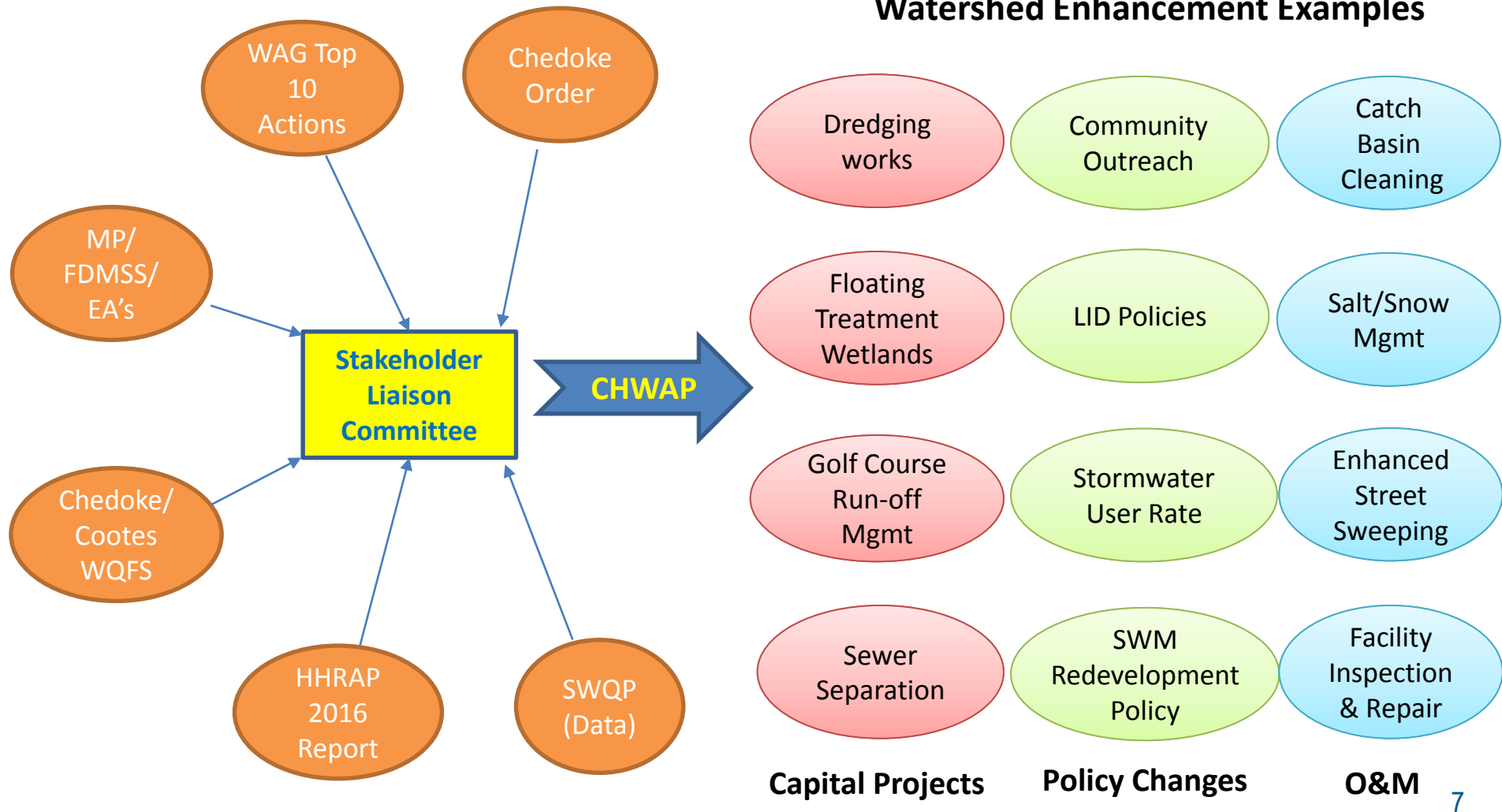
Point Source Related Works

Non-Point Source Related Works



DELIVERABLES

Watershed Enhancement Examples



STAKEHOLDER LIAISON COMMITTEE MEMBERS

Working Group

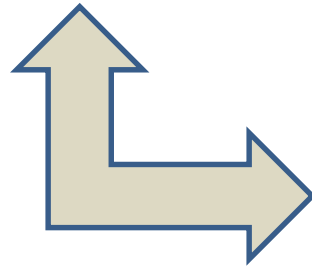
City of Hamilton

- Public Works
- Planning & Economic Development
- Healthy & Safe Communities

Royal Botanical Gardens

Hamilton Conservation Authority

Conservation Halton



Hamilton Harbour Remedial Action Plan Watershed Advisory Group

- Bay Area Restoration Council
- Harbour Remedial Action Plan Office
- Environment Hamilton
- City of Burlington
- City of Hamilton
- Conservation Halton
- The Regional Municipality of Halton
- Hamilton Conservation Authority
- Royal Botanical Gardens
- Environment and Climate Change Canada
- Ministry of the Environment, Conservation and Parks

CONSULTATION & ENGAGEMENT PARTNERS

Academic Community

- McMaster University
- Redeemer College University

Additional Non-Government Organization

- Green Venture

Additional Area Stakeholders

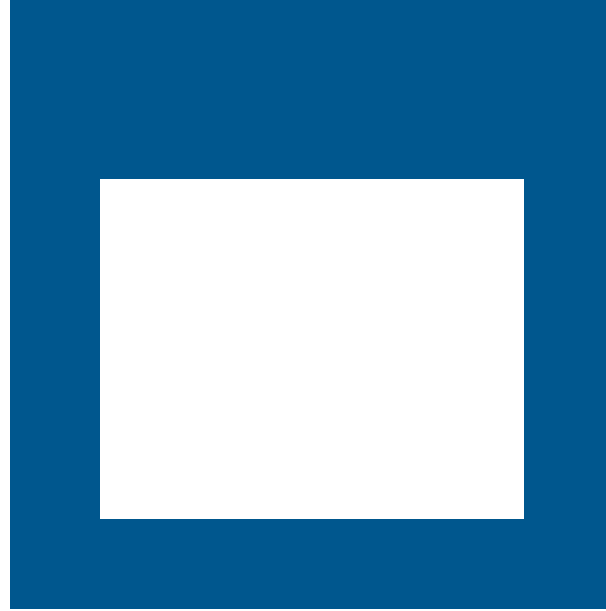
- Indigenous Nations and First Peoples
- Ontario Ministry of Transportation
- Fisheries and Oceans Canada
- Grand River Conservation Authority
- Niagara Peninsula Conservation Authority



NEXT STEPS




- Update General Issues Committee in Q1/2023 on Progress
- Finalize
 - Terms of Reference
 - Communications Plan
- Create
 - 5-10 year capital budget plan
 - Outline financing strategy for the 2024 Rates Budget Report



THANK YOU



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Energy, Fleet and Facilities Management Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	The Security of the City's Property and Personnel (PW22016) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Delfina Duarte (905) 546-2424 Ext. 6627 Martin Dambeau (905) 546-2424 Ext. 2855 Gina McCormick (905) 546-2424 Ext. 7258
SUBMITTED BY:	Rom D'Angelo Director, Energy, Fleet and Facilities Management Public Works Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the Corporate Security Office be directed to provide Council Security Orientation Training to all elected Members of Council, their administration staff and other City staff members, as may be appropriate, at the start of a new Council term and at any other time as maybe requested throughout the term of Council;
- (b) That the one-time cost of the Training Program (software and materials) estimated at \$50,000 be funded from the previously approved Capital Account PID #3722241805 - Facilities Security Program 2022;
- (c) That the Corporate Security Office be authorized and responsible to procure and coordinate 3rd party services to provide personal environment Security Risk Assessments for Elected Members of Council (and Senior Staff on a case by case basis) if voluntarily requested to do so (once per term of Council);
- (d) That the ongoing costs of the Security Risk Assessments, as identified in Recommendation (c), estimated at \$5,000/ per assessment be funded from the Capital Account PID #3722241805 - Facilities Security Program 2022 and

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

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

**SUBJECT: The Security of the City's Property and Personnel
(PW22016) (City Wide) - Page 2 of 9**

further, that an estimated \$105,000 be referred to the 2023 Capital Budget process for consideration;

- (e) That subsequent to completion of the Security Risk Assessment, Elected Members of Council (and Senior Staff on a case by case basis) may voluntarily choose to implement some or all of the Security Risk Assessment recommendations and, upon completion of the work, will be entitled to reimbursement for the associated actual costs up to a maximum of \$8,000 (plus HST) once per Council term. Such expenses to be deemed as a taxable benefit;
- (f) That a one-time estimated \$168,000 be referred to the 2023 Capital Budget to cover costs of implementing recommendation (e), and that any new Council costs incurred in 2022 be funded from Capital Account PID #3722241805 - Facilities Security Program 2022;
- (g) That for any security implementation requiring 3rd party monthly monitoring, the City of Hamilton will reimburse the Elected Official (Senior Staff on a case by case basis) for the actual cost up to a maximum of \$100 monthly (plus HST) as a taxable benefit and that such costs be funded from the Elected Official's (Senior Staff's) applicable expense budgets. Reimbursements are applicable only during elected status (or employed status for Senior Staff); and
- (h) That the annual operating impacts of \$53,000 to fund an additional 0.5 FTE to coordinate and manage the ongoing requirements of these recommendations be included in the 2022 Public Works Department operating budget in the Corporate Security Office Dept ID #790017.

EXECUTIVE SUMMARY

Any municipal organization within Canada has responsibilities through various governance and legislative edicts to ensure reasonable programs are in place to support employee health and safety in the workplace. These responsibilities are usually clear when it comes to its own staff, however ambiguity arises when considering the application for elected officials who are not defined as employees of the institution and who may be deemed to conduct official duties outside of the City of Hamilton (City) owned workplace. This challenge is being discussed by many different municipality leadership teams and associations. The City has a responsibility to ensure that appropriate measures are considered and applied to help mitigate foreseeable threats.

The purpose of this report is to provide General Issues Committee with:

- some background on increased Canadian threat trends to Elected Officials;

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**SUBJECT: The Security of the City's Property and Personnel
(PW22016) (City Wide) - Page 3 of 9**

- the results of a research and Municipal benchmarking exercise conducted by staff with various Canadian Municipal partners and their response to increased Canadian threat trends to Elected Officials;
- recommendations for Security Safety Awareness Training, that would be provided to the Mayor and all Members of Council, their administration staff and other staff as may be appropriate at the beginning of each new Council term and as may be further required from time to time;
- recommendations and mitigating responses that can be utilized on a case by case basis by the Mayor, Members of Council and Senior Leadership Team (on a case by case basis).

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Training Program Software and materials will be funded from Capital Account PID #372224185 -Facilities Security Program 2022 at an estimated cost of \$50,000. Training software was previously approved as part of the 2022 Capital Budget Process.

That the annual operating impacts of \$53,000 to fund an additional 0.5 FTE to coordinate and manage the ongoing requirements of the recommendations be included in the 2022 Public Works Department base operating budget in the Corporate Security Office Dept ID #790017;

The Security Risk Assessments are estimated at \$5,000/ per individual. For 2022 (2 months) any funding requirements will be charged to Capital Account PID #3722241805 -Facilities Security Program 2022 and further, an estimated \$105,000 (\$5,000 x 16 for Elected Officials and \$5,000 x 5 for Senior Staff on a case by case basis) will referred to the 2023 Capital Budget process for 2023 requirements.

Security Systems (Recommendations c and d) installations are estimated at \$168,000 for 2023 (and will be referred to the 2023 Capital Budget process. Any 2022 expenses (2 months) will be funded from Capital Account PID #372224185. The estimate is calculated as (\$8,000 x 16 for Elected Officials and \$8,000 x 5 for Senior Staff on a case by case basis)

That the monitoring fees of \$100/month +HST be expensed from the Councillors/Senior Staff individual expense accounts and reimbursed through the normal expense procedures.

Taxable Benefit: The CRA definition of a taxable benefit is whether an employee or officer receives an economic advantage that can be measured

**SUBJECT: The Security of the City's Property and Personnel
(PW22016) (City Wide) - Page 4 of 9**

in money and whether the individual, rather than the employer is the primary beneficiary of the benefit. In this case the security is being provided to the Elected official for their "personal residence, vehicle and other personal environments" therefore this would meet the definition of a taxable benefit.

Staffing: The addition of 0.5 of an FTE (Security Coordinator) is recommended to develop, implement and administrate the program at an estimated \$53,000/year. This report recommends an in-year operating budget enhancement to develop the training content in advance of the new Council inauguration.

Legal: Section 25(1)(h) of Ontario's *Occupational Health and Safety Act* obliges and employer to "take every precaution reasonable in the circumstances for the protection of a worker".

This report was reviewed by Legal Services.

HISTORICAL BACKGROUND

This report addresses increased Canadian threat trends to Elected Officials and to public facing Senior Staff members.

Since 2015, the tolerance and, at times, the fostering of aggressive to violent public dissidence and disruption of democratic processes including the attempted influencing of Elected Officials has become a more frequent talking point both in the traditional media and on social media platforms.

In Canada since 2020, the urgent need by elected officials and Public Health officials to enact unprecedented public health measures has fueled the use of social media to spread misinformation including the notion of premeditated governmental takeover of social freedoms.

The 2019 federal election campaign brought to light many local Hamilton groups that openly vocalized support for intimidation-based ideologies and methods intended to influence political associations and decisions. Between 2019 and 2021, there was a noticeable increase in disruptive protesting and vandalism observed on City property and in some cases on the private property belonging to Elected Officials.

On December 14, 2021, Corporate Security presented a Briefing Note to Senior Leadership Team (SLT) regarding the significant emergence of increased threats to elected officials. Related discussions indicated that threats previously focused on Elected Officials have grown in their scope to now include senior level government staffing positions who, through their delegated authorities have become the public face of locally implemented public health safety measures. Within Hamilton's experience, this

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includes appointed roles such as the Medical Officer of Health, the Director of the City's Emergency Operations Centre, and members of the Senior Leadership Team.

In preparation for this report, members of the City's Corporate Security team attended recent discussions and benchmarking sessions (February 3 & 11, 2021) with other members of Canadian municipal corporate security teams. Through these sessions, the primary topic was the impact of increased Canadian threat trends to elected and bureaucratic officials, as well as the overall institution. In the recent February 2022 sessions, representation from the corporate security teams of each the municipalities identified in Table 1 (below) were able to informally share their previous challenges, trends and current business strategies to respond to, and mitigate, these issues.

Table 1 - List of Municipalities Consulted			
Hamilton	Toronto	Kitchener	Brampton
Edmonton	Cambridge	Calgary	Mississauga
Montreal	Surrey	Sudbury	Halifax
Oshawa	Windsor	York Region	
Markham	Vaughn	Vancouver	

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

All policies and legislated requirements have been considered and adhered.

RELEVANT CONSULTATION

The following have been consulted in the development of this report and its recommendations.

- Members of SLT;
- City Manager's Office;
- Corporate Services, Clerks Office, Finance and Administration;
- Corporate Services, Legal Services & Risk Management Services
- Senior Leadership Team (various presentations and meetings); and
- External Municipal Security Benchmarking (Edmonton, Montreal, Oshawa, Markham, Toronto, Cambridge, Surrey, Windsor, Vaughn, Kitchener, Calgary, Sudbury, York Region, Vancouver, Brampton, Mississauga and Halifax).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City's Corporate Security Office recognizes that the challenges faced by the City's Members of Council are similar to those experienced by partner municipal security teams who are tasked with providing mitigating measures and proactive responses. The

**SUBJECT: The Security of the City's Property and Personnel
(PW22016) (City Wide) - Page 6 of 9**

Corporate Security Office have engaged in comprehensive benchmarking and knowledge transfer with major Canadian municipalities to understand their programs, assigned resources, business structures, policies and procedures. While there are varying degrees from one municipality to another in how these challenges are addressed, there are some significant measures applied by some such as of dedicated protection resources through police and private security staff, as well as optional measures that can be applied on a case by case basis as requested by an Elected Official. The ways and means of applying these strategies also vary, however there appears to be a trend with recent changes implemented by larger municipalities to ensure that optional measures that can be considered are delivered through an enterprise security risk process. This process addresses the known risks, their likelihood of occurrence, their impact, and it provides mitigating measures and recommendations for consideration. A key element of this process is that the individual Elected Official maintain control of the process through their own discretion of implementing all or some of the recommendations presented.

Through the recent benchmarking, the Corporate Security Office has been able to understand that a great focus in the last few years by larger municipalities has been to ensure at the beginning of every new Council term, all Members of Council are provided with security orientation training. This training includes knowledge transfer related to the safety and security in Council Chambers, authorities and tools that meeting Chairs can exercise, situational awareness training for both in the workplace and on personal time, and the ability to assess event scenarios and apply basic risk assessment practices to preserve life, safety and democratic processes.

Corporate Security Office has also captured the trends related to the deployment of safety and security measures for Members of Council outside of the traditional workplace and at private residences. For example, in a recent January 2022 By-law amendment, the City of Calgary's Council approved to provide a reimbursement of up to \$8,000 to cover costs to professionally install home security systems and additionally to cover \$100 per month for monitoring fees as a taxable benefit.

While the environment around security and safety is very fluid, and the need to provide reasonable measures of protection in the workplace for Elected Officials can extend beyond the traditional walls of City Hall, the following measures are recommended based on internal and external consultation, network benchmarking and industry best practices.

Council Security Orientation Training:

The Corporate Security Office provides Council Security Orientation Training to all elected Members of Council at the start of a new council term and at any other frequencies required by Council throughout the term. This training will instill mindsets and cognitive tools for each Member that will be essential to ensuring their own safety

**SUBJECT: The Security of the City's Property and Personnel
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and the safety of those around them during challenging experiences. The goal of the training will be to provide a foundation for security situational awareness practices to enable each recipient of the training, with the ability to anticipate threats and act accordingly based on their environment.

Major focus areas of the Council Security Orientation Training would include:

- Security Situational Awareness;
- Procedures on Workplace Safety;
- Procedures on How to Report Incidents and/or Threats;
- Personal Safety Guidelines that would include in-person meetings and discussions on social media footprints;
- Council Chambers Emergency Evacuation Training that will include;
 - i. Procedures on Run / Hide / Fight
 - ii. Location of Rescue Points and Emergency Plan.

Annual refresher training for Emergency Evacuation procedures/drills will be implemented. Costs associated with the training would be captured through the previously approved Capital Account PID #3722241805 - Facilities Security Program 2022 and future budget processes.

Security Risk Assessment:

Upon request by the Elected Official or Senior Staff or as recommended by the Corporate Security Office (in response to known threats), a one-time personal environment Security Risk Assessment will be coordinated through the Corporate Security Office and conducted by a 3rd party firm. A standard scope for a Security Risk Assessment will be developed by the Corporate Security Office and will include personal residence security, vehicle and/or other personal environments that could be reasonably targeted during the execution of official duties. The scope may also include a review of social media footprint and other reasonable measures based in best industry practices required to assess the individual's threat risks. The Recommendations provided would be based on Corporate Security Technology Standards for lock changes, intrusion / panic alarms and CCTV and other applicable measures. It should be noted that technology risks, such as cyber-attacks are not included in the scope of these recommendations and should be referred to the City's Information Technology Division.

The purpose of the Risk Assessment is to produce any required recommendations to address potential threats.

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Members of Council may initiate this optional service at any time including throughout their term of Election. Opt-in and Opt-out decisions would not be required by any individual.

Security Risk Assessment's would be provided on a one-time basis for each Elected Officials term of Council. Additionally, Senior Staff may be eligible for this same procedure on a case by case basis for extenuating circumstances.

Security Risk Assessments would not apply to the following:

- a) campaign office locations;
- b) situations where individuals are Councillor-elect or Mayor-elect, as a result of a recent election and not yet sworn into their term, and are not acting under an existing term that has not yet expired (incumbent);
- c) individuals who are citizen members of committees that are appointed by a Council body;
- d) volunteers of City, or employees of 3rd party entities (contractors) engaged in delivering municipal services to the community on behalf of the City, or employees of 3rd party entities (contractors) engaged in providing services to the City.

Security Recommendations and Mitigating Measures Implementation:

At the completion of a Security Risk Assessment coordinated through Corporate Security, the associated Elected Official/Senior Staff would be responsible, at their sole discretion to implement all, some or none of the recommendations provided in the Assessment.

Where any or all the recommendations are implemented at the discretion of the Elected Official, a one-time budget with an upset limit of \$8,000 (plus HST) within the Elected term would be available for reimbursement to the elected individual (or Senior Staff) by the City as a taxable benefit.

Reimbursement of costs through this program must be directly associated to specific recommendations and mitigating measures identified in the Security Risk Assessment coordinated by Corporate Security. Alternate assessments and measures that are not included in the Security Risk Assessment coordinated by Corporate Security, would not apply to this program.

Technology Monitoring Services:

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Subsequent to the implementation any recommendations that require monthly monitoring by a 3rd party service, reimbursement of costs up to a maximum of \$100 monthly (plus HST) within the Elected Council term would be reimbursed to the Elected

Official as a taxable benefit. The reimbursement by the City of these costs would end at the completion of the Elected term or employment with the City.

Reimbursement of costs through this program must be directly associated to specific mitigating measures through technology identified in the Security Risk Assessment coordinated by Corporate Security.

Program Coordination and Administration:

The implementation, coordination and administration of the Council Security Orientation Training and Security Risk Assessment services require a dedicated coordinator (0.5 FTE) position. The responsibilities of the Security Coordinator will include course content development in time for the new term of Council (Q4-2022) as well as delivering the training, managing semi-annual emergency evacuation drills and other refresher courses for both Elected Officials and staff.

Workplace Security Enhancements (case by case basis):

Any future recommendations related to City owned workplace environments will continue to be implemented by the Corporate Security Office and funded by the applicable City Department.

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Not applicable



Hamilton

**Security of City's Property
and Personnel**

General Issues Committee

March 23, 2022



Agenda

Security of City's Property and Personnel

1. Why / Background
2. Research and Municipal Benchmarking
3. Staff Recommendation Summary
4. Questions



Hamilton city councillor got racist, threatening messages after deadly U.S. Capitol riot



Hamilton man said he would buy machete, handcuffs, call hate groups and arrest Black people in container



Bobby Hristova · CBC News ·

Posted: Jan 20, 2021 4:22 PM ET | Last Updated: January 20, 2021

Why / Background



CANADA | NEWS

Online threats and hate speech against politicians is mounting, officials say



CityNews Toronto ✓

August 14, 2020 · 🌐



Ontario Premier Doug Ford is condemning an atmosphere that has led to increased threats and harassment...
See more



Threats against PM and cabinet ministers increasing: RCMP



130 threats reported between January and July, up from 100 during same time last year

CBC News · Posted: Aug 13, 2020 1:50 PM ET | Last Updated: August 13, 2020



Serious threats against Calgary council mostly target Nenshi and Farrell, city statistics show



'The bullying and intimidation on social media has reached a crescendo'

CBC News · Posted: Aug 23, 2017 2:14 PM MT | Last Updated: August 23, 2017

Why / Background

Obligations by employers regarding safety in the workplace are clear through regulations.

Less clarity regarding Elected Officials



Why / Background

To encourage civic engagement by all members of the community, including participation without fear of harassment and intimidation in the municipal election process and delivery of City governance through democratic process.



Research & Municipal Benchmarking

- Corporate Security received a request from the City Manager's Office to review and benchmark with other municipalities on how threats and safety concerns for Elected Officials are responded to.
- Internal consultation with representatives from the City's Legal & HR teams were conducted.
- External consultation and benchmarking was conducted in early 2021 with 18 Canadian municipal security teams.

Research and Municipal Benchmarking



Staff Recommendation Summary

Based on the consultation and benchmarking process, a number of staff recommendations are brought forward in this report, including;

Training – Council Security Orientation Training for all Elected Officials, their administration staff and other City staff members.

Personalized Threat Risk Assessment – (1-Time per term application, VOLUNTARY engagement / participation)

Deployment of Mitigating Recommendations from a completed Threat Risk Assessment – (VOLUNTARY engagement / participation in the deployment of risk mitigating recommendations based on the individuals personal tolerance of risk)

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Staff Recommendation – Council Security Orientation Training

Coordination through Corporate Security;

- New Term – Council Security Orientation Training
(security roles and responsibilities in the Chambers, situational awareness in the workplace and on personal times, basic event scenario risk assessment knowledge)
- Annual Council Security Training refreshers

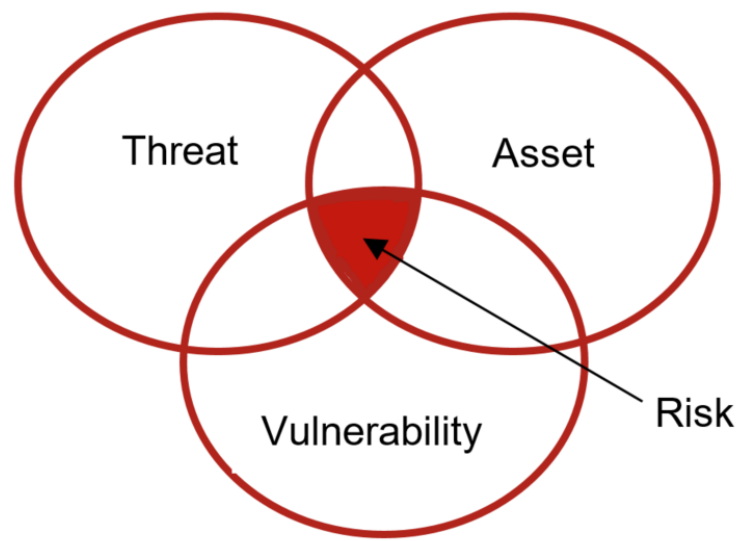
TRAINING



Staff Recommendation – Personalized Threat Risk Assessment

Voluntary Involvement

1-Time per Term Risk and Vulnerability Assessment



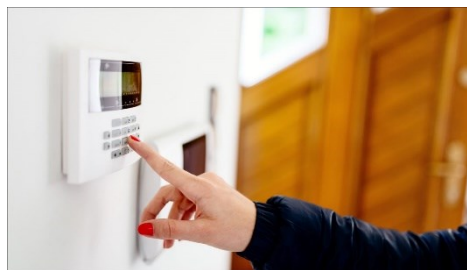
Staff Recommendation – Deployment of Mitigating Recommendations

Voluntary Involvement

Target Hardening & Personal Practice Changes *Prerequisite of Risk Assessment Completion*



**Social Media
Footprint
Impact**



**Personal
Situational
Awareness
Mindset**



Where installations based on recommendations from the Risk Assessment are decided by the individual to implement based on the individuals own tolerance of risk.


Cost of Recommendations

Recommendations	Cost	Notes
Training Software	\$50,000	Previously Approved
Security Risk Assessments	\$105,000	Variance in 2022 Refer to 2023 Budget
Risk Assessment Recommendations	\$168,000	Refer to 2023 Budget Max of \$8,000 per Official/ Term
Costs of Monitoring if Required	\$100	Monthly Operating Dept Id
0.5 FTE Resourcing	\$53,000	Annual Cost

Questions



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Light Rail Transit Project Office

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	Light Rail Transit (LRT) Agreements Update (PED21176(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Abdul Shaikh (905) 546-2424 Ext. 6559 Bryan Boodhoo (905) 546-2424 Ext. 7164
SUBMITTED BY:	Abdul Shaikh Director, Hamilton LRT Project Office Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the City Manager be authorized and directed to execute the Communications Protocol for the Hamilton Light Rail Transit (LRT) project, attached as Appendix "A" to Report PED21176(a), as a Schedule to the Hamilton LRT Memorandum of Understanding;
- (b) That the City Manager be given delegated authority to negotiate and execute a protocol respecting property interests to and from the City of Hamilton and any ancillary documents in accordance with key terms set out in the Protocol Respecting Property Interests to and from the City of Hamilton term sheet, attached as Appendix "B" to Report PED21176(a) in a form satisfactory to the City Solicitor, as a Schedule to the Hamilton LRT Memorandum of Understanding; and,
- (c) That the City Manager be given delegated authority to negotiate and execute a Governance Terms of Reference and any ancillary documents in accordance with the City of Hamilton and Metrolinx Governance Framework, attached as Appendix "C" to Report PED21176(a) in a form satisfactory to the City Solicitor as a Schedule to the Hamilton LRT Memorandum of Understanding.

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

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

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

SUBJECT: Light Rail Transit (LRT) Agreements Update (PED21176(a)) (City Wide)
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EXECUTIVE SUMMARY

The Memorandum of Understanding (MOU) for the Hamilton Light Rail Transit (LRT) Project that was approved by Council on September 15, 2021 contemplates a series of implementing schedules and agreements. In approving the MOU, Council gave delegated authority to the City Manager to negotiate and execute the Staffing Agreement schedule. All other schedules need to come to Council for approval.

This report is seeking Council's approval to execute on three schedules to the MOU:

- Communications Protocol;
- Real Estate Protocol for transactions between Metrolinx and the City of Hamilton; and,
- Governance Framework.

This report also gives an update on staffing for the LRT Project Office and a road map for future LRT agreements.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications associated with the staff recommendation.

Staffing: There are no staffing implications associated with the staff recommendation. On September 15, 2021, Council ratified a resolution that gave the City Manager the authority to negotiate and enter into a Staffing Agreement with Metrolinx, and to create any temporary or permanent FTEs associated with that Staffing Agreement, provided there is no levy impact. To date, the City has hired 2 full-time employee (FTE) positions, and the City has an immediate need for 8 other FTE positions. (Metrolinx has not yet approved all 8 of these FTE positions). Additionally, other positions and consultants are billing their time to Metrolinx for work done on the LRT project.

Legal: The City's Legal Services has been engaged in negotiating and drafting the three recommended MOU Schedules.

HISTORICAL BACKGROUND

On September 15, 2021, City Council ratified a Memorandum of Understanding (MOU) with Metrolinx and the Ministry of Transportation (MTO) to move forward with the 14-kilometre Hamilton Light Rail Transit (LRT) project. The MOU contemplates a series of schedules that would be negotiated and executed after the initial signing of the MOU.

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Also, on September 15, 2021, City Council ratified a resolution to give the City Manager authority to negotiate and execute a Staffing Agreement:

That the City Manager be given the delegated authority to negotiate and execute a Staffing Agreement with Metrolinx and the Ministry of Transportation, pursuant to the Memorandum of Understanding attached as Appendix A to Report LS21034/PED21176/CM21012 , to create any temporary or permanent FTEs associated with that Staffing Agreement, and to create an LRT Office as a Division within the Planning and Economic Development Department, provided there is no levy impact.

The Staffing Agreement will be incorporated as one of the schedules to the MOU.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable

RELEVANT CONSULTATION

The following groups were consulted, with Directors being consulted within each of the areas identified within the City of Hamilton below:

- Metrolinx
- Legal Services and Risk Management Services, City of Hamilton
- Communications, City of Hamilton
- Real Estate Services, City of Hamilton
- Roads Division, City of Hamilton
- Engineering Services Division, City of Hamilton
- Environmental Services Division, City of Hamilton
- Transportation Planning and Parking Division, City of Hamilton
- Planning Division, City of Hamilton
- Transit Division, City of Hamilton
- Transportation Operations and Maintenance Division, City of Hamilton
- Hamilton Water Division, City of Hamilton
- Corporate Services Department, City of Hamilton
- Human Resources, City of Hamilton
- Mike Murray, Murray Advisory Services

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of this report is to seek authority to execute the Communications Protocol, seek delegated authority for staff to negotiate and execute the Real Estate Protocol, and the Governance Protocol based on the terms contained in this report. All three protocols will be incorporated into the LRT MOU as schedules. This report also provides an update on staffing for the LRT Project Office.

Communications Protocol

The Communications Protocol sets out the roles of the Ministry of Transportation, Metrolinx and the City for all communications with respect to the LRT Project. Through this protocol, a subgroup will be formed, which will consist of Metrolinx and City communications staff. Ministry of Transportation staff may attend as needed.

The Ministry of Transportation, working closely with Metrolinx and in collaboration with the City, will be responsible for coordination of major announcements and media events. Additionally, the Ministry of Transportation has overall lead and responsibility for final project communications.

The protocol also acknowledges the City's need and ability to speak to LRT-related impacts to its own line of business as well as the need for the City to play a significant role on project related updates as needed.

The protocol also recognizes Council's right speak to LRT issues individually or as a group as needed, in line with their duties as elected officials in the community.

The Communications Protocol is attached as Appendix "A" to Report PED21176(a). It has already received approval from the Metrolinx and the Ministry of Transportation.

Real Estate Protocol for Transactions Between the City of Hamilton and Metrolinx

The Protocol Respecting Property Interests to and from the City of Hamilton (the "Metrolinx-City Real Estate Protocol") addresses the transfer of lands from the City to Metrolinx, (to build the LRT) and from Metrolinx to the City (for example, for transfer of future road allowances). It does not address how Metrolinx will acquire lands from third-parties or dispose of lands to third parties.

Notably, there will be no City staff acquiring properties on behalf of Metrolinx, as was the case in previous iterations of the LRT project. Rather, Metrolinx will negotiate its own third-party real estate deals without the use of the City's real estate and legal services.

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Also, notably, the issue of potentially leveraging provincial land holdings for affordable housing also remains outside the scope of this protocol. City staff continue to emphasize the importance of this aspect of the LRT Project with MTO and Metrolinx, however the purpose of this protocol is intended to address how transactions for corridor lands will be administered, as opposed to how provincially-acquired developable lands will be disposed of in the future. That said, given the importance of this issue, there is acknowledgement in the body of the MOU of the critical importance of affordable housing. Recital G of the MOU states:

The Province continues to recognize the critical importance of building affordable housing near transit stations and maximizing high quality jobs and benefits for communities adjacent to or affected by the Project. The Province will work with the City and community stakeholders to endeavour to determine how best to support these goals of affordable housing and community benefits as part of transit project delivery.

The Metrolinx-City Real Estate Protocol follows Section 10 the MOU, and, more specifically, it follows the key terms as described in Report Hamilton Light Rail Transit (LRT) Project Memorandum of Understanding (PED21176/CM21012/LS21034) to the September 8, 2021 General Issues Committee:

Real Estate: *As with the original MOA [Memorandum of Agreement for the prior Hamilton LRT Project], the City will transfer on corridor right-of-way lands to Metrolinx at a nominal fee. Metrolinx would pay fair market value to the City for off-corridor lands if required (e.g. for transit power substations or for the operation and maintenance facility) if they use City lands.*

It is also notable that Metrolinx has agreed to use all reasonable efforts to minimize the impact to City parks. This is in addition to their commitment in the MOU to cause the LRT constructor to use all reasonable efforts to minimize impacts to trees, parks and City lands.

Appendix “B” to Report PED21176(a) sets out the key terms of the Metrolinx-City Real Estate Protocol. If Council approves, staff will negotiate and execute a legal agreement based on these terms.

Governance Framework

City-Metrolinx Governance Framework

In accordance with Section 17 of the MOU, the City and Metrolinx worked together and developed a City of Hamilton and Metrolinx Governance Framework (the “Governance Framework”) for the Hamilton LRT project, which will be utilized throughout the life cycle

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of the project. The purpose of the Governance Framework is to accomplish the following:

- Streamline intergovernmental relationships with respect to delivery of capital programs and projects that impact transit expansion;
- Identify, escalate and resolve intergovernmental delivery issues affecting capital programs; and,
- Provide structured forums for senior staff from each organization to advance shared objectives, seek strategic direction and input and guide collaboration between the partners.

Appendix “C” to Report PED21176(a) sets out the key terms of the City-Metrolinx Governance Framework. If Council approves, staff will negotiate and execute a legal agreement based on these terms.

City Staff Internal Governance Structure

In addition to the City-Metrolinx Governance Framework, the LRT Project Office has developed an internal staff governance structure. The purpose of internal staff governance structure is to accomplish the following:

- Setting guiding principles on how the City’s LRT Project Office will interact with various divisions across the City;
- Setting mechanisms to receive approvals involving various divisions across the City; and,
- Setting a framework for escalation as arising from internal working groups.

The internal staff governance structure includes the formation of the Core Working Team, Extended Resource Team and Steering Committee.

Core Working Team

The Core Working Team will provide input into design and procurement documents and coordinate works with the Extended Resource Team as required. The members of the Core Working Team will include the key full-time staff who are dedicated to the LRT Project. This team will meet internally on a regular basis to coordinate the LRT related matters. This team will be involved with Metrolinx and its designers and contractors through the project Core Working Groups to expedite the City related matters on the LRT project.

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Extended Resource Team

The City's Extended Resource Team will be responsible for completing works assigned by the Core Working Team. This team provides specific knowledge or service to the project on a limited basis. The members will include service area leads (supervisors or managers) from various divisions across the City, mainly from areas that do not have representation in a Core Working Team. The members from the Extended Resource Team will be involved when the Core Working Team requires input or endorsement on an item that is relevant to their division.

Steering Committee

The Steering Committee will oversee the work of the Core Working Team and provide direction and approvals as required. The Steering Committee involves selected divisional directors across the City and a Project Sponsor (General Manager, Planning and Economic Development Department). The Steering Committee will meet regularly, including the members from the Core Working Team.

In addition to forming new teams for the LRT Project, the LRT Project Office will provide regular updates to the SLT Growth and Economic Working Group and seek their direction on escalation matters as required.

The City staff governance framework described above deals with how City staff will be organized and aligned to ensure the City's interests are protected, and to assist with the timely implementation of this complex project. This framework will ensure that staff are appropriately engaged in the project in an integrated and coordinated way, and that reports and recommendations to Council on project-related matters appropriately address the full range of City interests. Council fully retains its policy-setting and decision-making roles related to the project.

Staffing Update

The City has hired the following position exclusively for the LRT Project:

- Director, LRT Project
- Manager, Communications LRT Project

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Additionally, there is an immediate need for the following positions, and in some instances, the hiring process is already well underway:

- Manager, Design-LRT
- Manager, LRT Technical Services and Approvals Coordination
- Senior Project Manager, Subsurface Coordination
- Senior Project Manager, Water Distribution & Wastewater Collection
- Senior Project Manager, Urban Design and Heritage
- Senior Project Manager, Transportation Engineering
- Law Clerk
- Administrative Assistant

Currently, the following positions support the project, and bill their time to Metrolinx:

- Solicitor (full-time basis)
- Human Resources Specialist
- Business Administrator
- Senior Project Manager, Transportation Planning and Modelling
- Strategic Advisor, Mike Murray, Murray Advisory Services, (consultant)

If approved by Metrolinx, all of the above positions will be paid for by Metrolinx as part of the LRT Project.

Roadmap of Future Agreements

There are a number of schedules and agreements and protocols that staff will continue to work with Metrolinx to complete. They are as follows:

- Municipal Funding Agreement
- Commissioning and Acceptance Protocol
- Fare and Non-Fare Revenue Matters
- Municipal Infrastructure Agreement
- Permits, Licenses and Approvals
- Dispute Resolution Protocol

Many of these agreements and protocols require technical input, and some may not be finalized until the LRT Project has been awarded, following the Province's completion of the request for proposal process.

Staff will continue to engage with Metrolinx and intend to report back to Council as further agreements are developed, which is anticipated to be in the first quarter of 2023.

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ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21176(a) - Communications Protocol

Appendix “B” to Report PED21176(a) - Protocol Respecting Property Interests to and from the City of Hamilton

Appendix “C” to Report PED21176(a) - City of Hamilton and Metrolinx Governance Framework

Hamilton Light Rail Transit (LRT) Project

Project Development and Pre-Procurement Phase

MTO, Metrolinx and
City of Hamilton
Communications Protocol

Final

January 26, 2022

GENERAL

On May 13, 2021, the Federal and Provincial Governments announced a \$3.4B joint funding investment to build the Hamilton LRT project. The LRT will run from McMaster University through the downtown core to Eastgate Square in Stoney Creek. The Ministry of Transportation, along with Metrolinx, will lead construction of the project and retain ownership of the asset once complete.

The Ministry of Transportation, Metrolinx and the City of Hamilton (the Parties) agree to undertake joint communication activities where and when appropriate that will enhance opportunities for open, transparent, effective and pro-active communications with the public and recognize the contribution of the Parties as we work to advance these important projects. Metrolinx will coordinate the review of all communications with the Ministry of Transportation before they are issued.

The term of this communications protocol will extend to the pre-procurement phase of the project. This protocol may be further revised as part of the development of a project master agreement. Although this agreement is about pre-procurement, the parties recognize that clear and regular public communications will be critical to the success of the project, especially leading up to and during the construction phase. Through future amendment to this agreement, the parties will outline a protocol that ensures an "on-the-ground" presence for the project team, for example through a community office on the corridor. The parties will also establish a protocol for regular updates to the business community through the BIAs and Chambers of Commerce.

Subject to any of the above occurrences, the Communications Subgroup may contribute to the development of a project management and implementation plan and/or master agreement containing a schedule that outlines all key projects, milestones, approvals and any associated communications materials requiring development and approval.

COMMUNICATIONS SUBGROUP

- A Subgroup of Metrolinx and City of Hamilton staff will be established to advise and provide support for all communications and public information activities related to this project. A Ministry of Transportation communications representative may attend the subgroup meetings as required.
- The Subgroup will be comprised of at least one representative from each Party and other specialized staff as required.
 - The Subgroup will report to the project Working Group.
- A designated representative from Metrolinx will chair the Subgroup.
- Each designate will update the Subgroup on related developments and

communications activities.

- If required, the Subgroup shall develop templates for project-specific and broad communications about the projects covered under this protocol, which may be jointly approved.
- The Subgroup shall develop and recommend communications materials. Where appropriate, material will be shared -- for information, for input or for review and approval by the Working Group. Where approval is being sought, the request will include clear timelines and deadlines.

PROJECT SPECIFIC COMMUNICATIONS

- The Ministry of Transportation, working with Metrolinx, has overall lead and responsibility for final project communications, and MTO will also coordinate as needed with the federal government. Where required, final review and approval is subject to the terms and conditions of the Memorandum of Understanding (MOU).
- Hamilton City Council will be updated regularly throughout the project through one-on-one briefings and Council reports/presentations. Depending on the nature of the update, the parties will decide who is most appropriate to deliver the update.
 - It is within City Council's purview to discuss and deliberate impacts of the LRT during Committee and Council meetings.
- Local communications are encouraged; however, for project success it will be integral for the Ministry of Transportation and Metrolinx to discharge an overall leadership and coordination role.
 - There may be specific communication materials and issues where the City of Hamilton will assume the lead. For example, City projects/operations, roadworks, or HSR services that are affected by LRT construction. The City will inform and/or consult with Metrolinx in advance of these occasions depending on the nature of the issue.
- Metrolinx and the City of Hamilton may develop joint information kits, brochures, public reports, and website material to inform interest groups, contractors and the public about the project.
 - Metrolinx has established a project website to share information about the project that will be updated as new information becomes available. The City of Hamilton can link to the project website and may wish to include other City-related information on their own website.
 - The Parties are encouraged to prepare communications products to support their local events, campaigns, meetings, etc.

- The Master Messaging document (to be developed) should guide all messaging used about the LRT project.
- In these situations, production costs for materials prepared for local events related to the project will be the responsibility of Metrolinx as per the MOU.
- The Metrolinx Project Sponsor and Technical Lead, in partnership with the Metrolinx Communications Lead(s), will work with the City of Hamilton Project Director and Communication Lead in directing day-to-day communication activities related to pre-procurement planning, including:
 - development of business cases, value-for-money assessments, procurement of advisory services; and
 - development of project specifications, and with the assistance of other agencies, preparations for procurement to identify a contractor for project delivery.
- The Subgroup will recommend how the Parties may be identified and recognized through these communication activities using pre-approved templates.
- Should local communications occur, Metrolinx and the City of Hamilton will agree on who will lead the overall coordination of communications and leverage the Parties and their respective communications/marketing and local knowledge resources as appropriate. It will be important to convey cohesive and integrated project management and delivery.
- Where elected officials (MPs, MPPs and councillors) are to be briefed on the project, or gather/attend public meetings/event where the Hamilton LRT project is either a focus or substantive item on the agenda/program, Metrolinx and City of Hamilton communications staff will coordinate prior to the meeting. It is anticipated that Metrolinx will assume an overall lead role as it relates to the MPs and MPPs, working closely with the Ministry of Transportation, while the City of Hamilton will assume an overall lead with respect to City Council.
- It is recognized that in the event that impromptu or adhoc briefings and meeting requests arise, and if the LRT project is a point of discussion, each party will keep the other apprised of these discussions and any related developments.
- The Subgroup may organize an advertising or public information campaign related to the project, if there is a determined need.
- The Subgroup will review and make necessary updates to this protocol prior to the procurement phase of the project.
- Metrolinx will take the lead on responses to community and stakeholder inquiries about the project through the Hamilton@Metrolinx.com email address and dedicated phone line. Metrolinx's standard response time is to acknowledge the inquiry within 24 hours and respond within 10 days. If the inquiry is more

appropriate for the City to respond to, Metrolinx will forward the inquiry to the City and requests to be copied on the response.

- In the event of a dispute related to communications activities, the parties will escalate the item for decision-making at the appropriate level through the City of Hamilton-Metrolinx project governance structure.

MEDIA/PUBLIC ANNOUNCEMENTS/EVENTS

- The Ministry of Transportation, working closely with Metrolinx, will be responsible for coordination of major announcements and media events in collaboration with the City of Hamilton in keeping with this protocol.
- It is recognized that not all communications related to the project can be centrally organized/coordinated. Instances will arise in which Parties to the project may feel the need to convey independent messages or perspectives. In such circumstances, the Subgroup requests that Parties inform each other of the intention to communicate.

I. Media Releases and Events

The Ministry of Transportation, working closely with Metrolinx, will issue news releases for major announcements and other relevant events.

- The Subgroup will collaborate in organizing special events that are determined to be required Metrolinx and/or the City of Hamilton.
- Major media conferences, announcements and official ceremonies will be led by the Ministry of Transportation and Metrolinx. Ministry of Transportation will coordinate with the federal government as required.
- As a general principle, the Parties agree that no public announcement about the project event/activity covered under this Agreement shall be made independently by the City of Hamilton. An announcement schedule will be developed by the Communications Subgroup and reviewed periodically.
- The Subgroup will provide advice and recommendations to the Working Group; and,
- Wherever possible, the parties shall mutually agree on the use of quotes from the designated representatives of the Ministry of Transportation, Metrolinx and the City of Hamilton, and where appropriate, any third-party funding partners or stakeholders.

II. Media

- All media inquiries received by the City of Hamilton should also be forwarded to Metrolinx Media Relations for coordinated follow-up and response if required. Metrolinx will coordinate the review of all media responses with the Ministry of Transportation before they are issued. Standard messaging will be developed and approved within the Communications Subgroup, which will be used as a basis for all media responses.
 - In certain instances, Metrolinx may refer specific media questions to the City of Hamilton if the response is better suited coming from the City. For example, City projects/operations, roadworks, or HSR services that are affected by LRT construction.
- Requests for interviews should be forwarded to all Subgroup designates and assessed. Parties will provide recommendations and Metrolinx or appropriate Party will respond.
- Designated spokespersons will be identified by each Party for major announcements, media interview requests, and issues management.
 - Designated spokespeople will receive media relations training, as needed.
- Standard messaging will be developed and approved within the Subgroup, which will be used as a basis for all social media post and responses.

III. Social Media

- Metrolinx will assume oversight and "ownership" of existing social media accounts (Twitter, Instagram and Facebook) for the Hamilton LRT project and update the content to reflect recent developments. The City of Hamilton will contribute to the social media strategy and content development.
- The City of Hamilton is encouraged to re-post information about the Hamilton LRT project from their respective social media accounts.

IV. Branding

- Metrolinx and the City of Hamilton, through the Communications Subgroup and the Project Working Group, will work together to advance and promote the brand strategy for the 'construction phase' of the project, understanding that branding and strategy for the service delivery phase will be addressed at a later date.

V. Issues Management/Crisis Plan

- The Subgroup will develop a protocol for issues management to share information and coordinate messaging to ensure the public is well-informed.

- The protocol will be shared with the Metrolinx Corporate Communications, the City of Hamilton and the Ministry of Transportation.
- The Issues Management Protocol will be reviewed periodically to ensure that it is effective.

VI. Working within Existing Communications Protocol Requirements

- This protocol functions in parallel to other communications protocols that the Parties must adhere to. For example, where required, the Parties are responsible for facilitating any required internal reviews and approvals necessary for the development and implementation of any communications products.
- This also includes the recognition of any pre-existing communications protocols that exist between the Parties and any of the funding, procurement or delivery partners.

VII. Communication During Exceptional Events

- In the event of a Federal, Provincial or Municipal election, any communications, community and consultative work directly related to the critical progress of the project will continue to be carried out (e.g. open houses that are part of legislated public consultations). However, any communications items that could be viewed as having a political focus (e.g. specific funding announcements) will be deferred until the conclusion of said election.

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HAMILTON MOU

PROTOCOL RESPECTING PROPERTY INTERESTS TO AND FROM THE CITY OF HAMILTON

Purpose

- To establish a process and governance to deal with: (i) Metrolinx permanent acquisition of City of Hamilton (“City”) lands, (ii) temporary licences to Metrolinx from the City, (iii) transfer of Metrolinx lands to the City.

Permanent Acquisitions

- City lands required for project infrastructure and for the operation and maintenance of the LRT will be acquired by Metrolinx either in fee simple or by way of permanent exclusive stratified easement.
- City lands required for relocation of third party utilities (except in the right of way or if the City has a statutory obligation or the utility has a statutory right to such City owned property) will be acquired by Metrolinx or such third party utility, as the case may be for fair market value.
- City lands whereon or wherein the permanent LRT infrastructure or assets will be situated following construction, including, without limitation, lands used for the LRT guideway, stations and stops, vehicular lanes, sidewalks, bike lanes, and associated landscape areas (the “**Transit Corridor Lands**”) will be transferred to Metrolinx for nominal consideration unless such City lands: (a) are income producing, (b) have been identified by the City for any current or future City municipal purposes (including municipal development or redevelopment) under current applicable zoning or master plan, or in respect of which any application to amend zoning or the master plan has been submitted; or (c) are used for an operation and maintenance facility or a traction power sub-station, in which case they will be transferred at fair market value, having regard to the determination of value in the *Expropriation Act, Ontario*.
- The transfer of City lands to Metrolinx, other than the Transit Corridor Lands identified above for transfer at nominal consideration, shall be at fair market value, having regard to the determination of value in the *Expropriation Act, Ontario*.
- Metrolinx will provide the City with a request to purchase (a “**Request to Purchase**”) for each property that will include: (i) the required possession date, (ii) a description of the property, (iii) a high-level description of the proposed use, (iv) a date by which the City will provide an initial response to the Metrolinx, and (v) any other information that the City reasonably requires, including a survey or property sketch (with survey to follow).
- The City will not encumber or grant interests in any property in respect of which Metrolinx has delivered a Request to Purchase, without Metrolinx’s consent.
- The City will provide a response to Metrolinx within the time specified in Metrolinx’s Request to Purchase specifying whether or not it is prepared to transfer the property to Metrolinx and any terms, reservations, and encumbrances that it will impose.
- If the City is unable or unwilling to transfer the property or imposes restrictions that are unacceptable to Metrolinx, either Party may refer the matter to dispute resolution

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pursuant to the Dispute Resolution Process.

- Metrolinx will acquire City lands on an as-is, where-is basis and is responsible for its own due diligence including title, although the City will make reasonable efforts to assist Metrolinx in discharging encumbrances. The City will use reasonable efforts to provide Metrolinx with notice of unregistered easements, leases, licences or rights of use or occupation held by third parties, including any encroachments (regardless of whether or not the encroachment(s) is documented), in each case in the City’s knowledge, possession or control.
- If the City is unable to transfer a City property or an interest therein by way of fee simple or permanent easement within the time required by Metrolinx, the City will grant a temporary licence to Metrolinx pending such transfer for no licence fee or consideration. Metrolinx acknowledges and agrees that foregoing provision does not limit or restrict, in any manner, the City’s right to recover staff costs and disbursements incurred in connection with such temporary licence, as such costs and disbursements are recoverable under the Staffing Agreement (as defined in the Memorandum of Agreement).

Temporary Licences

- This section excludes the use of public highways and lands that are designated as Park and Open Space Area or Green Space System in the City's Official Plan and/or on title to the subject lands as well as any road allowance adjacent to such area that is not a sidewalk or a road (collectively, “**Parklands**”). Lands designated as public highway that are required by Metrolinx on a temporary basis will be accessed through a road occupancy permit and dealt with pursuant to a separate protocol. Parklands that are required by Metrolinx on a temporary basis will be dealt with in accordance with the City’s by-laws and in accordance with the “Park and Open Spaces” section of this Real Estate Protocol.
- The City will grant Metrolinx a broad general licence for City lands for all project purposes including, without limitation: (i) required investigations and due diligence, (ii) environmental, geotechnical and other invasive testing, (iii) access to City lands including for purpose of removing and relocating City and third party infrastructure, (iv) laydown, (v) the construction of temporary facilities, (vi) the construction of permanent project infrastructure if the lands are to be subsequently transferred to Metrolinx. Metrolinx will reimburse the City’s costs and disbursements incurred in connection with such licence in accordance with and pursuant to the Staffing Agreement. Compensation payable by Metrolinx for such licence(s) will be as follows:
 1. If the City lands are Transit Corridor Lands, any such licence will be granted to Metrolinx for nominal consideration unless such City lands: (a) are income producing, (b) have been identified by the City for any current or future City municipal purposes (including municipal development or redevelopment) under current applicable zoning or master plan, or in respect of which any application to amend zoning or the master plan has been submitted; or (c) are used for an operation and maintenance facility or a traction power sub-station, in which case they will be transferred at fair market value, having regard to the determination of value in the *Expropriation Act*, Ontario; and

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2. If the City lands are not Transit Corridor Lands, any such licence will be granted to Metrolinx for fair market value, having regard to the determination of value in the *Expropriation Act*, Ontario.
 - Metrolinx will provide the City with a request for each licence (a “**Request for Licence**”) that it requires that will include (i) the required possession date, (ii) a description of the property, (iii) a high-level description of the proposed use, (iv) a date by which the City will provide an initial response to the City, and (v) any other information that the City reasonably requires.
 - The City will endeavour not to encumber or grant interests in any property in respect of which it has received a Request for Licence.
 - The City and Metrolinx will develop a form of licence to be used, which may be a Master Licence with schedules for specific City lands.
 - The City will respond to Metrolinx’s request within the time specified in its Request for Licence. If the City is unable or unwilling to grant a required licence, or imposes terms that are unacceptable to Metrolinx, either Party may refer the matter to be dealt with pursuant to the Dispute Resolution Process.

Expropriation

- Metrolinx has the right, at any time, whether before or after submitting a Request to Purchase or a Request for Licence, or before, during or after the completion of the Dispute Resolution Process, to commence and proceed with, process and complete expropriation of any property.

Parks and Open Space

- Metrolinx will, or will cause Project Co to, take all reasonable efforts to minimize impacts to trees and Parklands in connection with the Project. The Parties acknowledge that tree replacement or compensation to the City in lieu thereof is in accordance with the provisions set out in the City’s by-laws or standards applicable to tree replacement. Metrolinx will consult with the City in accordance with the City’s by-laws or standards applicable to a tree replacement plan prior to any tree removal, provided that pending the determination of a replacement plan or compensation in lieu thereof, Metrolinx may at its risk remove such trees as may be required to facilitate construction of the Project. Nothing in this Paragraph derogates from Metrolinx’s expropriation authority including with respect to trees owned by the City or third parties.
- Parklands may not be able to be sold or permanently disposed of without an amendment to the City’s Official Plan. Metrolinx is not subject to the Planning Act (Ontario) and, as a result, to the Official Plan. Pursuant to the City’s Official Plan, the City may, upon mutual agreement by the parties, exchange Parklands for other nearby property of equivalent or larger area and comparable or superior green space utility that is acceptable to the City. If this option is not exercised, Metrolinx will acquire such lands at fair market value, having regard to the determination of value in the *Expropriation Act*, Ontario. Until Metrolinx acquires a permanent interest in Parklands required by it and provided that the City property can be made available to Metrolinx, the City will grant a temporary licence or temporary easement to Metrolinx for the purposes of enabling Metrolinx to use such City

Appendix “B” to Report PED21176(a)
Page 4 of 4

property for construction and installation of infrastructure and improvements and for any other required construction-related activities, in accordance with the City’s by-laws.

- For any Parklands in respect of which Metrolinx requires temporary access, the City will grant a temporary licence to Metrolinx for the purposes of enabling Metrolinx to use such Parklands for its intended use. Notwithstanding the foregoing, if any City by-law requires Metrolinx to obtain a permit in order to temporarily access such Parklands, Metrolinx will comply with such City by-law for such temporary access.

Transfer of Lands to City for Road Widening and Other Road Purposes

- Lands owned by Metrolinx or by third parties that are required to be transferred to the City for road widening or other right-of-way/highway/public road purposes or that are immediately adjacent to a public road (the “**Transfer Lands**”) will be transferred to the City by way of permeant easement fee simple for a nominal fee. Metrolinx shall transfer all lands which will be dedicated by the City as public roadway in fee simple.
- Prior to the conveyance of the Transfer Lands to the City, Metrolinx will take, or cause Project Co to take, all action required by Environmental Laws in respect of any Hazardous Substance which is introduced to the Transfer Lands by Metrolinx, Project Co or their respective agents, employees, contractors, sub-contractors and consultants in, on, under or about the Transfer Lands or emanating therefrom. Metrolinx shall convey the Transfer Lands to the City in a condition where soil and ground water quality comply with all Environmental Laws and standards established by the Ministry of Environment, Conservation and Parks (the “**MECP Standards**”), as same may be amended or restated from time to time, and the Transfer Lands are fit for the City's intended purpose. For purposes of this paragraph, “**Environmental Laws**” means all applicable laws concerning pollution or protection of the natural environment, human health or otherwise relating to the environment, including those pertaining to (i) reporting, licensing, permitting, investigating and remediating the presence of hazardous substances, and (ii) the storage, generation, use, handling, manufacture, processing, transportation, treatment, release and disposal of hazardous substances.

Lands for Additional City Infrastructure

- The City will acquire lands for Additional City Infrastructure (as that term is defined in the Memorandum of Agreement), if any, at its sole cost and expense and shall grant a licence to Metrolinx for nominal consideration sufficient for the purposes of the construction of the Additional City Infrastructure.
- Metrolinx may, in its discretion, acquire lands for the City for Additional City Infrastructure at the request and cost of the City.
- Whether the City or Metrolinx acquires lands for Additional City Infrastructure, the City will be responsible to Metrolinx for the cost of the lands and for the cost arising out of site conditions, including environmental, geotechnical and others.
- Metrolinx may transfer and the City agrees to accept lands, for road widening, Additional City Infrastructure or other purpose as agreed to by the parties, either on completion of the Hamilton LRT project or intermittently from time to time.

Appendix “C” to Report PED21176(a)
Page 1 of 2

City of Hamilton and Metrolinx Governance Framework

This City of Hamilton and Metrolinx Governance Framework (“Governance Framework”) is meant to support transit expansion in the City of Hamilton.

Purpose:

The purpose of this Governance Framework is to accomplish the following:

- Fulfill the governance requirements of Section 17 of the Memorandum of Understanding executed September 22, 2021 for the Hamilton Light Rail Transit project (“MOU”).
- Streamline intergovernmental relationships with respect to delivery of capital programs and projects that impact transit expansion.
- Identify, escalate and resolve intergovernmental delivery issues affecting capital programs.
- Provide structured forums for senior staff from each organization to advance shared objectives, seek strategic direction and input and guide collaboration between the partners.

Structure:

Apart from the internal governance of each organization, the parties will jointly create the following formal joint governance structures, that will have three different levels:

1. **Working Groups**: There will be one or more working groups that consist of staff from both Metrolinx and the City of Hamilton that will work together on the LRT Project on a day-to-day basis, and they shall meet formally no less than bi-weekly. It is intended that most issues can be resolved through the Working Groups.
2. **Steering Committee**: There will also be a Steering Committee that will meet at least every eight (8) weeks. The Steering Committee will include members from the Ministry of Transportation, Metrolinx and the City, such as Directors, General Managers, Executive Vice-Presidents, and Head Sponsor. The Steering Committee will be responsible for the immediate oversight of all Working Groups. Any issue that cannot be resolved by any Working Group will be escalated to the Steering Committee.
3. **Executive Committee**: Lastly, there will be an Executive Committee that will meet at least two (2) times per year. The Executive Committee will include members from the Ministry of Transportation, Metrolinx and the City, such as City Manager, Chief Executive Officer, and Associate Deputy Minister. The Executive Committee will be responsible for the oversight of the LRT Project. Any issue that cannot be resolved by Steering Committee will be escalated to the Steering Committee.

Appendix “C” to Report PED21176(a)
Page 2 of 2

Any issue that cannot be resolved by the parties will be subject to dispute resolution in accordance with Section 17 and Schedule “J” of the MOU.

Principles:

1. The Governance Framework is for issue escalation and strategic direction.
2. The Governance Framework does not replace the need for day-to-day engagement and collaboration between each organization (e.g., formal working groups, informal touch points between staff, etc.)
3. Delivery coordination through working groups and project delivery teams is the most effective and efficient level for option identification and evaluation to inform decision-making. The Committee are not meant to be a forum for the foregoing.
4. The Governance Framework is meant to foster regular engagement of the committees and to enable clear and consistent documentation and information sharing among the parties to support early issue identification, transparency, and resolution.
5. The Steering Committee and the Executive Committee (collectively the “Committees”) will work collaboratively to resolve issues, consistent with their assigned level of authority.
6. The responsibilities of Committee members to their respective Boards, Council, and Minister will not be fettered by decisions of the Committee.
7. Terms of Reference for each Committee will be developed and approved by each of the Steering and Executive Committees respectively. These terms of reference shall align with the MOU (see Appendix), and in any event, in the case of a conflict between any of the Terms of Reference and the MOU, the MOU shall prevail. The Terms of Reference will be reviewed, and if necessary, revised, on an annual basis.
8. The Terms of Reference may require or allow a Committee to use one or more tools to support reporting, escalation and decision making. Agendas will be jointly developed. Examples of topics that committee members may table: (i) project design and planning; (ii) property matters (iii) coordination of capital works (iv) permits, licenses and approvals; or (v) updates of a strategic nature that require awareness by senior leadership in advance, including change to policy or processes, item tracking to the Board and/or Council, or other items of strategic importance.



Hamilton Light Rail Transit (LRT) Project Agreements Update

Overview/Agenda

- LRT MOU Schedules
 - Communications Protocol
 - Real Estate Protocol
 - Governance Framework
- Staffing Update
- Staff Recommendations
- Next Steps

LRT Memorandum of Understanding

- On September 15, 2021, City Council ratified a Memorandum of Understanding (MOU) with Metrolinx and the Ministry of Transportation (MTO).
- The MOU contemplates a series of schedules that would be negotiated and executed after the initial signing of the MOU.
- Council gave the City Manager delegated authority to negotiate and execute the Staffing Agreement. The other schedules require Council approval.

MOU Schedule - Communications Protocol

(See Appendix A)

- Communication subgroup will be formed, which will consist of Metrolinx and City communications staff. The Ministry of Transportation (MTO) may attend as needed.
- Metrolinx will be funding a Manager of Communications (LRT) position for the City.
- MTO will coordinate major announcements and media events.
- The City's communications staff may assume the lead for City issues, such as HSR related communications.

MOU Schedule - Real Estate Protocol

(See Appendix B)

- Only deals with transactions between the City and Metrolinx.
- Metrolinx will do its own transactions with third-parties.
- Metrolinx will pay fair market value for properties if:
 - outside the corridor;
 - income-producing or identified for development;
 - used for a traction power substation or an operation; and, maintenance facility.
- Lands inside the corridor that do not fall into the above categories are transferred at nominal value.

MOU Schedule - Governance Protocol with Metrolinx and MTO (See Appendix C)

Objectives

- Streamline intergovernmental relationships with respect to delivery of capital programs and projects that impact transit expansion.
- Identify, escalate and resolve intergovernmental delivery issues affecting capital programs.
- Provide structured forums for senior staff from each organization to advance shared objectives, seek strategic direction and input and guide collaboration between the partners.

MOU Schedule - Governance Protocol with Metrolinx and MTO

Structure

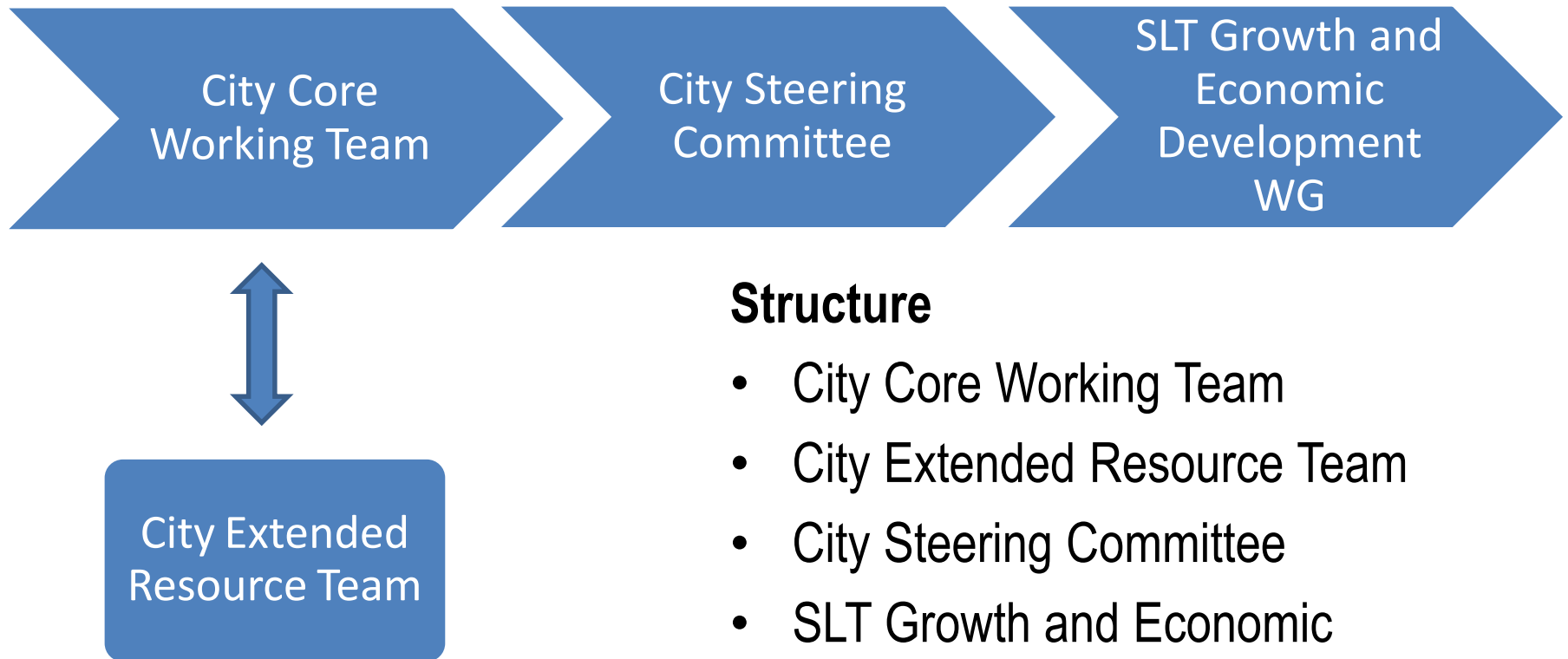
- Working Group
- Steering Committee
- Executive Committee



Staffing Update

- **Hired:**
 - Director, LRT Project
 - Manager, Communications LRT Project
- **Imminently required:**
 - Manager, Design-LRT
 - Manager, LRT Technical Services and Approvals Coordination
 - Senior Project Manager, Subsurface Coordination
 - Senior Project Manager, Water Distribution & Wastewater Collection
 - Senior Project Manager, Urban Design and Heritage
 - Senior Project Manager, Transportation Engineering
 - Law Clerk
 - Administrative Assistant
- **Currently billing time:**
 - Solicitor (full-time basis)
 - Human Resources Specialist
 - Business Administrator
 - Senior Project Manager, Transportation Planning and Modelling
 - Strategic Advisor

Governance Framework with Internal Staff



Structure

- City Core Working Team
- City Extended Resource Team
- City Steering Committee
- SLT Growth and Economic Development WG

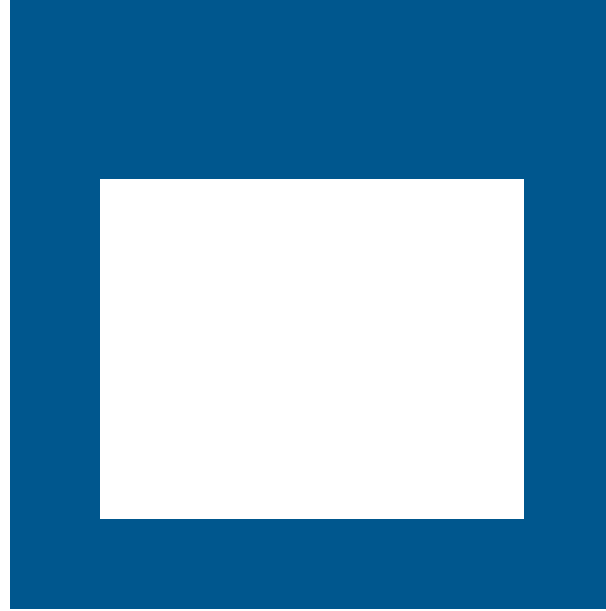
Staff Recommendations

- (a) That the City Manager be authorized and directed to execute the **Communications Protocol** for the Hamilton Light Rail Transit (LRT) project, attached as Appendix “A” to Report PED21176(a), as a Schedule to the Hamilton LRT Memorandum of Understanding;
- (b) That the City Manager be given delegated authority to negotiate and execute a protocol respecting property interests to and from the City of Hamilton and any ancillary documents in accordance with key terms set out in the **Protocol Respecting Property Interests** to and from the City of Hamilton term sheet, attached as Appendix “B” to Report PED21176(a) in a form satisfactory to the City Solicitor, as a Schedule to the Hamilton LRT Memorandum of Understanding; and,
- (c) That the City Manager be given delegated authority to negotiate and execute a **Governance Terms of Reference** and any ancillary documents in accordance with the City of Hamilton and Metrolinx Governance Framework, attached as Appendix “C” to Report PED21176(a) in a form satisfactory to the City Solicitor as a Schedule to the Hamilton LRT Memorandum of Understanding.

Next Steps

If Council approves the staff recommendations, the priority immediate next steps would be as follows:

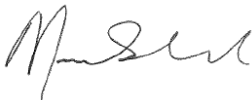
- Finalize the drafting and execute the following agreements/schedules:
 - Communications Protocol
 - Real Estate Protocol
 - Governance Framework
 - Staffing Agreement
- Enter into future agreements/schedules outlined in the MOU:
 - Municipal Funding Agreement
 - Commissioning and Acceptance Protocol
 - Fare and Non-Fare Revenue Matters
 - Municipal Infrastructure Agreement
 - Permits, Licenses and Approvals
 - Dispute Resolution Protocol
- Anticipate returning to Council in first quarter 2023 when more agreements/schedules are complete.



THANK YOU



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	Barton Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2022 (PED22041) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the 2022 Operating Budget for the Barton Village Business Improvement Area (BIA), attached as Appendix "A" to Report PED22041, in the amount of \$155,978, be approved;
- (b) That the levy portion of the Operating Budget for the Barton Village Business Improvement Area in the amount of \$75,000, be approved;
- (c) That the General Manager of the Finance and Corporate Services Department be authorized and directed to prepare the requisite By-law, pursuant to Section 208, *Ontario Municipal Act, 2001*, as amended, to levy the 2022 Operating Budget for the Barton Village Business Improvement Area;
- (d) That the following schedule of payments for 2022 Operating Budget for the Barton Village Business Improvement Area be approved:
 - (i) March \$37,500
 - (ii) June \$37,500

Note: Assessment appeals may be deducted from the levy payments.

SUBJECT: Barton Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2022 (PED22041) (Ward 3) - Page 2 of 3

EXECUTIVE SUMMARY

This Report addresses the approval of the 2022 Budget and Schedule of Payments for the Barton Village Business Improvement Area (BIA).

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The \$75,000 is completely levied by the BIA and collected through its membership. There is no cost to the City of Hamilton for the 2022 Barton Village BIA Operating Budget.

Staffing: There are no staffing implications.

Legal: *Ontario Municipal Act, 2001, Section 205, Sub-section (2)*, as amended, dictates that City Council must approve the Budgets of BIAs.

HISTORICAL BACKGROUND

At its Annual General Meeting on Monday January 31, 2022, the Barton Village BIA Board of Management presented its proposed budget for 2022 to the membership.

The process followed to adopt the Barton Village BIA's Budget for 2022 was in accordance with the *Ontario Municipal Act, 2001*, as amended, and the BIAs Procedure By-Law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable

RELEVANT CONSULTATION

Not Applicable

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable

ALTERNATIVES FOR CONSIDERATION

Not Applicable

SUBJECT: Barton Village Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2022 (PED22041) (Ward 3) - Page 3 of 3

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”- Barton Village Business Improvement Area Proposed 2022 Operating Budget

Appendix "A" to Report PED22041

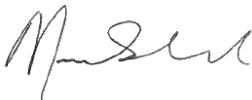
Page 1 of 1

**BARTON VILLAGE
BUSINESS IMPROVEMENT AREA (BIA)
PROPOSED 2022 OPERATING BUDGET**

Revenue	
BIA Levy	\$75,000
Grants & Sponsorships	\$80,978
Total Revenues	\$155,978
Expenses	
Marketing and Advertising	
Banners/Median Lights	\$2,000
Marketing Coordinator	\$29,760
Festival and Events	
Barton Village Festival	\$33,000
Recurring Events	\$1,000
Meetings and Business Development	
Annual General Meeting	\$1,200
BIA Meetings	\$400
Property of Excellence Awards	\$500
Beautification	
Flower planters (plants and water service) lights, boulevard	\$2,000
Insurance	
General Insurance & Officers & Directors Liability	\$2,500
Membership	
Ontario BIA Membership	\$250
Co-ordination	
Partial Benefits	\$0
Accountant	\$1,200
Executive Director	\$55,000
Office Rent	\$23,052
Telephone/Internet	\$1,566
Office and BIA Supplies	\$1,000
Website Management	\$400
Financial Audit	\$500
Bank Charges	\$150
Levy Reconciliations (due to write offs)	\$500
Total Expenses	\$155,978



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2022 (PED22042) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the 2022 Operating Budget for the Locke Street Business Improvement Area (BIA), attached as Appendix "A" to Report PED22042, in the amount of \$92,500 be approved;
- (b) That the levy portion of the Operating Budget for the Locke Street Business Improvement Area in the amount of \$34,500, be approved;
- (c) That the General Manager of the Finance and Corporate Services Department be authorized and directed to prepare the requisite By-law, pursuant to Section 208, *Ontario Municipal Act, 2001*, as amended, to levy the 2022 Operating Budget for the Locke Street Business Improvement Area;
- (d) That the following schedule of payments for 2022 Operating Budget for the Locke Street Business Improvement Area be approved:
 - (i) March \$17,250
 - (ii) June \$17,250

Note: Assessment appeals may be deducted from the levy payments.

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

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

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

SUBJECT: Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2022 (PED22042) (Ward 1) - Page 2 of 3

EXECUTIVE SUMMARY

This Report addresses the approval of the 2022 Budget and Schedule of Payments for the Locke Street Business Improvement Area (BIA).

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The \$34,500 is completely levied by the BIA and collected through its membership. There is no cost to the City of Hamilton for the 2022 Locke Street BIA Operating Budget.

Staffing: There are no staffing implications.

Legal: *Ontario Municipal Act, 2002, Section 205, Sub-section (2)*, as amended, dictates that City Council must approve the Budgets of BIAs.

HISTORICAL BACKGROUND

At its Annual General Meeting on Monday January 24, 2022, the Locke Street BIA Board of Management presented its proposed budget for 2022 to the membership.

The process followed to adopt the Locke Street BIA's Budget for 2022 was in accordance with the *Ontario Municipal Act, 2001*, as amended, and the BIAs Procedure By-Law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Not Applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

ALTERNATIVES FOR CONSIDERATION

Not Applicable.

SUBJECT: Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2022 (PED22042) (Ward 1) - Page 3 of 3

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Locke Street Business Improvement Area Proposed 2022 Operating Budget

Appendix "A" to Report PED22042

Page 1 of 1

**LOCKE STREET
BUSINESS IMPROVEMENT AREA (BIA)
PROPOSED 2022 OPERATING BUDGET**

Revenue	
BIA Levy	\$34,500
BIA Reserve	\$5,000
Other City Revenue	\$13,000
Locke Street "Festival" Revenue	\$40,000
Total Revenues	\$92,500
Expenses	
Social Media Management	\$12,500
General Advertising	\$1,000
Special Events	\$7,000
Street Beautification	\$14,000
Locke Street "Festival" Expenses	\$40,000
Auditors	\$500
Executive Director	\$12,000
Bookkeeping & Business Support	\$1,000
Office Supplies	\$150
Insurance	\$1,470
Storage Rental	\$2,880
Total Expenses	\$92,500



Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES**

REPORT 22-002

4:00 p.m.

Tuesday, February 8, 2022

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

Present: A. Mallett (Chair), J. Kemp (Vice-Chair)
S. Aaron, P. Cameron, J. Cardno, A. Frisina,
S. Geffros, L. Janosi, P. Kilburn, T. Manzuk,
M. McNeil, T. Murphy, K. Nolan, T. Nolan,
R. Semkow

Absent

with Regrets: Mayor F. Eisenberger, M. Dent,
L. Dingman, C. McBride

Chair Mallett called the meeting to order and recognized that the Committee 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.

**THE ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES PRESENTS REPORT 22-002 AND
RESPECTFULLY RECOMMENDS:**

1. Strategic Planning Working Group Update (Item 7.5)

That Tim Nolan be appointed to the Strategic Planning Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018 – 2022 Term of Council.

2. Accessible Open Spaces and Parklands Working Group Update (Item 7.6)

That Aznive Mallett be appointed to the Accessible Open Spaces and Parklands Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018 – 2022 Term of Council.

3. Temporary Outdoor Patio Program (Item 8.1)

That Tim Nolan be authorized to delegate with James Kemp at a meeting of the Planning Committee on behalf of the Advisory Committee for Persons with Disabilities to consult respecting accessibility issues related to the Outdoor Dining Districts Program.

4. Invitation to the Crisis Outreach and Support Team (COAST) to attend a future meeting of the Advisory Committee for Persons with Disabilities (Item 11.1)

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

THEREFORE, BE IT RESOLVED:

That a representative from the Crisis Outreach and Support Team (COAST) be invited to attend a future meeting of the Advisory Committee for Persons with Disabilities to discuss the services that they provide to those with mental health issues and who are in crisis.

5. Invitation to The Honourable David Onley, former Lieutenant Governor of Ontario, to attend a future meeting of the Advisory Committee for Persons with Disabilities (Item 11.2)

General Issues Committee – March 23, 2022

WHEREAS, as Ontario's first Lieutenant Governor with a physical disability, the Honorable David Onley adopted accessibility as the overarching theme of his mandate, defining accessibility as "that which enables people to achieve their full potential", believing that true accessibility occurs when disabled people can fully participate in the social, cultural, and economic life in Ontario;

WHEREAS, the COVID-19 Pandemic has dramatically impaired the independence of people with disabilities.

THEREFORE, BE IT RESOLVED:

That the Honourable David Onley, former Lieutenant Governor of Ontario, be invited to attend a future meeting of the Advisory Committee for Persons with Disabilities to present his views on a "Post-Pandemic World".

6. Invitation to Sherry Caldwell of the Ontario Disability Coalition to attend a future meeting of the Advisory Committee for Persons with Disabilities (Item 11.3)

WHEREAS, the Ontario Disability Coalition is a grassroots coalition established to be the voice of parents, caregivers, health service professionals and disabled individuals with the primary goal to advocate

for health care services that a person needs to find their way towards achieving as normal a life as possible.

THEREFORE, BE IT RESOLVED:

That Sherry Caldwell of the Ontario Disability Coalition be invited to attend a future meeting of the Advisory Committee for Persons with Disabilities to present respecting issues that are negatively impacting independence and healthy life for persons with disabilities.

7. Invitation to Sara Mayo, Geographical Information Systems Specialist, Social Planning & Research Council of Hamilton, to attend a future meeting of the Advisory Committee for Persons with Disabilities (Item 11.4)

WHEREAS, the Social Planning & Research Council of Hamilton is a non-profit organization with a goal “To improve the quality of life for everyone in Hamilton through research, community development, community engagement, and system and service planning;”

WHEREAS, it is recognized that a large proportion of individuals with disabilities in the City, live near or under the poverty line and evidence has demonstrated significant lifestyle differences across the municipality;

WHEREAS, municipal infrastructure overlaps with the Social Determinants of Health (SDoH) and the related

General Issues Committee – March 23, 2022

issues of accessibility, equity and inclusion and are key elements that foster good lifestyles and opportunities for residents;

WHEREAS, a better understanding of how those with disabilities are impacted by not only limitations of health but limitations due to poverty, would better inform future ACPD work.

THEREFORE, BE IT RESOLVED:

That Sara Mayo, Geographical Information Systems Specialist, Social Planning & Research Council of Hamilton, be invited to attend a future meeting of the Advisory Committee for Persons with Disabilities to discuss findings of the relationship between poverty and disability across the City of Hamilton.

8. Invitation to Rich Padulo, Founder of Treat Accessibly, to Attend the Advisory Committee for Persons with Disabilities (Item 11.5)

WHEREAS, Rich Padulo founded Treat Accessibly in 2017 to remove barriers for children with disabilities during Halloween;

WHEREAS, the Treat Accessibly campaign has expanded to municipalities including Toronto, Brampton, Mississauga, Vaughan and Caledon;

WHEREAS, the Advisory Committee for Persons with Disabilities is interested in investigating the expansion of the Treat Accessibly campaign to the City of Hamilton.

THEREFORE, BE IT RESOLVED:

That Rich Padulo, Founder of Treat Accessibly, be invited to attend a future meeting of the Advisory Committee for Persons with Disabilities to discuss the Treat Accessibly campaign.

9. Advisory Committee for Persons with Disabilities' Request for Council to Establish an Accessibility Award Program (Item 11.6)

WHEREAS, municipalities including the Cities of Kingston, Toronto and Brampton recognize individuals, businesses and organizations who champion accessibility with a formal Accessibility Award;

WHEREAS, an Accessibility Awards Program will serve to promote and encourage individuals, businesses and organizations to make improvements to the inclusion and accessibility of Hamilton and highlight their actions as an example to others.

THEREFORE, BE IT RESOLVED:

That Council consider establishing an Accessibility Award Program for City of Hamilton individuals, businesses and organizations that have made significant contribution beyond legislative requirements, towards improving access for persons with disabilities in Hamilton; and

That representation from the Advisory Committee for Persons with Disabilities be included in the development of the eligibility and award criteria as well as the selection process for the Accessibility Award Program.

10. Advisory Committee for Persons with Disabilities' Request for Review of the Accessible Transportation Service and the Disabled and Aged Regional Transportation Service Policy Respecting Driver Assistance to Passengers who use a Bundle Buggy (Item 11.7)

WHEREAS, passengers of the Disabled and Aged Regional Transportation Service (DARTS) are persons with disabilities and may not have the ability to utilize public transit or have the finances to use a taxi service;

WHEREAS, a person with a disability may not have or want a companion to provide assistance or wishes to be independent and be able to shop when they wish to;

General Issues Committee – March 23, 2022

WHEREAS, accessible transportation services have an obligation to provide services that accommodate the disabilities of their passengers, which may necessitate assistance, to allow persons with disabilities to participate within the community as would all individuals, regardless of ability;

WHEREAS, all people need to shop, purchase and transport their purchases to their place of destination.

THEREFORE, BE IT RESOLVED:

That staff be directed to review the Accessible Transportation Services and the Disabled and Aged Regional Transportation Service policy to allow DARTS drivers to assist passengers who use a bundle buggy to safely load on and off the Accessible Transportation vehicle.

11. Advisory Committee for Persons with Disabilities Request respecting Accessible Transport related to the City's Accessible Taxicab Financial Incentive Program and Accessible Taxicab Operators in Hamilton (Item 11.8)

WHEREAS, to increase reliable on-demand transport above and beyond that provided by Disabled and Aged Regional Transportation Service (DARTS), the Accessible Taxicab Financial Incentive (ATFI) Program was initiated by the City of Hamilton in 2018,

General Issues Committee – March 23, 2022

providing an additional \$5 for every trip and intending to decrease excessive wait times and no shows of Accessible Taxicabs by incentivizing the extra loading and unloading time and further travel time in between pickups;

WHEREAS, the ATFI Program initiated an audit procedure in 2019 that verified random Accessible Taxicab rides by reviewing trip camera footage with the corresponding paperwork;

WHEREAS, the 2020 audit of the ATFI Program reported decreased wait times from 1-2 hours to 10-15 minutes, a decrease of complaints and an increase in the number of Accessible Taxicabs to 40 Operators;

WHEREAS, the increase in insurance rates in 2020 impacted the Taxicab industry, making it more expensive to operate and more difficult to compete with Personal Transport Provider (PTP) Operators such as Uber and Lyft that do not have the same regulation and overhead costs, causing the removal of a large number of Taxicabs from service;

WHEREAS, the ATFI Program was temporarily suspended in March 2020 due to the COVID-19 Pandemic and was not continued until August 2021;

WHEREAS, despite the loss of the ATFI Program, the Accessible Taxicab Operators continued to provide

General Issues Committee – March 23, 2022

service through the worst of the initial lockdown, which was made more difficult by the fact that the Hamilton Street Railway (HSR) was not picking up people with mobility devices unless they were accompanied;

WHEREAS, the length of the suspension of the ATFI Program as well as the uncertainty of its future viability contributed to the attrition of Accessible Taxicab Drivers as well as the service standards and there are currently no plans or discussions regarding paying the Accessible Taxicab Drivers retroactively or otherwise compensating for their efforts during the COVID-19 Pandemic;

WHEREAS, the number of Accessible Taxicabs on the road dropped from pre-pandemic levels of 40 Accessible Taxicabs to 15 in August 2021;

WHEREAS, the resumption of the ATFI Program in August 2021, served to increase Accessible Taxicab numbers to 20;

WHEREAS, this overall decrease in the number of Accessible Taxicabs has increased the wait time at rush hour from 10 to 15 minutes to approximately 1-2 hours, which does not constitute a reliable “on-demand” service;

WHEREAS, the cost of safely and legally putting a single Accessible Taxicab on the road is exorbitant,

General Issues Committee – March 23, 2022

as the vehicles need to be new to allow for proper accessibility conversion and can cost upwards of \$75,000. Furthermore, proper training of personnel, licensing and insurance can total an estimated \$100,000, representing a significant investment that is solely the responsibility of the owner/operator. With the ATFI Program being put on hiatus for 16 months, there is no guarantee of return on investment and a \$5 per trip incentive seems to be inadequate;

WHEREAS, there are reports that PTP Operators are putting Accessible Vehicles on the road in other municipalities and charging an additional \$10 directly to the customer and the Taxicab Brokers have recently raised the suggestion of charging more for Accessible Taxicab rides. The Accessibility for Ontarians with Disabilities Act (AODA), however, clearly states that the additional cost of accessibility cannot be downloaded to the customer;

WHEREAS, the PTP Operators are not beholden to the same regulations as Taxicab Operators, as they can opt to pay \$20,000 per year in lieu of providing an accessible fleet;

WHEREAS, the Burlington Taxi Service was recently forced to stop operating due to the volatility of the Taxicab industry and should serve as a warning that the same thing could happen in the City of Hamilton;

WHEREAS, Taxicabs serve as an interim and emergency form of transport for people of all abilities and are an essential service for any municipality; and

WHEREAS, the AODA states that all forms of transportation, including Taxicabs, should be fully accessible by 2025, should provide equivalent service and should not cost any more than regular service.

THEREFORE, BE IT RESOLVED:

That staff be directed to:

- (a) Investigate methods of revamping or improving the Accessible Taxicab Financial Incentive Program in an effort to recruit drivers and to ensure the program's sustainability in the future;
- (b) Consider the feasibility of compensation to the Accessible Taxicab Operators that provided accessible service during the lockdown and the Accessible Taxicab Financial Incentive Program's suspension period;
- (c) Develop a pandemic contingency plan with respect to the Accessible Taxicab Financial Incentive Program's audit process to ensure continuity of service while maintaining pandemic protocols as well as the safety of the staff; and

- (d) Determine if Personal Transport Provider Operators that are providing Accessible Transport in the City are charging an additional fee for the service, if they have plans to provide accessible service in the future or if they are willing to pay a more proportionally equivalent annual fee to opt-out of the requirement to provide Accessible Transport.

12. Advisory Committee for Persons with Disabilities 2021 Budget (Added Item 13.4)

That remaining funds from the 2021 Advisory Committee for Persons with Disabilities Budget be transferred to the Advisory Committee for Persons with Disabilities Reserve, to the maximum allowable amount.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

8. STAFF PRESENTATIONS

8.1 Temporary Outdoor Patio Program

The agenda for the February 8, 2022 meeting of the Advisory Committee for Persons with Disabilities was approved.

(b) DECLARATIONS OF INTEREST (Item 3)

S. Aaron declared an interest to Item 11.7, a motion respecting Advisory Committee for Persons with Disabilities' Request for Review of the Accessible Transportation Service and the Disabled and Aged Regional Transportation Service Policy Respecting Driver Assistance to Passengers who use a Bundle Buggy as he is a member of the DARTS Board.

P. Kilburn declared an interest to Item 11.7, a motion respecting Advisory Committee for Persons with Disabilities' Request for Review of the Accessible Transportation Service and the Disabled and Aged Regional Transportation Service Policy Respecting Driver Assistance to Passengers who use a Bundle Buggy as she is a member of the DARTS Board.

T. Manzuk declared an interest to Item 11.7, a motion respecting Advisory Committee for Persons with Disabilities' Request for Review of the Accessible Transportation Service and the Disabled and Aged Regional Transportation Service Policy Respecting Driver Assistance to Passengers who use a Bundle Buggy as he is a member of the DARTS Board.

K. Nolan declared an interest to Item 11.7, a motion respecting Advisory Committee for Persons with

Disabilities' Request for Review of the Accessible Transportation Service and the Disabled and Aged Regional Transportation Service Policy Respecting Driver Assistance to Passengers who use a Bundle Buggy as she is a member of the DARTS Board.

A. Frisina declared an interest to Item 11.7, a motion respecting Advisory Committee for Persons with Disabilities' Request for Review of the Accessible Transportation Service and the Disabled and Aged Regional Transportation Service Policy Respecting Driver Assistance to Passengers who use a Bundle Buggy due to a pending legal matter.

(c) APPROVAL OF MINUTES (Item 4)

(i) January 11, 2022 (Item 4.1)

The minutes of the January 11, 2022 meeting of the Advisory Committee for Persons with Disabilities were approved, as presented.

(d) CONSENT ITEMS (Item 7)

**(i) Built Environment Working Group Update
(Item 7.1)**

(1) Built Environment Working Group Meeting Update

P. Kilburn and T. Manzuk provided a verbal update respecting the P. Kilburn's presentation to the Hamilton Municipal Heritage Committee.

The verbal update from P. Kilburn and T. Manzuk respecting the Built Environment Working Group Meeting was received.

(ii) Housing Issues Working Group Update (Item 7.2)

(1) Housing Issues Working Group Meeting Notes – October 19, 2021 (Item 7.2(a))

The Housing Issues Working Group Meeting Notes of October 19, 2021, were received.

(2) Housing Issues Working Group Meeting Notes – November 16, 2021 (Item 7.2(b))

The Housing Issues Working Group Meeting Notes of November 16, 2021, were received.

(iii) Outreach Working Group Update (Item 7.3)**(1) Outreach Working Group Meeting Notes –
January 24, 2022**

The Outreach Working Group Meeting Notes of January 24, 2022, were received.

**(iv) Transportation Working Group Update (Item
7.4)****(1) Transportation Working Group Verbal
Update**

S. Aaron provided a verbal update respecting the number of Accessible Taxicabs in Hamilton and the December 1, 2021 Annual Transit Accessibility Public Event.

The verbal update from S. Aaron respecting the Transportation Working Group Meeting was received.

**(2) Transportation Working Group, Collective
Roundtable, Meeting Notes – October 14,
2021 (Item 7.4(a))**

The Transportation Working Group, Collective Roundtable, Meeting Notes of October 14, 2021, were received.

General Issues Committee – March 23, 2022

**(v) Strategic Planning Working Group Update
(Item 7.5)**

A. Mallett relinquished the Chair to J. Kemp to provide an update respecting the Strategic Planning Working Group (Item 7.5).

**(1) Strategic Planning Working Group
Meeting Notes – January 13, 2022 (Item
7.5(a))**

A. Mallett provided a verbal update respecting the Strategic Planning Working Group Meeting.

The verbal update from A. Mallett respecting the Strategic Planning Working Group Meeting and the Strategic Planning Working Group Meeting Notes of January 13, 2022, was received.

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

A. Mallett assumed the Chair.

**(vi) Accessible Open Spaces and Parklands
Working Group Update (Item 7.6)**

The Accessible Open Spaces and Parklands Working Group has not yet scheduled their

General Issues Committee – March 23, 2022

inaugural meeting. The Working Group will coordinate a meeting with staff, Cynthia Graham, Acting Director of Environmental Services, and Meghan Stewart, Supervisor, Public Works.

A. Mallett relinquished the Chair to J. Kemp to request to be added to the membership of the Accessible Open Spaces and Parklands Working Group.

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

A. Mallett assumed the Chair.

(e) STAFF PRESENTATIONS (Item 8)

(i) Temporary Outdoor Patio Program (Item 8.1)

Julia Davis, Business Development & BIA Officer addressed the Committee respecting the Temporary Outdoor Patio Program with the aid of a presentation. Rob Lalli, Manager, Strategy, Open for Business & Continuous Improvement answered questions from the Committee.

The presentation by Julia Davis, Business Development & BIA Officer, respecting the Temporary Outdoor Patio Program was received.

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

(f) MOTIONS (Item 11)

A. Mallett relinquished the Chair to J. Kemp to introduce the following Motion:

- (i) Advisory Committee for Persons with Disabilities' Request for Review of the Accessible Transportation Service and the Disabled and Aged Regional Transportation Service Policy Respecting Driver Assistance to Passengers who use a Bundle Buggy (Item 11.7)**

For further disposition of this matter, refer to Item 10.

A. Mallett assumed the Chair.

(g) GENERAL ISSUES / OTHER BUSINESS (Item 13)

- (i) Accessibility Complaints to the City of Hamilton (Item 13.1)**

Jessica Bowen, Supervisor of Diversity and Inclusion advised that 28 accessibility complaints were received in 2022. Of the 28 accessibility complaints, 26 of the accessibility complaints were related to the snow storm and 2 were related to built environment, on public and private property.

(ii) *Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Update (Item 13.2)*

No update.

(iii) *Presenters List for the Advisory Committee for Persons with Disabilities (Item 13.3)*

The Presenter's List will be updated in accordance with the Motions approved in Items 11.1 to 11.5.

(h) *ADJOURNMENT (Item 15)*

There being no further business, the Advisory Committee for Persons with Disabilities adjourned at 6:34 p.m.

Respectfully submitted,

Aznive Mallett, Chair
Advisory Committee for
Persons with Disabilities

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Tourism and Culture Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	Hamilton and Scourge National Historic Site Single Sourcing (PED22050) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Summers (905) 546-2424 Ext. 1234
SUBMITTED BY:	Carrie Brooks-Joiner Director Tourism and Culture Planning and Economic Development
SIGNATURE:	<i>Carrie Brooks-Joiner</i>

RECOMMENDATION

That staff be directed to award a sole-source, five-year contract to ASI Group (Marine) Ltd. for the maintenance, monitoring and upgrade of radar surveillance of an exclusion zone around the Hamilton and Scourge National Historic Site shipwreck location at a cost not to exceed \$350,000 over the life of the contract, to be funded from 720600-56202.

EXECUTIVE SUMMARY

The Hamilton and Scourge National Historic Site is an underwater archaeological site owned by the City of Hamilton. The site is one of just two shipwreck sites in Ontario which are Provincially designated as underwater archaeological sites and are off limits to researchers and sport divers without an archaeological license granted by the Marine Licensing Officer, Archaeology Program Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries.

As owner of the ships, the City of Hamilton is responsible for their security. Radar surveillance is necessary to prevent public access to the wrecks. In previous years, this surveillance has been provided through a sole-source contract with ASI Group (Marine) Ltd. at an annual cost of \$59,551. As the \$250,000 limit for sole-source contracts has been exceeded, a survey of potential alternate vendors for this service was undertaken in late 2021, attached as Appendix "A" to Report PED22050. The survey revealed no

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

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

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

**SUBJECT: Hamilton and Scourge National Historic Site Single Sourcing
(PED22050) (City Wide) - Page 2 of 4**

other vendors beyond ASI Group (Marine) Ltd. capable of providing an equivalent combination of high-quality radar technology, a radar tower with a direct line of sight to the protected zone and full-time marine monitoring and project management staff.

Alternatives for Consideration - Not Applicable**FINANCIAL - STAFFING - LEGAL IMPLICATIONS**

Financial: Funding is available in the existing Operating Budget.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The Hamilton and Scourge National Historic Site is an underwater archaeological site owned by the City of Hamilton, located 12 kilometres offshore from St. Catharines in Lake Ontario. The American ships Hamilton and Scourge sank during the War of 1812, resulting in the greatest loss of life on the Great Lakes during that conflict. The ships became a National Historic Site of Canada in 1976. Since 1980, ownership and stewardship has been the responsibility of the City of Hamilton. The Hamilton and Scourge site and the wreck of the Edmund Fitzgerald are the only two shipwreck sites in Ontario which are Provincially designated underwater archaeological sites and are off limits to researchers and sport divers without an archaeological license granted by the Marine Licensing Officer, Archaeology Program Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries. As owner of the ships, the City of Hamilton is responsible for their security. Radar surveillance is necessary to prevent public access to the wrecks.

ASI Group (Marine) Ltd. have maintained and monitored surveillance of the ships for more than 10 years. They employ a custom-built tower on the shore of Lake Ontario at a location which has the closest direct line of sight to the protected zone where the ships lie. ASI Group (Marine) Ltd. licenses Accipiter Radar Technologies hardware and software which is not commercially available. The licensed software system uses algorithms which differentiate vessels based upon movements, speed, trajectory and sends automated emails to ASI Group (Marine) Ltd. staff, the Niagara Regional Police Service Marine Unit, and City of Hamilton staff only when specific activity is detected, not simply any vessel entering the zone. In 2016 to 2018, the City of Hamilton invested funds in the location of the custom-built tower and in the preparation of the site pad for its installation.

**SUBJECT: Hamilton and Scourge National Historic Site Single Sourcing
(PED22050) (City Wide) - Page 3 of 4**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The site is a Provincially designated underwater archaeological site, accessible only to those with an archaeological license granted by the Marine Licensing Officer, Archaeology Program Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries. As owner of the site, the City of Hamilton is responsible to secure it from unlawful access.

RELEVANT CONSULTATION**Internal**

- Financial Assistant II, Financial Planning Administration and Policy, Corporate Services Department
- Procurement Specialist - Financial Services Division - Corporate Services Department
- Senior Procurement Specialist, Financial Services and Taxation, Corporate Services Department
- Procurement Analyst, Financial Services and Taxation, Corporate Services Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Annual Procurement Policy #11 - Non-Competitive Procurements requests have previously been used to secure the funding necessary to fulfill the obligation to secure the site. As the \$250,000 limit for sole-source contracts has been exceeded, a survey of potential alternate vendors for this service was undertaken in late 2021, attached as Appendix "A" to Report PED22050. The survey revealed no other vendors beyond ASI Group (Marine) Ltd. capable of providing the required combination of high-quality hardware and software radar technology, with an optimally-located existing radar tower and full-time marine monitoring and project management staff.

As there is only one vendor who is able to meet the requirements of a multi-year sole-source contract, it is being recommended as the most effective way to maintain the security and integrity of these historic resources to the level required. The not-to-exceed cost of \$350,000 allows for equipment lifecycle maintenance and repairs beyond the annual cost of services provided.

ALTERNATIVES FOR CONSIDERATION

N/A

**SUBJECT: Hamilton and Scourge National Historic Site Single Sourcing
(PED22050) (City Wide) - Page 4 of 4**

ALIGNMENT TO THE 2016 - 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Survey of Possible Alternate Vendors

JS:ac

Radar/Surveillance Services Market Scan

Accipiter Radar Technologies | 905-892-1875 | Ontario, Canada

Develops, manufactures and sells the Accipiter family of network-based, tracking, surveillance radar systems.

Delphi Engineering Group | 800-322-9992 | Costa Mesa, CA, USA

Provides electronic and software engineering services focused on new product and prototype development, flight controls, radar systems, sonar systems, custom DSP, parallel processing, high-speed data acquisition, infrared imaging.

DeTect | 850-763-7200 | Panama City, FL, USA

Specializes in remote sensing technologies and systems for aviation safety, avian survey & monitoring, airspace & ground security, weather detection and wind measurement supporting projects, development, deployment and support of radar systems for aircraft birdstrike avoidance, avian risk assessment and migratory research.

DRS Training & Control Systems Fort Walton Beach, FL, USA

Design and development of complex electronic warfare radar systems, combat vehicle systems, control systems, tactical support products, and test training systems.

Easat | +44 (0) 1782 208028 | Hanley, Stoke-on-Trent, UK

Manufacturer and supplier of radar sensors, radar systems, radar antennas, radar pedestals and specialist related products for use in surveillance of air, ground and sea targets for airports, ports, border security and military applications.

EWR Weather Radar | 314-821-1022 | St. Louis, MO, USA

Portable weather radar design.

GPR Professional Services | 781-718-0725 | Marblehead MA, USA

Ground penetrating radar services, consulting, sales, on-site training, partnerships.

ISEE | +34 93 7891271 | Barcelona, Spain

New K-Band Radar has been developed by ISEE to work in the ISM Band or extended bandwidth. Possible applications: perimetral security, target speed and range measurement, automotive spot blind detection and parking aid systems, ... signal processing included by powerful IGEP board based on OMAP microcontroller (TI).

Linktronic | (56)-(2)-2235660 | Santiago, Chile

L-, S- and X-Band search radars and existing radar upgrade equipment. Design and production of high technology electronic equipment, with particular emphasis on Air and Coastal Surveillance Radars, Defence Systems and Computers.

Lockheed Martin | Research, design, development, and manufacture of radar systems.

Communications & Power Industries, Inc. | 805-383-1829 | Camarillo, CA, USA

Design, manufacture, and integration of advanced antenna systems, radar & radar simulators, telemetry antenna systems.

MATLAB Simulations for Radar Systems Design | Natick, MA, USA

Appendix “A” to Report PED22050
Page 2 of 4

Comprehensive set of *.m files and function including GUI, to calculate and plot Radar design and analysis issues.

Microwave Products and Technology (MPT) | 714-316-7300 | Fullerton CA, USA

Core capabilities include phased array components and subsystem for communication and radar. SiGe, GaN, and GaAs RF circuit design and packaging.

Penetradar Corp | 716-731-4369 | Niagara Falls, NY, USA

Manufactures ground penetrating radar systems that provide critical information on highway infrastructure.

QuinStar Technology | 310-320-1111 | Torrance, CA, USA

Designs and manufactures millimeter-wave products for communication, scientific, and test applications including millimeter-wave products, microelectronic assembly, rapid prototyping, and mass customization

Raytheon Canada | 519-885-0110 | Ontario, Canada

Solid-state Air Traffic Control (ATC) Support the Canadian government, armed forces and global missions. Defence and cybersecurity primary surveillance radars and High Frequency Surface Wave Radar (HFSWR) technology detecting maritime traffic beyond the horizon to protect a country's 200-nautical-mile exclusive economic zone.

Reutech Radar Systems | +27 21 880 1150 | South Africa

Innovative radar and radar-related solutions for National Defence Forces, Parastatals and the Industrial sector.

Saab Microwave Systems | +46 31 794 87 12 | Stockholm, Sweden

Supplier of airborne, ground-based and naval radar systems.

SELEX-Gematronik | +49 - 2137 - 782 - 0 | Neuss Germany

Design, manufacture and installation of weather radar systems.

Sivers IMA AB | +46-8-7036800 | Kista, Sweden

VCOs, PLLs & Synthesizers, FMCW radar sensor front ends, millimeter wave transceiver products.

SKY Computers Inc. | 978-250-2420 | Chelmsford, MA, USA

Radar systems and signal processing systems.

Southern Radar Imaging | 256-232-7267 | Athens, AL, USA

Performs indoor and outdoor ground penetrating radar imaging tailored to the specific needs of our clients.

Syracuse Research Corporation | 800-724-0451 | North Syracuse, NY, USA

Development and manufacture of radar systems and radar technologies for the US DOD and other government agencies.

US Radar | 732-566-2035 | Matawan, NJ, USA

Manufacturer of ground penetrating radar (GPR) systems and software. Applications include buried utility infrastructure components, archeological discovery, geophysical layering, structural integrity determination, and much more. Operator training is available.

Appendix “A” to Report PED22050
Page 3 of 4

COMPANY	WEBSITE	COUNTRY	MARINE
Accipiter Radar Technologies/ASI marine	www.asi-group.com www.accipiterradar.com	CANADA	X
Delphi Engineering Group	www.delphieng.com	USA	
DeTect	www.detect-inc.com	USA	X
DRS Training & Control Systems	www.leonardodrs.com	USA	X
Easat Radar Systems Limited	www.easat.com	UK	X
EWR Weather Radar	www.ewradar.com	USA	
GPR Professional Services Inc	www.gprps.com	USA	
ISEE Inc	www.isee.biz	SPAIN	X
Lockheed Martin	www.lockheedmartin.com	USA	
Communications & Power Industries, Inc.	www.cpii.com	USA	
MATLAB	www.mathworks.com	USA	
Microwave Products and Technology	www.mptcorp.com	USA	X
Penetradar Corp	www.penetradar.com	USA	
QuinStar Technology	www.quinstar.com	USA	X
Raytheon Canada	www.rtx.com	CANADA	X
Reutech Radar Systems	www.reutechradar.com	SOUTH AFRICA	X
Saab Microwave Systems	www.saab.com	SWEDEN	X
SELEX-Gematronik	www.leonardogermany.com	GERMANY	
Sivers IMA AB	www.sivers-semiconductors.com	SWEDEN	X
SKY Computers Inc.	http://www.skycomputers.com	USA	X
Southern Radar Imaging	www.southernradarimaging.com	USA	
Syracuse Research Corporation	www.srcinc.com	USA	
US Radar Inc	www.usradar.com	USA	



AIRPORT SUB-COMMITTEE REPORT 22-001

9:30 a.m.

February 24, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillor B. Johnson (Co-Chair)
Mayor F. Eisenberger
Councillors L. Ferguson, J. Partridge, E. Pauls, M. Pearson, and R. Powers

Regrets: Councillors J.P. Danko and T. Whitehead – Personal

THE AIRPORT SUB-COMMITTEE PRESENTS REPORT 22-001 AND RESPECTFULLY RECOMMENDS:

- 1. 2022 - 2023 John C. Munro Hamilton International Airport - City of Hamilton Joint Marketing Incentives (PED22063) (City Wide) (Item 10.1) (Attached hereto as Appendix "A")**

That the City of Hamilton approve and allocate \$100K, from the Airport Joint Marketing Reserve Fund No. 112217 as the City's contribution to the 2022-2023 John C. Munro Hamilton International Airport – City of Hamilton Joint Marketing Initiatives.

- 2. TradePort / City Lease Negotiation Status Update (PED19084(f)) (City Wide) (Item 14.2)**

- (a) That the direction provided to staff in closed session be approved;
- (b) That Report PED19084(f), respecting the TradePort International Corporation / City Lease Negotiation Status Update and its appendices, remain confidential.

FOR INFORMATION:

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

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

The agenda for the February 24, 2022 Airport Sub-Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) April 15, 2021 Minutes (Item 4.1)

The Minutes of the April 15, 2021 meeting of the Airport Sub-Committee were approved, as presented.

(d) PRESENTATIONS (Item 8)

(i) Cathie Puckering, President and CEO, John C. Munro Hamilton International Airport - 2021 Year in Review (Item 8.1)

Cathie Puckering, President and CEO, and Cole Horncastle, Executive Managing Director, John C. Munro Hamilton International Airport, addressed the Committee respecting the 2021 Year in Review, with the aid of a PowerPoint presentation.

The presentation from Cathie Puckering, President and CEO, and Cole Horncastle, Executive Managing Director, John C. Munro Hamilton International Airport, respecting the 2021 Year in Review, was received.

(e) DISCUSSION ITEMS (Item 10)

(i) 2022 - 2023 John C. Munro Hamilton International Airport - City of Hamilton Joint Marketing Incentives (PED22063) (City Wide) (Item 10.1)

That staff be directed to investigate Hamilton Street Railway (HSR) ridership to the John C. Munro Hamilton International Airport, to include information on frequency, capacity loads, and stop locations and report back to the Airport Sub-Committee.

(f) PRIVATE AND CONFIDENTIAL (Item 14)

(i) April 15, 2021 Closed Minutes (Item 14.1)

(a) The Closed Session Minutes of the April 15, 2021 Airport Sub-Committee meeting, were approved as presented; and,

(b) The Closed Session Minutes of the April 15, 2021 Airport Sub-Committee meeting remain confidential.

Committee moved into Closed Session respecting Item 14.2 pursuant to Section 9.1, Sub-sections (c), (j) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (c), (j), and (k) of General Issues Committee – March 23, 2022

the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board; a trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; 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.

(ii) TradePort / City Lease Negotiation Status Update (PED19084(f)) (City Wide) (Item 14.2)

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

(g) ADJOURNMENT (Item 15)

There being no further business the Airport Sub-Committee adjourned at 11:49 a.m.

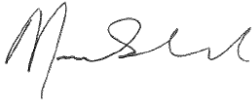
Respectfully submitted,

Councillor B. Johnson, Co-Chair
Airport Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Chair and Members Airport Sub-Committee
COMMITTEE DATE:	February 24, 2022
SUBJECT/REPORT NO:	2022 - 2023 John C. Munro Hamilton International Airport - City of Hamilton Joint Marketing Incentives (PED22063) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Norm Schleeahn (905) 546-2424 Ext. 2669
SUBMITTED BY:	Norm Schleeahn Director Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the City of Hamilton approve and allocate \$100K, from the Airport Joint Marketing Reserve Fund No. 112217 as the City's contribution to the 2022-2023 John C. Munro Hamilton International Airport – City of Hamilton Joint Marketing Initiatives outlined in Report PED22063.

EXECUTIVE SUMMARY

In accordance with Section 34 of the John C. Munro Hamilton International Airport (HIA) Lease Agreement between the City of Hamilton and TradePort International Corporation (TIC), the City is obliged to allocate monies to the HIA Joint Marketing Initiatives on an annual basis or as necessary. TIC has requested funding for one project for the 2022-2023 project year.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Airport Joint Marketing Reserve Fund No. 112217 has a current balance of \$136,986.33. There are sufficient funds to allocate the \$100K

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

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

SUBJECT: 2022 - 2023 John C. Munro Hamilton International Airport - City of Hamilton Joint Marketing Incentives (22063) (City Wide) - Page 2 of 4

recommended for the 2022-2023 Joint Marketing Initiatives in this Report.

Staffing: N/A

Legal: Approval of the Joint Marketing Initiatives fulfils one of the City's obligations under the Head Lease Agreement with TIC for the HIA.

HISTORICAL BACKGROUND

The Regional Municipality of Hamilton-Wentworth (Region) leased the HIA from Transport Canada in 1987. On July 19, 1996, the Region entered into a 40-year Sub-Lease Agreement with TIC (to be converted to Lease upon transfer) to operate the HIA on its behalf. In December 1996, ownership of the HIA was transferred from Transport Canada to the Region.

Section 4.04 of the Lease Agreement provides for revenue sharing amongst the City and TIC which commenced in 2006. Pursuant to Sections 34.01, 34.02, 34.03 of the Agreement, the City agrees on an annual basis to dedicate no less than 25% of all Percentage Rent received by the City to match but not exceed marketing expenditures of the HIA in the immediately preceding year. In addition, the City agrees on an annual basis to dedicate a further 25% of all Percentage Rent received by the City to fund Capital expenditures for municipal services in, on and around the HIA.

To comply with the HIA Lease Agreement, enable efficient use of HIA revenues, and maintain effective review procedures, staff recommended the establishment of separate HIA reserves for the revenues generated by the HIA Lease Agreement, Report PED07077 approved by Council February 28, 2007.

Staff was advised by Finance that there is a current balance of \$136,986.33 in the Airport Joint Marketing Reserve Fund No. 112217. Therefore, staff is requesting approval for financial support of the proposed 2022-2023 joint marketing initiatives from same.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

John C. Munro Hamilton International Airport Head Lease Agreement

RELEVANT CONSULTATION

Planning and Economic Development Department, Economic Development Division
Corporate Services Department, Finance and Administration Section
TradePort International Corporation (TIC)

SUBJECT: 2022 - 2023 John C. Munro Hamilton International Airport - City of Hamilton Joint Marketing Incentives (22063) (City Wide) - Page 3 of 4

ANALYSIS AND RATIONALE FOR RECOMMENDATION

There are two campaigns core to the promotion of two distinct periods for promoting the summer season and the fall/winter season which would require \$100K, for the City's consideration as joint marketing initiatives as defined in Section 34 of the Head Lease Agreement to promote economic growth and development for the HIA. TIC or the City have not yet awarded any project listed, consultants have not been retained, and costing amounts are estimates only. TIC has advised that should the total cost of any project increase beyond the estimated cost, the City contribution would not be affected.

General Marketing and Awareness Campaign

To support commercial passenger service, Airport Awareness Campaigns promote the destinations available from the HIA. Two campaigns are created, one for the summer program, which begins in April and runs through to June, and another for the winter program, which begins in September and runs through to November. The HIA works closely with an agency to develop a creative platform and marketing plan. A number of marketing mediums are used to promote the HIA, some of which include digital online and radio ads, outdoor billboards. Campaigns are focused on the central Hamilton area while also factoring in digital online advertising to promote inbound travel from BC, AB, MB, NS, PEI and NB.

Timing

Summer Campaign (approximate)

- Campaign Development: March 2022
- Campaign Duration: April 2022 to June 2022

Winter Campaign (approximate)

- Campaign Development: August 2022
- Campaign Duration: September to November 2022

Estimated Cost*

Summer Campaign: Total Cost = \$133K

- Airport Contribution = \$83K
- City Contribution = \$50K

Winter Campaign: Total Cost = \$143,200

- Airport Contribution = \$93,200
- City Contribution = \$50K

*Should total cost increase, City contribution level would not be affected.

**SUBJECT: 2022 - 2023 John C. Munro Hamilton International Airport - City of
Hamilton Joint Marketing Incentives (22063) (City Wide) - Page 4 of 4**

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Built Environment and Infrastructure


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

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	Entertainment Venues Municipal Capital By-Law (PED18168(h)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Anders Knudsen (905) 546-2424 Ext. 2628 Josh Van Kampen (905) 546-2424 Ext. 4592
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- a) That the lands known as the FirstOntario Centre, located at 101 York Boulevard, Hamilton, be declared a municipal capital facility operating as a sport, recreational and entertainment complex for public use, to be exempted from taxation for municipal and school purposes;
- b) That the lands in the known as the Hamilton Convention Centre, located at 1 Summers Lane, Hamilton, be declared a municipal capital facility operating as a convention and entertainment complex for public use, to be exempted from taxation for municipal and school purposes;
- c) That the lands in the known as the FirstOntario Concert Hall, located at 1 Summers Lane, Hamilton, be declared a municipal capital facility operating as a concert hall and entertainment complex for public use, to be exempted from taxation for municipal and school purposes;
- d) That the Mayor and City Clerk be authorized and directed to execute Municipal Capital Facilities Agreements, and any ancillary documents, substantially in the form attached as Appendix "A" to Report PED18168(h), with such amendments deemed reasonable and necessary to the satisfaction of the City Solicitor,

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

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

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

SUBJECT: Entertainment Venues Municipal Capital By-Law (PED18168(h)) (Ward 2) - Page 2 of 5

- effective on or prior to the lease commencement dates of the FirstOntario Centre, Hamilton Convention Centre, and FirstOntario Concert Hall;
- e) That the By-law, attached as Appendix "B" to Report PED18168(h), to establish Municipal Capital Facility Designation for the FirstOntario Centre, be passed;
 - f) That the By-law, attached as Appendix "C" to Report PED18168(h), to establish Municipal Capital Facility Designation for the FirstOntario Concert Hall, be passed;
 - g) That the By-law, attached as Appendix "D" to Report PED18168(h), to establish Municipal Capital Facility Designation for the Hamilton Convention Centre, be passed;
 - h) That, upon approval by Council, staff be directed to give written notice of the following By-laws to the secretary of the school boards having jurisdiction, and the Municipal Property Assessment Corporation; and,
 - (i) MCF By-law – Arena
 - (ii) MCF By-law – Concert Hall
 - (iii) MCF By-law – Convention Centre
 - i) That the Clerk be directed to give written notice of the By-law approving this staff report in respect of recommendation (d) to the Minister of Finance.

EXECUTIVE SUMMARY

This report recommends the designation of the three downtown entertainment venues (the Downtown Entertainment Venues) subject to a Master Agreement between the City and Hamilton Urban Precinct Entertainment Group L.P. (HUPEG) as municipal capital facilities, and the exemption of these facilities from taxation for municipal and school purposes pursuant to section 110(6) of the *Municipal Act, 2001*.

The Master Agreement dated October 26, 2021 between the City and HUPEG provided that the City would formally enact by-laws declaring the eligible portions of the Downtown Entertainment Venues occupied or used or intended to be occupied or used for cultural, recreational or tourist purposes as municipal capital facilities.

This report is formalizing what the existing status currently is with these facilities. The Municipal Capital Facility By-law must be enacted prior to the lease commencement date, which is set as April 1, 2022 in the Master Agreement, or such other date agreed to by the parties.

SUBJECT: Entertainment Venues Municipal Capital By-Law (PED18168(h)) (Ward 2) - Page 3 of 5

The municipal capital facilities designation is limited to the portions of the three venues that are used for public purposes and are also cultural, recreational, or tourist purposes in accordance with the *Municipal Act*. Any space that ceases to be used for eligible purposes are excluded from the designation.

The By-laws designating each venue a municipal capital facility will be provided to MPAC and the secretaries of local school boards as required by the *Municipal Act* to ensure the tax exemption is implemented.

For greater clarity by passing the bylaws HUPEG will not be receiving any additional municipal tax benefit beyond what is currently in place at the venues.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Currently the non-commercial and unleased / unlicensed components of the subject facilities are exempt from assessment and taxation, so this designation retains the status quo.

Staffing: None

Legal: The City has authority under the *Municipal Act, 2001*, section 110(6) to exempt from all or part of the taxes levied for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located. The *Municipal Act* requires a tax exemption under section 110(6) to be supported by a Municipal Capital Facilities Agreement, and also that the lands be owned or leased by the person or entity providing municipal capital facilities. Subsection 2(1)(16) of regulation O.Reg 603/06 provides that municipal facilities used for cultural, recreational or tourist purposes are eligible for a tax exemption under section 110(6) provided that the municipality is the lessor (landlord) under the lease, and the council has declared by resolution that the municipal capital facilities are for the purposes of the municipality and are for public use.

HISTORICAL BACKGROUND

On June 9, 2021, Council approved item 4 of General Issues Committee report 21-012 which included authority to execute the Master Agreement, as well as the following resolution:

OUR Vision: To be the best place to raise a child and age successfully.
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 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Entertainment Venues Municipal Capital By-Law (PED18168(h)) (Ward 2) - Page 4 of 5

“(h) That staff be authorized and directed to draft Municipal Capital Facility Agreement By-Laws with respect to each of the FirstOntario Centre, FirstOntario Concert Hall and the Hamilton Convention Centre, to be put forward to General Issues Committee for approval;”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act* contains three legislative requirements following enactment of a municipal capital facilities by-law:

1. Notice of the tax exemption by-law to MPAC;
2. Notice of the tax exemption by-law to the secretaries of all school boards having jurisdiction; and,
3. Notice of the municipal capital facilities agreement by-law to the Minister of Finance.

RELEVANT CONSULTATION

- Corporate Services Department, Legal and Risk Management Services Division, Financial Planning and Policy Division, Taxation Division.
- Planning and Economic Development Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Municipal capital facilities By-laws for sports complexes used by professional sports teams have been passed in a number of other municipalities including St. Catharines, London, and Kingston. Cultural and entertainment facilities are also frequently subject to municipal capital facilities including the Art Gallery of Hamilton.

A Municipal Capital Facility designation for the FirstOntario Centre, Hamilton Convention Centre, and The Studio will allow HUPEG and/or its associated entities to maintain the tax exemption the City is entitled to under the *Assessment Act*, which would otherwise cease to apply once the entities are leased by a commercial entity. This tax exemption was central to the terms of the Master Agreement and the business case of HUPEG.

The designation applies to each of the buildings comprising the Downtown Entertainment Venues, excluding any areas not used for eligible purposes as well as any space subleased by the HUPEG entity. These exclusions are intended to ensure any commercial space within the facilities that is not related to the eligible purposes will not benefit from the exemption. For example, at the arena and the ice surface would benefit from the exemption, however any administrative space rented to or occupied by

SUBJECT: Entertainment Venues Municipal Capital By-Law (PED18168(h)) (Ward 2) - Page 5 of 5

third parties would be excluded. The designation will also cease if a given lease is terminated for any reason.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Community Engagement and Participation**

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - MCF Agreement (form)

Appendix “B” - MCF By-law – Arena

Appendix “C” - MCF By-law – Concert Hall

Appendix “D” - MCF By-law – Convention Centre

MUNICIPAL CAPITAL FACILITY AGREEMENT

THIS AGREEMENT dated the * day of _____, 2022 (the "Effective Date").

BETWEEN:

CITY OF HAMILTON
(hereinafter referred to as the "City")

AND:

[INSERT: HUPEG ENTITY]

(hereinafter referred to as "HUPEG")

WHEREAS:

- A. The City owns the lands known municipally as [101 York Boulevard/ 1 Summers Lane] in the City of Hamilton, which lands are more particularly described in Appendix "A" hereto (the "Lands");
- B. HUPEG will be entering into a lease with the City as landlord and HUPEG as Tenant for the use of the Lands (the "Lease");
- C. HUPEG wishes, pursuant to Section 110 of the Municipal Act, 2001, to enter into an agreement with the City for use of the Lands as a municipal capital facility; and
- D. The City wishes, pursuant to Section 110 of the Municipal Act, 2001, to declare the infrastructure as a municipal capital facility; and,
- E. The Lands will be used for purposes of [Arena: a sports, recreational and entertainment complex; Concert Hall: concert hall and entertainment complex; Convention Centre: convention centre and entertainment complex], thus qualifying the Lands as a class of municipal capital facility described in Ontario Regulation 603/06.

THEREFORE, in consideration of the making of this Agreement and the mutual covenants contained herein, the parties undertake, covenant and agree as follows:

DESIGNATION

1. The City will by by-law designate the Lands as a municipal capital facility and for public use.

TERM

2. The term of this Agreement and the designation of the Lands as a municipal capital facility shall be from the Effective Date to the earliest of:
 - (a) The day the Agreement expires, is surrendered or terminates;
 - (b) The day the Lands ceases to be used as a municipal capital facility as that term is described in Ontario Regulation 603/06 or amendments thereto;
 - (c) The day the City ceases to be the landlord without assigning the Lease to its successor; and,
 - (b) The day the HUPEG Entity ceases to be the tenant without assigning the Lease to its successor with landlord consent.

ZONING

3. For the purposes of clarity, the City acknowledges and agrees that neither this Agreement nor the proposed by-law shall in any way affect the zoning of the Lands or the permitted uses of the Lands under applicable laws.

OBLIGATIONS AS COVENANTS

4. Each obligation expressed in this Agreement, even though not expressed as a covenant, is considered to be a covenant for all purposes.

ENTIRE AGREEMENT

5. This Agreement contains all the covenants, agreements and understandings between the parties concerning its subject matter.

ENUREMENT

6. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

PARTIAL INVALIDITY

7. If any provision of this Agreement or the application of it to any person or circumstances is held to any extent invalid or unenforceable, the remainder of this Agreement or the application of the provisions to persons or circumstances other than those as to which it is held invalid or unenforceable is not affected.

FURTHER ASSURANCES

- 8. The parties shall do and execute all such further acts, deeds, instruments or things as may be necessary or desirable for the purpose of carrying out the intent of this Agreement.

COUNTERPARTS

- 9. this Agreement may be executed in any number of counterparts and delivered by electronic means, each of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

CITY OF HAMILTON

I have authority to bind the Corporation.

HUPEG ENTITY.

I have authority to bind the Corporation.

APPENDIX "A"

**LEGAL DESCRIPTION OF THE LANDS MUNICIPALLY KNOWN AS [XXX],
HAMILTON**

PART 1

Firstly: PIN:

Part of Lot ...

Excluding...

Appendix "B" to PED18168(h)

Page 1 of 4

Authority:

CM:

Bill No.:

CITY OF HAMILTON

By-law No. _____

To Authorize a Tax Exemption for space leased at
101 York Boulevard by Hamilton Urban Precinct
Entertainment Group L.P. or an Associated Entity for
the Purposes of the provision of Municipal Capital
Facilities as defined in Section 110 of the *Municipal
Act, 2001*

WHEREAS pursuant to subsection 110(6) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, the council of a municipality may exempt from taxation for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located;

AND WHEREAS pursuant to subsection 110(20)(c) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, the Lieutenant Governor in Council may make regulations prescribing eligible municipal capital facilities for which municipalities may grant tax exemptions under subsection(6);

AND WHEREAS, pursuant to subsection 2(1) of Ontario Regulation 603/06, the council of a municipality may enter into an agreement under subsection 110(1) of the *Act* for the provision of Municipal facilities for cultural, recreational and tourist purposes;

AND WHEREAS the City of Hamilton and an Entity associated with Hamilton Urban Precinct Entertainment Group L.P. will be entering into a lease in respect of the arena located in downtown Hamilton, and, related to the foregoing lease, a Municipal Capital Facilities Agreement for the provision of facilities for cultural, recreational and tourist purposes;

AND WHEREAS the eligible portions of the Arena operating and intended to be operated as a sports, recreational and entertainment complex are declared to be for the purposes of the municipality and for public use.

Appendix “B” to PED18168(h)
Page 2 of 4

NOW THEREFORE, The Council of the City of Hamilton enacts as follows:

1. **In this By-law:**

“Agreement” meant the Municipal Capital Facilities Agreement to be entered into between the City and the HUPEG Entity with respect to the provision of municipal capital facilities at the Arena;

“Arena” means the lands and premises comprising the downtown arena as described in Schedule “A” hereto;

"Clerk" means the City Clerk;

"City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

“Eligible Portion” or “Eligible Portions” means the portion(s) of the Arena entirely occupied or used or intended to be occupied or used for cultural, recreational and tourist purposes;

“HUPEG Entity” means the entity leasing the Arena pursuant to the Master Agreement;

“Landlord” means the City as Lessor under the Lease;

“Lease” means the lease to be entered into between the City and the HUPEG Entity in respect of the Arena;

“Master Agreement” means the agreement between the City and Hamilton Urban Precinct Entertainment Group L.P. dated October 26, 2021;

"Person" means any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however designated or constituted;

“Tax Exemption” means the exemption from taxes levied for municipal and school purposes pursuant to section 110(6) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended; and,

“Tenant” means the HUPEG Landlord as Lessee under the Lease.

Municipal Capital Facility

2. This By-law exempts from taxation for municipal and school board purposes the leasehold interest of the HUPEG Entity in the Eligible

Appendix "B" to PED18168(h)

Page 3 of 4

- Portion(s) of the Arena and shall not operate in any manner whatsoever so as to exempt from taxation for municipal and school board purposes any other leasehold interest, tenancy, sub-lease, sub-tenancy, occupancy, license, user or other interest held by any other tenant, lessee, sub-tenant, sub-lessee, occupant, licensee, user or any other Person at the Arena, save and except for the interest of any **sub-tenant or** assignee resulting from a **sub-tenancy or** assignment made with Landlord consent pursuant to the Lease.
3. The Tax Exemption provided in this By-law shall not apply to any portion of the Arena that is not an Eligible Portion at any given time during the term of the Lease.
 4. This By-law shall be deemed repealed:
 - (a) if the City ceases to be the Landlord without;
 - (b) if the HUPEG Entity ceases to be the Tenant without assigning the Lease to its successor with Landlord consent;
 - (c) if the Eligible Portion(s) of the Arena permanently cease to be occupied and used or are no longer intended to be occupied and used as a sports, recreational and entertainment complex; or
 - (d) if the Lease, or any renewal or extension of the Lease expires or is terminated.
 5. The City is authorized to enter into a Municipal Capital Facilities Agreement under section 110 of the *Municipal Act, 2001*, S.O. 2001 c. 25 with the HUPEG Entity for the provision of municipal capital facilities.
 6. (1) Sections 1, 3, 4, 5 and 6 of this By-law shall come into force on the day that the By-law is enacted.
 - (2) Section 2 of this By-law shall come into force on the later of the following:
 - (a) the date this By-law is enacted;
 - (b) the commencement date of the Lease; or
 - (c) the date the Agreement is entered into.

PASSED AND ENACTED this day of , 2022.

MAYOR

CLERK

Schedule "A"

The Arena

The Property municipally known as 101 York Boulevard, Hamilton Ontario, consisting of Part of PIN 17587-0006 LT, or as such PIN shall be replaced by a successor PIN applicable to the leasehold parcel to be created pursuant to the Lease

Excluding the airspace above the upper boundary of the existing Arena

Authority:

CM:

Bill No.:

CITY OF HAMILTON

By-law No. _____

To Authorize a Tax Exemption for space leased at 1 Summers Lane by Hamilton Urban Precinct Entertainment Group L.P. or an Associated Entity for the Purposes of the provision of Municipal Capital Facilities as defined in Section 110 of the *Municipal Act, 2001*

WHEREAS pursuant to subsection 110(6) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, the council of a municipality may exempt from taxation for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located;

AND WHEREAS pursuant to subsection 110(20)(c) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, the Lieutenant Governor in Council may make regulations prescribing eligible municipal capital facilities for which municipalities may grant tax exemptions under subsection(6);

AND WHEREAS, pursuant to subsection 2(1) of Ontario Regulation 603/06, the council of a municipality may enter into an agreement under subsection 110(1) of the *Act* for the provision of Municipal facilities for cultural, recreational and tourist purposes;

AND WHEREAS the City of Hamilton and an Entity associated with Hamilton Urban Precinct Entertainment Group L.P. will be entering into a lease in respect of the Concert Hall located in downtown Hamilton, and, related to the foregoing lease, a Municipal Capital Facilities Agreement for the provision of facilities for cultural, recreational and tourist purposes;

AND WHEREAS the eligible portions of the Concert Hall operating and intended to be operated as a concert hall and entertainment complex are declared to be for the purposes of the municipality and for public use.

NOW THEREFORE, The Council of the City of Hamilton enacts as follows:

Appendix “C” to PED18168(h)
Page 2 of 4

1. In this By-law:

“Agreement” meant the Municipal Capital Facilities Agreement to be entered into between the City and the HUPEG Entity with respect to the provision of municipal capital facilities at the Concert Hall;

"Clerk" means the City Clerk;

"City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

“Concert Hall” means the lands and premises comprising the downtown concert hall as described in Schedule “A” hereto;

“Eligible Portion” or “Eligible Portions” means the portion(s) of the Concert Hall entirely occupied or used or intended to be occupied or used for cultural, recreational and tourist purposes;

“HUPEG Entity” means the entity leasing the Concert Hall pursuant to the Master Agreement;

“Landlord” means the City as Lessor under the Lease;

“Lease” means the lease to be entered into between the City and the HUPEG Entity in respect of the Concert Hall;

“Master Agreement” means the agreement between the City and Hamilton Urban Precinct Entertainment Group L.P. dated October 26, 2021;

"Person" means any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however designated or constituted;

“Tax Exemption” means the exemption from taxes levied for municipal and school purposes pursuant to section 110(6) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended; and

“Tenant” means the HUPEG Landlord as Lessee under the Lease.

Municipal Capital Facility

2. This By-law exempts from taxation for municipal and school board purposes the leasehold interest of the HUPEG Entity in the Eligible Portion(s) of the Concert Hall and shall not operate in any manner whatsoever so as to exempt from taxation for municipal and school board purposes any other

Appendix "C" to PED18168(h)
Page 3 of 4

leasehold interest, tenancy, sub-lease, sub-tenancy, occupancy, license, user or other interest held by any other tenant, lessee, sub-tenant, sub-lessee, occupant, licensee, user or any other Person at the Concert Hall, save and except for the interest of any **sub-tenant or** assignee resulting from a **sub-tenancy or** assignment made with Landlord consent pursuant to the Lease.

3. The Tax Exemption provided in this By-law shall not apply to any portion of the Concert Hall that is not an Eligible Portion at any given time during the term of the Lease.
4. This By-law shall be deemed repealed:
 - (a) If the City ceases to be the Landlord;
 - (b) If the HUPEG Entity ceases to be the Tenant without assigning the Lease to its successor with Landlord consent;
 - (c) If the Eligible Portion(s) of the Concert Hall permanently cease to be occupied and used or are no longer intended to be occupied and used as a Concert Hall and entertainment complex; or
 - (d) If the Lease, or any renewal or extension of the Lease expires or is terminated.
5. The City is authorized to enter into a Municipal Capital Facilities Agreement under section 110 of the *Municipal Act, 2001*, S.O. 2001 c. 25 with the HUPEG Entity for the provision of municipal capital facilities.
6. (1) Sections 1, 3, 4, 5 and 6 of this By-law shall come into force on the day that the By-law is enacted.

 (2) Section 2 of this By-law shall come into force on the later of the following:
 - (a) the date this By-law is enacted;
 - (b) the commencement date of the Lease; or
 - (c) the date the Agreement is entered into.

PASSED AND ENACTED this day of , 2022.

MAYOR

CLERK

Schedule "A"

The Concert Hall

The Property municipally known as part of 1 Summers Lane, Hamilton Ontario, consisting of Part of PIN 17587-0006 LT, or as such PIN shall be replaced by a successor PIN applicable to the leasehold parcel to be created pursuant to the Lease

Excluding the lands on/in which the subterranean parking lot is located and the airspace above the upper boundary of the existing Concert Hall

Appendix "D" of PED18168(h)

Page 1 of 4

Authority:

CM:

Bill No.:

CITY OF HAMILTON

By-law No. _____

To Authorize a Tax Exemption for space leased at 1 Summers Lane by Hamilton Urban Precinct Entertainment Group L.P. or an Associated Entity for the Purposes of the provision of Municipal Capital Facilities as defined in Section 110 of the *Municipal Act, 2001*

WHEREAS pursuant to subsection 110(6) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, the council of a municipality may exempt from taxation for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located;

AND WHEREAS pursuant to subsection 110(20)(c) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, the Lieutenant Governor in Council may make regulations prescribing eligible municipal capital facilities for which municipalities may grant tax exemptions under subsection(6);

AND WHEREAS, pursuant to subsection 2(1) of Ontario Regulation 603/06, the council of a municipality may enter into an agreement under subsection 110(1) of the *Act* for the provision of Municipal facilities for cultural, recreational and tourist purposes;

AND WHEREAS the City of Hamilton and an Entity associated with Hamilton Urban Precinct Entertainment Group L.P. will be entering into a lease in respect of the Convention Centre located in downtown Hamilton, and, related to the foregoing lease, a Municipal Capital Facilities Agreement for the provision of facilities for cultural, recreational and tourist purposes;

AND WHEREAS the eligible portions of the Convention Centre operating and intended to be operated as a Convention Centre and entertainment complex are declared to be for the purposes of the municipality and for public use.

Appendix "D" of PED18168(h)**Page 2 of 4**

NOW THEREFORE, The Council of the City of Hamilton enacts as follows:

1. In this By-law:

"Agreement" meant the Municipal Capital Facilities Agreement to be entered into between the City and the HUPEG Entity with respect to the provision of municipal capital facilities at the Convention Centre;

"Clerk" means the City Clerk;

"City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

"Convention Centre" means the lands and premises comprising the Hamilton Convention Centre as described in Schedule "A" hereto;

"Eligible Portion" or "Eligible Portions" means the portion(s) of the Convention Centre entirely occupied or used or intended to be occupied or used for cultural, recreational and tourist purposes;

"HUPEG Entity" means the entity leasing the Convention Centre pursuant to the Master Agreement;

"Landlord" means the City as Lessor under the Lease;

"Lease" means the lease to be entered into between the City and the HUPEG Entity in respect of the Convention Centre;

"Master Agreement" means the agreement between the City and Hamilton Urban Precinct Entertainment Group L.P. dated October 26, 2021;

"Person" means any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however designated or constituted;

"Tax Exemption" means the exemption from taxes levied for municipal and school purposes pursuant to section 110(6) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended; and,

"Tenant" means the HUPEG Landlord as Lessee under the Lease.

Municipal Capital Facility

2. This By-law exempts from taxation for municipal and school board purposes the leasehold interest of the HUPEG Entity in the Eligible

Appendix "D" of PED18168(h)

Page 3 of 4

- Portion(s) of the Convention Centre and shall not operate in any manner whatsoever so as to exempt from taxation for municipal and school board purposes any other leasehold interest, tenancy, sub-lease, sub-tenancy, occupancy, license, user or other interest held by any other tenant, lessee, sub-tenant, sub-lessee, occupant, licensee, user or any other Person at the Convention Centre, save and except for the interest of any **sub-tenant** or assignee resulting from a **sub-tenancy** or assignment made with Landlord consent pursuant to the Lease.
3. The Tax Exemption provided in this By-law shall not apply to any portion of the Convention Centre that is not an Eligible Portion at any given time during the term of the Lease.
 4. This By-law shall be deemed repealed:
 - (a) if the City ceases to be the Landlord;
 - (b) if the HUPEG Entity ceases to be the Tenant without assigning the Lease to its successor with Landlord consent;
 - (c) if the Eligible Portion(s) of the Convention Centre permanently cease to be occupied and used or are no longer intended to be occupied and used as a Convention Centre and entertainment complex; or
 - (d) if the Lease, or any renewal or extension of the Lease expires or is terminated.
 5. The City is authorized to enter into a Municipal Capital Facilities Agreement under section 110 of the *Municipal Act, 2001*, S.O. 2001 c. 25 with the HUPEG Entity for the provision of municipal capital facilities.
 6. (1) Sections 1, 3, 4, 5 and 6 of this By-law shall come into force on the day that the By-law is enacted.

(2) Section 2 of this By-law shall come into force on the later of the following:

 - (a) the date this By-law is enacted;
 - (b) the commencement date of the Lease; or
 - (c) the date the Agreement is entered into.

PASSED AND ENACTED this day of , 2022.

MAYOR

CLERK

Schedule "A"


The Convention Centre

The Property municipally known as part of 1 Summers Lane, Hamilton Ontario, consisting of Part of PIN 17587-0006 LT or as such PIN shall be replaced by a successor PIN applicable to the leasehold parcel to be created pursuant to the Lease

Excluding the lands on/in which the subterranean parking lot is located and the airspace above the upper boundary of the existing Convention Centre



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 23, 2022
SUBJECT/REPORT NO:	Active Transportation Fund (PED22082) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Trevor Jenkins (905) 546-2424 Ext. 1797 Danny Pimentel (905) 546-2424 Ext. 4581 Peter Topalovic (905) 546-2424 Ext. 5129
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the projects listed in Appendix "A" attached to Report PED22082, be approved as the City of Hamilton's submission for consideration to Infrastructure Canada for the requested funding amount of \$4,631,000 for projects with a total project cost of \$7,725,000 in accordance with the terms and conditions associated with the National Active Transportation Fund;
- (b) That the Mayor and City Clerk be authorized to execute all necessary documentation or advisable, including Funding Agreements, to receive funding under the National Active Transportation Fund with content satisfactory to the General Manager of Finance and Corporate Services, and in a form satisfactory to the City Solicitor;
- (c) That staff be directed to prepare a supplemental report to the General Issues Committee (GIC) with the results of the project evaluations by the Government of Canada and which provides a detailed financial plan, associated capital budgets including existing recurring Council approved budgets, and an implementation plan;

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SUBJECT: Active Transportation Fund (PED22082) (City Wide) - Page 2 of 8

- (d) That staff be authorized and directed to implement projects contained in Appendix “A” attached to Report PED22082 upon execution of a transfer payment agreement between the City of Hamilton and Her Majesty the Queen in right of Canada as represented by the Minister of Infrastructure and Communities for the Government of Canada to receive funding in the National Active Transportation Fund;
- (e) That the General Manager of Public Works be authorized to submit future project amendments that may be required to Infrastructure Canada and the Government of Canada provided that no amendment shall result in the City’s maximum funding share being exceeded;
- (f) That where required to give effect and authorize the signing of a transfer payment agreement or amendments to the transfer payment agreement between the City of Hamilton and Her Majesty the Queen in right of Canada as represented by the Minister of Infrastructure and Communities for the Government of Canada, to receive funding under the National Active Transportation Fund, one or more By-law(s) be prepared in the form satisfactory to the City Solicitor for consideration by Council.

EXECUTIVE SUMMARY

On January 27, 2022, the Government of Canada opened applications for the Active Transportation Fund, which will invest \$400 M in Federal funding over five years. The fund will invest in projects that build new and expanded networks of pathways, bike lanes, trails and pedestrian bridges, in addition to supporting active transportation planning and stakeholder engagement activities.

The fund is a competitive program, and projects will be assessed against a list of eligibility and merit criteria to allocate the funding. The final selection of projects will aim to balance factors such as regional distribution, the type of project, and equitable access. There is no guaranteed funding allocation to the City of Hamilton.

Projects in Indigenous communities have been allocated 10% of the fund (\$40 M), while the remaining \$360 M will be allocated to municipalities, as well as provinces, territories, public bodies, and not-for-profit organizations in specific situations.

There are two streams of projects eligible for funding:

- **Planning Projects**, which involve the development or enhancement of formal active transportation planning documents or stakeholder engagement. The fund will contribute up-to 100% of the project cost, to a maximum of \$50 K per project; and,

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SUBJECT: Active Transportation Fund (PED22082) (City Wide) - Page 3 of 8

- **Capital Projects**, which involve new infrastructure construction, enhancement of existing infrastructure, and/or improvements to design and safety features that encourage increased active transportation. The fund will provide up-to 60% of the project value, to a maximum of \$50 M per project.

Applications are due on Thursday, March 31, 2022. All projects must be completed by March 31, 2026.

Alternatives for Consideration – See Page 7**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: As detailed in Appendix “A” attached to Report PED22082, the City of Hamilton’s Active Transportation Fund submission includes projects with total gross project costs of \$7,725,000 with potential up-set funding from the Government of Canada of \$4,631,000. This is a maximum limit and is dependent on how many projects submitted are approved for funding under the program.

The City’s contribution for any successful projects will be funded through the annual Capital Budget, including existing recurring Project IDs and future project sheets through the 2023 budget process. There are no expected net impacts to the City’s budget should funding be awarded to any or all of the proposed projects. Work will be coordinated with other capital projects, where possible.

Staffing: A temporary staff member would be necessary to support the Park Pathway Reconstruction and other pathway projects and has been included in the funding request.

Legal: It is anticipated that the City will be required to enter into a transfer payment agreement with the Government of Canada to receive funding from the Active Transportation Fund, and further may need to enter into other ancillary agreements or pass by-laws to receive funding.

HISTORICAL BACKGROUND

On February 10, 2021, the Prime Minister, Minister of Infrastructure and Communities, and Minister of Environment and Climate Change announced \$5.9 B in new funding for public transit and active transportation over five years, beginning in 2021-22, with a permanent annual envelope of \$3 B ongoing beginning in 2026-27.

SUBJECT: Active Transportation Fund (PED22082) (City Wide) - Page 4 of 8

This funding included the creation of an Active Transportation Fund, a \$400 M, five-year investment to fund projects that expand and enhance active transportation networks in communities of all types and sizes.

The Active Transportation Fund supports Canada's first National Active Transportation Strategy (2021), which set a vision "for Canadians of all ages, ethnicities, abilities, genders, and backgrounds to be able to safely and conveniently access active transportation in their communities, and to significantly increase the 'modal share' of active transportation."

Specifically, the Active Transportation Funds seeks to:

- Improve community connections and promote social equity amongst vulnerable Canadians;
- Make travel by active transportation easier, more convenient and enjoyable, and enhance user safety and security;
- Encourage people to choose active transportation over personal vehicles (including supporting walking and cycling to access transit);
- Contribute to long-term, sustainable, inclusive economic growth, while setting the foundation for achieving a more inclusive Canada and net-zero climate emissions by 2050; and,
- Support the Canadian economy through a reduction in congestion, the creation of jobs and enhanced access via active transportation modes to businesses.

There are two streams of projects eligible for funding:

- **Planning Projects**, which involve the development or enhancement of formal active transportation planning documents or stakeholder engagement. Eligible planning projects include:
 - Research, including case studies, data collection initiatives, mapping of walkability and bikeability, community audits/assessments;
 - Public and/or stakeholder engagement and outreach, education programs;
 - Policy development, including drafting objectives/actions for inclusion in community land use and/or transportation plans;
 - Feasibility studies, business cases, and detailed costing estimates relating to the design of a project or program; and,
 - Projects which support the implementation of Canada's national active transportation strategy, such as events raising awareness and encouraging the adoption of active transportation.

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SUBJECT: Active Transportation Fund (PED22082) (City Wide) - Page 5 of 8

- **Capital Projects**, which involve new infrastructure construction, enhancement of existing infrastructure, and/or **improvements** to design and safety features that encourage increased active transportation. Eligible Capital Projects include:
 - Building or enhancing infrastructure for active transportation, such as multi-use paths, sidewalks, footbridges, separated bicycle lanes, and connections to other roadways;
 - Building or enhancing design features and facilities that promote active transportation, such as storage facilities, lighting, greenery, shade, and benches;
 - Enhancing active transportation infrastructure; and,
 - Building or enhancing safety features which promote active transportation, such as crosswalks, medians, speed bumps, and wayfinding signage.

The following projects are deemed ineligible:

- Proposals to build or enhance infrastructure for which the primary users would-be passenger and commercial vehicles; and,
- The purchase of non-fixed, removable assets, such as bikes for bike share systems.

Over five years, the Active Transportation Fund will provide:

- \$360 M for Planning and Capital Projects proposed by provinces, territories, municipalities, public sector bodies (including academic institutions), and, in some situations, registered not-for-profit organizations. Notionally, a minimum of 3% of the funds are allocated to Planning Projects; and,
- \$40 M (10%) for Planning and Capital Projects to Indigenous Communities, Indigenous development corporations, and not-for-profit organizations serving Indigenous communities living in urban centres and First Nations living off-reserve.

The Active Transportation Fund is a competitive program, and projects will be assessed against a list of eligibility and merit criteria. Therefore, there is no minimum or maximum funding that the City can potentially receive. However, the fund guide notes that “final project selection will be undertaken with a view to balancing funding support by taking into consideration such factors as regional distribution, the type of project, and equitable access.”

Table 1 summarizes the funding by project stream. The fund will cover grants of 100% of the cost of a Planning Project, to an up-set of \$50 K per project. Planning projects must be completed within 24-months of initiation or by March 31, 2026 (whichever is sooner). The fund will provide a contribution of up to 60% of Capital Project costs, to a maximum of \$50 M per project. Capital Projects must be completed by March 31, 2026. There is no limit on the number of projects that can be submitted, and Infrastructure Canada will assess each one individually.

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Table 1: Funding contribution by Active Transportation Fund Stream

Project Stream	Maximum Project Value	Municipal Contribution	Federal Contribution	Total
Planning	\$50 K	0%	100%	100%
Capital	\$50 M	40%	60%	100%

Applications are due by March 31, 2022, and no timelines are available on when funding will be awarded. The Minister of Infrastructure and Communities will send an approval letter listing the projects that have received funding. Costs, expenditures and contracts signed prior to the date of the letter are ineligible for reimbursements.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

There are no policy implications associated with this Report.

RELEVANT CONSULTATION

The following divisions were consulted on this Report and provided project proposals for submission consideration to the Active Transportation Fund:

- Corporate Services: Financial Planning, Administration and Policy;
- Public Works: Environmental Services and Transportation Operations and Maintenance; and,
- Planning and Economic Development: Transportation Planning and Parking.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

On January 27, 2022, Infrastructure Canada advised the City that applications were now open for the Active Transportation Fund. The application encourages that any Capital Project be consistent with local planning documents, such as the Hamilton Transportation Master Plan, Cycling Master Plan, the Recreational Trails Master Plan, Vision Zero Action Plan, and Official Plans.

Several projects were assessed based upon staff's interpretation of the eligibility and merit criteria as specified within the application processes and the Program's guidelines. The Capital Projects draw upon projects identified in the Cycling Master Plan, Recreational Trails Master Plan, Vision Zero Action Plan, Hamilton Transportation Master Plan, and staff work plans. The Proposed Planning Projects are derived from the aforementioned plans and upcoming initiatives on staff's work plans.

The Proposed Projects are primarily pre-identified initiatives, that are included in the ten-year Capital Plan, that would occur in the short to mid-term. Applying for funding would help offset the City's monetary requirements, helping to reduce future budget requests and/or accelerating delivery of the Projects. Additionally, the eight Planning

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Projects, which are fully funded, will serve to maximize the value of capital investments, as well as, improve planning for future projects.

In addition to City projects, Share the Road, a provincial cycling advocacy organization working to build a bicycle-friendly Ontario, has indicated an intent to submit a project to the Active Transportation Fund. The proposed study would examine the economic value of becoming a “Bicycle Friendly City”, and whether being a bicycle friendly city changes a municipality’s posture towards investing in other forms of active transportation. Under the Federal Application Process, Share the Road requires a partner to receive the results of the study. There would be no cost to the City.

The maximum Federal contribution from all funding sources (e.g. ICIP, PTIF, DMAF) cannot exceed 60% for Capital Projects. Municipalities also must comply with environmental assessment and determination obligations, as well as, Indigenous consultation obligations and modern treaty obligations.

The City’s potential contribution would come from existing Transportation Planning, Environmental Services, and Transportation Operations and Maintenance budgets, and potential future funding requests through the Capital Budget process.

There is no timeline for when funding decisions will be announced. Should there be funds remaining after the initial in-take, there may be an opportunity to submit additional applications at a later date. Funds not spent by March 31, 2026 will be returned to the Government of Canada.

ALTERNATIVES FOR CONSIDERATION**Submit Application During a Potential Later Intake Period**

Should the Fund not allocate all of the money in the first intake period, there may be an opportunity to submit an application during a later intake period, but this is not guaranteed. The projects in Appendix “A” attached to Report PED22082 have either been Council-approved or are identified on work plans. Not submitting applications during the initial intake could mean the City would potentially miss out on up-to \$4,326,000 of Federal funding should no future intake take place.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Community Engagement and Participation**

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

SUBJECT: Active Transportation Fund (PED22082) (City Wide) - Page 8 of 8

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22082 – City of Hamilton Active Transportation Fund
Projects Submission

TJ:DP:PT:cr

2022 Active Transportation Fund - Project List

PLANNING PROJECTS				
#	Project Name	Total Project Cost	Federal (100%)	City (0%)
1	Integrated AT Plan - Equity Outreach	\$50,000	\$50,000	\$0
2	Integrated AT Plan - Statistical Survey	\$40,000	\$40,000	\$0
3	Level of Traffic Stress Analysis	\$30,000	\$30,000	\$0
4	Healthy Loop Community Rides	\$30,000	\$30,000	\$0
5	Open Streets	\$40,000	\$40,000	\$0
6	Bike Wayfinding Signage Audit	\$35,000	\$35,000	\$0
7	Protected Intersection Design Manual	\$40,000	\$40,000	\$0
8	Accessible E-Bike Business Case Development	\$40,000	\$40,000	\$0
	Total for Planning Projects	\$305,000	\$305,000	\$0
CAPITAL PROJECTS				
#	Project Name	Total Project Cost	Federal (60%)	City (40%)
1	Pipeline Trail road crossings	\$300,000	\$180,000	\$120,000
2	Victoria South	\$500,000	\$300,000	\$200,000
3	Mountain Cycling Connections	\$725,000	\$435,000	\$290,000
4	Park Pathway reconstruction	\$1,860,000	\$990,000	\$870,000
5	Ancaster/Dundas Cycling Connections	\$650,000	\$390,000	\$260,000
6	Downtown Core Enhancements	\$305,000	\$183,000	\$122,000
7	Healthcare Connector	\$180,000	\$108,000	\$72,000
8	New Mobility Enhancements	\$300,000	\$180,000	\$120,000
9	York Blvd	\$650,000	\$390,000	\$260,000
10	Upper Paradise Rd	\$50,000	\$30,000	\$20,000
11	Binbrook Rd	\$900,000	\$540,000	\$360,000
12	Winona Active Transportation Improvements	\$1,000,000	\$600,000	\$400,000
	Total for Capital Projects	\$7,420,000	\$4,326,000	\$3,094,000
TOTAL PLANNING AND CAPITAL PROJECTS				
	Total Planning and Capital Projects	\$7,725,000	\$4,631,000	\$3,094,000