



City of Hamilton
GENERAL ISSUES COMMITTEE
ADDENDUM

Meeting #: 22-009
Date: May 4, 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

5. COMMUNICATIONS

- *5.1. Correspondence from Frances Grabowski, Vice-President, Development & Design, McMaster Innovation Park, respecting Item 10.4 - GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests

Recommendation: Be received and referred to the consideration of Item 10.4.

6. DELEGATION REQUESTS

- *6.1. Dave Aston, MHBC Planning, respecting Item 10.4 - Sub-sections of Report PED17070(p) - GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests, as it relates to 1400 South Service Road

10. DISCUSSION ITEMS

- 10.4. DEFERRED Sub-sections of Report PED17070(p) - GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests

- *a. GRIDS 2 and Municipal Comprehensive Review – Follow-up Regarding Deferred Employment Land Conversion Requests (PED17010(r)) (City Wide)

*10.6. Advisory Committee for Persons with Disabilities Report 22-004, April 12, 2022

*10.7. Establishment of the 2022-2026 Election Compliance Audit Committee (FCS22037) (City Wide)

12. NOTICES OF MOTION

*12.1. Depaving Initiatives on Barton Street in Ward 3

*12.2. Potential Costs Associated with the Termination of Non-Vaccinated City Employees



175 Longwood Road South, Suite 101A
Hamilton, ON
L8P 0A1

May 2, 2022

Re: General Issues Committee, May 4th
McMaster Innovation Park Lands; GRIDS 2 and Municipal Comprehensive Review – Deferred
Employment Land Conversion Requests

Madam Chair and Members of Council,

With careful consideration, McMaster Innovation Park, in collaboration with the City of Hamilton Planning Committee staff, are in acceptance of the following recommendations for the Site Specific Policy;

6.4.10.1 In addition to Policy B.6.4.3.1 – General Development Policies, the following policies shall apply to the lands shown as Site Specific Policy – Area A - McMaster Innovation Park on Map B.6.4-1 - West Hamilton Innovation District – Land Use Plan:

a) Educational, residential **multiple dwellings** and commercial uses permitted ancillary to McMaster Innovation Park shall be developed in accordance with the long-term vision to create a dynamic, integrated state-of-the-art research community that shall foster innovation, entrepreneurialism and creativity. **Residential Uses shall be subject to the following policies:**

i) **Multiple dwellings in mixed use buildings shall be permitted;**

~~ii) Multiple dwellings will be clustered in the North-East quadrant of the site;~~

~~iii) A maximum of two multiple dwellings shall be permitted;~~

ii) The Gross Floor Area for multiple dwellings shall be limited to a maximum of 15% of the total gross floor area of all existing and proposed buildings, which are to be used for other permitted M1 uses, located on the said lands, save and except for the following uses:

- a. Educational Establishments;
- b. **Multiple Dwelling(s);**
- c. Commercial Parking Facilities; and,
- d. Warehouse (as a primary use);

~~iii) The development of any multiple dwellings or sensitive land uses shall require the submission and implementation of a Land Use Compatibility study to the satisfaction of the City to demonstrate that the use avoids, or where avoidance is not possible, minimizes and mitigates any adverse impacts on employment uses permitted through Policy B.6.4.3.3. The Land Use Compatibility study shall be submitted as part of a Complete Application in accordance with Section F.1.19 of Volume 1;~~

- iv) **The Zoning By-law shall regulate matters related to timing and sequencing of residential development to ensure that any residential use permitted on the site is proportional to the development of the established employment uses within McMaster Innovation Park; and,**
- v) **The Zoning By-law shall regulate matters for residential use, among other regulations as required – including, building heights, parking requirements, and other site-specific performance standards for development.”**

Thank you in advance for your support of the Innovation Park.

Sincerely,



Frances Grabowski
Vice-President, Development & Design
McMaster Innovation Park
fgrabowski@mcmasterinnovationpark.ca



Submitted on Friday, April 29, 2022 - 12:18pm Submitted by anonymous user: 172.70.178.105
Submitted values are:

==Committee Requested==

Committee: General Issues Committee

Will you be delegating in person or virtually? Virtually

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

==Requestor Information==

Name of Organization (if applicable): MHBC Planning

Name of Individual: Dave Aston

Preferred Pronoun:

Contact Number: 519-504-4647

Email Address: daston@mhbcplan.com

Mailing Address: 540 Bingemans Centre Drive, Suite 200

Reason(s) for delegation request: Respond to Item 10.4 re: 1400

South Service Rd

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

1400 SOUTH SERVICE ROAD EMPLOYMENT LAND CONVERSION REQUEST

General Issues Committee

May 4, 2022

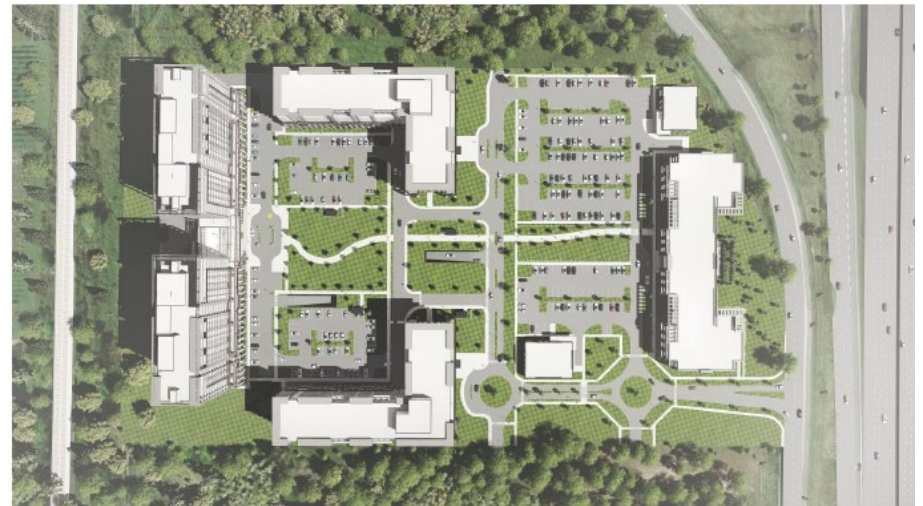
GATEWAY VISION

- Losani proposes a comprehensively planned, transit supportive mixed use development with:
 - Minimum of over 400 jobs, greater than the density in the City LNA
- Proposed development would support more jobs than a typical business park / industrial development
- Subject lands are well positioned to assist with residential needs and intensification in the Urban Area / Built Up Area
- Conversion will not impact the long term viability of any other employment lands and lands not within a PSEZ



PREVIOUS SUBMISSIONS AND PLANNING APPLICATIONS

- Previous submissions have been made to allow review of the conversion criteria and discussions with City staff
- OPA and ZBA applications submitted in August, 2021 – continue to be under review by staff and agencies



SUMMARY

- We support the City's recommendation for deferral to allow time for the land use assessment and further consideration of the ongoing site specific Official Plan Amendment and Zoning By-law Amendment applications





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 4, 2022
SUBJECT/REPORT NO:	GRIDS 2 and Municipal Comprehensive Review – Follow-up Regarding Deferred Employment Land Conversion Requests (PED17010(r)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lauren Vraets (905) 546-2424 Ext. 2634
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Municipal Comprehensive Review (MCR) Official Plan Amendment (UHOP Conformity Amendment), which is being brought forward to the Planning Committee on May 17, 2022, include the following amendment to implement the recommendations of the City's Employment Land Review:
- (i) Revisions to the existing Area Specific Policy – A in the West Hamilton Innovation District Secondary Plan for McMaster Innovation Park, as outlined in Appendix "B" to Report PED17010(r);
- (b) That the matter regarding the employment land conversion request for the lands located at 1400 South Service Road be deferred until a later phase of the City's current Municipal Comprehensive Review, based in the review and assessment of land use options for the south-east quadrant of the Queen Elizabeth Way (QEW) and Fifty Road area.

EXECUTIVE SUMMARY

As part of the City's current Municipal Comprehensive Review (MCR), Planning Staff have been undertaking an assessment of the City's Employment Area designated lands

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: GRIDS 2 and Municipal Comprehensive Review – Follow-up
Regarding Deferred Employment Land Conversion Requests
(PED17010(r)) (City Wide) - Page 2 of 7**

and opportunities for conversion to non-employment designations. On April 20, 2022, Planning Division staff presented Report PED17010(p) to the General Issues Committee (GIC) to provide final recommendations for six outstanding deferred conversion requests resulting from a previous Employment Land Conversion report in August 2021 (PED17010(k)). Committee directed staff to further defer the recommendations for Site Specific policies for two sites until the next GIC meeting (May 4, 2022). The intent of the further deferral was to give staff additional time to consider the site specific policy wording that would apply to each property.

Report PED17010(r) presents the staff recommendations for the McMaster Innovation Park – West Hamilton Innovation District and the lands located at 1400 South Service Road in Stoney Creek.

The revised site specific policy proposed for McMaster Innovation Park will be implemented through the final MCR Official Plan Amendment, to be presented to Planning Committee on May 17, 2022.

For the lands known as 1400 South Service Road, it is proposed that the conversion request be deferred until such a time as Planning Division staff have completed a land use assessment for the south-east quadrant of the Queen Elizabeth Way (QEW) and Fifty Road area and presented the assessment to Planning Committee and Council.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The recommendations of the Employment Land Review will be implemented through the GRIDS2 and MCR Official Plan Amendment, and the Province is the final approval authority for this forthcoming Official Plan Amendment (OPA).

HISTORICAL BACKGROUND

As part of the City's current MCR, Planning Staff have been undertaking an assessment of the City's Employment Area designated lands and opportunities for conversion to non-employment designations. The following reports have been presented to GIC with respect to the Employment Land Review:

**SUBJECT: GRIDS 2 and Municipal Comprehensive Review – Follow-up
Regarding Deferred Employment Land Conversion Requests
(PED17010(r)) (City Wide) - Page 3 of 7**

- November 19, 2019 – draft Employment Land Review (Report PED17010(f));
- August 4, 2021 – Employment Land Review (Report PED17010(k)); and,
- April 20, 2022 – Deferred Employment Land Conversion Requests (PED17010(p)).

As a result of the presentation of Report PED17010(p) on April 20, 2022, GIC directed staff to defer the recommendations for site specific policies for two sites: McMaster Innovation Park (MIP), and 1400 South Service Road. The further deferral of recommendations for these two sites was to allow staff additional time to consider revisions to the proposed site specific policies.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

A complete review of provincial and local employment policies was provided in Report PED17010(k). No provincial or local policies related to employment or employment conversions have been changed since that time.

RELEVANT CONSULTATION

City Department Consultation

Economic Development Division staff have reviewed the proposed revision to the site specific policy wording for McMaster Innovation Park and support the Planning Division staff recommendation.

External Consultation

Planning Division staff have met with the representatives for both MIP and 1400 South Service Road regarding site specific policies for the two sites.

Representatives from MIP have confirmed that they support the staff proposed revision to their site specific policy.

Representatives for 1400 South Service Road have indicated they would support deferral of consideration of the conversion request until a later phase of the City's MCR.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 McMaster Innovation Park (MIP)

Through Report PED17010(p), Planning Division staff recommended that the existing Site Specific Policy (Area A) for MIP in the West Hamilton Innovation District Secondary Plan be modified to permit the development of two multiple dwellings in mixed use

**SUBJECT: GRIDS 2 and Municipal Comprehensive Review – Follow-up
Regarding Deferred Employment Land Conversion Requests
(PED17010(r)) (City Wide) - Page 4 of 7**

buildings, geographically clustered in the north east quadrant of the site. The proposed revision to the existing site specific policy also capped the gross floor area (GFA) for the residential uses to a maximum of 15% of the GFA for all existing and proposed employment uses.

MIP expressed concern with the proposed policy wording presented in Report PED17010(p) that requires the residential uses to be clustered in one area and be limited to locating within two buildings. Staff had previously included this draft policy based on the location of two proposed residential buildings in the north east quadrant of the site presented on MIP's revised Master Plan. These two proposed mixed use buildings did not present concerns with respect to compatibility with existing and future employment uses based on the Land Use Compatibility Study submitted by MIP.

To address the locational concerns for the residential uses expressed by MIP, a revised policy has been proposed for consideration (see below and Appendix "B" attached to Report PED17010(r)) which removes the restriction on the number and location of multiple dwellings (see strikethrough) while also ensuring that the City retains the ability to review the compatibility of any sensitive land uses when they are proposed through the development approvals process (see bold and highlighted):

"6.4.10.1 In addition to Policy B.6.4.3.1 – General Development Policies, the following policies shall apply to the lands shown as Site Specific Policy – Area A - McMaster Innovation Park on Map B.6.4-1 - West Hamilton Innovation District – Land Use Plan:

a) Educational, residential **multiple dwellings** and commercial uses permitted ancillary to McMaster Innovation Park shall be developed in accordance with the long-term vision to create a dynamic, integrated state-of-the-art research community that shall foster innovation, entrepreneurialism and creativity. **Residential Uses shall be subject to the following policies:**

- i) **Multiple dwellings in mixed use buildings shall be permitted;**
- ~~ii) Multiple dwellings will be clustered in the North East quadrant of the site;~~
- ~~iii) A maximum of two multiple dwellings shall be permitted;~~
- ii) **The Gross Floor Area for multiple dwellings shall be limited to a maximum of 15% of the total gross floor area of all existing and proposed buildings, which are to be used for other**

**SUBJECT: GRIDS 2 and Municipal Comprehensive Review – Follow-up
Regarding Deferred Employment Land Conversion Requests
(PED17010(r)) (City Wide) - Page 5 of 7**

permitted M1 uses, located on the said lands, save and except for the following uses:

- a. Educational Establishments;
 - b. *Multiple Dwelling(s)*;
 - c. Commercial Parking Facilities; and,
 - d. Warehouse (as a primary use);
- iii) The development of any *multiple dwellings* or *sensitive land uses* shall require the submission and implementation of a Land Use Compatibility study to the satisfaction of the City to demonstrate that the use avoids, or where avoidance is not possible, minimizes and mitigates any adverse impacts on employment uses permitted through Policy B.6.4.3.3. The Land Use Compatibility study shall be submitted as part of a Complete Application in accordance with Section F.1.19 of Volume 1;
- iv) The Zoning By-law shall regulate matters related to timing and sequencing of residential development to ensure that any residential use permitted on the site is proportional to the development of the established employment uses within McMaster Innovation Park; and,
- v) The Zoning By-law shall regulate matters for residential use, among other regulations as required – including, building heights, parking requirements, and other site-specific performance standards for development.”

2.0 1400 South Service Road

The Staff recommendations provided in Report PED17010(p) did not support the lands at 1400 South Service Road in the Stoney Creek Business Park for conversion. However, staff did recommend the addition of a proposed Site Specific Policy for the subject lands to provide additional criteria to consider, should the lands be reviewed for conversion through a future Municipal Comprehensive Review conversions request.

“B.7.4.18.X For the lands located on at 1400 South Service Road, designated Business Park, shown as Site Specific Policy – Area X on Map B.7.4-1 – Fruitland Winona Secondary Plan – Land Use Plan, the City shall assess of the appropriateness of these lands as Employment – Business Park designated lands during the next

**SUBJECT: GRIDS 2 and Municipal Comprehensive Review – Follow-up
Regarding Deferred Employment Land Conversion Requests
(PED17010(r)) (City Wide) - Page 6 of 7**

Municipally Initiated Comprehensive Review, and may consider a conversion to other non-employment uses. The assessment for conversion shall consider, but not be limited to the following factors:

- a) There is sufficient City-wide employment land supply;**
- b) Any proposed development would support planned local and/or regional transit services;**
- c) There is sufficient infrastructure capacity in the area, specifically with regard to sanitary servicing and transportation;**
- d) The development area includes adjacent lands on the block, from Fifty Road to Fifty Creek, and is developed as part of a complete community in a manner that is transit supportive; and,**
- e) The proposed development is able to satisfy provincial and local employment land conversion criteria.”**

Staff received correspondence from MHBC Planning Ltd. (the Applicant), retained on behalf of Losani Homes (the land owner), requesting an alternative Site Specific Policy for 1400 South Service Road. Specifically, the applicant has requested policy wording that would permit consideration of a conversion for the lands to non-employment uses outside of the City’s MCR process. The Applicant’s proposed policy wording is attached as Appendix “A” to Report PED17010(r).

Staff note that the Applicant has a current application for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) (File UHOPA-21-018 & ZAC-21-039) with the City to redesignate and rezone the lands for mixed use and high density residential development.

In light of the Applicant’s ongoing OPA / ZBA application, Planning staff recommend that the conversion request for 1400 South Service Road be deferred until a later stage in the City’s MCR process. Planning Division Staff will be undertaking a land use assessment of the lands in the south-east quadrant of the QEW and Fifty Road area. As part of this assessment, staff will be consulting with all affected landowners and Metrolinx. A decision regarding the Applicant’s OPA / ZBA application for the proposed development will inform a future determination of an employment land conversion through the City’s on-going MCR.

**SUBJECT: GRIDS 2 and Municipal Comprehensive Review – Follow-up
Regarding Deferred Employment Land Conversion Requests
(PED17010(r)) (City Wide) - Page 7 of 7**

3.0 Next Steps

The modified Site Specific Policy for MIP, should it be approved as recommended, will be incorporated into the final MCR Official Plan Amendment wording, to be presented to Planning Committee on May 17, 2022. Planning Division staff will forward the Council approved MCR Official Plan Amendment to the Province to meet the conformity deadline of July 1, 2022.

ALTERNATIVES FOR CONSIDERATION

Council could choose to provide alternate direction to staff with respect to one or both of the deferred employment conversion requests discussed in Report PED17010(r).

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

Appendix “A” to Report PED17010(r) – Letter from MHBC Planning on behalf of Losani Homes (dated April 19, 2022)

Appendix “B” to Report PED17010(r) – Changes proposed to MIP Site Specific Policy – Area A

LV:sd



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

April 19, 2022

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
71 Main Street, West, First Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Paparella:

**RE: Comments on Municipal Comprehensive Review and Land Needs Assessment –
1400 South Service Road, Flying J
OUR FILE: 14196R**

On behalf of our client, Losani Homes, we have been involved with discussions with City staff and made several submissions as part of the Municipal Comprehensive Review and GRIDS 2 process for the 'Flying J' lands located at 1400 South Service Road, Stoney Creek, hereinafter referred to as the subject lands. The purpose of the request and submissions has been to request the conversion of 7.33 ha of land for a proposed mixed use development, including both employment (office and commercial) and residential uses.

We have made a number of submissions to City staff and submission to the General Issues Committee on August 4, 2021 and November 18, 2021. The subject lands were part of the Council motion on August 13, 2021 and deferred from consideration of GRIDS 2 and Municipal Comprehensive Review.

A formal Official Plan Amendment and Zoning By-law Amendment application was submitted for the lands in August, 2021 for a mixed use redevelopment and is currently under review by staff and agencies. The proposed application provides for a density of 276 people and jobs per hectare and will contribute to the 80% intensification target within the Built-Up Area.

In the Fall of 2021, Council made the decision to implement a no boundary expansion option. At the November 9, 2021 GIC meeting, the Final Land Needs Assessment was presented and City Council made the decision in November 9, 2021 to. This Report noted that a final decision on the lands deferred for employment land conversion consideration was outstanding.

Given the no urban boundary expansion option, which was adopted by Council, it is our understanding that additional opportunities for intensification and residential development within the City's existing urban boundary are required. The conversion of the subject lands for development of a mixed use community will support the 'no urban boundary expansion' option as it will provide new housing to

accommodate forecasted population within the existing Urban Area, and maintain jobs at a similar density to the target of the employment lands designation.

Proposed Revised Site Specific Policy Modification

We have reviewed the Staff Report (PED17010) and City staff's analysis regarding the proposed conversion and the proposed special policy language, and propose the following as a revised special policy:

"For the lands located on at 1400 South Service Road, designated Business Park, shown as Site Specific Policy – Area X on Map B.7.4-1 – Fruitland Winona Secondary Plan – Land Use Plan, the policy recognizes the transition of lands from employment area to a range of other non-employment uses is proposed during the planning horizon of this Plan. For the purposes of this Plan and consideration of a future site specific amendment to redesignate the lands for other uses on the lands, the subject lands shall not be considered as employment area. The justification for conversion of the lands as part of the City's municipal comprehensive review is based on the lands providing a mixed use development with a minimum number of jobs on the lands and intensification of residential uses to assist in achieving the City's intensification targets and housing needs. A site specific Official Plan amendment to redesignate the lands to expand the range of uses, shall consider the following factors:

- a) *A minimum of 417 jobs along the QEW frontage to support the City-wide employment targets;*
- b) *A mixed use development based on transit-supportive design objectives;*
- c) *There is sufficient infrastructure capacity in the area, specifically with regard to sanitary servicing and transportation; and;*
- d) *The development area considers the potential development of adjacent lands on the block, from Fifty Road to Fifty Creek, and is developed as part of a complete community in a manner that is transit supportive."*

The proposed special policy will allow for a site specific application on the subject lands outside of the Municipal Comprehensive Review process, while ensuring the City's concerns related to employment, the development of the adjacent lands, and infrastructure capacity are addressed.

The following provides a summary of key points to consider for the proposed modified special policy request:

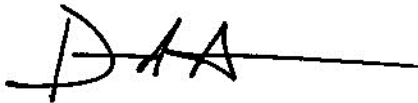
- The subject lands are not identified as a Provincially Significant employment Zone (PSEZ).
- The proposed special policy language recognizes the lands as an area in transition from traditional employment to mixed use. Existing land use permissions already include a range of commercial and population related uses and prohibit intensive industrial uses.
- The mixed use proposal maintains a significant number of jobs (over 400 jobs). The City's Land Needs Assessment Report completed in November, 2021 (PED 17010 Appendix N) and The Watson & Associate's Land Needs Assessment Peer Review (PED 17010 Appendix B) identifies that the employment area density assumes a density of 39.5 jobs per hectare, and currently the UHOP targets 37 jobs per hectare. The proposed development would provide for an employment density of approximately 37 jobs per hectare for the employment portion of the lands.

- Proposes additional residential units (986) in existing Urban Area to assist with addressing the forecasted housing and population requirements in a comprehensively planned with a transit supportive density that will assist in meeting the City's residential intensification targets.
- The MTO lands to the west are unlikely to be developed by MTO for employment uses, and could be considered as part of the overall comprehensive development of these lands
- Provides opportunity for housing choice in the form of apartment units in the Fruitland-Winona Secondary Plan Area that is not currently planned within the area and introduces potential for attainable and rental housing.
- Provides a transit supportive density for any future transit investments in the area.
- The Land Needs Assessment identified a surplus of employment lands, therefore conversion of the subject lands does not impact the long term supply of employment land.
- Details associated with the development of adjacent land, land use compatibility and infrastructure can be addressed through a site specific Official Plan Amendment and Zoning By-law Amendment application.

We request that the General Issues Committee consider the revised special policy wording for input into the draft Official Plan Amendment.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'DAA', followed by a long horizontal line extending to the right.

David Aston, M.Sc., MCIP, RPP
Vice President, Partner

cc. Fred Losani, William Liske, Heather Travis

Appendix “B” to Report PED17010(r) – Changes proposed to MIP Site Specific Policy – Area A

Recommended modifications to Vol. 2, B.6.4.10.1 – Site Specific Policy – Area A (McMaster Innovation Park, West Hamilton Innovation District Secondary Plan):

(**Bold** = addition, ~~Strikethrough~~ = deletion, grey highlight = changes to previous draft policy revisions)

6.4.10.1 In addition to Policy B.6.4.3.1 – General Development Policies, the following policies shall apply to the lands shown as Site Specific Policy – Area A - McMaster Innovation Park on Map B.6.4-1 - West Hamilton Innovation District – Land Use Plan:

- a) Educational, residential **multiple dwellings** and commercial uses permitted ancillary to McMaster Innovation Park shall be developed in accordance with the long-term vision to create a dynamic, integrated state-of-the-art research community that shall foster innovation, entrepreneurialism and creativity. **Residential Uses shall be subject to the following policies:**
 - i) **Multiple dwellings in mixed use buildings shall be permitted;**
 - ~~ii) Multiple dwellings will be clustered in the North East quadrant of the site;~~
 - ~~iii) A maximum of two multiple dwellings shall be permitted;~~
 - ii) **The Gross Floor Area for multiple dwellings shall be limited to a maximum of 15% of the total gross floor area of all existing and proposed buildings, which are to be used for other permitted M1 uses, located on the said lands, save and except for the following uses:**
 - a. **Educational Establishments;**
 - b. **Multiple Dwelling(s);**
 - c. **Commercial Parking Facilities; and,**
 - d. **Warehouse (as a primary use);**
 - iii) **The development of any multiple dwellings or sensitive land uses shall require the submission and implementation of a Land Use Compatibility study to the satisfaction of the City to demonstrate that the use avoids, or where avoidance is not possible, minimizes and mitigates any adverse impacts on employment uses permitted through Policy B.6.4.3.3. The Land Use Compatibility study shall be submitted as part of a**

Complete Application in accordance with Section F.1.19 of Volume 1;

- iv) **The Zoning By-law shall regulate matters related to timing and sequencing of residential development to ensure that any residential use permitted on the site is proportional to the development of the established employment uses within McMaster Innovation Park; and,**
 - v) **The Zoning By-law shall regulate matters for residential use, among other regulations as required – including, building heights, parking requirements, and other site-specific performance standards for development.**
- ~~b) Limited accommodations for visiting scholars, professors and/or professionals shall be permitted.~~
- c) Heritage resources associated with the original Westinghouse Company Limited Complex, which include the former Office Building and the Boiler/Power House, identified as site specific policy “A-1” and “A-2” on Map B.6.4-1 - West Hamilton Innovation District – Land Use Plan, shall be *conserved* and incorporated into future *development* proposals. A museum of industrial and scientific technology shall also be permitted in the Boiler/Power House.
- d) Policy B.6.4.5 – Cultural Heritage Policies shall also apply.



Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES**

REPORT 22-004

4:00 p.m.

Tuesday, April 12, 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, M. Dent,
A. Frisina, L. Janosi, P. Kilburn, T. Manzuk,
M. McNeil, T. Murphy, K. Nolan, T. Nolan

Absent

with Regrets: Mayor F. Eisenberger, L. Dingman,
S. Geffros, C. McBride, R. Semkow

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 22-003 AND RESPECTFULLY RECOMMENDS:

1. Resignation of Paula Kilburn from Working Groups of the Advisory Committee for Persons with Disabilities (Item 11.1)

That the resignation of Paula Kilburn from the Housing Issues Working Group and Accessible Opens Spaces and Parklands Working of the Advisory Committee for Persons with Disabilities, be received.

2. Correspondence to Police Services Board respecting a Summary of Presentation from City of Hamilton Chief of Police Bergen to the Advisory Committee for Persons with Disabilities, March 8, 2022 (Item 12.2)

That the correspondence to the Police Services Board respecting a summary of the presentation from City of

Hamilton Chief of Police Bergen to the Advisory Committee for Persons with Disabilities, March 8, 2022, attached as Appendix “A”, be forwarded to the City of Hamilton Police Services Board.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

8. CONSENT ITEMS

- 7.3 (a) Outreach Working Group Meeting Notes – January, February, March 2022
- 7.4 (a) Transportation Working Group Meeting Notes – February 22, 2022
- 7.4 (b) Transportation Working Group Meeting Notes – March 22, 2022

The agenda for the April 12, 2022 meeting of the Advisory Committee for Persons with Disabilities, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)**(i) March 8, 2022 (Item 4.1)**

The minutes of the March 8, 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 Notes – November 2, 2021 (Item 7.1 (a)) and December 7, 2021 (Item 7.1 (b))**

The Built Environment Working Group Meeting Notes of November 2, 2021 and December 7, 2021, were received.

(ii) Housing Issues Working Group Update (Item 7.2)**(1) Housing Issues Working Group Meeting Notes – February 22, 2022 (Item 7.2(a))**

The Housing Issues Working Group Meeting Notes of February 22, 2022, were received.

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

The Outreach Working Group Meeting Notes of January, February and March 2022, were received.

**(iv) Transportation Working Group Update (Item
7.4)****(1) Transportation Working Meeting Notes –
February 22, 2022 (Item 7.4 (a)) and March
22, 2022 (Item 7.4 (b))**

The Transportation Working Group Meeting Notes of February 22, 2022 and March 22, 2022, were received.

The following items were deferred to the May 10, 2022 Advisory Committee for Persons with Disabilities meeting due to time constraints:

**(v) Strategic Planning Working Group Update
(Item 7.5)****(1) Strategic Planning Working Group Meeting
Notes – February 10, 2022 (Item 7.5 (a))**

- (2) Strategic Planning Working Group Meeting Notes – March 3, 2022 (Item 7.5 (b))
- (3) Strategic Planning Working Group Meeting Notes – March 16, 2022 (Item 7.5 (c))

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

(e) PRESENTATIONS (Item 8)

(i) Presentation Respecting Hamilton Civic Museums (Item 8.1)

Cynthia Roberts, Project Lead, HamiltonCivicMuseums.ca and John Summers, Manager Heritage Resource Management, provided the Committee with a presentation respecting Hamilton Civic Museums, with aid of a PowerPoint presentation.

The presentation from Cynthia Roberts Project Lead, HamiltonCivicMuseums.ca and John Summers, Manager Heritage Resource Management respecting Hamilton Civic Museums, was received.

(f) MOTIONS (Item 11)

(i) Correspondence to Police Services Board respecting Summary of Presentation from

General Issues Committee – May 4, 2022

**City of Hamilton Chief of Police Bergen to the
Advisory Committee for Persons with
Disabilities, March 8, 2022 (Item 11.1)**

A. Mallett relinquished the Chair to J. Kemp in order to introduce a Motion respecting Correspondence to Police Services Board respecting Summary of Presentation from City of Hamilton Chief of Police Bergen to the Advisory Committee for Persons with Disabilities, March 8, 2022.

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

A. Mallett assumed the Chair.

(g) NOTICES OF MOTION (Item 12)

**(i) Outdoor Dining and Barrier Free Design
(Added Item 12.1)**

T. Nolan announced the intention to introduce a Motion at a future Advisory Committee for Persons with Disabilities meeting respecting Outdoor Dining and Barrier Free Design.

**(ii) Request for Staff to Investigate Developing
Policies and Procedures to Rescue and Safely
Transport Stranded Pedestrians and their**

Mobility Devices to Appropriate Secure Locations (Added Item 12.2)

P. Kilburn announced the intention to introduce a Motion at a future Advisory Committee for Persons with Disabilities meeting respecting a request for staff to investigate developing policies and procedures to rescue and safely transport stranded pedestrians and their mobility devices to appropriate secure locations.

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

The following items were deferred to the May 10, 2022 Advisory Committee for Persons with Disabilities meeting due to time constraints:

- (1) Accessibility Complaints to the City of Hamilton (Item 13.1)
- (2) *Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Update* (Item 13.2)
- (3) Presenters List for the Advisory Committee for Persons with Disabilities (Item 13.3)

(i) Update from Mayor's Office (Item 13.4)

Paulena Yousif, Constituent Assistant to the Mayor's Office, updated the Committee respecting donation options on behalf of the

Advisory Committee for Persons with Disabilities,
in memory of Christopher Cutler.

The update from Paulena Yousif, Constituent Assistant to the Mayor's Office, respecting donation options on behalf of the Advisory Committee for Persons with Disabilities, in memory of Christopher Cutler, was received.

(ii) Public Transit and Mask Mandates (Item 13.5)

Michelle Martin, Manager, Accessible Transportation Services, Hamilton Street Railway, updated the Committee respecting current mask mandates on Hamilton Public Transit.

The update from Michelle Martin, Manager, Accessible Transportation Services, Hamilton Street Railway, respecting current mask mandates on Hamilton Public Transit, be received.

(iii) Advisory Committee Procedures Respecting Communication (Item 13.6)

- (1) Communicating with Council (Item 13.6 (a)) and Communicating with Outside Agencies, Including Other Levels of Government and the Media (Item 13.6(b))**

The information provided respecting Communicating with Council and Communicating with Outside Agencies, Including Other Levels of Government and the Media, was received.

(iv) Update from Jessica Bowen, Supervisor Diversity and Inclusion, Respecting the Staff Liaison for the Advisory Committee for Persons with Disabilities (Added Item 13.7)

Jessica Bowen, Supervisor Diversity and Inclusion, advised that the Staff Liaison role for the Committee is being transitioned from the Human Resources Department to the Government Relations and Community Engagement Department.

The update from Jessica Bowen, Supervisor Diversity and Inclusion, respecting the Staff Liaison for the Advisory Committee for Persons with Disabilities, was received.

(v) Accessible Transportation Services Eligibility Audit Management Response (PW21055(a)) (City Wide) (Added Item 13.8)

Michelle Martin, Manager, Accessible Transportation Services, Hamilton Street Railway, provided the Committee with a verbal update and answered questions about the

recommendations in Report PW21055(a) respecting Accessible Transportation Services Eligibility Audit Management Response, which will be considered at the April 22, 2022, Public Works Committee meeting.

The verbal update from Michelle Martin, Manager, Accessible Transportation Services, Hamilton Street Railway, respecting Report PW21055(a) respecting Accessible Transportation Services Eligibility Audit Management Response, was received.

(i) ADJOURNMENT (Item 15)

There being no further business, the Advisory Committee for Persons with Disabilities, adjourned at 6:45 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
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 04, 2022
SUBJECT/REPORT NO:	Establishment of the 2022-2026 Election Compliance Audit Committee (FCS22037) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (905) 546-2424 Ext. 5409
SUBMITTED BY:	Andrea Holland City Clerk
SIGNATURE:	

RECOMMENDATION

- (a) That the Terms of Reference for the 2022-2026 Election Compliance Audit Committee, attached as Appendix "A" to Report FCS22037, be approved;
- (b) That the authority to appoint the Members of the Election Compliance Audit Committee be delegated to the City Clerk, City Auditor and General Manager of Corporate Services, or their designates;
- (c) That the Compensation Framework for the 2022-2026 Election Compliance Audit Committee be in the amount of \$250 per member per committee meeting and/or training session, without an annual retainer, inclusive of all parking and mileage fees, to be funded through the Election Reserve Account 112206;
- (d) That, subject to the approval the Compensation Framework for the 2022-2026 Election Compliance Audit, the selection of the Members of the Election Compliance Audit Committee be exempt from the City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions Advisory (Volunteer) Committees and Sub-Committees Policy; and,
- (e) That, subject to the approval of the Compensation Framework for the 2022-2026 Election Compliance Audit Committee, the Election Compliance Audit Committee - Selection Committee, be disbanded.

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: Establishment of the 2022-2026 Election Compliance Audit Committee (FCS22037) (City Wide) - Page 2 of 7

EXECUTIVE SUMMARY

All Municipal Elections are governed by the *Municipal Elections Act, 1996* (MEA). The MEA provides rules for the administration of elections, addressing areas such as voter and candidate eligibility, rules surrounding third party advertising, methods of voting, campaign and campaign finance rules, questions on the ballot, legislative dates in the election cycle, including the length of the campaign period, calculation of campaign spending limits and Voting Day. The MEA also sets out the roles and responsibilities of the City Council, City Clerk, school boards, electors, candidates and third-party advertisers, and provides provisions with respect to compliance, enforcement and penalties.

This report serves to provide an update to General Issues Committee and Council Members on the obligations under the *Municipal Elections Act, 1996* (the “MEA”) to establish the Election Compliance Audit Committee (the “ECAC”) for the 2022-2026 term of Council and to provide recommendations on changes to the selection and appointment of Members to the ECAC and the Terms of Reference for the ECAC.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

All budget for the compensation of ECAC Members will be provided through the Election Reserve Account 112206. Staff have reviewed other municipalities’ compensation schedules and are recommending the following compensation framework below for the 2022-2026 Committee Term:

- \$250 per committee meeting and/or training session, without an annual retainer. This compensation would include all parking and mileage fees. Food and beverages would still be provided at all meetings.

Staff are unable to determine the total cost of compensation for the ECAC as it is determined by the number of meetings, number of applications for a compliance audit filed and the number of reports that may need to be considered as a result of the City Clerk’s mandatory review of contributions in regular elections and any potential by-elections. However, to provide some context, the previous ECAC for the 2018-2022 term met twice (2) and the 2014-2018 term met six (6) times. With most meetings deliberating on more than one complaint.

SUBJECT: Establishment of the 2022-2026 Election Compliance Audit Committee (FCS22037) (City Wide) - Page 3 of 7

Legal:

Any legal support required for the committee will be organized in consultation with the City's Legal and Risk Management Services Division and may be provided by either internal or external legal resources. Any external legal resources will be funded through the Election Reserve Account 112206.

Staffing:

The ECAC meetings will be supported through existing staff complement in the Office of the City Clerk.

HISTORICAL BACKGROUND

In 2018, the City Clerk, City Solicitor, General Manager of Finance and Corporate Services and City Auditor were appointed to the Election Compliance Audit Committee - Selection Committee (the "Selection Committee") by Council to administer the interviewing and selection of members, with appointments occurring at Council. All candidate information and interviews were held in closed session by the Selection Committee. The agenda from the meeting can be found on the City's website - [Election Compliance Audit Committee – Selection Committee](#).

5 members of the public were appointed to sit on the 2018-2022 ECAC and met to deliberate on election finance compliance complaints. All past meetings and decisions from 2015 to 2019 can be found on the [ECAC](#) webpages, within the Archived pages for the Municipal Elections.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The role of the City Clerk in the administration of Municipal Elections is provided for in the MEA and in addition to adhering these provisions, the City Clerk has a duty to prepare for and conduct the election in a manner consistent with the principles of the legislation. While not defined in the MEA, the courts have established these principles as follows:

1. Secrecy and confidentiality of the voting process is paramount;
2. The election shall be fair and must not favour one candidate over another;
3. The election shall be accessible to voters;
4. Integrity of the process shall be maintained throughout the election;

SUBJECT: Establishment of the 2022-2026 Election Compliance Audit Committee (FCS22037) (City Wide) - Page 4 of 7

5. Proper majority vote decides the election, which is achieved by ensuring, so far as is reasonable possible, that valid votes be counted, and invalid votes be rejected; and
6. Voters and candidates shall be treated fairly and consistently.

Section 12 of the MEA allows the City Clerk to provide for any matter or procedure that is not otherwise provided for in an Act or regulation, and that in the City Clerk's opinion, is "necessary or desirable" for conducting the election. For transparency, procedures for the election will be posted to the City's website – www.hamilton.ca/elections.

In accordance with Section 88.37 of the MEA, Council must establish an ECAC before October 1 of an election year and the term of office for the ECAC and its Members is the same as the term of office of the Council, commencing on Tuesday, November 15, 2022 and ending on Saturday, November 14, 2026.

The ECAC is an independent, quasi-judicial body whose responsibilities and powers are outlined in the MEA and the ECAC Terms of Reference and whose proceedings are governed by the *Statutory Powers Procedure Act, 1990* and the Procedures of the ECAC. The ECAC is not a Local Board. Staff are recommending revisions to the existing Terms of Reference for the ECAC as attached as Appendix A to this report. The current version is posted on the city's website and has been attached for reference as Appendix B to this report.

Staff have added specific references from the MEA where processes and timelines are mandatory under the MEA. The membership of the ECAC, which was amended in 2018, has also been revised.

Under section 88.37(2) of the MEA, the ECAC must be composed of not fewer than three and not more than seven Members and cannot include:

- employees or officers of the municipality or local board;
- members of the council or local board;
- candidates in the election for which the committee is established; or
- persons who are registered third parties in the municipality in the election for which the committee is established.

Recruitment will continue to be targeted towards relevant organizations and professional bodies such as the Chartered Professional Accountants of Ontario, the Association of Municipal Managers, Clerks and Treasurers of Ontario, and the Law Society of Upper Canada. Recruitment for the ECAC in the past has been successful and the City has not had a challenge in recruiting qualified candidates

SUBJECT: Establishment of the 2022-2026 Election Compliance Audit Committee (FCS22037) (City Wide) - Page 5 of 7

Under section 88.37 (6) of the MEA, it is the role of the Clerk to establish administrative practices and procedures for the ECAC and to carry out any other duties required under the MEA to implement the ECAC's decisions.

Pursuant to section 88.37(7) of the MEA all costs in relation to the ECAC's operation and activities must be covered by the Council.

In addition to the costs associated with ECAC Members, the City also pays for external legal counsel (assigned to the committee to assist Members in carrying out their quasi-judicial duties), the services of an independent auditor (to conduct the compliance audits) as required, and an independent prosecutor (to review the case and decide whether to proceed with prosecution), as required.

RELEVANT CONSULTATION

Staff completed a best practice review of other Municipalities and held discussions with Members of the Municipal Elections Working Group to better understand how other organizations are administering their ECACs.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Election Compliance Audit Committee - Selection Committee (Selection Committee)

Under the MEA and Terms of Reference, Appendix A to Report FCS22037, The ECAC is required to consider and render a decision on applications for compliance audits and reports from an auditor within 30 days of receipt. Following a best practice review of other municipalities, staff concluded that there is a common practice of delegating the authority to staff to select and appoint the members of the ECAC. This would provide staff with the flexibility to appoint additional members, should vacancies occur in between Council meetings dates (there are no Council meetings scheduled for October 2022 and 5 of the 12 months in 2023 have 1 Council meeting scheduled instead of 2) and potentially decrease impacts on the ECAC meetings dates and the processing of applications. This new process would also remove any perceived conflict between Members of the ECAC and current Members of Council who may find themselves appearing before the ECAC.

Staff would continue to conduct interviews to ascertain the applicants' knowledge of such matters as municipal campaign finance rules under the MEA, accounting principles and the principles of procedural fairness. All appointments would be posted on the City's ECAC webpages and a Communications Update will be circulated to Members of Council, posted on the City's website and added to the Council agenda as per process.

SUBJECT: Establishment of the 2022-2026 Election Compliance Audit Committee (FCS22037) (City Wide) - Page 6 of 7

Upon Council's approval of the delegation within this report, staff will post the positions and initiate interviews ahead of the summer months.

New Compensation Framework

Staff investigated compensation frameworks for surrounding municipalities and discovered that the majority of municipalities provide a meeting stipend and at times an annual retainer for each Committee Member. In the past, the City of Hamilton has only provided parking fees, mileage and food and beverage at meetings. Staff feel that in order to attract and retain qualified persons to participate on the Committee that a compensation similar to other municipalities is in order. The following information was gathered by staff through area Clerks:

- Windsor - \$250 per meeting, no retainer
- Sudbury - \$200 per meeting, no retainer
- Brampton - currently \$175 per meeting, no retainer
- Waterloo Region - \$200 per meeting, no retainer
- Town of Petawawa – volunteers only.
- Halton Regional Municipalities - \$400 retainer and \$200 per meeting
- Kingston - was \$200 per meeting last election, upping it to \$225 for 2022.
- Markham - retainer of \$400, \$350 per diem plus mileage.
- Ottawa - \$600 annual retainer, \$175/hour up to a maximum of \$1250/day
- Toronto - Public members: \$1,500 annually, plus full-day per diem of \$600 and half-day remuneration (3.5 hours or less) of \$400 for hearings, business meetings and training sessions.
 - Chair: \$2,500 annually, plus full-day per diem of \$600 and half-day remuneration (3.5 hours or less) of \$400 for hearings, business meetings and training sessions.
 - \$2,500 annual stipend for Chair / 12 = \$208.32 a month
 - \$1,500 annual stipend for public members / 12 = \$125 a month x 2 public members = \$250 a month
 - Total payments equal \$458.32 a month

Training Program For the ECAC

Staff will be providing all successful appointees with training on quasi-judicial procedures, corporate policies, the Terms of Reference and Procedures for the ECAC and their obligations under the MEA and with other applicable Legislation.

**SUBJECT: Establishment of the 2022-2026 Election Compliance Audit Committee
(FCS22037) (City Wide) - Page 7 of 7**

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix A – Election Compliance Audit Committee 2022-2026 – Terms of Reference

Appendix B – Election compliance Audit Committee 2018-2022– Terms of Reference

Appendix C - *Municipal Elections Act*, 1996 – Compliance Audits and Reviews of Contributions (Excerpt)

Appendix A to Report FCS22037
Page 1 of 5

Municipal Election		Policy Alignment:
Office of the City Clerk		<i>Municipal Elections Act 1996</i>
Page 1 of 5		Council Approved: May 2022 Last Reviewed: May 2022

ELECTION COMPLIANCE AUDIT COMMITTEE 2022-2026

TERMS OF REFERENCE

MANDATE

As required by Section 88.37(1) of the *Municipal Elections Act, 1996* (the “MEA”), the City of Hamilton has established the Election Compliance Audit Committee (the “Committee”).

The Committee is responsible for reviewing and making decisions on Applications for municipal election campaign finance compliance audits by electors and on reports from the City Clerk respecting apparent contraventions of contribution limits.

APPLICATION BY ELECTOR FOR COMPLIANCE AUDIT OF CANDIDATE’S OR REGISTERED THIRD PARTY’S ELECTION CAMPAIGN FINANCES

An application for a compliance audit by an elector shall be made to the City Clerk for the City of Hamilton and it shall be in writing and shall set out the reasons for the elector’s belief that a Candidate or Registered Third Party has contravened a provision of the MEA relating to election campaign finances. **88.33(1)(2), 88.35 (1)(2) MEA**

Elector applications to the Committee shall use a form prescribed by the City Clerk and shall be accompanied by a declaration confirming that the applicant:

- (a) is an eligible elector in the City of Hamilton; and
- (b) has reasonable grounds to believe that the Candidate or Registered Third Party referenced in the application has contravened a provision of the MEA relating to election campaign finances.

RESPONSIBILITIES

Pursuant to sections 88.33 and 88.35 of the MEA, the Committee shall be responsible for:

1. Receiving and considering applications for a compliance audit by an elector and, within 30 days of receiving the application from the City Clerk, determining whether the compliance audit should be granted or rejected; **88.33(7), 88.35(4) MEA**

Appendix A to Report FCS22037
Page 2 of 5

Municipal Election		Policy Alignment:
Office of the City Clerk		<i>Municipal Elections Act 1996</i>
Page 2 of 5		Council Approved: May 2022 Last Reviewed: May 2022

2. Prepare brief written reasons for the decision to either grant or reject the compliance audit and provide same to the Candidate or Registered Third Party, the Clerk of the municipality and the applicant; **88.33(8), 88.35(4) MEA**

3. Appointing an auditor, if a compliance audit is granted; **88.33(10), 88.35(4) MEA**

4. Receiving and considering the Auditor's report, and if the auditor's report concludes that the Candidate or Registered Third Party appears to have contravened a provision of the MEA relating to election campaign finances, within 30 days of receipt of the auditor's Report from the City Clerk, deciding whether to commence a legal proceeding against the Candidate or Registered Third Party; **88.33(17), 88.35(4) MEA** and,

5. Prepare brief written reasons for the decision whether or not to commence legal proceedings and provide same to the Candidate or Registered Third Party, the Clerk of the municipality and the applicant. **88.33(18), 88.35(4) MEA**

REPORTS FROM CITY CLERK REGARDING APPARENT CONTRAVENTIONS OF CONTRIBUTION LIMITS

The City Clerk shall prepare a report in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9 or 88.13 of the MEA
88.34(1)-(6), 88.36 (1)-(4) MEA

RESPONSIBILITIES

Pursuant to sections 88.34 and 88.36 of the MEA, the Committee shall be responsible for:

1. Receiving and considering report(s) prepared by the City Clerk identifying each contributor to a Candidate or Registered Third Party who appears to have contravened any contribution limits set out under section 88.9 or 88.13 of the MEA, and, within 30 days of receiving the report(s), deciding whether to commence a legal proceeding against a contributor for an apparent contravention of the contribution limits; **88.34(8), 88.36(5) MEA**

2. Prepare brief written reasons for the decision whether or not to commence a legal proceeding and provide same to the contributor and the Clerk of the municipality.
88.34(11),88.36(7)

Appendix A to Report FCS22037
Page 3 of 5

Municipal Election	 Hamilton	Policy Alignment:
<i>Office of the City Clerk</i>		<i>Municipal Elections Act 1996</i>
Page 3 of 5		Council Approved: May 2022 Last Reviewed: May 2022

CORRESPONDANCE FROM CITY CLERK

With respect to receiving information related to election compliance matters, the Committee may receive:

1. Memoranda issued by the City Clerk to the Committee, including but not limited to a notice if no applications were received by the relevant application deadline, and the results of the City Clerk's review of contributions if no over-contributions were identified. Such communications may be listed on the agenda for the following meeting of the Committee; and
2. Oral updates in open meeting, as required, in relation to matters that have been or are anticipated to be considered by the Committee during the 2022-2026 Term.

COMMITTEE MEMBERSHIP

The Committee will be comprised of five (5) Members selected by the General Manager of Corporate Service, the City Auditor and the City Clerk.

The following are not eligible to sit on the Committee:

- employees or officers of the municipality or local board;
- members of the council or local board;
- Candidates in the election for which the committee is established; or
- persons who are Registered Third Parties in the municipality in the election for which the Committee is established. **88.37(2) MEA**

Members must have a thorough understanding of the campaign finance rules, must be a resident of the City of Hamilton and be at least 18 years old (i.e. auditors, accountants, lawyers, etc.).

Any auditor appointed under 88.33(10), 88.35(4) cannot be a member of the Committee. To avoid perceived conflicts, any auditor or accountant appointed to the Committee must agree in writing that they have not and will not provide advice to, or prepare or audit the election financial statements of any Candidate seeking election to Council or to any Registered Third Party in the City of Hamilton during the term of the Committee. In addition, any lawyer or other legal professional appointed to the Committee must agree in writing that they have not and will not provide legal advice to

Appendix A to Report FCS22037
Page 4 of 5

Municipal Election	 Hamilton	Policy Alignment:
<i>Office of the City Clerk</i>		<i>Municipal Elections Act 1996</i>
Page 4 of 5		Council Approved: May 2022 Last Reviewed: May 2022

any Candidate seeking election to Council or to any Registered Third Party or contributors to Candidates and Registered Third Parties in the City of Hamilton during the term of the Committee. All Members appointed to the Committee must agree in writing that they will not become a Candidate in the Hamilton municipal election and any by-elections during the term of Council that corresponds to the term of the Committee.

COMMITTEE MEETINGS

The Committee will meet as necessary for the purposes of reviewing an application for a compliance audit, a report from an auditor, or a report from the City Clerk with respect to contribution limits. The Committee may also meet as necessary to organize and plan its work.

Meetings of the Committee shall be open to the public, but the Committee may deliberate in private in accordance with sections 88.33(5.1), 88.34(9.1) and 88.36(6.1) of the MEA. Meeting notices and agendas will be communicated through the City's website. Reasonable notice of the Committee meetings shall be given in accordance with section 88.33(5), 88.34(9) and 88.36(6) of the MEA.

The Chair and Vice-Chair shall be elected at the Committee's first meeting.

Because the rules of "natural justice" require that both parties (applicant and Candidate or Registered third party) have the opportunity to fully present evidence, Members of the Committee must be present throughout a hearing.

A member of the Committee who arrives after a hearing has commenced will not be permitted to join the proceedings in progress.

ROLE OF THE CITY CLERK

In accordance with section 88.37(6) of the MEA the City Clerk of the municipality shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the MEA to implement the Committee's decisions.

The City Clerk shall call a meeting of the Committee when an application by an elector for a Compliance Audit has been received and when the City Clerk's report regarding apparent contraventions of contribution limits has been prepared.

Meeting dates, start times and locations shall be set by the City Clerk and posted to the City's website.

Appendix A to Report FCS22037
Page 5 of 5

Municipal Election		Policy Alignment:
<i>Office of the City Clerk</i>		<i>Municipal Elections Act 1996</i>
Page 5 of 5		Council Approved: May 2022 Last Reviewed: May 2022

The City Clerk shall provide administrative support to the Committee, including the taking of minutes, the distribution of agendas and posting of materials to the City's website.

QUORUM

Three members will be required for quorum.

TERM

Members of the Committee shall serve the same term of office as the Council that takes office following a regular municipal election. Each new Committee shall be appointed before October 1 of an election year.

APPLICABLE LEGISLATIVE AUTHORITIES AND CORPORATE POLICIES

Municipal Elections Act, 1996

BY-LAW NO. 22-019 To Establish a Code of Conduct for Local Boards (Effective 2023)

Municipal Conflict of Interest Act, 1990

Statutory Powers Procedures Act, 1990

Election compliance Audit Committee 2018-2022– Terms of Reference**Responsibilities**

The Election Compliance Audit Committee shall be responsible for:

Part 1

1. Receiving and considering an application for a compliance audit and determining whether the compliance audit should be granted or rejected;
2. Prepare brief written reasons for the decision to grant or reject the compliance audit and provide same to the candidate or registered third party, the Clerk of the municipality and the applicant;
3. Applications to the Committee shall use a form prescribed by the City Clerk and be accompanied by a declaration confirming that the applicant:
 - (a) is an eligible elector in the City of Hamilton;
 - (b) has reasonable grounds to believe that the candidate or registered third party referenced in the application has contravened a provision of the Act relating to election campaign finances;
4. Appointing an auditor, if the compliance audit is granted;
5. Receiving the compliance audit report from the auditor;
6. Reviewing the auditor's report and if the report finds a contravention appears to have occurred, deciding whether legal proceedings should be commenced against the candidate or registered third party;
7. Prepare brief written reasons for the decision whether or not to commence legal proceedings and provide same to the candidate or registered third party, the Clerk of the municipality and the applicant;
8. The Committee is required to review applications for compliance audits and reports from an auditor within 30 days of receipt.

Part 2

1. Within 30 days after receiving a report prepared by the Clerk identifying each contributor to a candidate or registered third party who appears to have contravened any contribution limits set out under section 88.9 or 88.13 of the Act, consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention of the contribution limits;
2. Prepare brief written reasons for the decision whether or not to commence a legal proceeding and provide same to the contributor and the Clerk of the municipality.

Reporting Protocols

Following its consideration of an auditor's report, or the report of the Clerk with respect to contribution limits, the Committee shall provide a report to Council outlining its findings and any recommendation for further action. The Committee shall provide notice of its intent to submit a report to Council one meeting in advance.

Membership

Appendix B to Report FCS22037
Page 2 of 3

The Election Compliance Audit Committee will be comprised of four (4) members selected by the Election Compliance Audit Committee - Selection Committee.

The following are not eligible to sit on the Election Compliance Audit Committee:

- employees or officers of the municipality or local board;
- members of the council or local board;
- candidates in the election for which the committee is established; or
- persons who are registered third parties in the municipality in the election for which the committee is established.

Members must have a thorough understanding of the campaign finance rules (i.e. auditors, accountants, lawyers, etc.).

Three members will be required for quorum.

An individual shall be deemed ineligible to be a member of the Committee if they prepare the financial statements of any candidate running for office on City Council during the term for which the Committee has been established or for any registered third party.

Meetings

The Election Compliance Audit Committee will meet as necessary for the purposes of reviewing an application for a compliance audit, a report from an auditor, or a report from the Clerk with respect to contribution limits. The Committee may also meet as necessary to organize and plan its work.

Meetings of the Election Compliance Audit Committee shall be open to the public, but the committee may deliberate in private in accordance with 88.33(5.1), 88.34(9.1) and 88.36(6.1) of the Act. Meeting notices and agendas will be communicated through the City's website.

The Chair and Vice-Chair shall be elected at the Committee's first meeting.

Because the rules of "natural justice" require that both parties (applicant and candidate or registered third party) have the opportunity to fully present evidence, Members of the Committee must be present throughout a hearing.

A member of the Committee who arrives after a hearing has commenced will not be permitted to join the proceedings in progress.

Term

Appendix B to Report FCS22037

Page 3 of 3

Members of the Election Compliance Audit Committee shall serve the same term of office as the Council that takes office following a regular municipal election. Each new Committee shall be appointed before October 1 of an election year.

Municipal Elections Act, 1996 (Excerpt)

COMPLIANCE AUDITS AND REVIEWS OF CONTRIBUTIONS

Compliance audit of candidates' campaign finances

Application by elector

88.33 (1) An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances, even if the candidate has not filed a financial statement under section 88.25. 2016, c. 15, s. 63.

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office, and it shall be in writing and shall set out the reasons for the elector's belief. 2016, c. 15, s. 63.

Deadline for applications

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The candidate's supplementary filing date, if any, under section 88.30.
4. The date on which the candidate's extension, if any, under subsection 88.23 (6) expires. 2016, c. 15, s. 63.

Compliance audit committee

(4) Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee. 2016, c. 15, s. 63.

Notice of meetings

(5) Reasonable notice of the meetings of the committee under this section shall be given to the candidate, the applicant and the public. 2017, c. 20, Sched. 10, s. 1.

Open meetings

Appendix C to Report FCS22037
Page 2 of 9

(5.1) The meetings of the committee under this section shall be open to the public, but the committee may deliberate in private. 2017, c. 20, Sched. 10, s. 1.

Same

(6) Subsection (5.1) applies despite sections 207 and 208.1 of the *Education Act*. 2017, c. 20, Sched. 10, s. 1.

Decision of committee

(7) Within 30 days after the committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected. 2016, c. 15, s. 63.

Same

(8) The decision of the committee to grant or reject the application, and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

Appeal

(9) The decision of the committee under subsection (7) may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the committee could have made. 2016, c. 15, s. 63.

Appointment of auditor

(10) If the committee decides under subsection (7) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. 2016, c. 15, s. 63.

Same

(11) Only auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed under subsection (10). 2016, c. 15, s. 63.

Duty of auditor

(12) The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate. 2016, c. 15, s. 63.

Who receives report

(13) The auditor shall submit the report to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

Report to be forwarded to committee

(14) Within 10 days after receiving the report, the clerk of the municipality or the secretary of the local board shall forward the report to the compliance audit committee. 2016, c. 15, s. 63.

Powers of auditor

(15) For the purpose of the audit, the auditor,

- (a) is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality or local board; and
- (b) has the powers set out in section 33 of the *Public Inquiries Act, 2009* and section 33 applies to the audit. 2016, c. 15, s. 63.

Costs

(16) The municipality or local board shall pay the auditor's costs of performing the audit. 2016, c. 15, s. 63.

Decision

(17) The committee shall consider the report within 30 days after receiving it and, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention. 2016, c. 15, s. 63.

Notice of decision, reasons

(18) The decision of the committee under subsection (17), and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

Immunity

(19) No action or other proceeding for damages shall be instituted against an auditor appointed under subsection (10) for any act done in good faith in the execution or

Appendix C to Report FCS22037
Page 4 of 9

intended execution of the audit or for any alleged neglect or default in its execution in good faith. 2016, c. 15, s. 63.

Saving provision

(20) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances. 2016, c. 15, s. 63.

Section Amendments with date in force (d/m/y)**Review of contributions to candidates**

88.34 (1) The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Report, contributions to candidates for council

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,

- (a) if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and
- (b) if the contributor's total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council. 2016, c. 15, s. 64.

Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 64.

Report, contributions to candidates for a local board

Appendix C to Report FCS22037
Page 5 of 9

(5) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a local board who appears to have contravened any of the contribution limits under section 88.9 and,

- (a) if the contributor's total contributions to a candidate for office on a local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and
- (b) if the contributor's total contributions to two or more candidates for office on the same local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same local board. 2016, c. 15, s. 64.

Same

(6) The clerk shall prepare a separate report under subsection (5) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Same

(7) The clerk shall forward each report prepared under subsection (5) to the secretary of the local board for which the candidate was nominated for office and, within 10 days after receiving the report, the secretary of the local board shall forward it to the compliance audit committee. 2016, c. 15, s. 64.

Decision of compliance audit committee

(8) Within 30 days after receiving a report under subsection (4) or (7), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 64.

Notice of meetings

(9) Reasonable notice of the meetings of the committee under subsection (8) shall be given to the contributor, the applicable candidate and the public. 2017, c. 20, Sched. 10, s. 2.

Open meetings

(9.1) The meetings of the committee under subsection (8) shall be open to the public, but the committee may deliberate in private. 2017, c. 20, Sched. 10, s. 2.

Same

Appendix C to Report FCS22037
Page 6 of 9

(10) Subsection (9.1) applies despite sections 207 and 208.1 of the *Education Act*, 2017, c. 20, Sched. 10, s. 2.

Notice of decision, reasons

(11) The decision of the committee under subsection (8), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality or the secretary of the local board, as the case may be. 2016, c. 15, s. 64.

Saving provision

(12) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits. 2016, c. 15, s. 64.

Section Amendments with date in force (d/m/y)**Compliance audit of registered third parties****Application by elector**

88.35 (1) An elector who is entitled to vote in an election in a municipality and believes on reasonable grounds that a registered third party who is registered in relation to the election in the municipality has contravened a provision of this Act relating to campaign finances may apply for a compliance audit of the campaign finances of the registered third party in relation to third party advertisements, even if the registered third party has not filed a financial statement under section 88.29. 2016, c. 15, s. 65.

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality in which the registered third party was registered, and it shall be made in writing and shall set out the reasons for the elector's belief. 2016, c. 15, s. 65.

Deadline

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The supplementary filing date, if any, for the registered third party under section 88.30.
4. The date on which the registered third party's extension, if any, under subsection 88.27 (3) expires. 2016, c. 15, s. 65.

Application of s. 88.33 (4) to (20)

(4) Subsections 88.33 (4) to (20) apply to a compliance audit under this section, with the following modifications:

1. A reference to a candidate shall be read as a reference to the registered third party.
2. A reference to the clerk with whom the candidate filed his or her nomination shall be read as a reference to the clerk of the municipality in which the registered third party is registered.
3. A reference to election campaign finances shall be read as a reference to the campaign finances of the registered third party in relation to third party advertisements that appear during an election in the municipality. 2016, c. 15, s. 65.

Section Amendments with date in force (d/m/y)**Review of contributions to registered third parties**

88.36 (1) The clerk shall review the contributions reported on the financial statements submitted by a registered third party under section 88.29 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13. 2016, c. 15, s. 65.

Report by the clerk

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30 for a registered third party, the clerk shall prepare a report identifying each contributor to the registered third party who appears to have contravened any of the contribution limits under section 88.13 and,

- (a) if the contributor's total contributions to a registered third party that is registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to the registered third party in relation to third party advertisements; and
- (b) if the contributor's total contributions to two or more registered third parties that are registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to all registered third parties in the municipality in relation to third party advertisements. 2016, c. 15, s. 65.

Same

Appendix C to Report FCS22037
Page 8 of 9

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.13. 2016, c. 15, s. 65.

Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 65.

Decision of compliance audit committee

(5) Within 30 days after receiving a report under subsection (4), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 65.

Notice of meetings

(6) Reasonable notice of the meetings of the committee under subsection (5) shall be given to the contributor, the registered third party and the public. 2017, c. 20, Sched. 10, s. 3.

Open meetings

(6.1) The meetings of the committee under subsection (5) shall be open to the public, but the committee may deliberate in private. 2017, c. 20, Sched. 10, s. 3.

Notice of decision, reasons

(7) The decision of the committee under subsection (5), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality. 2016, c. 15, s. 65.

Saving provision

(8) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits. 2016, c. 15, s. 65.

Section Amendments with date in force (d/m/y)**Compliance audit committee**

88.37 (1) A council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act. 2016, c. 15, s. 66.

Composition

(2) The committee shall be composed of not fewer than three and not more than seven members and shall not include,

- (a) employees or officers of the municipality or local board;
- (b) members of the council or local board;
- (c) any persons who are candidates in the election for which the committee is established; or
- (d) any persons who are registered third parties in the municipality in the election for which the committee is established. 2016, c. 15, s. 66.

Eligibility for appointment

(3) A person who has such qualifications and satisfies such eligibility requirements as may be prescribed is eligible for appointment to the committee. 2016, c. 15, s. 66.

Same

(4) In appointing persons to the committee, the council or local board shall have regard to the prescribed eligibility criteria. 2016, c. 15, s. 66.

Term of office

(5) The term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed. 2016, c. 15, s. 66.

Role of clerk or secretary

(6) The clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee's decisions. 2016, c. 15, s. 66.

Costs

(7) The council or local board, as the case may be, shall pay all costs in relation to the committee's operation and activities. 2016, c. 15, s. 66.

Section Amendments with date in force (d/m/y)

CITY OF HAMILTON

NOTICE OF MOTION

General Issues Committee: May 4, 2022

MOVED BY COUNCILLOR N. NANN.....

Depaving initiatives on Barton Street in Ward 3

WHEREAS, Green Venture is a registered not-for-profit charity focussed on empowering Hamiltonians to implement greener practices in their homes and communities to make our city a climate champion;

WHEREAS, Green Venture has been leading the “Depave Barton” initiative in partnership with the Barton Village BIA for the past three years to depave City boulevards and plant trees, gardens and install seating areas in order to reduce stormwater runoff, mitigate climate change, and beautify the Barton Village area; and,

WHEREAS, through Report PW21073 “Investing in City Roads and Sidewalks Infrastructure with Canada Community - Building Funds” Council approved funding in the amount of \$50,000 in the 2022 Capital Budget for “Barton St Boulevards and Depaving” in Ward 3;

THEREFORE, BE IT RESOLVED:

- (a) That the General Manager of Planning and Economic Development be authorized and directed to provide funding up to a maximum of \$50,000 to Green Venture for capital costs associated with depaving initiatives on Barton Street in Ward 3 to be funded from the Council-approved Canada Community-Building Funds Capital Project ID #403211103;
- (b) That the funding for the depaving initiatives on Barton Street in Ward 3 be restricted to capital costs associated with the depaving initiative and be restricted to works undertaken on City-owned lands and boulevards; and,
- (c) That the General Manager of Planning and Economic Development be authorized and directed to execute any necessary agreements for the provision of the funding to Green Venture for the depaving initiatives on Barton Street in Ward 3, in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

NOTICE OF MOTION

General Issues Committee: May 4, 2022

MOVED BY COUNCILLOR E. PAULS.....

Potential Costs Associated with the Termination of Non-Vaccinated City Employees

WHEREAS, the City of Hamilton is proceeding with the Mandatory COVID-19 Vaccination Policy that may result in the termination of approximately 500 employees on or after June 1, 2022; and,

WHEREAS, the City of Hamilton may incur costs associated with enacting this policy including but not limited to: the hiring and training of new employees, all legal costs associated with any grievance hearings, arbitration rulings, reinstatement orders including lost wages and/or any subsequent wrongful dismissal claims;

THEREFORE, BE IT RESOLVED:

That the appropriate staff be directed to report to the May 18, 2022 General Issues Committee with an estimate or range of all potential costs including, but not limited to the hiring and training of new employees, all estimated legal costs associated with any grievance hearings, arbitration rulings, reinstatement orders including lost wages, and/or any subsequent wrongful dismissal claims associated with the potential termination of approximately 500 employees who may be in non-compliance with the City of Hamilton Vaccination Policy.