



**City of Hamilton**  
**GENERAL ISSUES COMMITTEE**  
**AGENDA**

**Meeting #:** 22-015  
**Date:** August 4, 2022  
**Time:** 9:30 a.m.  
**Location:** Council Chambers  
Hamilton City Hall  
71 Main Street West

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**

**5. COMMUNICATIONS**

- 5.1. Correspondence from the Advisory Committee for Persons with Disabilities respecting Homeless Encampments, July 21, 2022

Recommendation: Be received and referred to staff for information.

**6. DELEGATION REQUESTS**

**7. CONSENT ITEMS**

- 7.1. Barton Village Business Improvement Area (BIA) Revised Board of Management (PED22174) (Wards 2 and 3)

**8. STAFF PRESENTATIONS**

8.1. Community Benefits Protocol Advisory Committee (HSC19066(a)) (City Wide)

- a. Community Benefits Protocol Advisory Committee (HSC19066) (City Wide)

*(This report was DEFERRED from the December 4, 2019 GIC)*

**9. PUBLIC HEARINGS / DELEGATIONS**

9.1. Respecting Items 8.1 and 8.1(a) - Reports HSC19066 and HSC19066(a) - Community Benefits Protocol Advisory Committee

- a. Anthony Marco, Hamilton Community Benefits Network  
b. Mark Ellerker, Hamilton Community Benefits Network

**10. DISCUSSION ITEMS**

10.1. Municipal Accommodation Tax (PED20009(c)) (City Wide)

10.2. Open Streets Temporary Linear Urban Park (PED22075(a)) (City Wide)

10.3. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 488 & 500 Upper Wellington Street, Hamilton ERG-22-02 (PED22169) (Ward 8)

10.4. Potential Cost Associated with the Preliminary C5167 Arbitration Award on Unpaid Leave of Absence (HUR21008(d)) (City Wide)

10.5. Business Improvement Area Sub-Committee Report 22-007, July 12, 2022

10.6. Hamilton-Wentworth District School Board Liaison Committee Report 22-002, June 27, 2022

10.7. West Harbour Development Sub-Committee Report 22-002 (July 19, 2022)

10.8. Light Rail Transit Sub-Committee Report 22-002 (July 18, 2022)

10.9. Hamilton Future Fund Report 22-001, July 13, 2022

**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. Municipal Accommodation Tax

(Addressed on this agenda as Item 10.1 - Report PED20009(c))

b. Open Streets Temporary Linear Urban Park

(Addressed on this agenda as Item 10.2 - Report PED22075(a))

**14. PRIVATE AND CONFIDENTIAL**

14.1. License of Land in the City of Hamilton (PED22175) (Ward 2)

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.

**15. ADJOURNMENT**



City of Hamilton  
 City Hall, 71 Main Street West  
 Hamilton, Ontario,  
 Canada L8P 4Y5

July 21, 2022

**To:** City of Hamilton, General Issues Committee

**From:** Advisory Committee for Persons with Disabilities

**Re:** **Homeless Encampments**

---

The mission of the City of Hamilton's Advisory Committee for Persons with Disabilities (ACPD) is to identify and raise awareness of the barriers that impact the lives of persons with disabilities and to make recommendations on how to prevent and eliminate barriers.

The ACPD has learned of a number of trends that have exacerbated the housing crisis especially for those with disabilities which can lead to homelessness. The ACPD recognizes the difficulties surrounding and resolving homelessness and encampments and encourages that consideration be given to the long-term elimination of homelessness as well as the consequences of any short-term interventions. Solutions should consider multiple causes, including City policies and growing inequality and work to end homelessness and the use of shelters for the long-term.

Multiple issues compound the problem of homelessness. The original crisis, losing a home, is repeated by dismantling encampments and the trauma of numerous losses can spiral into unexpected and unintended consequences that can damage mental health and can lead to interactions with law enforcement. As a result, the homeless require greater health care, face potential penalties and/or criminal charges and escalating costs related thereto. Individuals impacted can take longer to recover and to meaningfully participate in society.

Because policy and practice were found to be central to the court determination regarding encampments in Hamilton, the municipality and the province must re-evaluate related practices that unexpectedly can cause homelessness. Evidence, even when constrained by legal veracity, remains abundant that dismantling camps and the use of crowded shelters potentially harm and provide no form of long-term, safe solution. Related health care and emergency service costs continue to increase. Thus, the ACPD would like to raise concerns related to escalating costs of disabilities and barriers to social inclusion:

- Stable housing is a Social Determinant of Health (SdoH). People who are not properly housed become marginalized. They cannot lead productive lives, contribute to the economy and maintain family.
- Evidence indicates that the homeless can experience significant health consequences that can exacerbate disabilities, illness and chronic disease, prolong incapacity and shorten their lives.

- Once an individual declines to homelessness, their needs become more complex with more difficulty to connect to services such as housing that stabilizes these individuals for employment. They lose the skills and abilities to manage their daily lives and are more likely to be given a mental health diagnosis. They lose the ability to advocate for themselves and their needs.
- Illnesses such as depression, which are often unrecognized, lead to disability and are associated with loss of work, home, family or an accident and initial problems multiply and accumulate.
- Shelters are not suitable for people with any form of disability as they exacerbate health concerns such as mental health, addiction and depression and increase the potential for harm, acting out and desperate actions. Often nearby facilities and businesses have to increase security while events requiring emergency response continue to grow as displaced persons seek shelter and assistance.

Dismantling encampments without anything better is replicating and repeating the trauma of previous losses and does little to change a person's circumstances. Constructive action for long-term resolution will undoubtedly be less costly and damaging. The ACPD fully supports action that includes working with existing groups that have front-line knowledge of the problems. Inequality and related policy and practice are implicated in increasing and sustaining homelessness and must be acknowledged and addressed.

Sincerely,




Aznive Mallett  
Chair,  
Advisory Committee for  
Persons with Disabilities  
City of Hamilton

## 7.1



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	August 4, 2022
<b>SUBJECT/REPORT NO:</b>	Barton Village Business Improvement Area Revised Board of Management (PED22174) (Wards 2 and 3)
<b>WARD(S) AFFECTED:</b>	Wards 2 and 3
<b>PREPARED BY:</b>	Carlo Gorni (905) 546-2424 Ext. 2755
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the following individuals be appointed to the Barton Village Business Improvement Area (BIA) Board of Management:

- (i) Tyler Cowie;
- (ii) Melissa McSweeney;
- (iii) Robert Iszkula;
- (iv) Jacob Tutt.

**EXECUTIVE SUMMARY**

Appointment of four new Directors to the Barton Village Business Improvement Area (BIA) Board of Management.

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

Financial: Not applicable

Staffing: Not applicable

---

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: Barton Village Business Improvement Area Revised Board of Management (PED22174) (Wards 2 and 3) - Page 2 of 4**

---

Legal: *The Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “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 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**

At its meeting on February 28, 2022, the Board of Management voted to expand the size of its membership from nine to eleven members. A notice of this proposed expansion was sent to all BIA members on March 4, 2022. As no objections were received within the 10-day appeal period as set out in the Procedural By-law adopted by the Board of Management (the BIA Procedural By-law), this change to the number of Board members is now effective.

At its meeting on April 25, 2022, the Board of Management of the Barton Village BIA appointed Melissa McSweeney, Robert Iszkula and Tyler Cowie to fill vacancies in Director positions. Should these appointments be adopted by Council, they would replace Sue Carr, Christine Furtado and Michal Cybin, respectively.

A written resolution dated, July 8, 2022, appointing Jacob Tutt to the Board of Management has been signed by all current members of the Board of the Management.

Should Council adopt the recommendation in PED22174, the nominated persons would be appointed to serve on the Barton Village BIA Board of Management for the remainder of this term, through the end of 2022.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Section 204 of the *Municipal Act* (the *Act*), together with 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.”

**SUBJECT: Barton Village Business Improvement Area Revised Board of Management (PED22174) (Wards 2 and 3) - Page 3 of 4**

---

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 of nine 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, 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.”

Article 7, Section 1 of the Procedure By-law provides, “Board of Management Meetings:

- (h) A resolution in writing, signed by all the Directors entitled to voice on that resolution at a meeting of Directors or committee of Directors, is as valid as if it has been passed at a meeting of Directors or committee of Directors. A copy of every such resolution shall be kept with the minutes of the proceedings of the Directors or committee of Directors.”

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



**SUBJECT: Barton Village Business Improvement Area Revised Board of Management (PED22174) (Wards 2 and 3) - Page 4 of 4**

---

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

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

N/A

**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.

**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.

**APPENDICES AND SCHEDULES ATTACHED**

N/A



## INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	August 4, 2022
<b>SUBJECT/REPORT NO:</b>	Community Benefits Protocol Sub-Committee (HSC19066(a)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jenn Hohol (905) 546-2424 Ext. 7857
<b>SUBMITTED BY:</b>	Angela Burden General Manager Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

The General Issues Committee at its meeting of December 4, 2019 approved the following:

- a) That Appendix “A” to Report HSC19066 (the Terms of Reference), respecting the Community Benefits Protocol Advisory Committee, be amended by changing the Committee composition from “2” members of Council to “3” members of Council; and, by making the 2 members of the Hamilton Community Benefits Network “voting members”; and,
- b) That Councillor M. Wilson be appointed to the Community Benefits Protocol Advisory Committee for the balance of the 2018 to 2022 term of Council; and,
- c) That sub-section (a) to Report HSC19066, respecting the Community Benefits Protocol Advisory Committee, be amended by adding the words “as amended”, to read as follows:
  - a. That the Community Benefits Protocol Advisory Committee Terms of Reference attached as Appendix “A”, as amended, to Report HSC19066, be approved;

---

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: Community Benefits Protocol Sub-Committee (HSC19066(a)) (City Wide) - Page 2 of 5**

---

The General Issues Committee at its meeting on December 4, 2019, also approved that Report HCS19066, respecting the Community Benefits Protocol Advisory Committee, as amended, be DEFERRED to a future General Issues Committee, with the following direction:

- i. That staff be directed to report back to the General Issues Committee with a clear explanation of the differences between the Social Procurement Policy and the proposed Community Benefits Protocol Advisory Committee's mandate; and
- ii. That the Legislative Coordinator be directed to invite Anthony Marco, President of the Hamilton District Labour Council; and, Mark Ellerker, Representative of the Hamilton - Brantford Building & Construction Trades Council, in their capacity as representatives of the Hamilton Community Benefits Network, to attend at the same future General Issues Committee meeting as the forthcoming staff report to provide clarity to objective of the proposed Community Benefits Protocol Advisory Committee.

## **INFORMATION**

### **Community Benefit Agreements Overview**

Community Benefit Agreements are a way to ensure that impacted residents share in the benefit of major development projects. Community Benefit Agreements are typically signed between developers, government or community groups and are intended to create social value through economic development processes in a way that engages the community, including the voices of those who are often underrepresented or marginalized. This value can range from providing local employment and training opportunities to affordable housing and public community spaces, determined on a project-by-project basis.

To support this work, Community Benefits Frameworks are often developed by municipalities in collaboration with community to outline consistent standards for what community benefit initiatives, including Community Benefit Agreements, look like in a community. A 2019 paper from the McMaster Research Shop, Hamilton Community Benefits Network: The Success of Community Benefits Agreements, found that Community Benefit Agreements have had numerous successes in terms of outputs, results and benefits achieved in both the United States and Canada<sup>1</sup>. In addition, locally both the Mayor's Taskforce on Economic Recovery and the Just Recovery Hamilton Coalition have made recommendations on the use of community benefits and the implementation of a Community Benefits Framework in Hamilton.

---

<sup>1</sup> <https://hcbn.ca/cbas-in-action>

**SUBJECT: Community Benefits Protocol Sub-Committee (HSC19066(a)) (City Wide) - Page 3 of 5**

---

Learning from other communities, it is understood that developing a Community Benefits Framework is a long journey centred around relationship building and community engagement. The first step in starting these conversations is to establish a committee to ensure a consistent understanding of what is meant by community benefits and drive the development and implementation of a framework.

Supporting committees play a key role in:

- Collaborating across sectors, cultures and communities;
- Engaging with communities to identify needs that could be addressed under a Community Benefits Framework; and
- Using lessons learned from Community Benefit Agreements in other jurisdictions and adapt them to local context.

**Community Benefit Agreements and Social Procurement Policies**

Community Benefit Agreements and social procurement practices can both support one another to achieve positive social outcomes in communities. At the City of Hamilton, work continues to develop and adopt responsible procurement practices within the City's Procurement Policy, taking into consideration environmental, climatic and social procurement aspects within our procurement processes. In its most simplistic form, social procurement can be defined as the use of a competitive bidding process to encourage or require vendors to participate or initiate socially beneficial programs or employment for the betterment of the community.

In 2019 Procurement and City departmental staff conducted nine Request for Proposals as pilots that included various evaluative criteria to encourage vendors to submit social value within their proposals. Some of these criteria included:

- What training is provided to your front-line staff regarding cultural diversity;
- How would you provide assistance to overcome transportation barriers for individuals hired and indicate how this will be achieved;
- How would you provide flexible workplaces for all staff (e.g. core office hours, home based work, late start times);
- What is your commitment to providing income stability by providing part-time workers with a minimum number of guaranteed work hours per month and by providing part-time workers/contractors with a minimum of one-months' notice of the work schedule; and
- Do you have any additional business practice changes that shall be implemented in order to help improve the lives of people living with a disability, in poverty.

Social procurement practices are just one example of a community benefit initiative that could be identified and supported under a Community Benefits Framework.

Municipalities can implement socially driven procurement practices in addition to other community benefit initiatives beyond social procurement, including tax rebates, housing projects, and new business development. In establishing a Community Benefits

---

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: Community Benefits Protocol Sub-Committee (HSC19066(a)) (City Wide) - Page 4 of 5**

---

Protocol Sub-Committee, it will be essential that support from management level staff in the Corporate Services Department, Financial Services and Taxation Division, Procurement Section is involved in any discussions affecting the procurement of goods and services by the City, in order to maintain compliance with the City's Procurement Policy and ensure that any future recommendations from the Committee align, support and do not duplicate existing social procurement work that is ongoing by the City.

**Community Benefit Agreements and Light Rail Transit**

As an example of important and related work that is occurring separately from the recommended Community Benefits Protocol Sub-Committee, Metrolinx has committed to undertaking a Community Benefits program as part of its delivery of the Hamilton Light Rail Transit (LRT) project. Because the LRT procurement process is under the lead of the Province, the community benefits approach will follow Metrolinx's Community Benefits Framework. Therefore, community benefit discussions related to LRT will proceed separately and are considered out of scope for the Community Benefits Protocol Sub-Committee. The City's LRT Office will work with Hamilton's Community Benefits Network to advance LRT-related community benefit discussions with the Province.

**Community Benefits Charges**

A Community Benefits Charge (CBC) is a new growth funding tool under the Planning Act that allows municipalities to levy a charge on developments or redevelopments that are a minimum of five storeys high and have 10 or more residential units. Council at its meeting on June 22, 2022 approved a Community Benefits Charge strategy and by-law through Report FCS22015(b) to the Audit Finance & Administration Committee. The CBC by-law is effective September 18, 2022. CBCs allow the City to take full advantage of the legislative tools available to fund growth-related infrastructure. Council will consider projects eligible for CBC funding through the City's annual budget process.

**Development of a Community Benefits Framework, Definitions and Scope in Hamilton**

The development of a Community Benefits Protocol Sub-Committee in Hamilton and approval of a Terms of Reference creates a place to hold conversations on community benefits and help shape the narrative in Hamilton to foster a healthier and more inclusive city for all.

The Terms of Reference in Appendix "A" to Report HSC19066, was amended by staff as directed by the General Issues Committee in December 2019 to:

- Increase in the number of City Councillors who represent the voting members of the sub-committee from two to three; and
- Ensure the two members from the Hamilton Community Benefits Network are voting members.

---

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: Community Benefits Protocol Sub-Committee (HSC19066(a)) (City Wide) - Page 5 of 5**

---

One additional change will also be made to include support by management level staff from across Healthy and Safe Communities, not just staff from the Children and Community Services' Division, to better reflect the staff support that will be provided to the Community Benefits Protocol Sub-Committee.

The next step in this work would be to establish a Sub-Committee, to begin meeting in Q1 / 2023 with any changes in council membership determined by the new term of Council. The purpose of the Community Benefits Protocol Sub-Committee will be to advise staff on the develop of a Community Benefits Framework and define future community benefit initiatives that support positive social outcomes in Hamilton. Since community engagement is a key component of success in implementing Community Benefits Frameworks and community benefits initiatives, alignment of this work to the City's future Public Engagement Policy and Administrative Framework (CM21011(a)), as brought forward to the General Issues Committee on July 4, 2022, will be important. Any future recommendations from the Community Benefits Protocol Sub-Committee and staff on a Community Benefits Framework or community benefits initiatives will be brought forward through the General Issues Committee for approval.

**APPENDICES AND SCHEDULES ATTACHED**

None



**8.1**

# Community Benefits Protocol Sub-Committee

General Issues Committee Meeting  
August 8, 2022

# History & Origin of CBAs

- CBAs originated in the late 1990s in urban redevelopment practice in the United States.
- Redevelopment Dollars followed back into depressed downtowns
- Areas usually dealing with deep poverty, large concentration of marginalized residents, unemployment, great affordability and unique communities.
- Groups began to emerge to trade support for redevelopment projects for an equitable and inclusive process involving there needs and concerns.
- They demanded the projects be used to deliver community benefits, often relating to affordable housing, community and environmental improvements, and employment opportunities





# What is a Community Benefits Agreement

- Community Benefits Agreements can either be private (signed between a developer and community group or coalition), public (signed between government and developer or government and community group or coalition), or hybrid (multi-party agreements between government, developer, and community group or coalition).
- Community benefits clauses incorporate community benefits in public contracts, commonly through public procurement processes. While Community Benefits Agreements are focused on incorporating community benefits into development and infrastructure projects on a project-by-project basis, community benefits clauses are designed to include community benefits requirements more systematically in public contracts, such as through procurement and are guided by policy frameworks.
- Social procurement refers to social purchasing efforts by large institutions, with a focus on supplier diversity and delivering community benefits through purchasing. For the procurement component of community benefits, the term social procurement is often used interchangeably
- City of Toronto Definition - Advancing the Community Benefits Framework report Jan 13<sup>th</sup>, 2021

## Provincial Bill 6 Approved, Infrastructure Legislation Now Includes Community Benefits

Provincial Bill 6 Approved, Infrastructure Legislation Now Includes Community Benefits

The Ontario Infrastructure for Jobs and Prosperity Act (2015) provides the planning framework for delivery of \$130 Billion of infrastructure projects across the province over the next 10 years. Passed on June 4<sup>th</sup>, Community Benefits are included in the principles of the legislation. The next stage will entail negotiating for supportive regulations setting the community benefits agreement model into the provincial framework for inter-ministry program delivery.

GTA

## Community Benefits program on track to create hundreds of local jobs

Kathleen Wynne announces deal between government, business, labour to ensure 10% of work hours go to disadvantaged local community members in Eglinton Crosstown project.



By **Sara Mojtehdzadeh** Work and Wealth reporter

▲ Wed., Dec. 7, 2016 | ⌚ 3 min. read

# Members and Partners



# Community Benefits Movement vs Agreements



## Advancing the Community Benefits Framework

Date: January 13, 2021  
To: Executive Committee  
From: Executive Director, Social Development, Finance and Administration  
Wards: All



### ADMINISTRATIVE REPORT

Report Date: August 21, 2018  
Contact: Mary Clare Zak  
Contact No.: 604.871.6643  
RTS No.: 11914  
VanRIMS No.: 08-2000-20  
Meeting Date: September 18, 2018

TO: Vancouver City Council  
FROM: General Manager of Arts, Culture and Community Services  
SUBJECT: Community Benefit Agreement Policy



"know what's out there!"

## Hamilton Community Benefits Network: The Successes of Community Benefits Agreements

Prepared for  
Hamilton Community Benefits Network  
in  
June 2019  
by  
Francis Olatoye  
Frank Ong  
Sureka Pavilagantharajah  
Ilayda Ulgensip  
Hunster Yang

[nhnp@mcmaster.ca](mailto:nhnp@mcmaster.ca)

[researchshop.mcmaster.ca](http://researchshop.mcmaster.ca)

Office of  
Community Engagement



# TCBN + City of Toronto - Woodbine Casino

Community Benefits Agreement between the City of Toronto and One Toronto Gaming (signed in 2018) Commitments include full time jobs, 20% local hiring, 20% social hiring, local training programs, \$5M for new child care centre, community access to space over the 22 years operations agreements for the casino, hotels and performance theatre facilities

Outcomes to date include:

- (Construction) Local Hiring - 1.5% (13 individuals)
- (Construction) Social Hiring - 27% (234 individuals)
- (Operations) Social Hiring - 49% (816 individuals) of new hires were through local and/or social hiring.
- (Operations) Local hiring - 11% (176 individuals)
- (Operations) Youth hires - 13% (219 individuals)
- Total number of new hires - 1,150
- Local Procurement (2020) - \$116 million
- Social Procurement (2020) - \$645,000
- Full time work - On the requirement for full-time employment, of the 1,798 active employees in March 2020, 56 per cent were working full time, which exceeds the 40 per cent requirement for year two.
- Child care centre - \$5M contribution has been made to the City of Toronto, identifying site location



- Secured Affordable Existing (current residents offered new homes at current rent)
- Secured Affordable New - 10% of the new rental dwelling units of each phase as Secured Affordable New for a period of 20 Years
- In the event of sale of Land the MOU extends as terms of the sale to new owners
- Community Benefits Agreement - the owner agrees to enter into voluntary negotiations with the Ottawa Community Benefits Network (OCBN) to develop a workforce development community benefits agreement for employment from the project
- Existing Parkland and Green space to be protected
- Example of Community Benefits arising from private development

## MEMORANDUM OF UNDERSTANDING

BETWEEN

1041259 ONTARIO INC. & MANOR PARK ESTATES INC.  
("Manor Park Estates")

-and-

CITY OF OTTAWA  
(the "City")



Social procurement is the achievement of strategic social, economic and workforce development goals using an organization's process of purchasing goods and services. The City of Toronto's [Social Procurement Program](#) is comprised of two components: Supply Chain Diversity and Workforce Development.

## **Supply Chain Diversity**

Supply Chain Diversity is a business strategy that promotes a diverse supply chain in the procurement of goods and services for any business, not-for-profit, government or private organization. In the City's Social Procurement Program, Supply Chain Diversity applies to Departmental Purchase Orders from \$3000 to \$100,000.

## **Workforce Development**

Workforce development is an interconnected set of solutions to meet employment needs. It prepares workers with needed skills, emphasizes the value of workplace learning and addresses the hiring demands of employers. In the City's Social Procurement Program, Workforce Development requirements will apply to Request for Proposals and tenders over \$5 million.

## **Community Benefits Framework**

The [Community Benefits Framework](#) was adopted by Toronto City Council in 2019 and focuses on ways to maximize the use of City of Toronto levers (such as procurement, real estate transactions, or financial incentives for specific sectors and uses) to create inclusive and equitable economic opportunities through community benefits initiatives

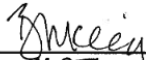
Community Benefits Framework negotiated between Toronto Community Benefits Network and Metrolinx in 2014, applies to Eglinton Crosstown LRT and Finch West LRT projects

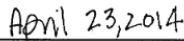
Community benefits requirements included:


- 10% aspirational targets for equity seeking groups and people from historically disadvantaged communities
- Professional, Administrative and Technical opportunities for equity seeking groups and people from historically disadvantaged communities
- Specific outreach and programs for youth-at-risk, historically disadvantaged groups in local communities including low income, racialized and immigrant populations, and military veterans.
- Maximize purchasing and procurement opportunities from local businesses, social enterprises and outreach to diverse owned businesses
- Environmental protections and Neighbourhood Improvements
- Community Benefits Working Group which meets quarterly to monitor/report on community benefits outcomes. Includes representation from TCBN, Metrolinx Transit Solutions




## METROLINX COMMUNITY BENEFITS FRAMEWORK

  
\_\_\_\_\_  
Bruce McCuaig  
President & Chief Executive Officer  
Metrolinx

  
\_\_\_\_\_  
April 23, 2014  
Date

  
\_\_\_\_\_  
Steve Shallhorn  
Community Benefits Network

  
\_\_\_\_\_  
April 28, 2014  
Date



# TCBN + Metrolinx Agreement - LRT Outcomes

## Eglinton Crosstown LRT

- Apprentices and Journeypersons - 212 placements under the community benefits program
- Professional Administrative and Technical - 227 placements under the community benefits program
- Local Procurement - \$8,802,197
- Social Procurement - \$832,051
- Quarterly Meetings - Ongoing
- Community Benefits Plan and Quarterly Public Reports
- Neighbourhood Improvement with preservation of old Kodak Building,
- Electric Battery powered backup generator for trains

## Finch West LRT

- Apprentices - 31 apprentices and trade persons through the community benefits program
- Professional Administrative and Technical - 16 positions through the community benefits program
- Local Procurement - \$3,400,000
- Quarterly Meetings - Ongoing
- Neighbourhood Improvement - Metrolinx designate land for future Community Hub and Centre for the Arts (Jane and Finch)
- Community Benefits Plan and Quarterly Public Reports



## Windsor Essex Community Benefits Coalition (WECBC)

- A Community Benefits Plan was developed in Windsor-Essex and Detroit, Michigan by the Windsor Detroit Bridge Authority (WDBA). \$10 million Fund allocated on each side of the border to specific projects which mitigate the effects of construction or benefit the surrounding communities.
- Two programs - Workforce Development and Participation Strategy and Neighbourhood Infrastructure Strategy
- 40% of the 5,360+ employment opportunities were local hires
- 190 local businesses were used for procurement needs
- 210+ new pre-apprentices/apprentices from marginalized groups
- Continued negotiation over the amount to be allocated for a post project Legacy Fund for Community Benefits (could be upto \$50 million)
- Constant Community Engagement over NIS projects
- No Hard Targets



# Community Benefits Protocol Advisory Committee



**CITY OF HAMILTON**  
**HEALTHY & SAFE COMMUNITIES DEPARTMENT**  
**Children's Services & Neighbourhood Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	December 4, 2019
<b>SUBJECT/REPORT NO:</b>	Community Benefits Protocol Advisory Committee (HSC19066) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Al Fletcher (905) 546-2424 Ext. 4711
<b>SUBMITTED BY:</b>	Paul Johnson General Manager Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

# Social Procurement Consultant and Pilots



Hamilton

**Strategic Social Procurement**  
As a Poverty Reduction Tool

June 2018 to June 2019



SandraHamilton.ca

Sandra Hamilton, Advisor  
& Canada's First Social MBA

13



Hamilton



GOODWILL  
THE AMITY GROUP

Changing Lives through the Power of Work




IWC IMMIGRANTS  
WORKING CENTRE



LIUNA  
LOCAL 837



NPAAMB  
INDIGENOUS  
YOUTH  
EMPLOYMENT  
& TRAINING



PATH  
EMPLOYMENT SERVICES



THRESHOLD  
SCHOOL OF BUILDING



wesley



Hamilton

Xperience Annex



eliminating racism  
empowering women  
ywca

# City of Toronto – Community Benefits Timeline



**Hamilton**  
We are Here!



**Advancing the Community Benefits Framework**

# Pandemic Pause







**CITY OF HAMILTON**  
**HEALTHY & SAFE COMMUNITIES DEPARTMENT**  
**Children's Services & Neighbourhood Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	December 4, 2019
<b>SUBJECT/REPORT NO:</b>	Community Benefits Protocol Advisory Committee (HSC19066) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Al Fletcher (905) 546-2424 Ext. 4711
<b>SUBMITTED BY:</b>	Paul Johnson General Manager Healthy and Safe Communities Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That the Community Benefits Protocol Advisory Committee Terms of Reference attached as Appendix "A" to Report HSC19066 be approved; and,
- (b) That the Outstanding Business List Item identified as Community Benefits Protocol Advisory Committee – Terms of Reference be considered complete and removed from the Outstanding Business List.

### EXECUTIVE SUMMARY

On June 27, 2018, Council approved a motion to establish a Community Benefits Protocol Advisory Committee. The focus of this Committee as outlined in the Terms of Reference is the development of a community benefits protocol for the City to utilize when reviewing development proposals. Beyond the protocol, it is recommended that the Community Benefits Protocol Advisory Committee be a venue for staff and the public to bring matters related to Community Benefits for discussion.

### Alternatives for Consideration – Not Applicable

---

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: Community Benefits Protocol Advisory Committee (HSC19066) (City Wide) - Page 2 of 3**

---

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

On June 27, 2018, Council approved the motion on the Establishment of a Community Benefits Protocol Advisory Committee. Staff were directed to draft a Terms of Reference for the committee and to report back to the General Issues Committee.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

On October 1, 2019, the Ward 3 Councillor and staff met with the Hamilton Community Benefits Network (HCBN) to discuss the approved motion on community benefits. The HCBN is supportive of the Terms of Reference.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

The Hamilton Community Benefits Network (HCBN) was initially created as a community-based organization to support a Community Benefits related to the Light Rail Transit (LRT) agreements with “ProjectCo”. Beyond the LRT, the HCBN provides an opportunity to collaborate with and inform the City of Hamilton on where a community benefits discussion can both benefit the community and the City of Hamilton.

The approved motion responded to the presentation from HCBN related to collaborating to develop a protocol for the City on the thresholds whereby discussions on community benefit should be discussed at the outset of a new development.

The focus of the Community Benefits Protocol Advisory Committee is the development of a community benefits protocol for the City to utilize when reviewing development proposals.

**ALTERNATIVES FOR CONSIDERATION**

None

**SUBJECT: Community Benefits Protocol Advisory Committee (HSC19066) (City Wide) - 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.

**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” – Community Benefits Protocol Advisory Committee Terms of Reference

## **Community Benefits Protocol Advisory Committee**

### **Terms of Reference**

#### **Purpose**

The Community Benefits Protocol Advisory Committee is created with the purpose to:

- Develop a protocol for the use and prioritization of Community Benefits Agreements in the City of Hamilton.
- Consider opportunities to include Social Procurement within publicly funded tenders.
- Create a venue to inform, connect and encouraged Community Benefits Agreements within the City.

A Community Benefits Agreement (CBA) is founded on a shared, legally binding commitment between government, the contracting firm and community to build and complete public infrastructure projects through an effective, efficient, transparent, fair and inclusive process that supports good jobs and prevailing industry standards. (Source: Hamilton Community Benefits Network)

The use of CBAs is in alignment with the Corporate Strategic Plan as it relates to:

- Community Engagement & Participation
- Economic Prosperity and Growth
- Healthy and Safe Communities
- Clean and Green

#### **Membership**

As an Advisory Committee of Council, the Committee shall be made up of the following:

- 2 City Councillors who represent the voting members of the Advisory Committee
- 2 non-voting members from the Hamilton Community Benefits Network

Staff shall attend the Community Benefits Advisory Committee as required. The Advisory Committee shall be supported by management level staff from the following:

- Healthy and Safe Communities Department, Children’s Services and Neighbourhood Development Division
- Planning and Economic Development Department
- Corporate Services Department, Financial Services and Taxation Division, Procurement Section
- Corporate Services Department, Financial Planning and Policy Division

**Accountability**


The Community Benefits Advisory Committee shall report through the General Issues Committee to City Council.

**Meetings**

Meetings shall be held on a monthly basis, or at the call of the Chair.



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

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	August 4, 2022
<b>SUBJECT/REPORT NO:</b>	Municipal Accommodation Tax (PED20009(c)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Pam Mulholland (905) 546-2424 Ext. 4514
<b>SUBMITTED BY:</b>	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the By-law to establish a Municipal Accommodation Tax (MAT) at a rate of 4%, effective January 1, 2023, attached as Appendix "A" to Report PED20009(c), be passed;
- (b) That the single source procurement of the Ontario Restaurant Hotel and Motel Association (ORHMA) to collect the Municipal Accommodation Tax from Hamilton transient accommodations and remit the tax to the City of Hamilton pursuant to Procurement Policy #11 - Non-competitive Procurements, be approved;
- (c) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, a Municipal Accommodation Tax Collection Agreement, together with all necessary ancillary documents, between the City of Hamilton and the Ontario Restaurant Hotel and Motel Association with content acceptable to the General Manager, Corporate Services Department and the Director of Tourism and Culture, and in a form satisfactory to the City Solicitor;
- (d) That the Hamilton Tourism Development Corporation (HTDC) Sole Member Direction and Sole Member Declaration, attached as Appendix "B" to Report PED20009(c), be approved;

---

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: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 2 of 12**

---

- (e) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, the Sole Member Direction and Sole Member Declaration, attached as Appendix “B” to Report PED20009(c), in a form satisfactory to the City Solicitor;
- (f) That three members of Council be appointed to the Board of Directors of the Hamilton Tourism Development Corporation for the 2022-2026 term of Council;
- (g) That the Operating Agreement between the City of Hamilton and Hamilton Tourism Development Corporation, attached as Appendix “C” to Report PED20009(c), be approved;
- (h) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, the Operating Agreement between the City of Hamilton and Hamilton Tourism Development Corporation, attached as Appendix “C” to Report PED20009(c);
- (i) That the Asset Transfer Policy, attached as Appendix “D” to Report PED20009(c), be approved;
- (j) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, a line of credit agreement between the City of Hamilton and the Hamilton Tourism Development Corporation, for financial support to an upset limit of \$250,000 for Hamilton Tourism Development Corporation start-up administrative expenses, in accordance with the terms outlined in Appendix “E” to Report PED20009(c) and such other conditions deemed appropriate by the General Manager, Corporate Services Department in consultation with the General Manager, Planning and Economic Development Department, and in a form satisfactory to the City Solicitor;
- (k) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, a line of credit agreement between the City of Hamilton and the Hamilton Tourism Development Corporation, for financial support to an upset limit of \$2,000,000 for Hamilton Tourism Development Corporation tourism promotion and product development expenses, in accordance with the terms outlined in Appendix "F" to Report PED20009(c) and such other conditions deemed appropriate by the General Manager, Corporate Services Department in consultation with the General Manager, Planning and Economic Development Department, and in a form satisfactory to the City Solicitor;
- (l) That the Interim Directors of the Hamilton Tourism Development Corporation be directed to establish a Hamilton Tourism Development Corporation Municipal

---

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: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 3 of 12**

---

Accommodation Tax Reserve Fund;

- (m) That the annual interest costs associated with the lines of credit, as outlined in Recommendations (j) and (k) of Report PED20009(c), be funded from the Hamilton Tourism Development Corporation Municipal Accommodation Tax Reserve Fund; and
- (n) That staff be directed to report back to the General Issues Committee respecting a proposed methodology for Municipal Accommodation Tax collection from registered short-term rental operators in Hamilton and remittance of the tax to the City of Hamilton and the Hamilton Tourism Development Corporation.

**EXECUTIVE SUMMARY**

In 2017, the Province of Ontario granted municipalities the authority to implement a Municipal Accommodation Tax on transient accommodation stays to provide municipalities with a new revenue stream to support local tourism promotion and product development.

On February 23, 2022, Council approved the recommendations in Report PED20009(b), which:

- Authorized and directed staff to incorporate a Tourism Municipal Services Corporation, substantially in the form outlined in the Business Case Study (Appendix “A” to Report PED20009(b));
- Approved the City of Hamilton Municipal Accommodation Reserve Fund Policy (Appendix “B” to Report PED20009(b)), for the City’s portion of the Municipal Accommodation Tax;
- Approved the appointment of Interim Directors to the Board of Directors of the Tourism Municipal Services Corporation; and
- Provided staff and the Interim Directors of the Tourism Municipal Services Corporation the authority to develop the proposed Operating Agreement and Asset Transfer Policy between the City and the Tourism Municipal Services Corporation, to be presented to Council for approval.

Staff were directed to report back with recommendations relating to:

- The timing of the approval and implementation of the By-law (Appendix “C” to Report PED20009(b)), to establish a MAT at a rate of 4% and with a proposed effective date (assuming a level of recovery of the tourism industry); and

**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 4 of 12**

---

- The composition of the Board of Directors, and any required Corporate By-laws, Operating Agreement, Asset Transfer Policy, budget and other operational particulars to allow the Tourism Municipal Services Corporation to conduct its affairs and transactions per its mandate, objectives and applicable laws and regulations.

Since that time, staff have:

- Conducted all necessary corporate name searches and prepared the Articles of Incorporation to incorporate the Tourism Municipal Services Corporation as a Non-Share Capital Corporation with City as its sole member, named the "Hamilton Tourism Development Corporation";
- Prepared a Sole Member Direction and Sole Member Declaration for the HTDC, attached hereto as Appendix "B" to Report PED20009(c);
- Prepared all constating documents required for the incorporation of the HTDC;
- Prepared an "Operating Agreement" between the City and HTDC, attached hereto as Appendix "C" to Report PED20009(c);
- Prepared an HTDC "Asset Transfer Policy", attached hereto as Appendix "D" to Report PED20009(c), and
- Completed a review of HTDC financial support needed from the City for the organization to conduct its tourism functions until MAT is fully implemented.

Council approval of the Recommendations put forward in Report PED20009(c) would allow for:

- The enactment of the Municipal Accommodation Tax By-law concerning the purchase of transient accommodation in Hamilton on overnight stays of 29 nights or less, effective January 1, 2023;
- Approval of:
  - The HTDC Sole Member Direction and Sole Member Declaration;
  - The HTDC Asset Transfer Policy;
  - The Operating Agreement between the City and HTDC; and
  - Other enabling matters.



**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 5 of 12**

---

- The establishment of two HTDC lines of credit:
  - The Business Line of Credit for financial commitments toward future tourism events and initiatives; and
  - The Administrative Line of Credit for expenses including bookkeeping and administrative services, fees (e.g. banking, audit, insurance), computer software, and other supplies.

The implementation of the MAT to support and impact the recovery and growth of Hamilton's tourism industry directly aligns with the Council approved 2021-2025 Economic Development Action Plan, which includes the following stretch targets:

- Invest a minimum of \$1,000,000 in tourism development from the Municipal Accommodation Tax program; and
- Attract five major events that generate a total combined economic impact of at least \$50,000,000.

Recommendations (b) and (c) identify the Ontario Restaurant Hotel and Motel Association as the organization to collect, remit and operate the MAT in Hamilton. ORHMA is uniquely positioned to provide this service because ORHMA operates MAT on behalf of numerous municipalities (e.g. London, Kitchener and Waterloo) as its “collection agent” implementing thorough procedures and communication to industry, including awareness and training sessions.

**Alternatives for Consideration - Not Applicable**

**FINANCIAL - STAFFING - LEGAL IMPLICATIONS**

Financial: Spending arising from HTDC will be set out in annual Business Plans and Operating Budgets approved by the HTDC Board of Directors and adopted by Council.

MAT will fund HTDC operations once the Council-approved City of Hamilton Municipal Accommodation Tax Reserve Fund achieves a balance of \$2,000,000. A minimum of \$2,000,000 must always be available in the Reserve.

The HTDC Municipal Accommodation Tax Reserve Fund, to be developed and passed by the HTDC Board of Directors and endorsed by Council, will always require a minimum balance of \$2,000,000 to be available.

In Hamilton, the estimated pre-pandemic revenue of the MAT was

**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 6 of 12**

---

approximately \$2,000,000 per year based on the number of existing rooms, the average 2019 occupancy statistics, average room rate and a MAT rate of 4%. It is anticipated that the Municipal Accommodation Tax Reserve Fund will take two years of MAT collection to reach the requisite balances, after which MAT funds will fully fund HTDC operations.

To allow the HTDC to begin investing in tourism activities immediately, staff are recommending that the City provide the HTDC access to a \$2,000,000 “business” line of credit. This line of credit would allow the HTDC to make financial commitments toward future tourism events and initiatives while the Municipal Accommodation Tax Reserve Fund balance accumulates.

Without this line of credit, the HTDC would have to wait approximately two years for the Municipal Accommodation Tax Reserve Fund to reach the requisite balances before the organization could begin making financial commitments to host tourism events and develop tourism products. Alternatively, the HTDC would seek investment from the Tax Stabilization Reserve or other sources that have been utilized to fund major hosted events in recent years.

The HTDC will have start-up administrative expenses in 2022 through 2024 before collected MAT funds are available to support administrative expenses. Therefore, staff are also recommending the City provide HTDC access to a \$250,000 “administrative” line of credit to fund these expenses in years one and two.

The terms of these business and administrative lines of credit, including repayment conditions and commercially competitive interest rates to be paid to the City, are outlined in the attached Appendices "E" and "F" to Report PED20009(c). The “business” and “administrative” lines of credit would have no impact on the net levy and would be tracked through a Capital project that would remain unfunded until the line of credit is repaid.

Staffing: N/A

Legal: Legal Services will be required to:

- Incorporate the HTDC;
- Negotiate and provide legal advice to staff in relation to the preparation of the Municipal Accommodation Tax Collection Agreement;
- Prepare the corporate resolutions to appoint the interim Directors to the HTDC Board;
- Prepare the corporate resolutions to appoint officers to the HTDC; and

**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 7 of 12**

---

- Provide legal advice to staff in relation to the preparation of the two line of credit agreements between the City and the HTDC, as required.

### **HISTORICAL BACKGROUND**

On February 23, 2022, Council approved the recommendations put forward in Report PED20009(b), which:

- Approved the Business Case Study for the creation of the HTDC;
- Provided staff with the authority and direction to incorporate HTDC;
- Approved the City of Hamilton Municipal Accommodation Reserve Fund Policy, Appendix “B” to Report PED20009(b), for the City’s portion of the Municipal Accommodation Tax;
- Approved the appointment of Interim Directors to the Board of Directors of the HTDC, namely the General Manager, Planning and Economic Development Department (President), Director of the Tourism and Culture Division (Vice-President) and Director, Financial Services, Taxation and Corporate Controller (Treasurer); and
- Provided staff and the Interim Directors of the HTDC the authority to develop the proposed Operating Agreement and Asset Transfer Policy between the City and the HTDC, to be presented to Council for approval.

Staff were directed to report back with recommendations relating to:

- The timing of the approval and implementation of the By-law (Appendix “C” to Report PED20009(b)), to establish a MAT at a rate of 4% and with a proposed effective date (assuming a level of recovery of the tourism industry);
- The composition of the Board of Directors, and any required Corporate By-laws, Operating Agreement, Asset Transfer Policy, budget and other operational particulars to allow the HTDC to conduct its affairs and transactions per its mandate, objectives and applicable laws and regulations.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Ontario Regulation 435/17 - Transient Accommodation Tax:

- Provides municipalities with the authority to impose a MAT by passing a By-law;

**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 8 of 12**

---

- Requires the City to provide a minimum of 50% of its MAT revenue to an “eligible tourism entity” and further requires the City and the eligible tourism entity to enter into an agreement respecting reasonable financial accountability matters to ensure that amounts paid to such entity are used for the exclusive purpose of promoting tourism and developing tourism products; and
- Does not mandate how municipalities may spend the remaining 50% of MAT revenue, although it is suggested that the funds support tourism-related opportunities and infrastructure. Research indicates that many communities are using the funds in this manner.

Pending Council approval of Report PED20009(c), the City will enact its Municipal Accommodation Tax By-law concerning the purchase of transient accommodation within the municipality.

The development of this new revenue stream is consistent with the objectives of the City’s 2021-2025 Economic Development Action Plan.

## **RELEVANT CONSULTATION**

### **External**

- Hamilton Hotel Association members
- Hamilton Tourism Development Investment Group
- Hamilton Halton Brant Regional Tourism Association
- Financial Controller, Ontario Restaurant Hotel and Motel Association
- President and CEO, Ontario Restaurant Hotel and Motel Association

### **Internal Consultation**

- Legal and Risk Management Services Division, Corporate Services Department
- Tourism and Events, Tourism and Culture Division, Planning and Economic Development Department
- Financial Services, Taxation and Corporate Controller, Corporate Services Department

**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 9 of 12**

---

- Finance and Administration Corporate, Financial Planning Administration and Policy, Corporate Services Department

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The COVID-19 pandemic had a catastrophic impact on the tourism industry in Hamilton and around the country. Sporting, arts and culture venues, restaurants and hotels were forced to close or operated with restrictions for months as festivals, events and conferences were cancelled. Tourism businesses mitigated the impact on their operations by furloughing staff, reducing costs, pivoting to online sales and experiences, and rebooking confirmed business where possible.

In the Spring of 2022, the Province of Ontario eased pandemic-related public health measures on activities and companies whose operations impact transient accommodation sales including, but not limited to: travel; tourist attractions; spectator sports; arts and culture exhibits and performances; and conference and convention centre events. The lifting of restrictions was followed by increased business for the accommodation sector, with Hamilton hotels reporting a May 2022 occupancy rate of 74.5% compared to the May 2021 rate of 40.7%.

With the implementation of the new MAT revenue source and the creation of the HTDC, Hamilton will be better positioned to support the recovery and future growth of local tourism. According to its Articles of Incorporation, the objectives of the HTDC are to develop tourism products and promote Hamilton as a destination for tourists, visitors, festival and event attendees, conference delegates and business travellers. For greater clarity, tourism products relate to the eight sectors of the tourism industry: accommodation; adventure tourism and recreation; attractions; events and conferences; festivals; food and beverage; tourism services; transportation and travel trade.

Following Council's approval of the recommendations in Report PED20009(b), Legal Services staff have completed the following:

1. All necessary corporate name searches;
2. Preparation of Articles of Incorporation;
3. Preparation of a Sole Member Direction and Sole Member Declaration for the HTDC;
4. Preparation of all necessary constating documentation necessary for the incorporation of the HTDC;
5. Preparation of an HTDC "Asset Transfer Policy"; and

**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 10 of 12**

---

## 6. Preparation of an “Operating Agreement” between the City and HTDC.

Corporate name searches were conducted, and the proposed name: Hamilton Tourism Development Corporation, was available.

The Sole Member Direction and Sole Member Declaration of the HTDC sets out the following:

- The role of City as sole member of the HTDC;
- The roles and responsibilities of Directors and Officers of the HTDC;
- Procedural matters related to member meetings;
- Accounting, audit and record-keeping; and
- Other matters governing the relationship between the City and HTDC.

Pursuant to Ontario Regulation 435/17, the City is required to transfer 50% of MAT revenues, less reasonable collection fees and administrative costs, to the HTDC for Hamilton-focused tourism marketing, promotion and tourism product delivery. The HTDC will then provide such services to the City, pursuant to the terms and conditions in the Operating Agreement attached hereto as Appendix “C” to Report PED20009(c). An Asset Transfer Policy, as set out in Appendix “D” to Report PED20009(c), provides detailed guidance to the HTDC, staff and the public on the transfer, use and accounting of Corporate assets as approved by Council.

The Operating Agreement between the City and HTDC, attached hereto as Appendix “C” to Report PED20009(c), also sets out reasonable financial accountability matters to ensure that amounts paid to the HTDC are used to promote tourism, as required by Ontario Regulation 435/17.

The City’s Finance and Tourism and Culture Division staff completed a review of financial support needed by the HTDC from the City for the organization to conduct its tourism functions until MAT reserves each reach \$2,000,000. In addition, Finance staff reviewed start-up financial processes and procedures to be completed by the HTDC in 2022, including hiring services external to the City to support operations.

**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 11 of 12**

---

**Next Steps**

**Hamilton Tourism Development Corporation:**

Following the incorporation of the HTDC and Council's approval of the Sole Member Direction and Sole Member Declaration, Asset Transfer Policy, Operating Agreement, and terms of line of credit agreements, the Chair will call the first public meeting of the Board of Directors for the HTDC in the Fall of 2022.

**Municipal Accommodation Tax Administration:**

If Recommendation (b) is approved, the City will enter into a sole source agreement with ORHMA to collect MAT revenues on behalf of the City. Under the agreement, ORHMA will advise transient accommodation operators how to set up the collection system and train staff. Once MAT collection begins on January 1, 2023, ORHMA will administer the revenues collected from the accommodation providers, remit payments to the City and report on the financial transactions. The City, in turn, will remit 50% of MAT to the HTDC.

ORHMA is uniquely positioned to provide this service because:

- ORHMA along with the Provincial government, designed the MAT regulations (Ontario Regulation 435/17) and therefore, possesses a solid understanding of the governance required for compliance;
- ORHMA has been a consultant to many stakeholders on MAT throughout Ontario and continuously surveys the various MAT implementations generating best practices that will benefit the City's implementation; and
- ORHMA collects and remits MAT on behalf of numerous municipalities (e.g. London, Kitchener and Waterloo) implementing thorough procedures and communication to the tourism industry.

**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.

**SUBJECT: Municipal Accommodation Tax (PED20009(c)) (City Wide) - Page 12 of 12**

---

**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" to Report PED20009(c) - By-law to Establish a Municipal Accommodation Tax in Hamilton

Appendix "B" to Report PED20009(c) - Hamilton Tourism Development Corporation Sole Member Direction and Sole Member Declaration

Appendix "C" to Report PED20009(c) - Operating Agreement between the City of Hamilton and Hamilton Tourism Development Corporation

Appendix "D" to Report PED20009(c) - Asset Transfer Policy - Hamilton Tourism Development Corporation

Appendix "E" to Report PED20009(c) - Operating Line of Credit Agreement Terms and Conditions

Appendix "F" to Report PED20009(c) - Business Line of Credit Agreement Terms and Conditions

PM:ac



**Appendix “A” to Report PED20009(c)**  
**Page 1 of 7**

**Authority:** Item ,  
Report PED20009(b)  
CM:  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON****BY-LAW NO.****A BY-LAW TO ESTABLISH A MUNICIPAL ACCOMMODATION TAX**

**WHEREAS** section 400.1(1) of the *Municipal Act*, 2001, S.O 2001, c.25, (the “Act”) provides that a local municipality may, by by-law, impose a direct tax in respect of the purchase of transient accommodation within the municipality; and,

**WHEREAS** pursuant to section 400.1 of the Act and Ontario Regulation 435/17, the Council of the City of Hamilton wishes to establish a municipal transient accommodation tax rate to levy on the purchase of transient accommodation within the City of Hamilton; and,

**WHEREAS** pursuant to sections 400.1(3) of the Act, Council can establish enforcement measures as Council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

**DEFINITIONS**

1. In this By-law,
  - a. “Accommodation” means Lodging, and the right to use Lodging, that is provided for consideration, whether or not the Lodging is actually used;
  - b. “By-law” means this by-law and any amendments made thereto;
  - c. “City” means the City of Hamilton;
  - d. “Council” means the Council of the City of Hamilton;
  - e. “Eligible Tourism Entity” has the meaning given to it in Ontario Regulation 435/17, as amended;
  - f. “Establishment” means the physical location, a building or part of a building that provides Accommodation;
  - g. “Lodging” includes:

- (i) the use of a bedroom, a suite of rooms containing a bedroom, or the use of a bed within a bedroom, domicile or other physical location;
  - (ii) the use of one or more additional beds or cots in a bedroom or suite.
- h. "Multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law;
  - i. "Municipal Accommodation Tax" or "MAT" means the tax imposed under this By-law;
  - j. "Provider" means a person or an entity that sells, offers for sale, or otherwise provides Accommodation, and includes agents, hosts or any others who sell, offers for sale or otherwise provides Accommodation;
  - k. "Purchaser" means a person who purchases Accommodation;
  - l. "Purchase Price" means the price for which Accommodation is purchased, including the price paid, and/or other consideration accepted by the Provider in return for the Accommodation provided, including all fees and surcharges for additional occupants and beds, but does not include the goods and services tax imposed by the Government of Canada or by the Province of Ontario; and
  - m. "Treasurer" means the City's General Manager, Finance and Corporate Services, or his/her designate.

## APPLICATION

- 2. A Purchaser shall, at the time of purchasing Accommodation, pay the Municipal Accommodation Tax in the amount of 4% cent of the Purchase Price of Accommodation provided for any continuous period of 29 days or less provided in a hotel, motel, condo hotel, club, portion of a multi-use complex used as a hotel, motor hotel, hostel, lodge, inn, bed and breakfast, dwelling unit, domicile or any place in which Accommodation is provided.
  - a. For greater certainty, the continuous period referred to above in Section 2 is not disrupted by the purchase of different rooms, suites, beds or other Lodging in the same Establishment in the course of the continuous period.

## EXEMPTIONS

- 3. The Municipal Accommodation Tax imposed under this By-law does not apply to:
  - a. The Crown, every agency of the Crown in right of Ontario and every authority, board, commission, corporation, office, or organization of persons a majority of whose Directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;
  - b. Every board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2;

- c. Every university and every college of applied arts and technology or post-secondary institution whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating operating grant entitlements from the Crown;
- d. Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act*, R.S.O. 1990, c.P.40, and every community health facility within the meaning of the *Oversight of Health Facilities and Devices Act*, 2017, c.25, Sched.9, that was formerly licensed under the *Private Hospitals Act*, R.S.O. 1990, c. P24;
- e. Every long-term care home as defined in subsection 2(1) of the *Long-Term Care Homes Act*, 2007, S.O. 2007, c. 8;
- f. Accommodations provided by the City or its agents for shelter purposes;
- g. Accommodations provided by treatment centers that receives Provincial aid under the *Ministry of Community and Social Services Act*, R.S.O. 1990, c.M.20;
- h. Accommodations provided by a house of refuge, or Lodging for the reformation of offenders;
- i. Accommodations provided by a charitable, non-profit philanthropic Corporation organized as a shelter for the relief of the poor or for emergency purposes;
- j. Accommodations provided by tent or trailer sites supplied by a campground, tourist camp or trailer park;
- k. Accommodations supplied by employers to their employees in premises operated by the employer; and
- l. Accommodations provided by hospitality rooms in an establishment that may or may not contain a bed and is used for displaying merchandise, holding meetings, or entertaining.

#### **TAX COLLECTED AND STATEMENT SUBMITTED**

- 4. A Provider shall collect the MAT from the Purchaser at the time the Accommodation is purchased.
- 5. The amount of the MAT shall be identified as a separate item or charge on a bill, receipt, invoice or similar document issued by the Provider in respect of the Accommodation on which the tax is imposed and the item shall be identified as "Municipal Accommodation Tax".
- 6. A Provider shall, on or before the last day of every month, remit to the City, or its designate as the case may be, the amount of the MAT collected for the previous month and submit the monthly statements in the form required by the City detailing the number of Accommodations sold, the purchase price of each Accommodation, the MAT amount collected and any other information as required by the City for the purposes of administrating and enforcing this By-law.

**DELEGATION OF AUTHORITY**

7. The Treasurer, or their designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with another person or entity as agent for the City, providing for the implementation and collection of the MAT, all in a form satisfactory to the City Solicitor.
8. The Treasurer, or their designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with Eligible Tourism Entity(ies) that receive(s) an amount of the MAT respecting reasonable financial accountability matters in order to ensure that amounts paid to the entity are used for the exclusive purpose of promoting tourism, and the agreements may provide for other matters, all in a form satisfactory to the City Solicitor.
9. The Treasurer, or their designate, shall be responsible for the administration of this By-law, including but not limited to approvals, appeals, enforcement, collection, and for instructing the City Solicitor to take such legal action as may be considered appropriate.

**INTEREST PENALTIES**

10. That a percentage charge of 1.25% of the amount of the MAT due and unpaid be imposed as a penalty for the non-payment of taxes on the first day of default based on the full occupancy of the Establishment unless the actual amount of the MAT owing can be determined by the City, in that case, the percentage charge of 1.25% of the actual amount of the MAT will be imposed.
11. That an interest charge of 1.25% each month of the amount of the MAT due and unpaid, be imposed for the non-payment of taxes on the first day of each month and subsequent months following the first day of default until the MAT, including all charges and interest owing, is paid in full.
12. A fee shall be charged in respect of all payment remittances that are not honoured by the financial institution upon which it is drawn in an amount as set out in the City of Hamilton User Fee By-law.

**LIENS**

13. All MAT penalties and interest that are past due shall be deemed to be in arrears, and may be added to the tax roll for any real property in the City of Hamilton registered in the name of the Provider to be collected in like manner as property taxes and shall constitute a lien upon the lands, but such lien shall not be a priority lien for the purposes of subsections 1(2.1), (2.2) and (3) of the Act and such lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances.

**AUDIT AND INSPECTION**

14. The Provider shall keep all books, accounts, invoices, financial statements, records, electronic and such other documents sufficient to furnish the City or its agent with the

necessary particulars of sales of Accommodations, amount of MAT collected, payable and remitted, for no less than seven years.

15. The City or its agent may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are or should be kept and inspect and audit all books, records, documents, transactions and accounts of Providers and require Providers to produce copies of any documents or records required for the purposes of administering and enforcing this By-law, as required.
16. The City or its agent may require a Provider to:
  - i. Give the City all reasonable assistance with its audit or inspection;
  - ii. Answer all questions relating to the audit or inspection either orally or, if the City requires, in writing, on oath or by statutory declaration; and
  - iii. Attend at the premises or place with the City representative or agent for the purposes of giving reasonable assistance and answering questions relating to the audit or inspection.
17. The City or its agent may serve on a Provider a written demand for information or for the production on oath or otherwise of books, accounts, records, letters, invoices, financial statements, electronic and such other documents as the City or its agent considers necessary to determine compliance with this By-law. A Provider in receipt of such a demand shall comply with the demand within the time specified in the demand.

#### **DETERMINATION OF AMOUNT**

18. The City may make a determination of an amount of tax required to be remitted, together with any interest imposed upon any tax outstanding, if a Provider responsible for the payment or remittance of tax fails to pay, as required.
19. The City may assess or reassess for any tax payable by the Provider within three years from the day the tax was remittable, except that where the City establishes that a Provider has made any misrepresentation that is attributable to neglect, carelessness or willful default, or has committed any fraud in supplying any information under this By-law, or in omitting to disclose any information, then the City may assess or reassess, for any time the City considers reasonable, the tax payable.
20. The City shall send by mail or registered mail or deliver by hand, a notice of the calculation made under Section 18 herein to the Provider at the Providers' last known address, and that the amount determined is payable within 30 days from the date of mailing of the notice.
21. Liability to pay an amount is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.
22. The City is not bound by any information delivered by or on behalf of a Provider responsible for the payment of tax and may, notwithstanding any information that has been delivered or if no information has been delivered, assess the tax payable.

23. This calculation, subject to being varied or adjusted due to an objection or appeal and subject to a recalculation, shall be deemed to be valid and binding despite any error, defect or omission in the assessment or in any proceeding related to it.

## OFFENCES AND PENALTIES

24. Every person is guilty of an offence under this By-law who:
- a. Makes, participates in, assents to or contributes in the making of false or deceptive statements in a report, statement, form or other document prepared, submitted or filed under or for the purposes of this By-law;
  - b. Destroys, alters, mutilates, hides or otherwise disposes of any records or books of account, in order to evade payment or remittance of tax;
  - c. Makes, assents to or contributes in the making of false or deceptive entries, or assents to or contributes in the omission to enter a material, in any records or books of account;
  - d. Hinders, molests or interferes with any audit or inspection conducted by the City or its agent pursuant to Section 15 herein;
  - e. Willfully, in any manner, evades or attempts to evade:
    - (i) Paying tax;
    - (ii) Remitting tax; or
    - (iii) Otherwise complying with this By-law; or
  - f. Conspires with any person to commit an offence described in subsection 24 (a) through (e) herein.
25. Pursuant to the authority granted under the Act, any Provider who contravenes or fails to comply with any provision of this By-law is guilty of an offence and is liable to such penalties set forth in this By-law and recoverable under the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.
26. Any Provider who is guilty of an offence is liable as follows:
- a. Upon a first conviction, a fine of not less than \$300 and not more than \$50 k if the Provider is an individual, and not less than \$500 and not more than \$100 k if the Provider is a Corporation;
  - b. Upon a second or subsequent conviction for the same offence, a fine of not less than \$500 and not more than \$100 k;
  - c. Upon conviction for a continuing offence, a fine of not less than \$500 and not more than \$10 k for each day or part of a day that the offence continues. Notwithstanding subparagraph 26(a) herein, the total of all of the daily fines for the offence is not limited to \$100 k;

- d. Upon conviction for multiple offences, for each offence included in the multiple offence, a fine of not less than \$500 and not more than \$10 k. Notwithstanding sub-paragraph 26(a) herein, the total of all fines for each included offence is not limited to \$100 k.

**GENERAL**

- 27. This By-law shall come into force and effect on January 1, 2023.
- 28. If any section or portion of this By-law is found by a court of competent jurisdiction to be invalid, it is the intent of Council that all remaining sections and portions of this By-law continue in force and effect.
- 29. This By-law may be referred to as "The Municipal Accommodation Tax By-law".

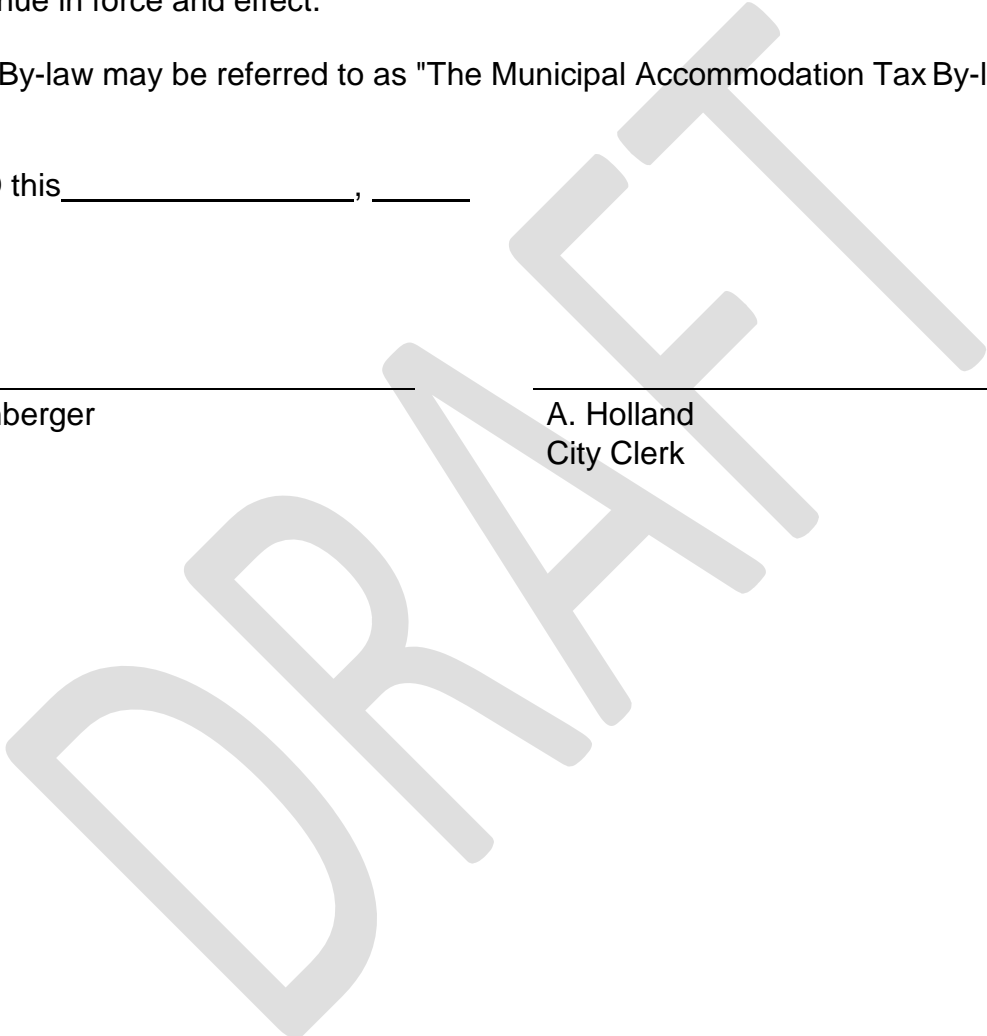
**PASSED** this \_\_\_\_\_, \_\_\_\_\_

---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk



**SOLE MEMBER DIRECTION**  
**and**  
**SOLE MEMBER DECLARATION**

---

**City of Hamilton**  
to  
**Hamilton Tourism Development Corporation**

**XXXXXX XX, 2022**



**SOLE MEMBER DIRECTION**  
and  
**SOLE MEMBER DECLARATION**

**WHEREAS** Hamilton Tourism Development Corporation (the “Corporation”) is a corporation incorporated and existing under the *Not-for-Profit Corporations Act, 2010*, SO 2010, c.15 (“*Not-for-Profit Corporations Act*”);

**AND WHEREAS** the City of Hamilton (the “City”) is the Sole Member of the Corporation;

**AND WHEREAS** through this Sole Member Direction and Sole Member Declaration made and issued by the City to the Corporation, it is the purpose of the City to:

- (i) inform the Corporation of certain expectations that the City has with respect to the Corporation and its activities;
- (ii) provide certain directions to the Corporation as to how its activities are to be conducted;
- (iii) provide certain restrictions on the assets, business activities and undertakings that the Corporation may own and conduct;
- (iv) provide certain principles that are to govern the activities of the Corporation; and
- (v) restrict certain actions by the Directors of the Corporation.

**NOW THEREFORE IT IS HEREBY DECLARED AND DIRECTED THAT:**

**ARTICLE 1 - INTERPRETATION**

**1.1** In this Direction, including its Schedules, unless the context requires otherwise, the following words, phrases and terms shall have the meaning ascribed to them as follows:

- (i) “**Articles**” means the Articles of Incorporation of the Corporation, dated XXXXXX XX, 2022, as amended from time to time;
- (ii) “**Annual Report**” has the meaning ascribed to it in section 4.1 herein;
- (iii) “**Auditor**” has the meaning ascribed to it in section 5.5 herein;
- (iv) “**Board**” means the Board of Directors of the Corporation;

**Appendix “B” to Report PED20009(c)**  
**Page 3 of 13**

- (v) **“Business Day”** means 0830 to 1630 on a day on which the City’s administrative offices are open for business;
- (vi) **“By-laws”** means the by-laws of the Corporation;
- (vii) **“City”** means the City of Hamilton;
- (viii) **“City Manager”** means the City Manager of the City;
- (ix) **“Confidential Information”** shall have the meaning ascribed to it in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended;
- (x) **“Council”** means the Council of the City;
- (xi) **“Direction”** means this Sole Member Direction and Sole Member Declaration, as amended;
- (xii) **“Director”** means a member of the Board of Directors of the Corporation;
- (xiii) **“External Auditor’s Findings Report”** means communication of matters identified by the Auditor during the financial statements audit which matters include misstatements, other than trivial errors, fraud, misstatements that may cause future financial statements to be materially misstated, illegal or possibly illegal acts or significant weaknesses in internal control;
- (xiv) **“Financial Statements”** means, for any particular period, audited or unaudited (as stipulated in this Direction), consolidated or unconsolidated (as stipulated in this Direction), comparative financial statements of the Corporation consisting of not less than a balance sheet, a statement of income and retained earnings, a statement of change in financial position, a report or opinion of the Auditor (in the case of audited financial statements) and such other statements, reports, notes and information prepared in accordance with generally accepted accounting principles (consistently applied) and as are required in accordance with any applicable laws;
- (xv) **“MFIPPA”** means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended, including any regulations thereunder and any successor legislation;
- (xvi) **“Officer”** means an officer of the Corporation;
- (xvii) **“Person”** means an individual, sole proprietorship, partnership, unincorporated association, unincorporated organization, trust body corporate and a natural person in their capacity as trustee, executor, administrator or other legal representative;

**Appendix “B” to Report PED20009(c)**  
**Page 4 of 13**

- (xviii) **“Resident Canadian”** means an individual who is a Canadian citizen ordinarily resident in Canada or, in the alternative, a permanent resident within the meaning of the *Immigration and Refugee Protection Act* (S.C. 2001, c.27) and ordinarily resident in Canada;
- (xix) **“Sole Member”** means the City in its capacity as the sole member of the Corporation;
- (xx) **“Tourism Strategy”** means the tourism strategic plan approved by Council, as amended from time to time.
- 1.2 Extended Meanings.** All words importing the singular number include the plural and vice-versa and words importing gender include all genders.
- 1.3 Conflict between Articles and Direction.** In the event of a conflict between the provisions contained in the Articles and the provisions contained in this Direction, the provisions contained in the Articles shall prevail.
- 1.4 Conflict between By-laws and Direction.** In the event of a conflict between the provisions contained in the By-laws and the provisions contained in this Direction, the provisions contained in this Direction shall prevail.
- 1.5 Severability.** In the event that any provision of this Direction shall be deemed invalid, illegal or unenforceable by a court of competent jurisdiction, it shall not affect the validity, legality or unenforceability of any other provision contained in this Direction.
- 1.6 Applicable Law.** This Direction shall be governed by and construed in accordance with the laws of the Province of Ontario and the Federal laws of Canada applicable therein.

**ARTICLE 2 - PURPOSES, OBJECTIVES, PRINCIPLES AND ACTIVITIES**

- 2.1 Purposes.** This Direction is made for the following purposes:
- (i) **Recognize Board Authority.** Recognize the Board’s authority to manage or supervise the management of the business and affairs of the Corporation in accordance with this Direction.
  - (ii) **Communicate the Requirements of the Sole Member.** Provide the Board with the Sole Member’s requirements regarding the Corporation.
  - (iii) **Accountability Framework.** Provide for a framework of accountability, responsibility and relationship between the Sole Member and the Corporation.

**Appendix “B” to Report PED20009(c)**  
**Page 5 of 13**

**2.2 Principles.** The Sole Member directs that, in the best interest of the Corporation, all Directors shall cause the Corporation to conduct its affairs in a responsible and prudent manner and as part of that:

- (i) the Corporation shall conduct its affairs and provide its services to the City in a reliable, effective, efficient and commercially prudent basis and which complies with all Applicable Laws;
- (ii) the Corporation shall conduct its affairs in accordance with its contractual obligations, including without limitation, any applicable operating agreements;
- (iii) the Corporation shall ensure that its policies and programs are consistent with the principles set out in this Direction; and
- (iv) the Corporation shall ensure that its policies and programs are consistent with the plans, policies, procedures and corporate values established by the City from time to time.

**2.3 Objectives.** The objectives sought to be achieved by the Sole Member with this Direction are as follows:

- (i) the Corporation will utilize its assets for the purpose of providing tourism promotion services to the City;
- (ii) the Corporation will utilize its assets for the purpose of providing tourism development services to the City;
- (iii) the Corporation will utilize its assets for the purpose of pursuing the goals set forth in the Tourism Strategy;
- (iv) the Corporation will meet the financial performance standards set by the Sole Member and the Board, from time to time;
- (v) the Corporation will be responsible for making policy and operational decisions and shall be accountable for same; and
- (vi) the Corporation will act to mitigate financial risks to the Sole Member.

**2.4 Activities.** Subject to the Corporation’s financial resources and consistent with the overall principles and objectives outlined in this Direction, the Corporation may engage in any of the following business activities:

- (i) businesses permitted by Applicable Laws;

- (ii) businesses that are approved by the Board, including the following business activities, some of which are presently being carried on by the Corporation, namely:
  - a. providing tourism promotion services to the City; and
  - b. providing tourism development services to the City.

### **ARTICLE 3 - DIRECTORS AND OFFICERS**

**3.1 Board Responsibilities.** Subject to any matters requiring Sole Member approval pursuant to this Direction, the Board shall manage or supervise the management of the business and affairs of the Corporation in a manner consistent with the principles, objectives and other provisions outlined in this Direction. This shall include, without limitation:

- (i) establishing the values, mission and vision for the Corporation, consistent with the Tourism Strategy;
- (ii) establishing policies to guide the operations of the Corporation;
- (iii) approving an annual operating plan and budget for the Corporation;
- (iv) approving an annual capital plan and budget for the Corporation;
- (v) monitoring the performance of the Corporation in terms of finances, costs and quality of services; and
- (vi) for matters requiring approval of the Sole Member pursuant to the *Not-for-Profit Corporations Act* or this Direction, the mandate of the Board is to provide the Sole Member with a timely written analysis and recommendation pursuant to Section 5.7 herein.

**3.2 Officer Signing Authority.** All contracts entered into on behalf of the Corporation must be reviewed and executed by two Officers.

**3.3 Corporation Employees.** All employees currently employed by the City of Hamilton for the purposes of operating, administering and supporting the Corporation (the "Corporation Employees") shall be City of Hamilton employees and shall report through an organizational structure approved by the City Manager. All Corporation Employees shall adhere to and be subject to the Human Resources and Corporate policies and procedures of the City of Hamilton, except to the extent that the Corporation has approved different policies and procedures in accordance with this Direction. In the event that the Corporation approves different policies and procedures in accordance with this Direction, such different policy and procedure shall be clearly communicated with Corporation Employees.

**Appendix “B” to Report PED20009(c)**  
**Page 7 of 13**

Notwithstanding the above, the Corporation is permitted to enter into employment agreements with individuals not employed by the City on such terms and conditions as may be acceptable to the Board, from time to time.

**3.4 Conflict of Interest.**

- (i) Board Compliance. The Directors and Officers shall comply with all applicable conflict of interest law including without limitation:
  - (a) *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, including any regulations thereunder and any successor legislation; and
  - (b) *Not-for-Profit Corporations Act*, including any regulations thereunder and any successor legislation.
- (ii) Employee Compliance. All Corporation Employees shall comply with all applicable conflict of interest law and any related Corporation and City policy in respect of conflicts of interest.

**3.5 Remuneration.** Except for remuneration from the City as approved by Council from time to time, the Directors shall serve as such without remuneration and no Director shall directly or indirectly receive any profit or payment of any nature from the Corporation on any basis including without limitation in the capacity of Officer. Notwithstanding the foregoing, Directors may be reimbursed for reasonable expenses incurred by them in the performance of their duties as Directors.

**3.6 Removal of Directors.** A Director may be removed from the Board by resolution of the Board, at a properly constituted meeting, for reasons including but not limited to:

- (i) breach of the Director’s obligations under the *Not-for-Profit Corporations Act*;
- (ii) conflict of interest that cannot be resolved in any other manner satisfactory to the Board and the Sole Member;
- (iii) engagement in activities that are deemed by the Board and/or the Sole Member to be inconsistent with the principles, objectives and other provisions of this Direction;
- (iv) inability to meet the eligibility criteria of a Board member as described in subsection 5.1(i) herein;
- (v) absence from three (3) consecutive meetings of the Board during any calendar year without written approval of the Board.

**3.7 Regulatory Matters.**

- (i) MFIPPA. The Corporation is subject to MFIPPA, which requires the Board to appoint a “head” for the purposes of disclosing or refusing to disclose “records” or “confidential information,” as those expressions are defined in MFIPPA. The

**Appendix “B” to Report PED20009(c)**  
**Page 8 of 13**

Corporation shall appoint the City Clerk, or their designate, as the head of the Corporation for the purposes of MFIPPA.

- (ii) Other Legislation. If the Corporation is subject to any other legislation the such legislation shall prevail over this Direction where there is a conflict between this Direction and such legislation. Should such a conflict occur, the Corporation shall contact the Sole Member to discuss the manner in which the interests of the Sole Member may best be protected.
- (iii) Annual General Meeting. The Board shall hold an annual general meeting of the Sole Member not later than six (6) months after the end of the Corporation’s fiscal year.

**3.8 Insurance.** The Corporation shall carry directors’ and officers’ liability insurance for the Directors and Officers of the Corporation in an amount and upon terms consistent with industry norms as determined by the Board.

#### **ARTICLE 4 - BOARD ACCOUNTABILITY**

**4.1 Annual Report.** The Board shall prepare and approve an “Annual Report” and submit and present same to the Sole Member at a Sole Member meeting, which may be the Annual General Meeting. The Annual Report shall include:

- (i) such explanations, notes and information as are required to account for any variances between the actual results from operations and the budgeted amounts set forth in the approved budget, and any material variances in the projected ability of any business activity to meet or continue to meet the financial objectives of the Sole Member;
- (ii) information that is likely to materially affect the Sole Member’s objectives;
- (iii) information regarding any matter, occurrence or other event which is a material breach or violation of any law, including findings of internal and other audits;
- (iv) information on progress and accomplishments relative to the Corporation’s strategic business plan;
- (v) information regarding the performance of the Corporation such that the Sole Member can determine that the strategic business plan has been respected;
- (vi) information regarding the performance of the Corporation such that the Sole Member can determine that this Direction has been respected; and
- (vii) such additional information as the Sole Member may specify from time to time.

**Appendix "B" to Report PED20009(c)**  
**Page 9 of 13**

- 4.2 Financial Statements.** The Board shall deliver to the Sole Member, as soon as practicable and in any event no later than the 31<sup>st</sup> day of May in the year following the end of each fiscal year, the Corporation's audited annual Financial Statements signed on behalf of the Board by two (2) members of the Board along with a copy of the Auditor's Report.
- 4.3 Accounting.** The Corporation shall adopt and use the accounting policies and procedures that may be approved by the Board from time to time and all such policies and procedures shall be in accordance with Canadian generally accepted accounting principles and applicable regulatory requirements.
- 4.4 Procurement.** The Corporation shall adopt and use a procurement policy that is open, fair, transparent and consistent with the principles of public procurement. In the event that the Corporation fails to adopt such a procurement policy, it shall by default be subject to the procurement policy adopted by the City from time to time. Furthermore, the Sole Member may, at any time, require the Corporation to follow the procurement policy of the City.
- 4.5 Access to Records.** The Sole Member shall have unrestricted access to the books and records of the Corporation during normal business hours. The Sole Member shall treat all information of the Corporation with the same level of care and confidentiality as any Confidential Information of the Sole Member.

## **ARTICLE 5 - SOLE MEMBER MATTERS**

- 5.1 Sole Member to Appoint Directors.** The Sole Member shall appoint the Board in accordance with this Section 5.1:
- (i) Eligibility for Board Membership. To be eligible to serve as a Director, an individual must not be statutorily disqualified from being a director under the *Not-for-Profit Corporations Act* or otherwise and shall be a resident Canadian. In addition, members of Council who act as Directors shall:
    - a. have been elected to such office by qualified electors in accordance with the *Municipal Elections Act*, 1996, S.O. 1996, c.32, as amended or shall have been appointed as a member of Council pursuant to the provisions for filling vacancies in the *Municipal Act*, 2001, S.O. 2001, c.25, as amended; and
    - b. be approved as candidates for the Board by resolution of the Sole Member.
- 5.2 Composition of the Board.** Initially, the Corporation shall have a minimum of three (3) Directors. The Corporation may, from time to time, change the number of Directors that the Corporation shall have by special resolution of the Sole Member.



## Appendix "B" to Report PED20009(c)

Page 10 of 13

**5.3 Vacancies.** Subject to the relevant provisions of the *Not-for-Profit Corporations Act*, if a member of the Board ceases to be a Director for any reason, the Sole Member shall fill the vacancy created thereby as soon as is reasonably possible with persons eligible for appointment as a Director pursuant to this Direction.

**5.4 Term of Appointment.** The Term of appointment for all Board members shall be concurrent with the term of Council or until their successors are appointed, in any event in accordance with the relevant provisions of the *Not-for-Profit Corporations Act*.

**5.5 Auditor.** The Sole Member shall appoint an Auditor licensed under the *Public Accounting Act, 2004, S.O. 2004, c.8* and who shall be engaged to prepare and provide the Auditor's Report and the External Auditor's Finding Report. The Auditor shall also be engaged to prepare a management letter for the purposes of indicating to the Corporation specific ways to improve reporting and financial operations to help foster efficient management of the Corporation's resources. The management letter will also describe whether the Corporation has corrected any identified deficiencies in legislative compliance and in internal controls.

**5.6 Other Matters Requiring Sole Member Approval.**

**Corporate Issues.** Without the prior written approval of the Sole Member, the Corporation shall not:

- (i) create any debt;
- (ii) enter into any transaction or take any action that requires Sole Member approval pursuant to the *Not-for-Profit Corporations Act*;
- (iii) make any acquisition or disposition howsoever of: (i) any business, (ii) any assets, shares, securities or equity, partnership or joint venture interests, or (iii) any rights capable of becoming or affecting any of the foregoing;
- (iv) declare any dividend or make any other distribution;
- (v) make any decision that would materially affect the tax or regulatory status of the Corporation;
- (vi) grant any loan, guarantee of indebtedness or performance or provide financial assistance howsoever to any entity other than the Corporation and the City;
- (vii) enter into any transaction or take any action that requires the approval of the Sole Member pursuant to this Direction;
- (viii) pass or amend any by-laws with respect to the composition or number of Directors or the term of Directors;

- (ix) pass or amend any by-laws that are inconsistent with this Direction;
- (x) take any steps to wind-up or dissolve the Corporation;
- (xi) take or institute any proceedings for any legal reorganization of the Corporation.

**5.7 Materials to Accompany Approval Requests.** Requests by the Corporation to the Sole Member for approvals in relation to Section 5.6 shall be in writing and shall be accompanied by a written analysis and recommendation in connection with the matter in respect of which approval is requested; provided, however, that if it is not practicable for the request to be accompanied by such analysis and recommendation, the analysis and recommendation shall be provided to the Sole Member at the earliest practicable time following such request.

**5.8 Decisions of the Sole Member.** Approvals and decisions of the Sole Member in relation to this Direction will be given to the Corporation in writing signed by the Sole Member Representative, and approvals and decisions so signed may be relied upon by the Corporation as being the approval and decision of the Sole Member.

**5.9 Sole Member Representative.** The Sole Member hereby designates the City Clerk and Mayor (or such other person(s) as may be designated by Council from time to time) as the legal representatives of the Sole Member ("Sole Member Representative") for the purposes of: (i) communicating to the Corporation on behalf of the Sole Member any consent or approval required pursuant to the *Not-for-Profit Corporations Act* or providing any consent, approval, direction, communication or any information to be provided by the Sole Member to the Corporation pursuant to this Direction; and (ii) receiving from the Corporation any communications or information to be provided to the Sole Member by the Corporation for the purposes of this Direction. All communications for the purposes of this Direction between the Sole Member and the Corporation shall be transmitted to and from the President of the Corporation, on behalf of the Corporation, and the Sole Member Representative, on behalf of the Sole Member.

## ARTICLE 6 - CONFIDENTIALITY

### 6.1 Confidentiality.

- (i) Confidentiality Exceptions. The Directors, Officers and the Sole Member shall ensure that all Confidential Information of the Corporation is not disclosed or otherwise made available to any Person, except to the extent that:
  - a. Disclosure to the Corporation's Employees, authorized agents of the Corporation or other employees or agents of the Sole Member is necessary for the performance of any of their duties and obligations under this Direction; and

- b. disclosure is required in the course of judicial proceedings or pursuant to law.

**6.2 Requests to Disclose.** In the event any of the Directors, Officers or the Sole Member receive a request to disclose any Confidential Information pursuant to legal process of any kind, such Director, Officer or the Sole Member shall notify the Corporation promptly so that the Corporation may seek a protective order or other appropriate remedy. In the event that such protective order or other remedy is obtained, any of the Directors, Officers or the Sole Member shall furnish only that portion of the Confidential Information which any of the Directors, Officers or Sole Member is/are advised by legal counsel is legally required and will exercise all reasonable efforts to obtain reliable assurance that confidential treatment will be afforded to the Confidential Information.

## **ARTICLE 7 - EXCHANGE OF INFORMATION**

**7.1 General.** Any demand, notice or communication to be given under this Direction and not otherwise addressed in this Direction shall be in writing and signed by an authorized signatory and shall be personally delivered, mailed by prepaid mail, sent by facsimile or email as follows:

All demands, notices and communications shall:

- (i) if delivered personally, be deemed to have been received upon receipt;
- (ii) if transmitted by facsimile or email, be deemed to have been given on the second (2nd) business day following the day they were sent; and
- (iii) if mailed, be deemed to have been given on the third (3rd) business day following the date they were mailed.

## **ARTICLE 8 - ENFORCEMENT**

**8.1 Voting Power.** The Board and the Sole Member shall at all times use their voting powers (whether by way of vote or written consent) in accordance with the provisions of this Direction and for the purposes of effectuating the same.

**8.2 Further Assurances.** The Corporation, upon reasonable request of the Sole Member, shall do, execute, acknowledge and deliver or cause to be done, executed, acknowledged and delivered all such further acts and assurances as may be required for the better carrying out and performance of all the terms of this Direction.

## **ARTICLE 9 - COMMENCEMENT, AMENDMENT AND TERMINATION**

**9.1 Commencement.** This Direction shall come into effect as of XXXXXXXXXX and continue in effect until terminated by the Sole Member.

**Appendix "B" to Report PED20009(c)**  
**Page 13 of 13**

**9.2 Amendment.** This Direction may be amended solely at the discretion of the Sole Member by written resolution.

**9.3 Termination.** This Direction may be terminated solely at the discretion of the Sole Member upon written notice to the Board of any such proposed termination.

**9.4 No Third-Party Beneficiaries.** Nothing in this Direction shall entitle any entity other than the Sole Member to any claim, cause of action, remedy or right of any kind in respect of this Direction or the subject matter of this Direction.

**CITY OF HAMILTON**

Signed for and on behalf of the City of Hamilton as the sole member of the Corporation  
by:

Signed: \_\_\_\_\_

Name:

Title:

Date:

Signed: \_\_\_\_\_

Name:

Title:

Date:

**OPERATING AGREEMENT**

(the “Agreement”)

**THIS AGREEMENT** is effective as of the \_\_\_ day of \_\_\_\_\_, 2022 (the “**Effective Date**”)

**BETWEEN:**

**CITY OF HAMILTON**

(the “**City**”)

-and-

**HAMILTON TOURISM DEVELOPMENT CORPORATION**

(the “**Corporation**”)

(individually a “**Party**” and together the “**Parties**”)

**WHEREAS** the Corporation is a municipal services corporation incorporated pursuant to *Ontario Regulation 599/06 – Municipal Services Corporations* (being a regulation under the *Municipal Act, 2001, SO 2001, c.25*);

**AND WHEREAS** the City is the sole member of the Corporation;

**AND WHEREAS** the Corporation is an ‘eligible tourism entity’ for purposes of *Ontario Regulation 435/17 - Transient Accommodation Tax* (being a regulation under the *Municipal Act, 2001, SO 2001, c.25*) and provides tourism promotion and tourism development services to the City;

**AND WHEREAS** the Parties desire to enter into this Agreement to satisfy the requirements of Section 6 of *Ontario Regulation 435/17 - Transient Accommodation Tax*.

**NOW THEREFORE** in consideration of the mutual covenants and agreements contained herein and subject to the terms and conditions hereinafter set out, the Parties hereby agree as follows:

**ARTICLE 1 - DEFINITIONS**

**1.1** In this Agreement, unless the context requires otherwise, the following words, phrases and terms shall have the meaning ascribed to them as follows:

- (a) “**Annual Report**” has the meaning ascribed to it in Section 5.1 herein;
- (b) “**Auditor**” shall have the meaning ascribed to it in the Sole Member Direction;

**Appendix “C” to Report PED20009(c)**  
**Page 2 of 7**

- (c) **“Auditor’s Report”** shall have the meaning ascribed to it in the Sole Member Direction;
- (d) **“Board”** means the Board of Directors of the Corporation;
- (e) **“Confidential Information”** shall have the meaning ascribed to it in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended;
- (f) **“Council”** means the Council of the City;
- (g) **“External Auditor’s Findings Report”** shall have the meaning ascribed to it in the Sole Member Direction;
- (h) **“Financial Statements”** shall have the meaning ascribed to it in the Sole Member Direction;
- (i) **“MAT”** means the Municipal Accommodation Tax implemented by the City pursuant to *Ontario Regulation 435/17 - Transient Accommodation Tax*;
- (j) **“Sole Member”** means the City in its capacity as the sole member of the Corporation;
- (k) **“Sole Member Direction”** means the Sole Member Direction and Sole Member Declaration made and issued by the City to the Corporation;
- (l) **“Tourism Strategy”** means the tourism strategic plan approved by Council, as amended from time to time.

## **ARTICLE 2 - BACKGROUND**

**2.1** The Parties acknowledge and agree with each other that:

- (a) the Corporation was incorporated pursuant to the *Not-for-Profit Corporations Act*, 2010, SO 2010, c.15;
- (b) the City has or intends to, as the case may be, enact(ed) a by-law to impose a municipal accommodation tax (“MAT”) pursuant to *Ontario Regulation 435/17 - Transient Accommodation Tax*;
- (c) the Corporation was incorporated to serve as an ‘eligible tourism entity’ for the purposes of *Ontario Regulation 435/17 - Transient Accommodation Tax*;
- (d) *Ontario Regulation 435/17 - Transient Accommodation Tax* allows a municipality to provide an eligible tourism entity with fifty percent (50%) of the annual MAT revenue collected (less the City’s reasonable costs of

**Appendix "C" to Report PED20009(c)**  
**Page 3 of 7**

collecting and administering the MAT that are attributable to such fiscal year), to be used for the exclusive purpose of promoting tourism;

- (e) the City desires to provide the Corporation with fifty percent (50%) of the City's annual collected MAT revenue (less the City's reasonable costs of collecting and administering the MAT that are attributable to such fiscal year), subject to the terms and conditions set forth herein; and
- (f) the Parties desire to enter into this Agreement in order to set out reasonable financial accountability matters to ensure that amounts paid to the Corporation are used for the exclusive purpose of promoting tourism, pursuant to *Ontario Regulation 435/17 - Transient Accommodation Tax*.

### **ARTICLE 3 - PAYMENT OF MAT FUNDS TO CORPORATION**

- 3.1 Subject to the terms and conditions set forth in this Agreement, the City shall transfer to the Corporation fifty percent (50%) of the annual collected MAT revenue (less the City's reasonable costs of collecting and administering the MAT that are attributable to such fiscal year).
- 3.2 The frequency of payments from the City to the Corporation shall be determined at the sole discretion of the City, from time to time.

### **ARTICLE 4 - OBJECTIVES OF THE CORPORATION**

- 4.1 The Corporation acknowledges and agrees that all amounts paid to it by the City pursuant to Section 3.1 herein shall be used for the exclusive purpose of providing the City with tourism promotion and tourism development services, consistent with the objectives set forth in Section 4.2 herein, and as may be further requested by the City from time to time.
- 4.2 The Corporation shall strive to fulfil the following objectives while providing tourism promotion and tourism development services to the City:
  - (a) assist in securing and executing the hosting and promotion of events that are deemed to be a regional, provincial, national and/or international draw;
  - (b) support the creation of tourism product development which brings new and innovative products, experiences, and services to the market for tourists to enjoy;
  - (c) support tourism sector development and capacity-building;
  - (d) promote and market Hamilton as a leading designation for tourism, leisure and business travel with an emphasis on promoting overnight stays; and

- (e) undertake its duties using objective decision-making that is accountable and transparent, with a focus on providing City-wide benefits.

## ARTICLE 5 - FINANCIAL ACCOUNTABILITY

**5.1 Annual Report.** The Board shall prepare and approve an "Annual Report" and submit and present same to the City, in its capacity as Sole Member, at a Sole Member meeting, which may be the Annual General Meeting. The Annual Report shall include:

- (a) such explanations, notes and information as are required to account for any variances between the actual results from operations and the budgeted amounts set forth in the approved budget, and any material variances in the projected ability of any business activity to meet or continue to meet the financial objectives of the City;
- (b) information that is likely to materially affect the City's objectives;
- (c) information regarding any matter, occurrence or other event which is a material breach or violation of any law, including findings of internal and other audits;
- (d) information on progress and accomplishments relative to the Corporation's strategic business plan;
- (e) information regarding the performance of the Corporation such that the City can determine that the strategic business plan has been respected;
- (f) information regarding the performance of the Corporation such that the City can determine that the Sole Member Direction has been respected; and
- (g) such additional information as the City may specify from time to time.

**5.2 Financial Statements.** The Board shall deliver to the City, in its capacity as Sole Member, as soon as practicable and in any event no later than the 31<sup>st</sup> day of May in the year following the end of each fiscal year, the Corporation's audited annual Financial Statements signed on behalf of the Board by two (2) members of the Board along with a copy of the Auditor's Report.

**5.3 Accounting.** The Corporation shall adopt and use the accounting policies and procedures that may be approved by the Board from time to time and all such policies and procedures shall be in accordance with Canadian generally accepted accounting principles and applicable regulatory requirements.



**Appendix "C" to Report PED20009(c)**  
**Page 5 of 7**

- 5.4 Auditor.** The City, in its capacity as Sole Member, shall appoint an Auditor licensed under the *Public Accounting Act*, 2004, S.O. 2004, c.8 and who shall be engaged to prepare and provide the Auditor's Report and the External Auditor's Finding Report. The Auditor shall also be engaged to prepare a management letter for the purposes of indicating to the Corporation specific ways to improve reporting and financial operations to help foster efficient management of the Corporation's resources. The management letter will also describe whether the Corporation has corrected any identified deficiencies in legislative compliance and in internal controls.
- 5.5 Access to Records.** The City shall have unrestricted access to the books and records of the Corporation during normal business hours. The City shall treat all information of the Corporation with the same level of care and confidentiality as any Confidential Information of the City.

### **ARTICLE 6 - GENERAL PROVISIONS**

- 6.1 Term and Termination.** This Agreement shall be effective as of the Effective Date and shall continue in effect until the earlier of:
- (a) the dissolution of the Corporation; or
  - (b) the City provides the Corporation with written notice of its desire to terminate this Agreement.
- 6.2** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein.
- 6.3** In the event that any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, the remaining provisions of this Agreement will not be affected and shall continue in full force and effect.
- 6.4** The Corporation shall not assign this Agreement in whole or in part without the express written consent of the City.
- 6.5** This Agreement may be amended by the written consent of both Parties.
- 6.6** No waiver of a breach by a Party shall constitute an amendment or consent to or waiver of any other different or subsequent breach.
- 6.7** The Corporation is deemed to be an institution for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.
- 6.8** This Agreement shall enure to the benefit of and be binding upon the respective successors, administrators and assigns of each Party.

**Appendix “C” to Report PED20009(c)**  
**Page 6 of 7**

- 6.9** Pursuant to Section 16 of *Ontario Regulation 599/06 – Municipal Services Corporations*, the Corporation is hereby authorized to operate within the boundaries of the City.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK. SIGNATURE PAGE TO FOLLOW]**

**Appendix "C" to Report PED20009(c)**  
**Page 7 of 7**

**IN WITNESS WHEREOF** the Parties have executed this Agreement as of the Effective Date.

**CITY OF HAMILTON**

**Per:** \_\_\_\_\_  
Name: F. Eisenberger  
Title: Mayor  
Date:

**Per:** \_\_\_\_\_  
Name: A. Holland  
Title: City Clerk  
Date:

**HAMILTON TOURISM DEVELOPMENT CORPORATION**

**Per:** \_\_\_\_\_  
Name:  
Title: President  
Date:

**Per:** \_\_\_\_\_  
Name:  
Title: Treasurer  
Date:



Hamilton

## CORPORATE POLICY

**POLICY TITLE: ASSET TRANSFER - HAMILTON TOURISM DEVELOPMENT CORPORATION**

**POLICY NO.:**

<b>Effective Date:</b>	
------------------------	--

<b>POLICY STATEMENT</b>
This Policy establishes a framework for the transfer of City of Hamilton (“City”) owned asset(s) to Hamilton Tourism Development Corporation (“HTDC”).
<b>PURPOSE</b>
The objective of this policy is to permit and facilitate the transfer of City owned and controlled assets to HTDC pursuant to applicable legislation.
<b>SCOPE</b>
This policy applies to any instance where City owned assets are transferred to HTDC.  This policy applies to all City employees that are responsible for the management of financial resources.
<b>LEGISLATIVE REQUIREMENTS</b>
<ol style="list-style-type: none"> <li>1. <i>Municipal Act, 2001</i>, S.O. 2001, c. 25 and O.Reg.599/06 - Municipal Service Corporations</li> <li>2. All applicable laws including federal, provincial, municipal by-laws, policies and procedures.</li> </ol>
<b>DEFINITIONS</b>
<ol style="list-style-type: none"> <li>1. <b>Asset(s):</b> A resource with economic value with an expectation that it will provide a future benefit. An asset can include real and personal property, monies, securities, equipment, intellectual property, and any resource that could deliver a prospective profit and/or benefit.</li> <li>2. <b>City Staff:</b> Employees of the City, unless otherwise stated.</li> <li>3. <b>Council:</b> The Council of the City of Hamilton.</li> </ol>

**Appendix “D” to Report PED20009(c)**  
**Page 2 of 2**

- 4. Transfer:** A change of ownership from one party to another.
- 5. Hamilton Tourism Development Corporation (HTDC):** a not-for-profit corporation, wholly owned by the City, incorporated pursuant to the *Not-for-Profit Corporations Act*, 2010, SO 2010, c.15.

### **POLICY**

The following principles apply to this policy:

- 1) The City shall ensure all applicable legislation, including but not limited to the *Municipal Act*, 2001 is adhered to in any asset transfer.
- 2) Prior to any transfer of assets, Finance staff shall determine the fair market value of the assets, further determination may involve the use of an appraiser, but such an appraisal shall not necessarily be required where staff is of the opinion that a fair market value can be accurately determined.
- 3) Asset transfers must be approved by Council in advance of the transfer.
- 4) City Council may attach any term, condition, guideline, restriction or such to any asset transfer as it deems necessary or appropriate, including but not limited to:
  - a) happening of an event or events;
  - b) Specifying the permitted used of the asset(s);
  - c) Providing for an obligation on HTDC to transfer back the asset upon the Restricting or prohibiting further transfer, sale or lease of the asset;
  - d) Attaching a purchase price of the asset to be paid to the City by HTDC; and
  - e) Any repayment or conditional payment terms.
- 5) The disposition or transfer of assets shall be recorded in the asset ledger in accordance with Public Sector Accounting Standards (PSAB) and the City’s accounting policies.
- 6) Where a third party (e.g. Government of Canada, Province of Ontario) has contributed funds to any asset being transferred, the City shall give notice to the parties that made part of the contribution if such noticed is required by law or agreement.

<b>RESPONSIBILITY FOR THE POLICY</b>	Corporate Services Department Director of Financial Planning, Administration and Policy
<b>POLICY HISTORY</b>	This Policy has been approved by Council on <b>XXX</b> through Report PED20009(c)

**Appendix “E” to Report PED20009(c)**  
**Page 1 of 2**

**Administrative Line of Credit Agreement Terms and Conditions**

Parties.	City of Hamilton (the “City”) and the Hamilton Tourism Development Corporation (the “Borrower”). The Borrower has applied to the City for a Line of Credit to provide funds for the administration operations of the Borrower.
Purpose.	The loan is being made to the Borrower relating to the financing of administration expenses of the Borrower. Expense examples include bookkeeping services, fees (e.g. banking, audit, insurance), computer software, and other supplies.
<b>Terms</b>	
Loan Amount.	The City will make available to the Borrower up to Two Hundred and Fifty Thousand Dollars (\$250,000 CAN) by way of advances.
Advances.	Advances will be made from the available funding, on an as required basis.
Closing Date.	Closing Date means the date the agreement is fully executed; projected to be on or before December 31, 2022.
Interest.	The Borrower will pay interest on the outstanding principal amount of the loan advanced from time to time at a rate of interest per annum equal to 5.25% plus a 0.25% administrative fee consistent with the City’s external loan guidelines.
Line of Credit Expiry Date.	The line of credit will expire on or before December 31, 2027.
Payments of Interest.	The Borrower will pay payments consisting of interest only calculated and compounded annual based on the revolving balance.
Payments of Principal.	The Borrower will pay the Principal in full on the 5 <sup>th</sup> anniversary of the Closing Date, or sooner if the Borrower is financially able. If HTDC defaults on their payments the City would have authority to draw funds from the City of Hamilton Municipal Accommodation Tax Reserve and the HTDC reserve.
<b>Conditions</b>	
Taxes.	The Borrower will file federal and provincial filings and reports which are required to be filed by it in respect of all taxes.
Financial Statements.	The Borrower’s financial statements will present the financial position of the Borrower and the results of its operations in accordance with generally accepted accounting principles applied on a consistent basis.
Reporting to the City.	The Borrower shall provide the City with annual audited financial statements and other required documents through the City’s Boards and Shareholders reporting structure and schedule.

**Appendix “E” to Report PED20009(c)**  
**Page 2 of 2**

Insurance.	The Borrower will maintain insurers insurance with respect to its business in the form of General Liability and Directors and Officers Liability.
<b>Other Provisions to be included in the Agreement</b>	
<ul style="list-style-type: none"><li>• Repayment</li><li>• Representations and Warranties</li><li>• Covenants</li><li>• Events of Defaults and Acceleration</li><li>• Indemnification</li><li>• And other general provisions or conditions deemed appropriate by the General Manager, Corporate Services Department in consultation with the General Manager, Planning and Economic Development Department, and in a form satisfactory to the City Solicitor.</li></ul>	

DRAFT

**Appendix “F” to Report PED20009(c)**  
**Page 1 of 2**

**Business Line of Credit Agreement Terms and Conditions**

Parties.	City of Hamilton (the “City”) and the Hamilton Tourism Development Corporation (the “Borrower”). The Borrower has applied to the City for a Line of Credit to provide funds for the business activities of the Borrower.
Purpose.	As outlined in it’s Articles of Incorporation, the objectives of HTDC are to develop tourism products and promote Hamilton as a destination for tourists, visitors, festival and event attendees, conference delegates and business travellers. For greater clarity, tourism products relate to the eight sectors of the tourism industry: accommodation, adventure tourism and recreation, attractions, festivals, events and conferences, food and beverage, tourism services, transportation, and travel trade.
<b>Terms</b>	
Loan Amount.	The City will make available to the Borrower up to Two Million Dollars (\$2,000,000 CAN) by way of advances.
Advances.	Advances will be made from the available funding, on an as required basis.
Closing Date.	Closing Date means the date the agreement is fully executed; projected to be on or before December 31, 2022.
Interest.	The Borrower will pay interest on the outstanding principal amount of the loan advanced from time to time at a rate of interest per annum equal to 5.25% plus a 0.25% administrative fee consistent with the City’s external loan guidelines.
Payments of Interest.	The Borrower will pay payments consisting of Interest only calculated and compounded annual based on the revolving balance.
Payments of Principal.	The Borrower will pay the Principal in full on the 5 <sup>th</sup> anniversary of the Closing Date, or sooner if the Borrower is financially able. If HTDC defaults on their payments the City would have authority to draw funds from the City of Hamilton Municipal Accommodation Tax Reserve and the HTDC reserve.
Line of Credit Expiry Date.	The line of credit will expire on or before December 31, 2027.
<b>Conditions</b>	
Taxes.	The Borrower will file federal and provincial filings and reports which are required to be filed by it in respect of all taxes.
Financial Statements.	The Borrower’s financial statements will present the financial position of the Borrower and the results of its operations in accordance with generally accepted accounting principles applied on a consistent basis.




## Appendix "F" to Report PED20009(c)

Page 2 of 2

Reporting to the City.	The Borrower shall provide the City with annual audited financial statements and other required documents through the City's Boards and Shareholders reporting structure and schedule.
Insurance.	The Borrower will maintain insurers insurance with respect to its business in the form of General Liability and Directors and Officers Liability.
<b>Other Provisions to be included in the Agreement</b>	
<ul style="list-style-type: none"> <li>• Repayment</li> <li>• Representations and Warranties</li> <li>• Covenants</li> <li>• Events of Defaults and Acceleration</li> <li>• Indemnification</li> <li>• And other general provisions or conditions deemed appropriate by the General Manager, Corporate Services Department in consultation with the General Manager, Planning and Economic Development Department, and in a form satisfactory to the City Solicitor.</li> </ul>	



## INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	August 4, 2022
<b>SUBJECT/REPORT NO:</b>	Open Streets Temporary Linear Urban Park (PED22075(a)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Peter Topalovic (905) 546-2424 Ext. 5129 Alison Carlyle (905) 546-2424 Ext. 1473
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

On May 4, 2022 the General Issues Committee (GIC) approved Report PED22075 and the Recommendations that Staff implement a “Gage to Gore” Open Streets Temporary Linear Urban Park Program.

An additional Recommendation (g) requires additional follow-up from Staff: “That, prior to the implementation of any Open Streets Temporary Linear Urban Park, staff was directed to an provide opportunity for direct resident engagement to include, but not be limited to, the use of Engage Hamilton to invite residents along the King Street stretch to comment on this matter.”

The purpose of this Information Report is to provide the GIC with an update on Recommendation (g) and the results of the next phase of engagement.

---

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: Open Streets Temporary Linear Urban Park (PED22075(a)) (City Wide)**  
**Page 2 of 6**

---

## INFORMATION

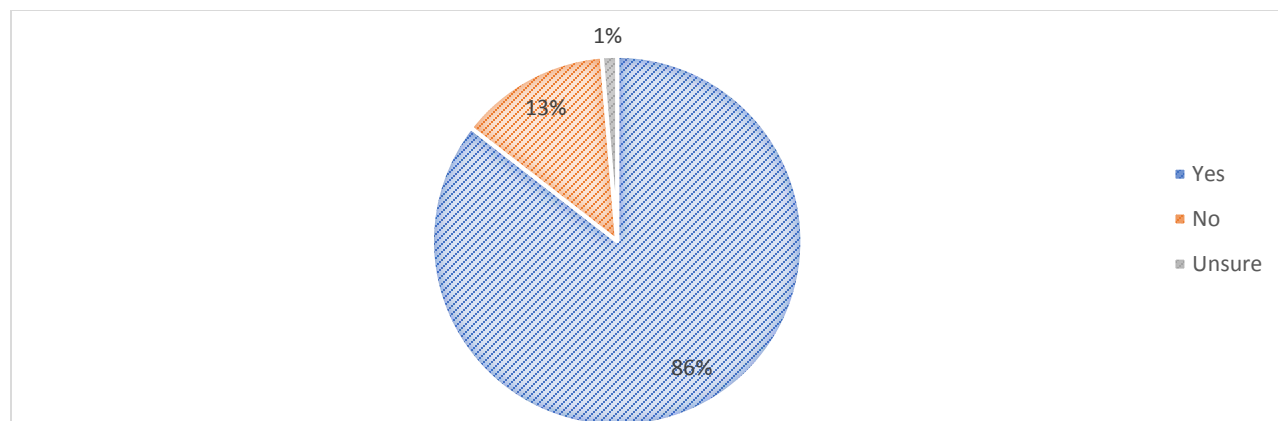
This Report provides responses to the GIC direction in two main categories:

1. Summary of direct resident engagement using Engage Hamilton; and,
2. Update on ongoing engagement with impacted stakeholders and timelines.

- **Summary of direct resident engagement using Engage Hamilton**

Staff in Transportation Planning initiated a survey through Engage Hamilton, which was open from June 2, 2022 to June 23, 2022. The survey received 986 responses, with 86% of respondent in support of a temporary urban linear park on King Street for one weekend day, as shown in Figure 1. A full summary of the survey results can be found in Appendix “A” attached to Report PED22075(a). Overall there was broad support for the project, both in the project area and across the City. There were also some responses from individuals who lived outside of Hamilton, showing some local tourism potential for this project.

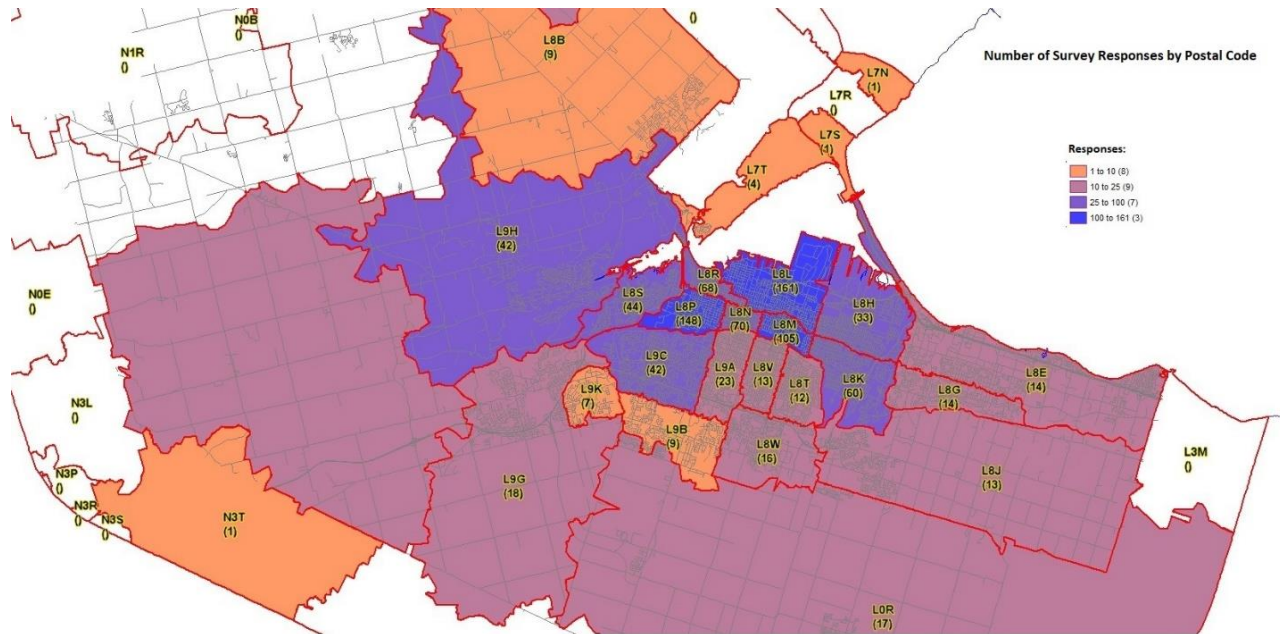
**Do you support running Open Streets on King Street in Hamilton, as a pilot to test ideas that have been successful in other cities?**



**Figure 1 - Support for Open Streets**

The majority of respondents to the survey lived in the lower City, with a high response rate from residents living in the three postal code areas that would include portions of King Street that are part of the Open Streets Linear Park area. The map in Figure 2 shows the number of responses by postal code within the City.

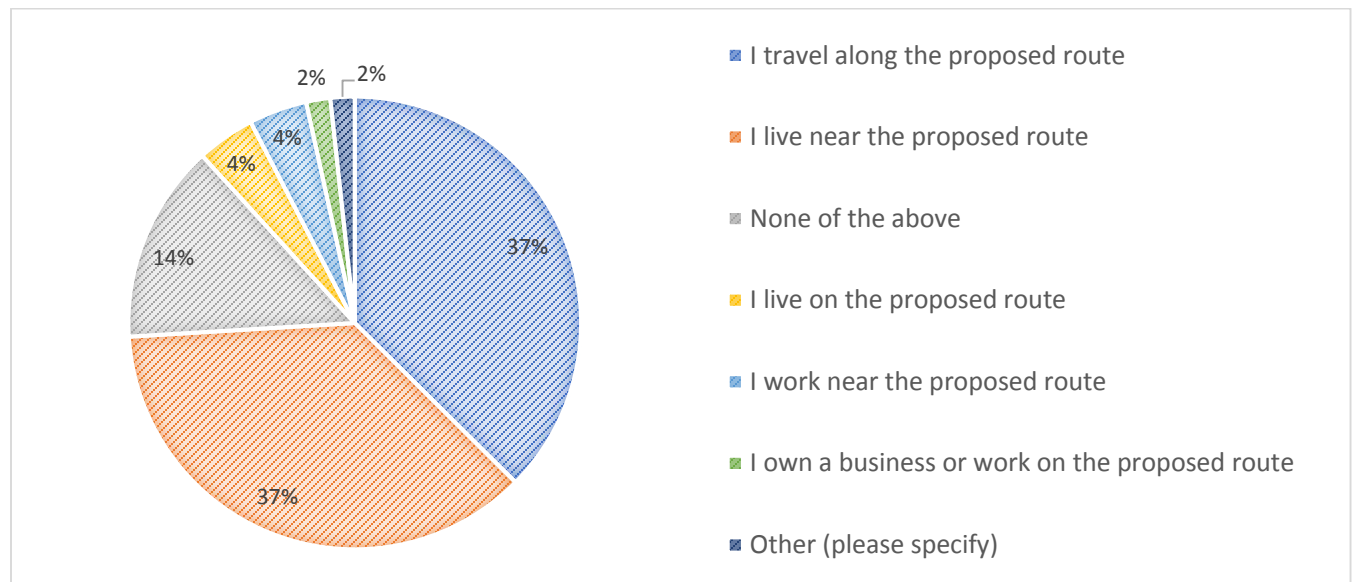
**SUBJECT: Open Streets Temporary Linear Urban Park (PED22075(a)) (City Wide)**  
**Page 3 of 6**



**Figure 2 - Postal Codes with the Highest Survey Response Rates**

Responses came mostly from people who travel along the route and those who live near the proposed route, as shown in Figure 3.

**Which best describes how you use the proposed route on King Street from Gage Street to Gore Park?**



**Figure 3 - How Respondents Currently Use the Gage to Gore Route**

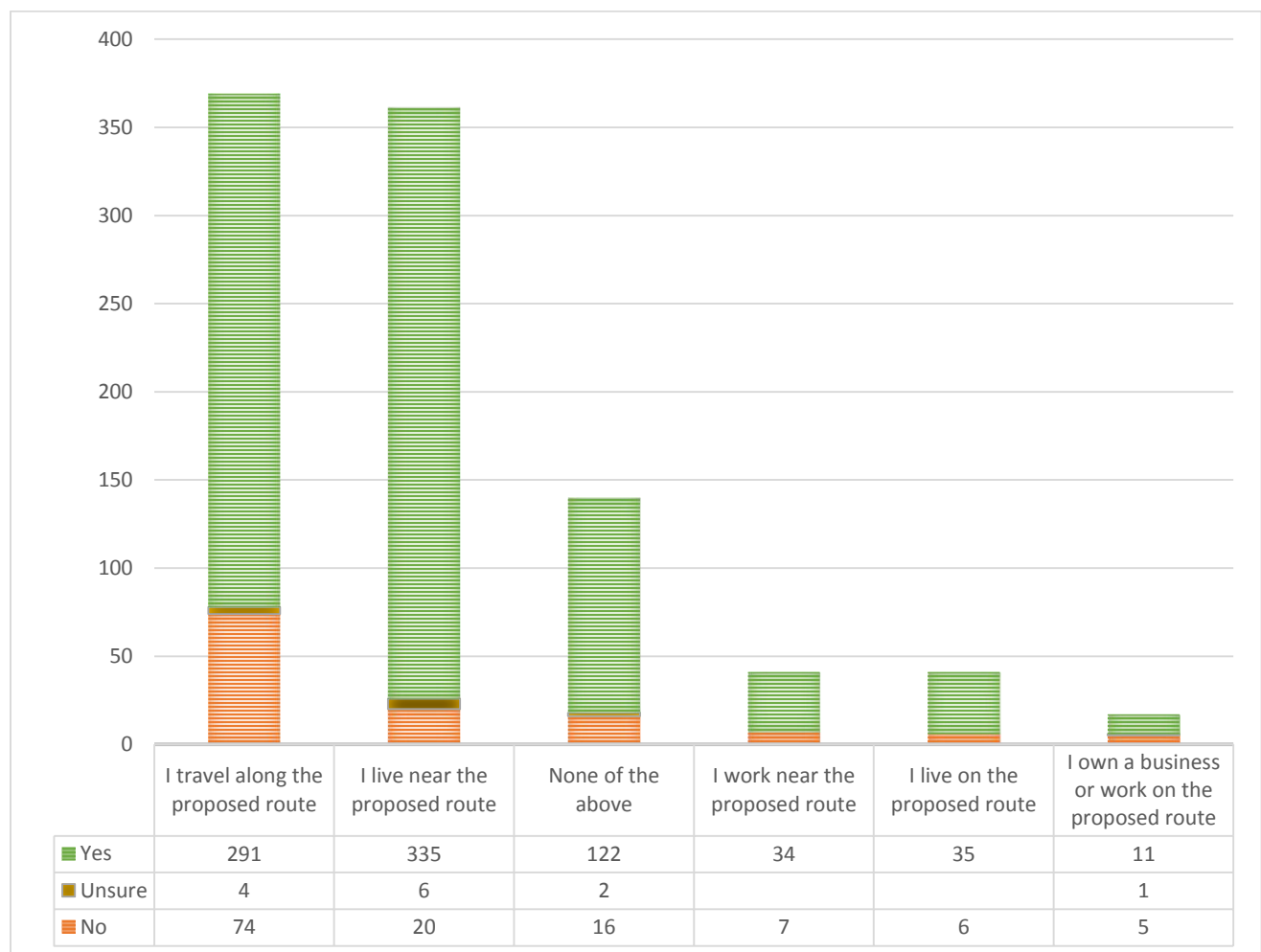
OUR Vision: To be the best place to raise a child and age successfully.  
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.  
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Open Streets Temporary Linear Urban Park (PED22075(a)) (City Wide)**  
**Page 4 of 6**

The survey also shows wide geographical support for the project. When broken down by postal code areas, every postal code with five or more respondents had at least 69% support for the project as shown in Appendix “A” attached to Report PED22075(a). When looking specifically at responses from only those who live in the three postal code areas that include the proposed route, support increases to 90%.

Responses were also analyzed by how people generally use King Street. Again, overall, there is general support by each type of user, with the most support from people who live near the proposed route, as outlined in Figure 4.

**Do you support running Open Streets on King Street in Hamilton, as a pilot to test ideas that have been successful in other cities (by use type)?**

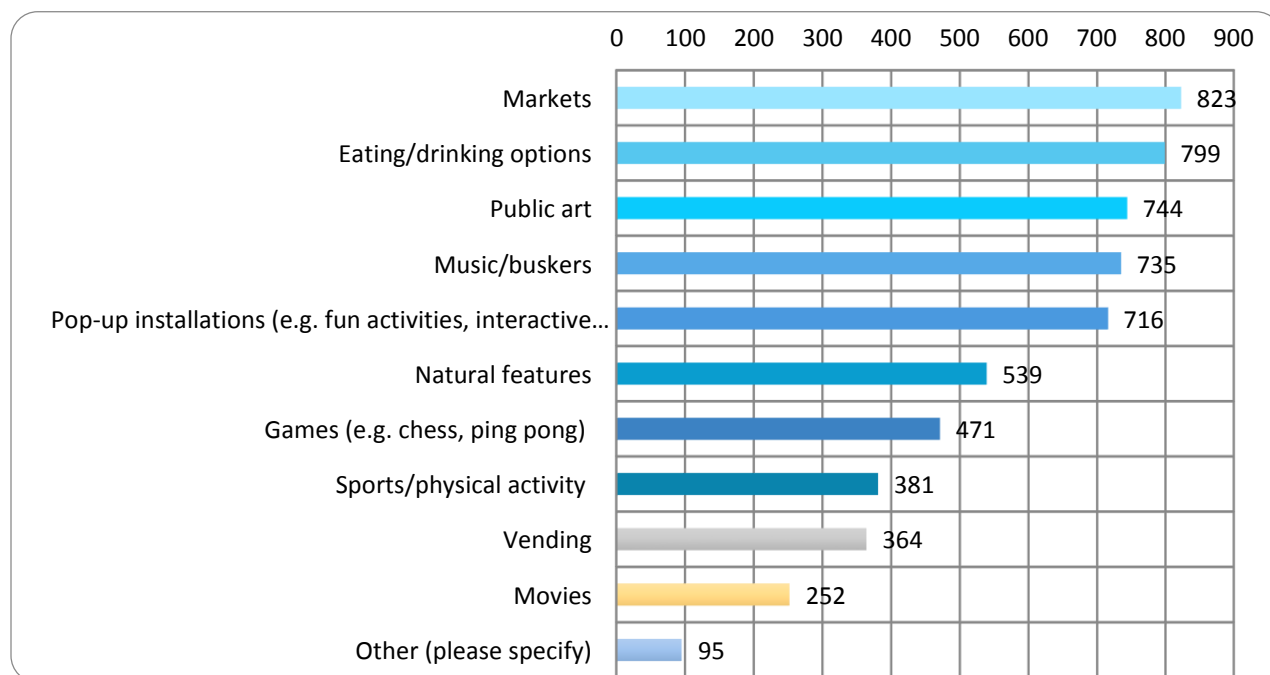


**Figure 4 - Support for Open Streets by Use Type**

**SUBJECT: Open Streets Temporary Linear Urban Park (PED22075(a)) (City Wide)**  
**Page 5 of 6**

In addition to understanding public interest in the project, the survey also asked about what type of programming people would like to see in the space. Markets and food/drink options were the most popular shown in Figure 5.

**What type of events and activities would you like to see at the Open Street in Hamilton?**  
**Check all that apply.**



**Figure 5 – Interest in events and activities at the Open Street in Hamilton**

- **Update on ongoing engagement with impacted stakeholders and timelines**

Both internal and external stakeholder engagement will continue throughout the summer.

Internal engagement, thus far, includes Public Works (Transportation Operations and Maintenance (TOM), Engineering Services, Transit (HSR)); Healthy and Safe Communities (Public Health Services, Healthy Environments); the Hamilton Police Service; and, Planning and Economic Development (Economic Development, Tourism and Culture).

External engagement has also taken place with Metrolinx and the Business Improvement Area (BIA) Advisory Committees. Both the International Village and the Downtown BIA have been engaged as they are directly affected by a pilot. The public engagement survey that was conducted through Engage Hamilton, was shared widely to different committees, through social media on the City of Hamilton and Smart

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: Open Streets Temporary Linear Urban Park (PED22075(a)) (City Wide)**  
**Page 6 of 6**

---

Commute pages, and, with an interested organization such as Mobility Lab. It was also shared with all Councillors, and in various newsletters. The high response rate shows the results of these efforts.

### **Updated Timelines**

Staff recognize the importance of ensuring that there are appropriate plans made with police and other emergency services for the safety of the event. Additionally, it is important that businesses and residents on the route are engaged throughout the process as this will be an important factor for making final decisions on the event design. In order to allow time for meaningful consultation with these groups and others impacted, planning for a Summer 2023 Open Streets event would help ensure success and identify opportunities to cross-promote and integrate with other planned City events.

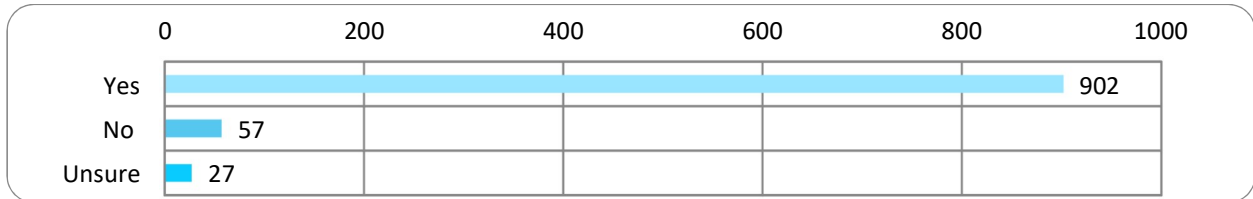
As this Report addresses the issue to provide opportunity for direct resident engagement prior to implementation of Open Streets Temporary Linear Urban Park, Item HH on the General Issues Committee Outstanding Business List, it is appropriate to be identified as complete and removed from the list.

### **APPENDICES AND SCHEDULES ATTACHED**

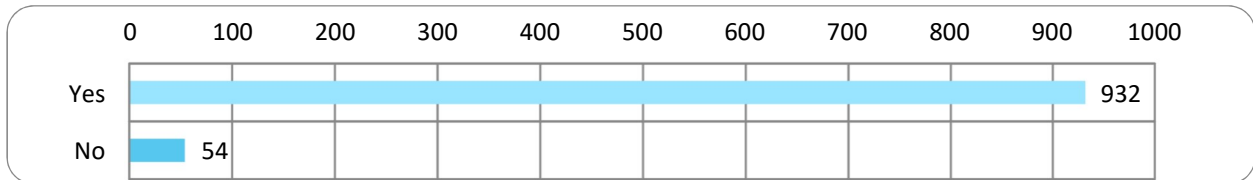
Appendix "A" to Report PED22075(a) - Summary of Engage Hamilton Survey Results

# Summary of Engage Hamilton Survey Results

**Question 1:** Public space is a social space, that is generally open and accessible to people. This can include parks and community centres, as well as plazas and greenspaces. Do you support the expansion of public space in Hamilton?



**Question 2:** Is public space important to you?



**Question 3:** Why is public space important to you? (check your top 5)





Of the 35 individuals who chose 'other' reasons that public space is important to them, themes included **car-free public spaces, places for community** to share ideas and spend time together, **sustainability and the environment** and **accessibility**.

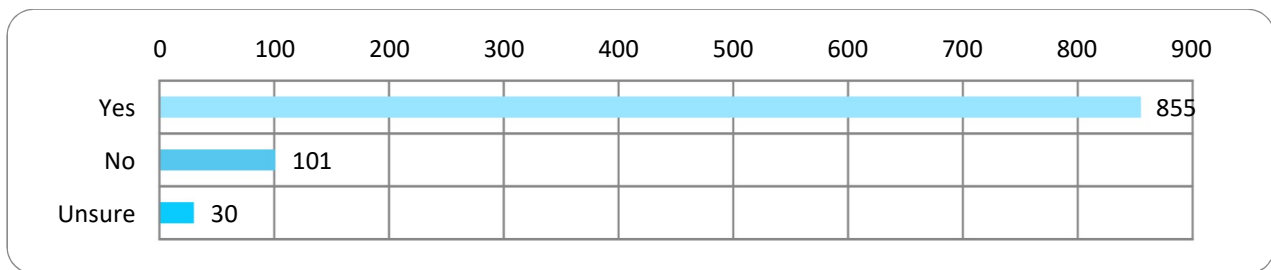
“A place to be with our children and feel safe from cars.”

“Strengthen local businesses, fewer cars, incentive to live in and support the Hamilton downtown.”

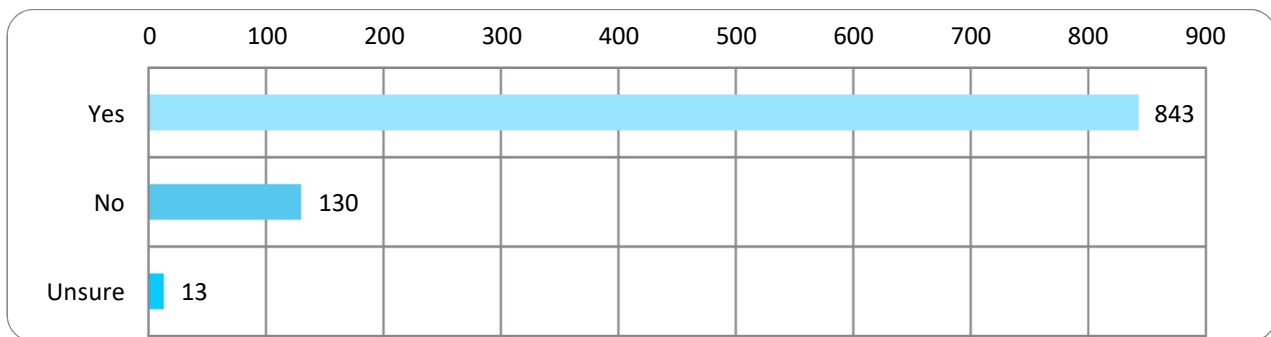
“In urban settings, public spaces are “backyards”. Supporting a denser, more sustainable city means making more public space available.”

“Public spaces are important because they ask nothing of you. You don’t have to buy something to be there.”

**Question 4:** Open Streets are programs that temporarily open streets to people as additional public space, closing them to cars. Do you support Open Streets events as a method for expanding public space in downtown areas?



**Question 5:** Do you support running Open Streets on King Street in Hamilton, as a pilot to test ideas that have been successful in other cities?



Of the people who were in support of a pilot project on King Street, the reasons why were generally focused around creating **more space for people and decreasing the number of cars downtown**, increasing safety, reducing noise, and benefiting the environment.

"The streets need to be shared - not kept exclusive for cars. Streets take up a lot of space and cost a lot of money. We all pay for them, they should be designed for use by everyone."

"I never go to the downtown core despite living a ten-minute walk away because the traffic makes it feel like a highway interchange. Fewer cars and more public space makes downtown feel safer, more accessible, and attractive."

Other key themes in the comments included the opportunity for **community connection**, the importance of **accessible public space**, and increased opportunities for **walking and cycling**.

"I want a safe place to ride my bike and roller skate! I'd get out more and make a day of it if I knew this was happening."

"I feel that making the street walkable and accessible for those who do not drive or cannot drive, or for those who do drive but wish to slow down and enjoy aspects of the community they may not necessarily notice while driving by, is an important step to supporting small businesses and generating a feeling of community. Someone on foot is more likely to walk into a shop than someone in a car. It also provides community members a more accessible method of enjoying outdoor space in the City."

There were also a number of comments that highlighted the benefits of the pilot as an opportunity to **experience the City in a new way**, using words like slow, peaceful and relax. Attraction to the downtown and to local businesses was another key theme. Words like **pride**, and **vibrancy** were used to highlight the ability of an event like this to strengthen the community in downtown Hamilton.

"It brings people out of their homes and into spaces usually dominated by cars to walk and explore their neighbourhoods in a peaceful safe way."

"I love to walk around the City with my kids, without worrying if they'll be hurt by cars when I take my eyes off them for a second. I can actually relax."

"It's an opportunity to experience downtown and Hamilton in a different way. It also may help people change their perspective on the downtown, if they see it's vibrancy, get to explore the shops, etc. in a way that they might not otherwise."

"Support making the Downtown a community, want to feel like a neighborhood rather than bypass."

"When you think of any great city - they are defined not by their quiet suburbs but their central meeting spots and hubs. We have so many ingredients for greatness, we can accomplish this."

"I think this is a brilliant idea and exactly what Hamilton needs to get people to truly experience the revitalization that has been happening downtown the last few years. Many people have a bad impression of downtown, they only use King and Main to drive

through downtown as quickly as possible. This will encourage people to come, experience, enjoy & hopefully continue to come back!"

There were individuals that were fully supportive and interested in making the project permanent or expanding the project. There were also some comments from people that were unsure of the project but interested in trying a pilot to see how it works.

"I'd like to see the results of a pilot, though I'm wary of implementing a program, particularly on King Street. Hamilton would really benefit from community engagement, especially after the last two years. I think it would help local businesses too. That being said, traffic is already an issue. Losing 4 kms of street will make that worse."

"I LOVE THIS IDEA AND I WOULD LOVE TO SEE THIS HAPPEN! We need more creativity like this to happen. Yes, it will be an inconvenience, to some, but the majority will enjoy this. It's only one weekend and not every weekend. I can support this happening one or two times a year but more than that would be too much for the residents who live along that corridor."

"This is consistent with the stated values of our City where we affirm we are in a climate emergency, we want safe streets, and we want to create the best place to raise children and age well. In this case, creating more space, safer space for people to get outdoors and out of their cars is a great idea to test out. I expect that some portions of City roads could permanently become pedestrian zones, even for certain times of the year."

The vast majority of people who do not support a pilot project on King Street mentioned the **traffic and congestion** issues that would be caused as a reason for not supporting the initiative. Many people suggested using a different street. Other themes in the responses include the disruption to **transit and emergency vehicles**, using **existing public space**, and the current **unpleasantness of downtown** making it an undesirable location for such a project.

"Gage park to Gore Park is a massive area that offers no great beauty or excitement other than a concrete path to walk or bike. There are other areas in Hamilton where walking etc. could occur that would be more pleasant."

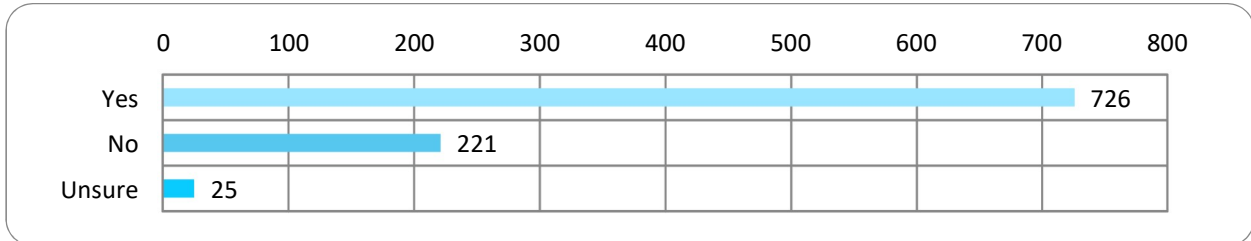
"King Street is a major artery through the City and, with the amount of one-way streets, all need to remain open. As well, that is not a nice part of the City and I would not be interested in bringing my family there."

"I am fully supportive of the idea, but I don't think that this entire stretch of King Street is the right street to pilot this on. Why not James Street or another street with more amenities downtown."

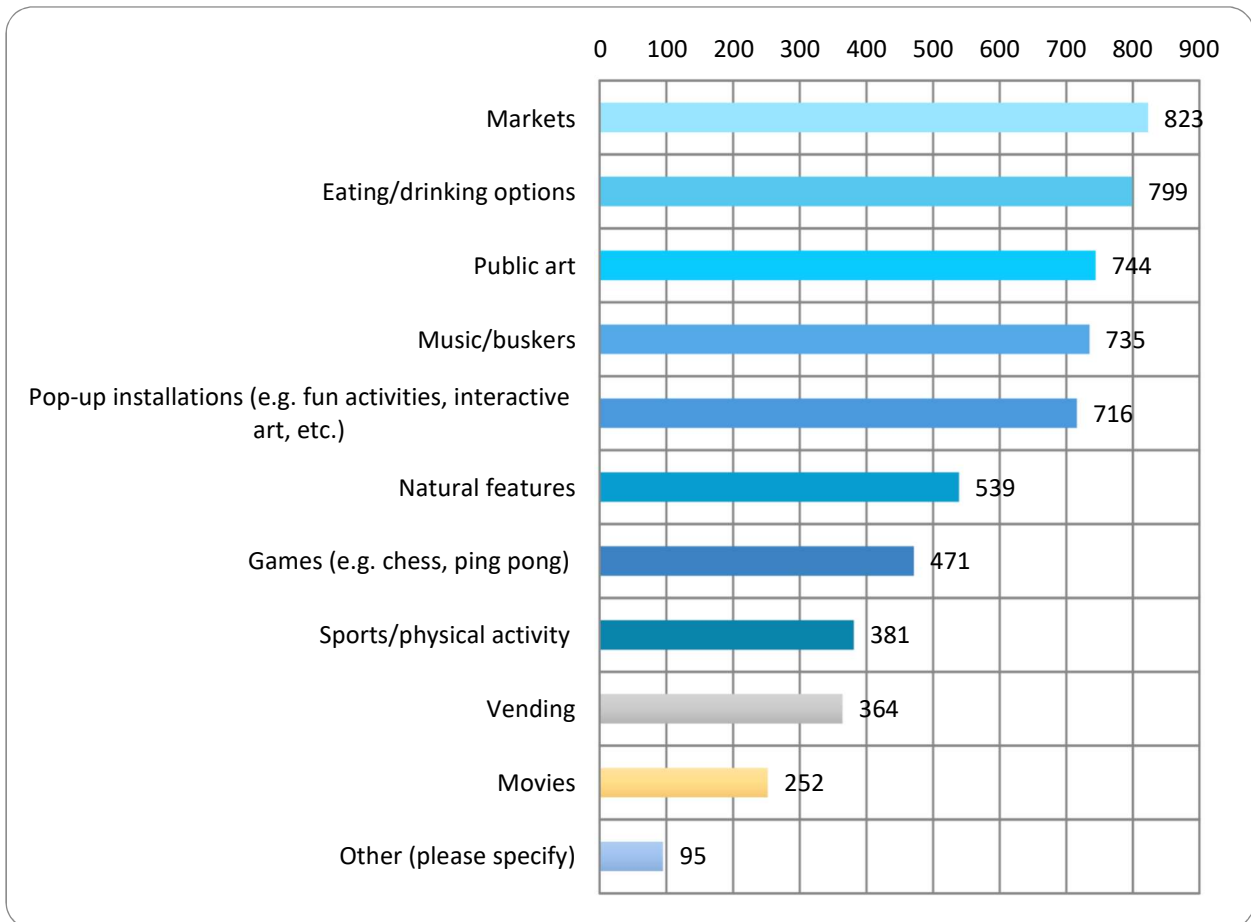
One individual also commented that they were not supportive of a pilot, as permanent solutions are needed.

“Because what we need is not a temporary road closure, once a week. What we need are PERMANENT open spaces for pedestrians. For example, a permanent pedestrian-only street (no cars allowed), such as Boule Saint Catherine in Montreal.”

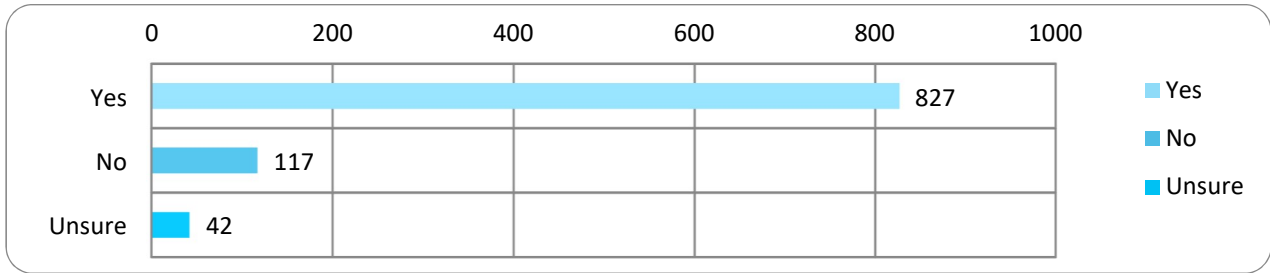
**Question 6:** Have you attended an Open Street event in the past, in Hamilton or elsewhere?



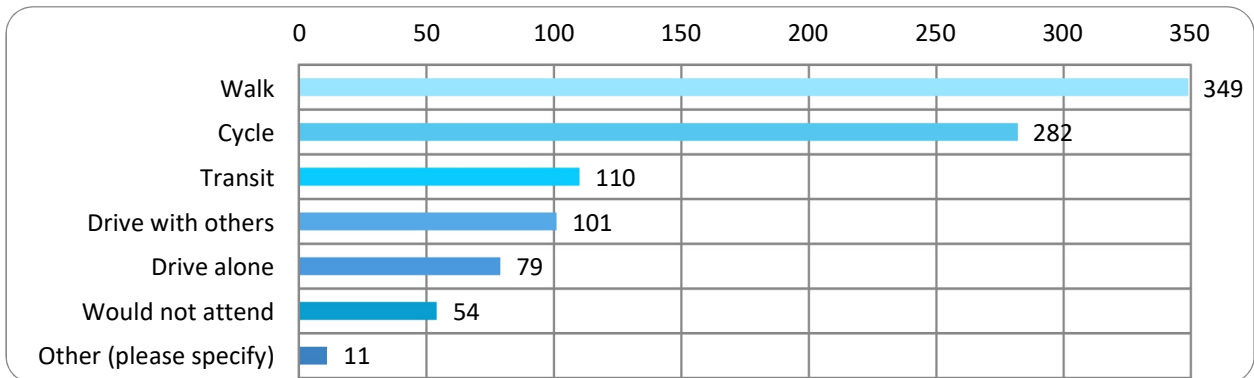
**Question 7:** What type of events and activities would you like to see at the Open Street in Hamilton? Check all that apply.



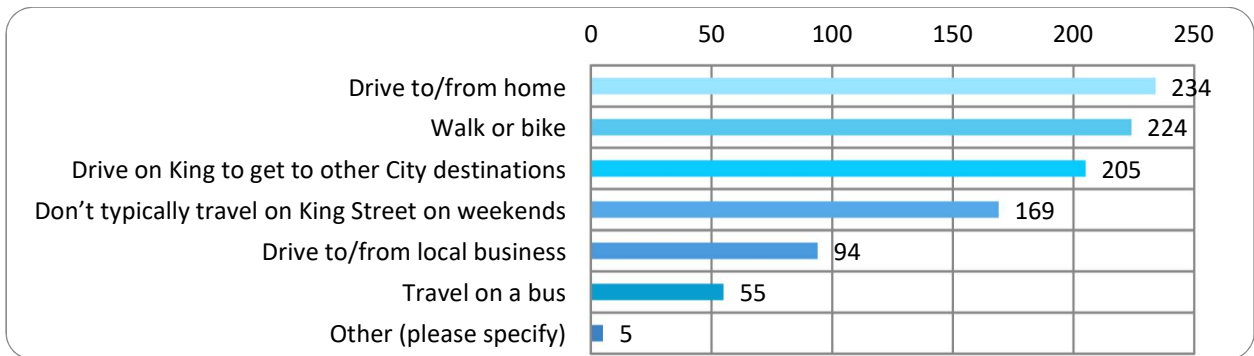
**Question 8:** Would you attend an Open Streets event on King Street from Gage to Gore?



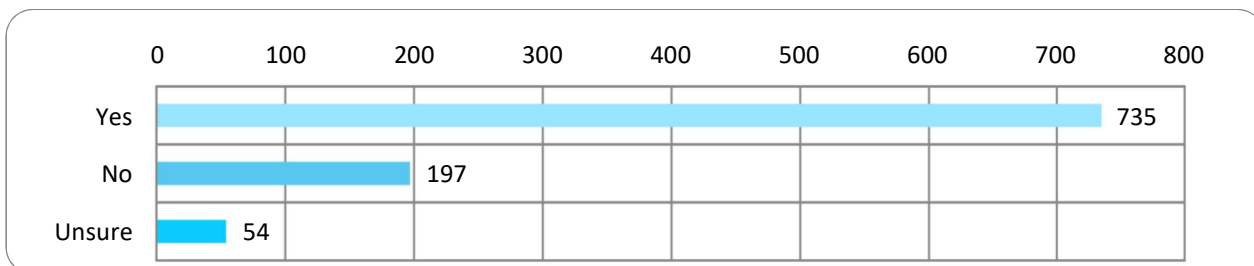
**Question 9:** How would you travel to the event?



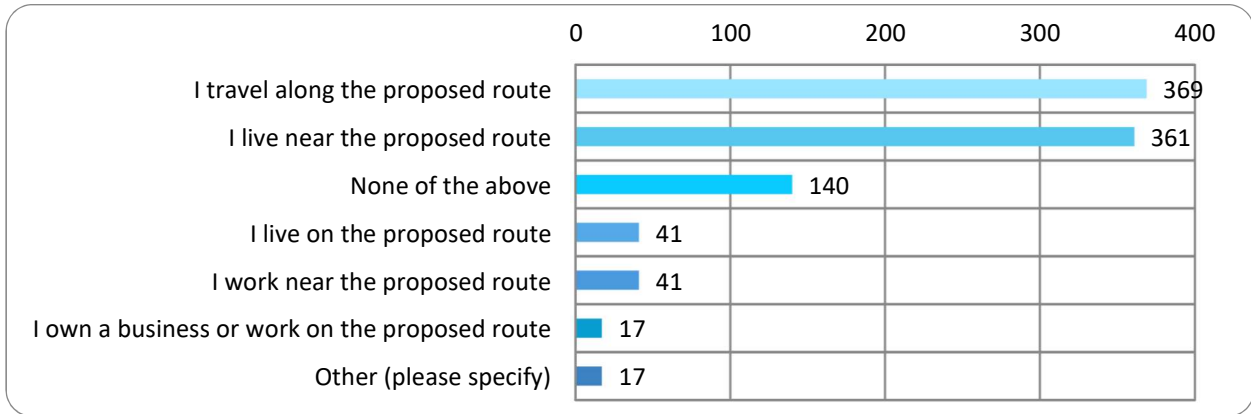
**Question 10:** How do you typically travel on King Street on weekends?



**Question 11:** Would this event make you more likely to walk or cycle or take transit Downtown?

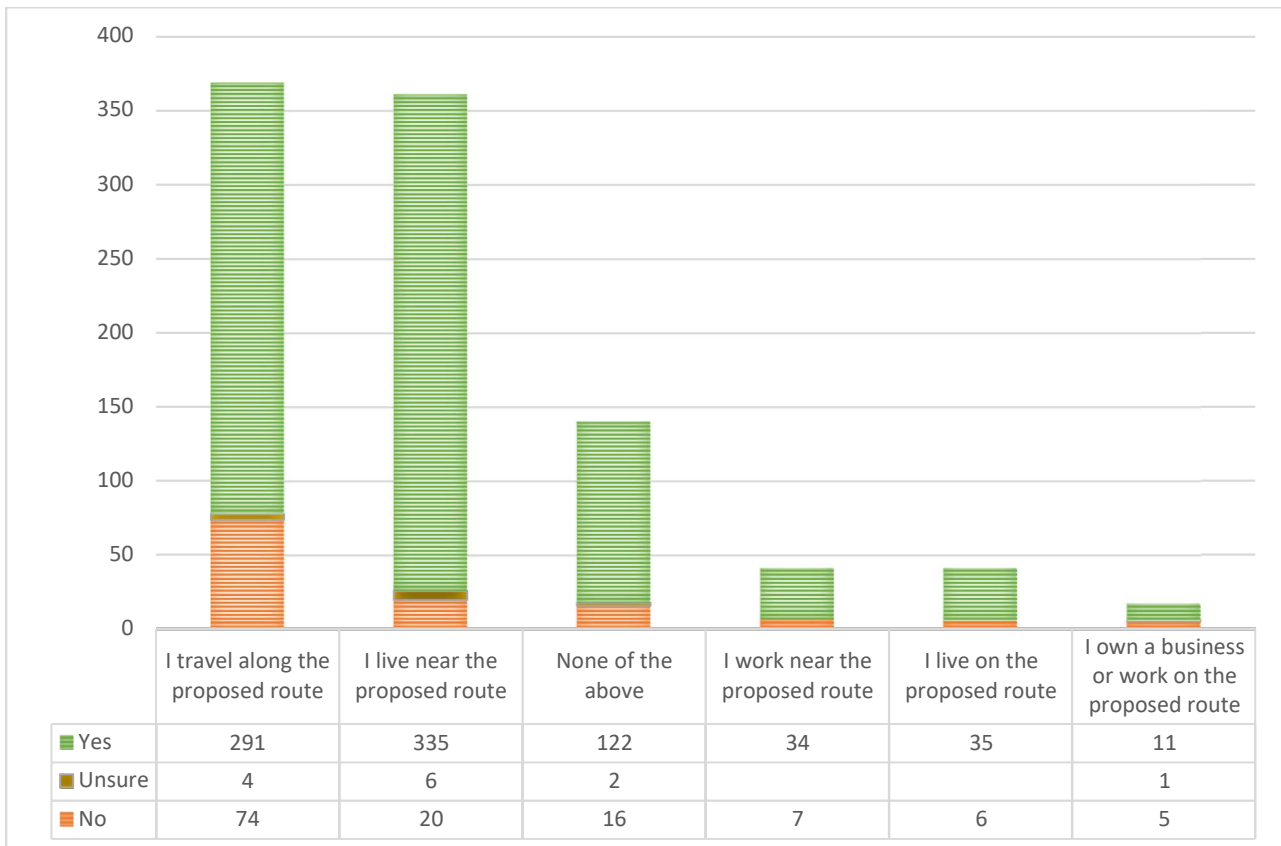


**Question 12:** Which best describes how you use the proposed route on King Street, from Gage Street to Gore Park?

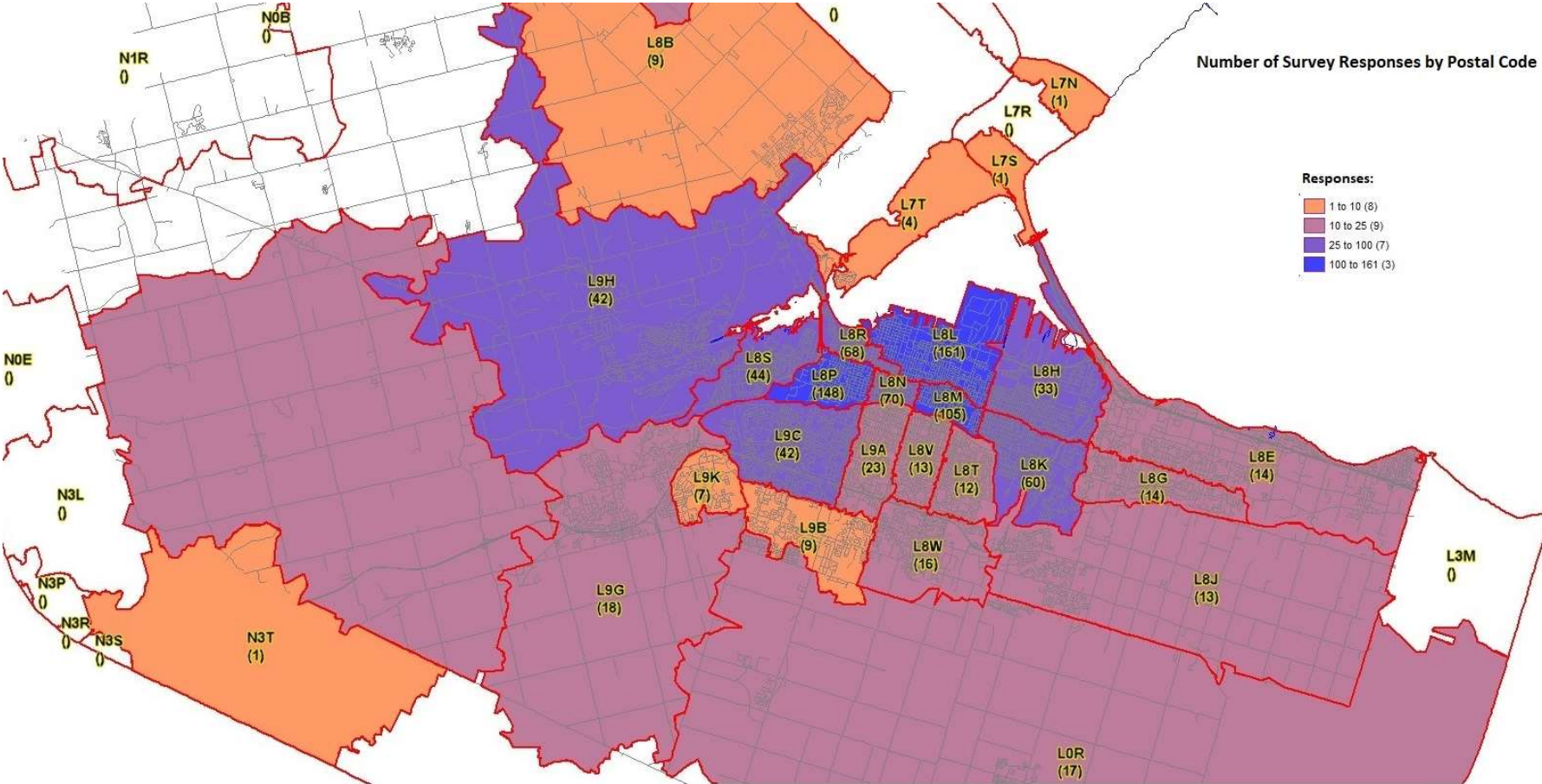


**ADDITIONAL ANALYSIS:**

**Support by use of King Street**



### Responses by Postal Code



### Support by Postal Code


**Do you support running Open Streets on King Street  
in Hamilton, as a pilot to test ideas that have been  
successful in other cities? (By Postal Code)**

Postal Code	Grand Total	No	Unsure	Yes
K8N	1			1
L0R	17	5		12
L2N	1			1
L6H	1			1
L6R	1			1
L7N	1			1
L7S	1			1
L7T	4	2		2
L8b	9			9
L8E	14	4		10
L8G	14	3		11
L8H	33	6	1	26
L8J	13	2		11
L8k	60	13	1	46
L8L	161	15	1	145
L8M	105	15	1	89
L8N	70	8	1	61
L8P	148	12	3	133
L8R	68	4	1	63
L8S	44	2		42
L8T	12	1		11
L8V	13	3		10
L8W	16	4	1	11
L9A	23	5		18
L9B	9	1	1	7
L9C	42	7		35
L9G	18	3	1	14
L9H	42	5		37
L9K	7	1		6
L9N	1			1
L9S	1			1
L9T	1			1
M4C	1			1
M4X	1			1
M6J	1			1
N0A	1			1
N3T	1	1		
<b>Grand Total</b>	<b>956</b>	<b>122</b>	<b>12</b>	<b>822</b>





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	August 4, 2022
<b>SUBJECT/REPORT NO:</b>	Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 488 & 500 Upper Wellington Street, Hamilton ERG-22-02 (PED22169) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Phil Caldwell (905) 546-2424 Ext. 2359
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development, Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-22-02, submitted by 488-500 Upper Wellington Nominee Inc. (488-500 Upper Wellington LP/Fengate Asset Management) owner of the properties at 488 and 500 Upper Wellington Street, Hamilton for an ERASE Redevelopment Grant not to exceed \$5,354,800, for estimated eligible remediation costs provided over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to give effect to the ERASE Redevelopment Grant for 488-500 Upper Wellington Nominee Inc. (488-500 Upper Wellington LP/Fengate Asset Management), owner of the properties 488 and 500 Upper Wellington Street, Hamilton in a form satisfactory to 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: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 488 & 500 Upper Wellington  
Street, Hamilton ERG-22-02 (PED22169) (Ward 8) - Page 2 of 9**

---

- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including but not limited to: deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained and that any applicable Grant Amending Agreements are undertaken in a form satisfactory to the City Solicitor.

### **EXECUTIVE SUMMARY**

An Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant (ERG) Application was submitted for 488 and 500 Upper Wellington Street, Hamilton (the site) on June 1, 2022 by 488-500 Upper Wellington Nominee Inc. (488-500 Upper Wellington LP/Fengate Asset Management), the owner of the site.

The site is approximately 0.89 ha (2.20 ac) in size and located at the southwest corner of the intersection at Upper Wellington Street and Inverness Avenue East in the Centremount neighbourhood of Hamilton mountain. 488 Upper Wellington Street, which was owned by the City of Hamilton until 2019, contained a vacant single storey institutional building (since demolished) and large asphalt parking lot used by the Hamilton Police Services as the former Inverness Mountain Station. To the immediate south, the adjacent 500 Upper Wellington Street contained a vacant single storey commercial building (since demolished) most recently used as a retail store.

Phase Two Environmental Site Assessments (ESA) completed in 2019 and 2020 to investigate the site's soil and groundwater conditions have identified the presence of contaminants at levels above the applicable Ministry of Environment, Conservation and Parks (the Ministry) Site Condition Standards (SCS) based on the site's planned change of use and redevelopment for residential. Contaminates identified in the site's soil include Metals (Cadmium, Copper, Lead, Mercury and Zinc), Polycyclic Aromatic Hydrocarbons (PAH) and Petroleum Hydrocarbons (PHC).

Based on the site's condition and planned redevelopment for a residential use, site remediation to meet the applicable SCS and the filing of a Record of Site Condition (RSC) with the Ministry will be required in accordance with Ontario Regulation 153/04 (O. Reg. 153/04).

The planned redevelopment of the site, for which conditional Site Plan approval has been granted, consists of a six-storey mixed-use residential building containing 261

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 488 & 500 Upper Wellington  
Street, Hamilton ERG-22-02 (PED22169) (Ward 8) - Page 3 of 9**

---

rental dwelling units and two at-grade commercial units. Construction costs are estimated at approximately \$80,000,000.

Estimated remediation costs eligible for consideration under the ERG program are \$5,354,800.

It is estimated that the planned redevelopment will increase the sites assessment from the pre-development value of \$3,332,000 (CT-Commercial) to approximately \$58,113,265 (NT-New Multi Residential, XT-New Commercial). This will increase total annual property taxes generated by this site from \$98,961 to \$731,367, an increase of approximately \$632,406. The municipal portion of this increase is \$560,833 of which 80%, representing the maximum potential annual Grant permitted under the ERG Program, would be approximately \$448,666. The maximum total Grant is estimated to be capped at \$4,486,664 over the maximum 10 annual payments permitted under the ERG Program.

The existing condition of the site as well as renderings of the planned development are provided below:



Existing Conditions (April 2022) – 488 and 500 Upper Wellington Street, Hamilton viewed looking southwest from Upper Wellington Street (Source: maps.google.ca)

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 488 & 500 Upper Wellington  
Street, Hamilton ERG-22-02 (PED22169) (Ward 8) - Page 4 of 9**

---



Planned Development – 488 and 500 Upper Wellington Street, Hamilton west elevation facing Upper Wellington Street (Source: Fengate Asset Management)

**Alternatives for Consideration – See Page 9**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** As per the ERG Program, the City will provide the Applicant with a Grant equivalent to 80% of the increase in municipal taxes up to the total eligible cost figure of \$5,354,800 or until 10 annual payments are provided, whichever comes first. Based on an estimated maximum potential annual Grant amount of \$448,666, the annual Grant payments will conclude in year 10 with an estimated maximum attainable Grant of \$4,486,664 in accordance with the ERG Program terms, after which the City will realize the full annual municipal tax increment over the life of the development.

The City will retain the remaining 20% of the annual municipal tax increment estimated at \$112,167, estimated to total \$1,121,666 over 10 years. These funds will be deposited into the Brownfield Pilot Project Account No. 3621755102 to be used by the City for its Municipal Acquisition and Partnership Program. This Program, as approved in the ERASE Community Improvement Plan (CIP), enables the City to acquire strategic brownfield sites, remediate and redevelop property it already owns, or participate in public/private partnerships to redevelop brownfield properties.

**Staffing:** Applications and Grant payments under the ERG Program are administered by staff from the Commercial Districts and Small Business Section, Economic Development Division and Taxation Section of the Finance and Administration Division.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 488 & 500 Upper Wellington  
Street, Hamilton ERG-22-02 (PED22169) (Ward 8) - Page 5 of 9**

---

There are no additional staffing requirements arising from this Report's recommendations

Legal: The ERG Program is authorized by the ERASE CIP which was adopted and approved in 2001 and subsequently comprehensively updated in 2005, 2010 and 2018 under Section 28 of the *Planning Act*. The Applicant will be required to enter into an ERASE Redevelopment Agreement which will specify the obligations of the City and the Applicant and will be prepared in a form satisfactory to the City Solicitor.

## **HISTORICAL BACKGROUND**

On June 1, 2022 an Application to the ERASE Redevelopment Grant Program was submitted by 488-500 Upper Wellington Nominee Inc. (488-500 Upper Wellington LP/Fengate Asset Management), the registered owner of the site.

The site is approximately 0.89 ha (2.20 ac) in size and located at the southwest corner of the intersection at Upper Wellington Street and Inverness Avenue East in the Centremount neighbourhood of Hamilton mountain. The immediate area is primarily characterized by low-rise development with commercial uses located north, east and south of the site along Upper Wellington Street and residential uses primarily in the form of Single Detached Dwellings to the west.

Most recently, 488 Upper Wellington Street, which was previously owned by the City of Hamilton, contained a vacant single storey institutional building (since demolished) and large asphalt parking lot used by the Hamilton Police Services as the former Inverness Mountain Station since being constructed 1962. The property was deemed surplus and sold in 2019 (Report PED19210) with the opening of the new Police Investigative Services Headquarters. To the immediate south, the adjacent 500 Upper Wellington Street contained a vacant single storey commercial building (since demolished) which has been occupied by several uses since being built in 1957 including the YMCA, a St. John's Ambulance Training Centre and most recently as a retail store. Prior to these developments, the site was first developed in the 1930s with residential uses and contained a former public street known as Ninth Street East. In the 1950s the residential buildings were removed, and the former Ninth Street East closed to make way for the developments noted above.

As part of the investigation of the environmental condition of the site, a Phase One ESA was completed in December 2019 by MTE to investigate historical land use activities and the potential for Contaminates of Concern (COC) on the site. The results of the study identified four on-site and three off-site Areas of Potential Environmental Concern (APEC). The on-site APECs included the importation of fill/soil of an unknown quality

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 488 & 500 Upper Wellington  
Street, Hamilton ERG-22-02 (PED22169) (Ward 8) - Page 6 of 9**

---

and the presence of underground storage tanks and a fuel site related to the historical use of gasoline and associated products. The off-site APECs were regarding historical activities in the area including automobile repair, dry cleaning operations and the presence of underground storage tanks related to gasoline storage.

A subsequent interim Phase Two ESA and supplementary Phase Two ESA were also completed by MTE in December 2019 and August 2020 respectively to further investigate the site's current soil and groundwater conditions and to further delineate the extent of soil and groundwater contamination in response to the findings of the Phase One ESA. These studies were overseen by a Qualified Person (QP) and informed by testing from a total of 44 boreholes and nine groundwater monitoring wells on the site. The results confirmed the presence of contamination in the fill across the entirety of site including Metals (Cadmium, Copper, Lead, Mercury and Zinc), PAH and PHC. These contaminants were found at concentrations that exceed the Table 7 Site Condition Standards (SCS) for Shallow Soil in a Non-Potable Groundwater Condition applicable to a planned residential/parkland/institutional land use in accordance with the Ministry's O. Reg. 153/04.

Based on the site's condition and the planned redevelopment for a residential use, site remediation to meet the applicable SCS and file an RSC with the Ministry will be required in accordance with O. Reg. 153/04.

A Remedial Action Plan (RAP) was prepared in August 2021 and subsequently updated in May 2022 by Soil-Mat Engineers and Consultants Ltd. to identify the preferred remediation method for the site which will consist of excavation of the impacted fill and disposal at a licensed landfill facility.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Urban Hamilton Official Plan**

The site is identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated as Mixed Use – Medium Density on Schedule "E-1" – Urban Land Use Designations of the Urban Hamilton Official Plan. This designation is intended to accommodate a full range of retail, service commercial, entertainment, and residential uses at a moderate scale.

The planned development conforms to the designation.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 488 & 500 Upper Wellington  
Street, Hamilton ERG-22-02 (PED22169) (Ward 8) - Page 7 of 9**

---

**City of Hamilton Zoning By-law 05-200**

The site is zoned C5a - Mixed Use Medium Density – Pedestrian Focus Zone under City of Hamilton Zoning By-law 05-200 with the portion the site municipally known as 488 Upper Wellington Street having an additional Special Exception (316). The C5a zone is intended to permit a range of commercial and residential uses along pedestrian-oriented streets with commercial uses at-grade. The property-specific Special Exception 316 additionally permits Townhouse Dwellings or Multiple Dwellings as additional permitted uses on the property as well as establishing alternative regulations respecting lot area and location of parking, among others.

The planned development is permitted.

**Site Plan Control**

The site is subject to Site Plan Control. At the time of writing this Report the development has received conditional Site Plan approval.

**RELEVANT CONSULTATION**

Staff from Financial Services and Taxation and Legal Services of the Corporate Services Department were consulted, and the advice received incorporated in this Report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

Estimated remediation costs, as per the RAP and associated contractor estimates which may be eligible for consideration under the ERG Program based on the site's location within Area 1 – Urban Area of the ERASE Community Improvement Project Area (CIPA), total \$5,354,800 and consist of the following:

- \$3,806,300 in costs for the excavation and disposal of approximately 46,200 metric tonnes of contaminated soil (inclusive of the QP recommended 18% contingency) at a licensed facility;
- \$948,900 in costs for import, grading and compaction of clean backfill;
- \$452,600 in environmental consulting and contractor management fees; and,
- \$147,000 in ancillary costs associated with remediation activities including underground locates, surveys, hydrovac excavation and sewer line shoring etc.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 488 & 500 Upper Wellington  
Street, Hamilton ERG-22-02 (PED22169) (Ward 8) - Page 8 of 9**

---

Invoices and supporting documentation for the above noted estimated costs shall be required to be submitted to staff and will be the subject of an audit to ensure compliance with the Council approved Program parameters including, but not limited to, ensuring that invoiced costs accepted are limited to only those related to remediation and that any costs that would have been required for the development regardless of the presence of contamination are identified and excluded from reimbursement.

Auditing of invoices and supporting documentation will be undertaken by staff and may be subject to a third-party review at staff's discretion. Where such third-party review is required, the cost will be at the approved Applicant's expense but subject to eligibility under the ERG program for the purposes of the Grant.

The following is an overview of pre and post development property assessments and associated taxes which have informed the estimated maximum potential Grant and Grant payment period contained in this Report:

Grant Level:		80%
Total Estimated Eligible Costs (Maximum):	\$	5,354,800
Total Estimated Grant (Maximum):	\$	4,486,664
Pre-project CVA (CT-Commercial):	\$	3,332,000 Year: 2021
Municipal Levy:	\$	69,640
Education Levy:	\$	<u>29,322</u>
Pre-project Property Taxes	\$	98,962
Estimated Post-project CVA (NT-New Multi Residential; XT-New Commercial):	\$	58,113,265 Year: TBD
Estimated Municipal Levy:	\$	630,473
Estimated Education Levy:	\$	<u>100,895</u>
Estimated Post-project Property Taxes:	\$	731,368

**Provisions for Calculations:**

- 1) The actual roll number(s), assessed value(s), tax classification(s) and value partitioning (where applicable) are to be determined by the Municipal Property Assessment Corporation (MPAC) upon completion of the development;
- 2) As per Program requirement, the increase in realty taxes is based on the most recently available tax year information at the time the tax estimate was requested;
- 3) 2021 tax rates have been used for calculation of the estimated pre and post-development property taxes;



**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 488 & 500 Upper Wellington  
Street, Hamilton ERG-22-02 (PED22169) (Ward 8) - Page 9 of 9**

---

- 4) Annual Taxes exclude any Local Charges;
- 5) Post development assessment estimate provided by MPAC;
- 6) MPAC to determine if both roll numbers to be consolidated since both abutting parcels under one ownership. Roll number to be determined; and,
- 7) All dollar figures rounded to the nearest dollar.

### **ALTERNATIVES FOR CONSIDERATION**

The Application meets the eligibility criteria and requirements of the ERG Program. In the event the project is not considered for the Program, the Application should be referred to staff for further information on possible financial or legal implications.

### **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.

#### **Healthy and Safe Communities**

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

#### **Our People and Performance**

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

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22169 – Site Location Map

Appendix "A" to Report PED22169



● Site Location



Key Map - Ward 8



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
488 & 500 Upper Wellington St

Date:  
June 23, 2022

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
PC/NB


**Subject Property**



488 & 500 Upper Wellington Street, Hamilton  
(Ward 8)



## INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	August 4, 2022
<b>SUBJECT/REPORT NO:</b>	Potential Cost Associated with the Preliminary C5167 Arbitration Award on Unpaid Leave of Absence (HUR21008(d)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lora Fontana (905) 546-2424 Ext. 4091
<b>SUBMITTED BY:</b>	Lora Fontana Executive Director Human Resources
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

As part of their deliberations on the COVID-19 Mandatory Vaccine Verification Policy (‘the Policy’), Council has requested that Human Resources staff provide periodic information updates in relation to the potential costs of implementing the Policy. This Report is intended to provide information in relation to the potential costs associated with the preliminary CUPE Local 5167 Arbitration Award respecting Unpaid Leave of Absence.

### INFORMATION

On January 13, 2022, CUPE Local 5167 filed a policy grievance on the City’s Mandatory COVID-19 Vaccine Verification Policy. The City and the Union held the first day of hearing on May 24<sup>th</sup>, 2022, at which time, CUPE sought a preliminary decision in relation to whether the vaccination language in the collective agreement applies in the circumstances.

At the hearing, CUPE requested that Arbitrator Jesse Nyman bifurcate (or “split”) the hearing to determine, as a preliminary matter, whether or not a specific provision in the CUPE 5167 Collective Agreement applies in the circumstances contemplated by the Policy. This language in the collective agreement references immunization and outlines

---

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: Potential Cost Associated with the Preliminary C5167 Arbitration Award on Unpaid Leave of Absence (HUR21008(d)) (City Wide) - Page 2 of 5**

---

potential consequences for employees who fail to participate in such immunization programs. The consequence referenced is an unpaid leave of absence.

Specifically, article 10.3(g) of the collective agreement states that:

*“Where an Employee is required by the Employer to be immunized, the Employer agrees to provide or reimburse Employees for the cost of immunizations not covered by OHIP. Where a prophylactic alternative to immunization is available it may be taken as a substitute to immunization where appropriate based on medical or religious grounds. It is understood that the Employer cannot force an Employee to be immunized or to take the prophylactic alternative without their consent. It is further understood that where such immunization (or the prophylactic alternative to immunization) is required in order for the Employee to attend work and the Employee refuses the immunization or its substitute, they may be placed on unpaid leave with no loss of seniority. In this event the Employer agrees to take reasonable steps to accommodate workers through alternate work arrangements.”*

On May 30<sup>th</sup>, 2022, Arbitrator Nyman issued a preliminary award indicating that he will consider the application of this language in relation to the Policy as a preliminary matter and determine whether the Policy (and subsequent termination of employment) is contrary to the relevant collective agreement provisions.

Given this preliminary award, staff can now provide an anticipated summary of the potential costs related to the implementation of the Policy, as it relates to the CUPE Local 5167 collective agreement language. It should be further noted that this language is also applicable to the CUPE Local 1041, CUPE Lodges and ONA Public Health collective agreements

#### Current Status

As of July 20, 2022, non-compliant employees can be sorted into the following general representation categories or groups:

Union Affiliation	Rapid Testing Employee Headcount	Non-Compliant (on unpaid leave)
-------------------	----------------------------------	---------------------------------

**SUBJECT: Potential Cost Associated with the Preliminary C5167 Arbitration Award on Unpaid Leave of Absence (HUR21008(d)) (City Wide) - Page 3 of 5**

ATU	47	4
CUPE 1041**	4	0
CUPE 5167**	109	7
CUPE Lodges**	0	7
CLAC (Volunteer Firefighters)	6	0
HPFFA (Firefighters)	23	1
HOWEA (Water)	3	0
OPSEU (Paramedics)	5	1
ONA Public Health**	3	0
ONA Lodges	0	1
Subtotal Unionized Employees	200	21
Subtotal Non-Union	34	9
<b>TOTAL ALL EMPLOYEES</b>	<b>234</b>	<b>30</b>
**Denotes collective agreements with immunization provisions		

The above numbers are fixed in time and are subject to ongoing changes as staff continue to provide proof of vaccination as time passes. The total number of impacted employees will directly impact potential costs in this matter.

#### Labour Relations Update

As noted, there are other City collective agreements that contain similar “immunization provisions” within their collective agreements. The result may be a deferral of approximately half of the severance cases to some future date of those in the non-disclosing employee population. These include CUPE Local 1041, CUPE Lodges, and ONA Public Health. The breakdown of potentially deferred outcomes arising from this language is as follows:

Employees without “immunization” or “Unpaid Leave” Collective Agreement Language		Employees with “immunization” or “Unpaid Leave” Collective Agreement Language	
ATU	51	CUPE 5167	116
CLAC	6	CUPE 1041	4
HOWEA	3	CUPE Lodges	7
HPFFA	24	ONA Public Health	3
ONA Lodges	1		
OPSEU	6		

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: Potential Cost Associated with the Preliminary C5167 Arbitration Award on Unpaid Leave of Absence (HUR21008(d)) (City Wide) - Page 4 of 5**

Non-Union	43		
<b>TOTAL</b>	<b>134</b>	<b>TOTAL</b>	<b>130</b>

Accordingly, if CUPE 5167's position is accepted by Arbitrator Nyman (that their language regarding unpaid leaves applies in the circumstances), this will likely have the result of deferring more than half of the costs associated with Policy-related terminations to some future date. Approximately 134 terminations would be carried out of active employees at the City on October 1, 2022 if this language is found to apply in the circumstances.

### Costing Estimate

#### Unionized Employees with Immunization Language in Agreement

In the event that Arbitrator Nyman directs that termination (now scheduled for Oct. 1<sup>st</sup>, 2022) is inconsistent with the relevant provisions of the collective agreement, the result will likely be that those employees would be placed on an indefinite unpaid leaves of absence (likely between 9 and 12 months (N=130)), pending a future employment decision concerning frustration of the employment contract. It can be reasonably assumed that Arbitrator Nyman's decision on the CUPE 5167 preliminary matter will be aligned to the other collective agreements having the same language respecting immunization.

This group of employees would, in the event that just cause and wilful misconduct are not found to have occurred, at a minimum, be entitled to termination and severance payments arising from the operation of the *ESA*. This group would have an increased likelihood of receiving *ESA* amounts, owing to the likelihood that these employees will, ultimately, not be terminated for failing to follow the Policy, but as a result of being placed upon an unpaid leave for an extended period of time, resulting in the eventual frustration of the employment relationship.

Based upon length of service and current wage rates of these affected employees (N=130), it is estimated that these costs would be in the range of approximately \$2,793,810.72 to \$7,386,737.99. These figures take in to consideration both *ESA* requirements as well as common law requirements. Given the provisions provided for in the collective agreement, it is anticipated that our severance obligations with these groups is more likely in line with the *ESA* requirements. A breakdown of these costs is provided below:

#### **Costing Estimates - Active & Non-Compliant Employees with immunization language**

**SUBJECT: Potential Cost Associated with the Preliminary C5167 Arbitration Award on Unpaid Leave of Absence (HUR21008(d)) (City Wide) - Page 5 of 5**

---

<b>Union/Group</b>	<b>ESA Minimum</b>	<b>Common Law</b>
CUPE 1041	\$ 169,970.03	\$ 435,052.97
CUPE 5167	\$ 2,447,105.24	\$ 6,499,614.45
CUPE Lodges	\$ 115,009.63	\$ 292,333.93
ONA Public Health	\$ 61,725.82	\$ 159,736.64
<b>Total</b>	<b>\$ 2,793,810.72</b>	<b>\$ 7,386,737.99</b>

Given that the termination (for frustration) would likely be delayed, these costs could be increased by agreed-to wage increases in the upcoming negotiations.

In the event that Arbitrator Nyman finds no conflict between the Policy and the language of the collective agreement, then termination remains as a viable option for the City to exercise in relation to these employees when the October 1<sup>st</sup> date arrives. In this case, the matter of termination of employment would remain outstanding and would then be determined through the arbitration process.

#### Legal and Arbitration Related Costs

As of May 31<sup>st</sup>, 2022, the City has incurred the following legal and arbitration costs associated with the vaccine verification policy:

#### **Mandatory COVID-19 Vaccination Policy Legal Costs (2020-2022)**

##### ***Summary;***

<b>Grievances</b>	<b>\$ 57,346.39</b>
<b>Non-Union Injunction Matter</b>	<b>\$ 23,850.05</b>
<b>General Legal Advice</b>	<b>\$ 12,075.63</b>
<b>Total</b>	<b>\$ 93,272.07</b>

The next arbitration date with Arbitrator Nyman addressing this preliminary matter of whether or not the unpaid leave of absence provisions apply in these circumstances, as contemplated in the policy, is currently scheduled for September 16 and 23, 2022. It is anticipated that Arbitrator Nyman will issue a decision on the preliminary matter prior to September 30, 2022, if possible. Human Resources staff will continue to provide periodic updates on the outcomes of any arbitrations and other litigation outcomes and costs associated with the policy, as available.



# Hamilton

## **BUSINESS IMPROVEMENT AREA SUB-COMMITTEE**

**REPORT 22-007**

**8:00 a.m.**

**Tuesday, July 12, 2022**

**Hamilton City Hall**

**71 Main Street West**

**Room 264**

**Present:** Susie Braithwaite – International Village BIA (Vice-Chair)  
 Councillor Arlene VanderBeek – Dundas BIA  
 Tracy MacKinnon – Westdale Village BIA and Stoney Creek BIA  
 Cristina Geissler – Concession Street BIA  
 Kerry Jarvi – Downtown Hamilton BIA  
 Katie Poissant-Paul – Ancaster BIA  
 Chelsea Braley – Ottawa Street BIA  
 Jessica Myers – Barton Village BIA

**Absent:** Councillor Esther Pauls (Chair) - Personal  
 Michal Cybin – King West BIA  
 Bender Chug – Main West Esplanade BIA  
 Bettina Schormann – Locke Street BIA  
 Susan Pennie – Waterdown BIA

---

### **THE BUSINESS IMPROVEMENT AREA SUB-COMMITTEE PRESENTS REPORT 22-007 AND RESPECTFULLY RECOMMENDS:**

- 1. Ottawa Street Business Improvement Area Expenditure Request (Item 11.1)**
  - (a) That the expenditure request from the Ottawa Street Business Improvement Area, in the amount of \$13,120.36 for the purchase of branded banners, office and street maintenance, street furniture maintenance, hanging basket maintenance, and hanging baskets for Fall / Winter to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,
  - (b) That the expenditure request from the Ottawa Street Business Improvement Area, in the amount of \$16,884.50 for the cost of Christmas décor, Christmas décor storage and maintenance, and hanging baskets for Spring / Summer, to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), be approved.



**2. Concession Street Business Improvement Area Expenditure Request (Item 11.2)**

That the expenditure request from the Concession Street Business Improvement Area, in the amount of \$8,283.09 for the purchase and maintenance of 2022 summer hanging flower baskets for Concession Street to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

**FOR INFORMATION:**

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

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

The agenda for the July 12, 2022 Business Improvement Area Advisory 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) June 14, 2022 (Item 4.1)**

The June 14, 2022 Minutes of the Business Improvement Area Advisory Committee was approved, as presented.

**(d) DISCUSSION ITEMS (Item 10)**

**(i) Encampment Coordination Team Pilot Project Update (Item 10.1)**

Kelly Barnett, Manager, Response Coordination, provided Committee with a verbal update on the Encampment Coordination Team Pilot Project.

The discussion respecting the Encampment Coordination Team Pilot Project Update, was received.

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

**(i) Commercial Districts and Small Business Verbal Update (Item 13.1)**

Judy Lam, Manager of Commercial Districts and Small Business, addressed the Committee respecting an update on Commercial Districts and Small Business.

Susie Braithwaite relinquished the Chair to introduce the following Motion:

That the Business Improvement Area (BIA) Sub-Committee meeting start time be changed to 10:30 am on a going forward basis.

Susie Braithwaite assumed the Chair.

The verbal update respecting Commercial Districts and Small Business, were received.

**(ii) Statements by Members (Item 13.2)**

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

The updates from Committee Members, were received.

**(f) ADJOURNMENT (Item 15)**

There being no further business, the Business Improvement Area Sub-Committee adjourned at 8:57 a.m.

Respectfully submitted,

Susie Braithwaite  
Vice-Chair Business Improvement Area  
Sub-Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



**Hamilton-Wentworth District School Board  
Liaison Committee  
REPORT 22-002  
Monday, June 27, 2022  
10:30 a.m.  
Council Chambers, 2<sup>nd</sup> Floor  
City Hall, Hamilton**

**Present:** Mayor F. Eisenberger, Chair (Co-Chair)  
D. Danko, HWDSB (Co-Chair)  
Councillor J. Partridge  
P. Deathe, Trustee, HWDSB  
M. Felix Miller, Trustee, HWDSB

**THE HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD LIAISON COMMITTEE  
PRESENTS REPORT 22-002 AND RESPECTFULLY RECOMMENDS:**

**FOR INFORMATION:**

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

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

The agenda for the June 27, 2022 meeting of the Hamilton-Wentworth District School Board Liaison Committee 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) May 9, 2022 (Item 4.1)**

That the Minutes of the May 9, 2022 meeting of the Hamilton-Wentworth District School Board Liaison Committee be approved, as presented.

**(d) STAFF PRESENTATIONS (Item 9)****(i) City of Hamilton Youth Strategy Report (Item 9.1)**

Jesse Williamson, Project Manager, Strategic Youth Initiatives, and Jenna Azzam, member, Youth Steering Committee addressed the Committee, respecting the City of Hamilton Youth Strategy Report, with the aid of a presentation.

The presentation from Jesse Williamson, Project Manager, Strategic Youth Initiatives, and Jenna Azzam, member, Youth Steering Committee, was received.

**(e) GENERAL INFORMATION / OTHER BUSINESS (Item 13)****(i) Ancaster High School Lands**

That the Director of Government Relations and the City Manager report back to the Hamilton-Wentworth District School Board Liaison Committee with ways that the City and the Hamilton school boards can advocate to the Province of Ontario regarding funding opportunities and changes to the funding model as it relates to issues such as land disposition and maintaining green spaces, particularly related to properties such as the former Ancaster High School lands, that provide valuable facilities and green spaces for the community.

**(f) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton-Wentworth District School Board Liaison Committee meeting was adjourned at 11:17 a.m.

Respectfully submitted,

Mayor Fred Eisenberger, Chair  
Hamilton Wentworth District School  
Board Liaison Committee

Aleah Whalen  
Legislative Assistant  
Office of the City Clerk



Hamilton

**West Harbour Development Sub-Committee  
Report 22-002**

10:00 a.m.

Tuesday, July 19, 2022

WebEx

**Present:** Mayor F. Eisenberger  
Councillors J. Farr (Chair), M. Wilson (Vice-Chair), J.P. Danko, and  
R. Powers

**THE WEST HARBOUR DEVELOPMENT SUB-COMMITTEE PRESENTS REPORT 22-002 AND RESPECTFULLY RECOMMENDS:**

1. **Discovery Centre Strategy Framework: Strategy Development Process Update and Next Steps (Opportunity Study) (PED21090(c)) (Ward 2) (Item 8.1)**
  - (a) That as part of the continuation of Step 2 “Conduct Opportunity Study” of the Discovery Centre Strategic Framework approved by Council in February 2022, staff be directed to undertake the following:
    - (i) Initiation of the community and stakeholder consultation process;
    - (ii) Consultation with the Hamilton Public Library (HPL) and the Hamilton Museum Citizens Group, as well as heritage stakeholders regarding potential partnership opportunities for co-locating civic uses and providing heritage-based visitor experiences within the Discovery Centre Opportunity Study Site;
    - (iii) Consultation with the urban Indigenous community regarding how the utilization of the Discovery Centre Opportunity Study Site can contribute to the advancement of the Actions of the 2019 Hamilton Urban Indigenous Strategy themes of “Land”, “Spirit” and “People”;
    - (iv) Assessment of the capital and operational costs for the Discovery Centre building, and the impact to the Energy, Fleet and Facilities Division portfolio; and

- (v) Preparation of a general market assessment to evaluate the potential interest, viability, and financial market valuation, for a variety of commercial uses on the Subject Site, to be funded from West Harbour Capital Project Account No. 4411606004, up to a maximum limit of \$100 K; and
- (b) That in accordance with Step 3 “Confirm Vision” of the Discovery Centre Strategic Framework approved by Council in February 2022, that staff report back to the West Harbour Development Sub-Committee by no later than Q1 2023 with a summary of the stakeholder and community consultation, including HPL and the Hamilton Museum Citizens Group consultation; findings of the general market assessment; findings of the capital and operational cost analysis; and an assessment of alternatives for the future vision of the Site.

**2. West Harbour Re-Development Plan - Status Update (PED17181(d)) (Ward 2) (Item 10.1)**

That Report PED17181(d), respecting West Harbour Re-Development Plan - Status Update (Ward 2), be received.

**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 July 19, 2022 meeting of the West Harbour Development Sub-Committee was approved, as presented.

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

There were no declarations of interest.

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

**(i) January 17, 2022 (Item 4.1)**

The Minutes for the January 17, 2022 meeting of the West Harbour Development Sub-Committee was approved, as presented.

**(d) STAFF PRESENTATIONS (Item 8)**

- (i) **Discovery Centre Strategy Framework: Strategy Development Process Update and Next Steps (Opportunity Study) (PED21090(c)) (Ward 2) (Item 8.1)**

Andrea Smith, Senior Development Consultant, West Harbour Redevelopment, addressed the Committee, respecting Discovery Centre Strategy Framework: Strategy Development Process Update and Next Steps (Opportunity Study), with the aid of a presentation.

- (a) The presentation from Andrea Smith, Senior Development Consultant, West Harbour Redevelopment, respecting Discovery Centre Strategy Framework: Strategy Development Process Update and Next Steps (Opportunity Study), was received.
- (b) Subsection (a)(ii) and (b) of Report PED21090(c) was amended to include the words “**and the Hamilton Museum Citizens Group**” as follows:
  - (a)(ii) Consultation with the Hamilton Public Library (HPL) **and the Hamilton Museum Citizens Group**, as well as heritage stakeholders regarding potential partnership opportunities for co-locating civic uses and providing heritage-based visitor experiences within the Discovery Centre Opportunity Study Site;
  - (b) That in accordance with Step 3 “Confirm Vision” of the Discovery Centre Strategic Framework approved by Council in February 2022, that staff report back to the West Harbour Development Sub-Committee by no later than Q1 2023 with a summary of the stakeholder and community consultation, including HPL **and the Hamilton Museum Citizens Group** consultation; findings of the general market assessment; findings of the capital and operational cost analysis; and an assessment of alternatives for the future vision of the Site.

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

**(e) ADJOURNMENT (Item 15)**

There being no further business, the West Harbour Development Sub-Committee was adjourned at 11:20 a.m.

Respectfully submitted,

Councillor J. Farr, Chair  
West Harbour Development  
Sub-Committee

Tamara Bates  
Legislative Coordinator

**West Harbour Development Sub-Committee  
Minutes 22-002**

**July 19, 2022  
Page 4 of 4**

Office of the City Clerk





**LIGHT RAIL TRANSIT SUB-COMMITTEE  
REPORT 22-002**

9:30 a.m.

Monday, July 18, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Mayor F. Eisenberger (Chair) Councillors M. Wilson (Vice-Chair), J.P. Danko, J. Farr, L. Ferguson, N. Nann, R. Powers

**Absent with  
Regrets:** Councillor S. Merulla

**THE LIGHT RAIL TRANSIT COMMITTEE PRESENTS REPORT 22-002 AND  
RESPECTFULLY RECOMMENDS:**

**1. Hamilton Light Rail Transit (LRT) Design Update (PED22118(a)) (City Wide)  
(Item 8.1)**

That Report PED22118(a) respecting Hamilton Light Rail Transit (LRT) Design Update, be received.

**2. Hamilton Light Rail Transit (LRT) Project Update**

(a) That staff be directed to report back to the Light Rail Transit Sub-Committee at the September 26, 2022 meeting, respecting how the project is being managed on behalf of the City, the design considerations, the City's policy frameworks that will be informing the design process and how the changes since 2019 can be incorporated into the design.

(b) That staff be directed to prepare the report in full collaboration with Metrolinx, in order to ensure it is a joint project.

**3. Inclusion of the Hamilton Community Benefits Network as a key  
stakeholder to the LRT Sub-Committee (Added Item 9.1 (a))**

That the Hamilton Community Benefits Network be included as a key stakeholder to the Light Rail Transit Sub-Committee to attend meetings as an advisor to the Sub-Committee.

**4. Metrolinx - Community Benefits Approach within the Hamilton Light Rail Transit (LRT) Project (Added Item 9.1 (b))**

That Metrolinx be requested to provide a presentation at the September 26, 2022 Light Rail Transit Sub-Committee meeting respecting the community benefits approach they have taken in the past with other projects and how they intend to include a community benefits approach within the Hamilton Light Rail Transit project.

**FOR INFORMATION:**

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

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

**6. DELEGATION REQUESTS**

- 6.1 Karl Andrus, Hamilton Community Benefits Network (HCBN) respecting a Request to Include HCBN as a key stakeholder to the LRT Sub-Committee (for today's meeting).

**8. STAFF PRESENTATIONS**

- 8.1 Hamilton Light Rail Transit (LRT) Design Update (PED22118(a)) (City Wide) – PowerPoint presentation published to the agenda.

The agenda for the July 18, 2022 Light Rail Transit Sub-Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) May 16, 2022 (Item 4.1)**

The Minutes of the May 16, 2022 meeting of the Light Rail Transit Sub-Committee were approved, as presented.

**(e) DELEGATION REQUESTS (Item 6)**

The following Delegation Request, was approved for today's meeting:

- (i) Karl Andrus, Hamilton Community Benefits Network (HBCN) respecting a Request to Include HBCN as a key stakeholder to the Light Rail Transit Sub-Committee (for today's meeting) (Item 6.1)

**(f) STAFF PRESENTATIONS (Item 8)****(i) Hamilton Light Rail Transit (LRT) Design Update (PED22118(a)) (City Wide) (Item 8.1)**

Abdul Shaikh, Director, Hamilton Light Rail Transit (LRT) Project Office, addressed Committee respecting Report PED22118(a), Hamilton Light Rail Transit (LRT) Design Update, with the aid of a PowerPoint presentation.

The presentation respecting Report PED22118(a), Hamilton Light Rail Transit (LRT) Project Update, was received.

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

**(ii) Hamilton Light Rail Transit (LRT) Project Update**

That staff be directed to report back to the Light Rail Transit Sub-Committee at the September 26, 2022 meeting, respecting how the project is being managed on behalf of the City, the design considerations, the City's policy frameworks that will be informing the design process and how the changes since 2019 can be incorporated into the design.

Mayor Eisenberger relinquished the Chair to Councillor Wilson in order to introduce the following amendment:

- (b) That staff be directed to prepare the report in full collaboration with Metrolinx, in order to ensure it is a joint project.***

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

Mayor Eisenberger assumed the Chair.

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

**(i) Karl Andrus, Hamilton Community Benefits Network (HCBN) respecting a Request to Include HCBN as a Key Stakeholder to the Light Rail Transit Sub-Committee (Item 9.1)**

Karl Andrus, Hamilton Community Benefits Network (HCBN), addressed the Committee respecting a Request to Include HCBN as a Key Stakeholder to the Light Rail Transit Sub-Committee.

Mayor Eisenberger relinquished the Chair to Councillor Wilson in order to introduce the following Motions:

**(1) Inclusion of the Hamilton Community Benefits Network as a key stakeholder to the LRT Sub-Committee (Added Item 9.1 (a))**

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

**(2) Metrolinx and their Community Benefits Approach to the Hamilton LRT Project (Added Item 9.1 (b))**

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

Mayor Eisenberger assumed the Chair for the remainder of the meeting.

The delegation from Karl Andrus, Hamilton Community Benefits Network (HCNB) respecting a Request to Include HCBN as a Key Stakeholder to the Light Rail Transit Sub-Committee, was received.

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

There being no further business, the meeting adjourned at 10:46 a.m.

Respectfully submitted,

Mayor F. Eisenberger, Chair,  
Light Rail Transit Sub-Committee

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk



Hamilton

**HAMILTON FUTURE FUND BOARD OF GOVERNORS**

**REPORT 22-001**

**Wednesday, July 13, 2020**

**11:00 a.m.**

**Council Chambers, Hamilton City Hall**

**71 Main Street West**

---

**Present:** Councillors N. Nann and A. VanderBeek

T. Weisz (Chair), E. Bozzo, P. Cherubini, T. Crugnale, M. Dickson,  
A Frisina, C. Galindo, J. Kirkpatrick, A. Macaluso, S. Macdonald, and  
S. Parsley

**Absent**

**With Regrets:** Mayor F. Eisenberger - City Business  
Councillor J. Partridge - Personal  
Councillor T. Whitehead - Personal  
G. Davis and E. Myrie

---

**THE HAMILTON FUTURE FUND BOARD OF GOVERNORS PRESENTS REPORT  
22-001 AND RESPECTFULLY RECOMMENDS:**

**1. Hamilton Future Fund Investment Performance Reports (FCS22059) (City  
Wide) (Item 7.4)**

That Report FCS22059 respecting Hamilton Future Fund Investment Performance,  
be received.

**2. Hamilton Future Fund – City of Hamilton Treasurer’s Investment Reports  
(FCS22060) (City Wide) (Item 7.5)**

That FCS22060 respecting Hamilton Future Fund – City of Hamilton’s Treasurer’s  
Investment Reports, be received.

**3. Hamilton Future Fund Reserve Status and Project Funding as of December  
31, 2021 (FCS22066) (City Wide) (Item 7.6)**

That Report FCS22066 respecting Hamilton Future Fund Reserve Status and  
Project Funding as of December 31, 2021, be received.

**General Issues Committee – August 4, 2022**

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

The agenda for the July 13, 2022 meeting of the Hamilton Future Fund Board of Governors, was approved.

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

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)****(i) January 27, 2020 (Item 4.1)**

The Minutes of the January 27, 2020 meeting of the Hamilton Future Fund Board of Governors were approved, as presented.

**(d) COMMUNICATIONS (Item 5)****(i) Correspondence from Councillor VanderBeek respecting Resignation from the Grant Process Review Working Group (Item 5.1)**

The correspondence from Councillor VanderBeek respecting her Resignation from the Grant Process Review Working Group, was received.

**(e) CONSENT ITEMS (Item 7)****(i) Progress Reports from Grant Recipients of the September 1, 2017 - October 20, 2017 Opening of the Hamilton Future Fund (Item 7.1)**

(a) The following Progress Reports from Grant Recipients of the September 1, 2017 - October 20, 2017 Opening of the Hamilton Future Fund, were received:

(i) City of Hamilton – June 3, 2020 (Item 7.1(a))

(ii) St. Joseph's Healthcare Hamilton Foundation – April 28, 2021 (Item 7.1(b))

**(ii) Progress Reports from Grant Recipients of the November 1, 2018 - January 14, 2019 Opening of the Hamilton Future Fund (Item 7.2)**

(a) The following Progress Reports from Grant Recipients of the November 1, 2018 - January 14, 2019 Opening of the Hamilton Future Fund, were received:

- (i) Living Rock - January 25, 2020 (Item 7.2(a))
- (ii) Margaret's Place Hospice
  - (a) June 8, 2020 (Item 7.2(b)(a))
  - (b) June 29, 2022 (Item 7.2 (b)(b))
- (iii) Hamilton Beach Canal Lighthouse Group (Item 7.2(a))
  - (a) August 14, 2020 (Item 7.2(c)(a))
  - (b) July 4, 2022 (Item 7.1(c)(b))
- (iv) 91<sup>st</sup> Highlanders Athletic Association
  - (a) December 14, 2020 (Item 7.2(d)(a))
  - (b) June 29, 2022 (Item 7.2 (d)(b))
- (v) Ancaster Tennis Club
  - (a) December 12, 2021 (Item 7.2(e)(a))
  - (b) January 13, 2022 (Item 7.2(e)(b))
  - (c) June 27, 2022 (Item 7.2(e)(c))
- (vi) Hamilton Malayalee Samajam – July 4, 2022 (Item 7.2(f))

**(iii) Grant Process Review Working Group Notes – March 3, 2020 (Item 7.3)**

The Notes of the March 3, 2020 meeting of the Grant Process Review Working Group, were received.

**(f) GENERAL INFORMATION / OTHER BUSINESS**

**(i) Hamilton Future Fund Audit Report and Governance Review and Reserve Strategy (Added Item 13.1)**

Staff were directed to report back to the Hamilton Future Fund Board of Governors at the next meeting with a summary of the:

- (a) Future Fund Audit Report (AUD21013) approved by the Audit, Finance and Administration Committee on December 9, 2021; and
- (b) Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) approved in Governance Sub-Committee Report 22-002 by Audit, Finance and Administration Committee, June 2, 2022.

**(g) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Future Fund Board of Governors be adjourned at 12:00 p.m.

Respectfully submitted,

Thomas Weisz, Chair  
Hamilton Future Fund Board of  
Governors

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk